

A DISCUSSION OF THE FEATURES OF QURTUBI'S *AL-JAMI'U LI 'AHKAMI 'L-QUR'AN*

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Abstract

Qur'anic exegesis otherwise known in Arabic terminology as *Tafsir* is an integral intellectual strive necessary for the study and understanding the messages of the Qur'an. The Prophet was the pioneer exegete obliged by the Divine commandment to explain the contents of the Qur'an to the entire mankind. The paper examines the contributions of Qurtubi's work to the exegetical knowledge and its characteristics in the subsequent generations after the demise of the Prophet Muhammad (S.A.W). His work is with particular emphasis on the *Tafsiru-l-Ma'thur*: explanation of the Quran by the Qur'an itself, Hadith of the Prophet (SAW), statements of the companions of the Prophet and their followers after them. His work on *Tafsir: Al-Jamiu-li-Ahkamil-Quran* is a codification of legal verses of the Qur'an. The paper intends to explicate the salient attributes of Qurutubi's work and its relevance to the contemporary exegetical challenges in the Muslim world. This paper therefore adopts illustrative and exegetical approaches to examine the characteristic features of Qurtubi's legal exposition in his *Tafsir* work. Thus, it concludes that *Tafsir* literature could be incorporated into various academic institutions of learning.

Keywords: *Tafsir*, Quran, Features, Legal Expositions

Introduction

Every *Tafsir* work has its features that differentiate it from other ones. This paper dwells on the features of *Al-Jāmi' u li 'Ahkām 'l-Qur'ān* of Qurtubi- a *Tafsir* work in twenty (20) volumes, consulted widely by many contemporary writers on exegesis and Islamic law. It is, however, equally pertinent to give a brief insight into the life of the author who doubled as a Qur'anic exegete and a jurist as depicted in this famous *Tafsir*.

Brief Biography of al-Qurtubi

Imam Abu 'Abdullah Muhammad Ibn Ahmad Ibn 'Abi-bakr Ibn Farah Al-Ansari, al-Khazraji Al-Andalusi al-Qurtubi was an eminent scholars of the Maliki school of law. He was an expert in the field of Qur'anic exegesis and the Hadith literature as well.¹ He was

popularly known as Al-Qurtubi, a derivation from Qurtabah, his place of birth. His father, 'Ahmad was a farmer who died during a Spanish attack of Cordova in 1230 C.E when Imam Qurtubi was 16 years old.² His progenitor, Farah was an indigene of Madinah who lived as a pious Muslim.

Muhammad al-Qurtubi was born in 1214 C.E in Cordova in the present day Spain, at the summit of its great period of Islamic civilization. He was a man of great modesty. Right from childhood, he disdained worldly honors and materialism. Throughout his life, he wore simple gown and cap of the ordinary Muslim. While he was young, he was very much dedicated to the worship of Allah as well as searching for knowledge. When he grown up, he engaged in writing books couple with his worship (*'Ibadah*) towards Allah Almighty.³

Imam Qurtubi learnt and memorized the Qur'an in Cordova. He also learnt the basic principles of Arabic Language (*Qawā'idu 'l-lughati 'l- Al-^cArabiyah*). He widens his knowledge by studying jurisprudence (*fiqh*), Qur'anic recitation (*'ilmu 'l-qirā'ah*), Rhetoric (*Balāghah*), Qur'anic sciences (*'ulumu 'l-Qur'an*), Arabic poem (*Shi'r*) and host of others. He thereafter traveled down to Egypt in quest of more knowledge.⁴ He acquired knowledge there from host of scholars as many other students also learnt from him. He traversed various fields of knowledge such as Arabic Phonetic, Science and Jurisprudence as he was known to be a jurist and *hadith* transmitter. He remained in Egypt throughout his life and was recognized as the best Qur'an exegete (*Mufassir*). He died and was buried at Muniya Abi-l-Khusaib in upper Egypt⁵ on Monday night, ninth of Shawwāl 671AH/1273CE. Shaykh Muhammad bin Ahmad al-Qurtubi was happily married and blessed with children among them was Shihabud-Din 'Ahmad.⁶

General Information on *Al-Jāmi' u li 'Ahkāmi 'l-Qur'ān*

Al-Jāmi' u li 'Ahkāmi 'l-Qur'ān of Qurtubi is popularly referred to as *Tafsīr al-Qurtubi*. It is one of the superlative and prominent classical works of Qur'ānic exegesis written in Arabic language in twelve (12) volumes. As the name of the book implies (i.e. *Jāmi' u li 'Ahkām*) which means a compendium of legal rulings in the Holy Qur'an, the basic objective of this *Tafsīr* is to deduce juristic injunction and rulings from the Qur'an. Yet, in doing this, al-Qurtubi has also provided the explanation of verses, researched into difficult words, discussed diacritical marks, used elegant style and composition and dabbled into linguistic analysis as well. The methodology adopted by the author in his commentary on the verses of the Qur'ān is *At-Tafsīr bi 'l-Ma'tur* i.e. *Tafsīr* based on transmissions from the Qur'an itself, the Prophet (SAW), the companions and their successors respectively.

Features of Qurtubi's *Al-Jāmi' u li 'Ahkāmi 'l-Qur'ān*

i. The use of 'Asbābu 'n-Nuzūl

Qurtubi discusses *Sababu 'n-Nūzul* (i.e causes or circumstances surrounding revelation of a verse or verses) in order to make the injunction there in the verse(s) apparently clear to his readers. An apt instance is the verse:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ
يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ
ضَلَّ ضَلَالًا مُّبِينًا

It is not for a believer, man or woman, when Allah and His messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His messenger, he has indeed strayed into a plain error.⁷
Q33:36

Concerning the cause of revelation of this verse, Qurtubi remarks from what was narrated from Qattadah, Mujahid, and Ibn 'Abbas respectively, that the Prophet (SAW) proposed Zaynab bint Jahsh (his uncle's daughter) for marriage, of which Zaynab thought and assumed the proposal was for the Prophet himself, until it became glaring to her that it was for Zayd. She detested it and even rejected it. Thereafter, the verse under study was revealed, when it was read to the hearing of Zaynab, she complied willingly and was thereafter married to Zayd.

In another report, Zaynab and her brother: Abdullah abhorred seriously to the prophetic proposal for Zayd, proclaiming the noble Quraishite origin of Zaynab, while Zayd was initially a slave, until this verse was revealed, then her brother said to the Prophet: "your command is my wish", and thereafter the Prophet (SAW) married Zaynab to Zayd.

Also, another report contrary to the above two has that the verse under study was revealed in respect to Ummu Kulthum bint 'Uqbah bin Abi Mu'bit, who voluntarily submitted herself in marriage to the Prophet (SAW), but the Prophet, in turn, gave her in marriage to Zayd bin Hārithah. This prophetic act became detestable to her and her brother, as the two of them said: "Indeed we intended the Prophet, but he had married her to other than himself". Then this was revealed due to this reason⁸

Another apt instance is the verse:

أُحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ
هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

It is made lawful for you to have sexual relations with your wives on the night of the fasts. They are body cover, or screen, or *Sakan* (i.e you enjoy the pleasure of living with them) for you and you are the same for them. Q.2:187

Qurtubi relates Bukhari's report as follows: from the authority of Al-Barā'i saying: when Ramadan fast was prescribed to the Muslims, they used not to have sexual relation with their wives throughout the month, but some hid themselves to secretly have intercourse with their wives. Then the verse under study was revealed to the Prophet as a permission and relief for the Muslims.

Another report reveals thus: When Ramadan fast was first prescribed to the Muslims they used to eat, drink and have sexual intercourse with their wives from the late evening (i.e after *'iftār*) till after *'Isha* prayer or till after bed-time. But it happened one day that *'Umar* had sexual intercourse with his wife after *'Ishā'* prayer and reported the incident to the Prophet (SAW) and other companions present in the scene confessed the same offence they have being committing and the verse under discussion was revealed as a permission and relief for the Muslims to use nights of Ramadan to satisfy their sexual desires till dawn.⁹

It will be noted from the above given examples that Qurtubi does not limit himself to only one cause of revelation where there are many reports. He however fails to critically examine the conflicting reports with the view to determining which is the most correct.

ii. *Tafsiru 'l-Qur'ān bi 'l-Qur'ān*

Several verses of the Qur'ān are found illustrated with other verses of the same Glorious Book by the author. As it is the nature of the Qur'an that some certain issues are concisely discussed in some part, while inclusively elaborated in other part of the same divine Book, Qurtubi, all in the bid of making further clarification, in order to provide in-depth understanding about the concerned verse(s), interpret verses of the Qur'ān with other verses. The followings are few examples cited from his book for this context:

أَلَمْ تَرَوْا أَنَّ اللَّهَ سَخَّرَ لَكُمْ مَّا فِي السَّمَوَاتِ وَمَا فِي الْأَرْضِ
وَأَسْبَغَ عَلَيْكُمْ نِعْمَهُ ظَهْرَةَ وَبَاطِنَةً

See you not (O men) that Allah has subjected for you whatsoever is in the heavens and whatsoever is in the earth, and has completed and perfected His Graces upon you (both) apparent and hidden....
(Q31:20)

In an attempt to expatiate on the verse, Qurtubi quotes the following verse:

وَإِنْ تَعُدُّوا نِعْمَةَ اللَّهِ لَا تُحْصُوهَا إِنَّ اللَّهَ لَغَفُورٌ رَحِيمٌ

And if you would count the favours of Allah, never could you be able to count them. Truly Allah is Oft-Forgiving Most Merciful. (Q16:18)

This verse according to the author explains that graces and mercies of Allah upon His creatures are enormously uncountable, both open and hidden ones. There are some that are apparently known to them, such as Islam and lawful pleasures of sound health, life sustenance and good looks etc. while some others are known only to their Creator, Allah, such as knowledge, wisdom, guidance on his deeds and the delights of the paradise.¹⁰ Also in *Suratu 'r-Rum* (Q.30:20), Almighty Allah showcases His majesty and sovereignty over His creatures, most especially: man, when He says:

وَمِنْ آيَاتِهِ أَنْ خَلَقَكُمْ مِنْ تُرَابٍ ثُمَّ إِذَا أَنْتُمْ بَشَرٌ
تَنْتَشِرُونَ

And among His signs is this that He created you from dust.

The verse categorically describes the genesis of man to have been from dust, this implies that the first man (Adam) was created from dust. These meanings become manifested, according to Qurtubi, only when considering the following verse which reads:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا

And among His signs is this that He created for you wives from among yourselves.

This means that while Adam was created from dust, his wife, Hawā' was from his rib, then their offspring are from their semen.¹¹

Also the verse:

الَّذِينَ ءَامَنُوا وَلَمْ يَلْبِسُوا إِيمَانَهُمْ بِظُلْمٍ أُولَٰئِكَ لَهُمُ
الْأَمْنُ وَهُمْ مُّهْتَدُونَ

It is those who believe (in the oneness of Allah
and worship none but Him Alone) and confuse
not their belief with *zulm* (wrong... (Q.6:82)

As regard this verse, Qurtubi expatiates on the intended meaning of the word ‘*Zulm*’ as used in the verse by making reference to the interpretation given by the Prophet (SAW) when he corrected and put aright the misconceptions of his companions about the word ‘*Zulm*’. According to the report, when the verse was revealed, the companions said: *أينا لا يظلم نفسه؟* (i.e. Is there any of us that does not wrong himself?). Then the Prophet (SAW) said: "It is not as you comprehend its meaning. Rather, it is as it was said by Luqmān to his child:

يَبْنَىٰ لَا تُشْرِكْ بِاللَّهِ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ

O my son! Join not in worship others with Allah.
Verily joining others in worship with Allah is a
great *Zulm* (wrong) indeed¹² (Q.31:13).

Also, in his bid to expatiate on the following words of God from the Glorious Qur’ān.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ
عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

O you who believe, observing the fasting (*As-sawm*) is
prescribed for as it was prescribed for those before you,
that you may become the pious (*Al-muttaqun*) (Q2:183),

Qurtubi refers to Q.19:26 which reads as follows:

إِنِّي نَذَرْتُ لِلرَّحْمَنِ صَوْمًا فَلَنْ أُكَلِّمَ الْيَوْمَ إِنْسِيًّا

I have vowed a fast to (Allah) Most Gracious,
and this day will I enter into no talk with any
human being

This verse explains another form of fasting (restraint from talking) known to the people before Prophet Muhammad's (SAW) community.

Also, in his effort to elaborate on the verse that says:

وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مَسْكِينٍ

For those who can do it (with hardship), is a ransom, the feeding of one that is indigent.

Qurtubi maintains here that; every aged person who finds it difficult to fast has an alternative of paying ransom which is feeding a poor person every day. He narrates other Qur'anic verse to explain and justify the difference between instalmental payment and the one paid at once. The verse goes as follows:

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ
شُهَدَاءَ فَأَجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً

And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes (Qur'an 24:4)

In this verse, Qurtubi upholds that; the relevance of this verse to the latter is the use of the phrase (ثمانين جلدة) as it was in the verse to connote eighty lashes at once and not separately. Thus the implication in the phrase (فدية طعام مسكين) which means for every one that cannot fast due to hardship is a ransom of feeding a poor daily, and not that all of them together will feed only one poor, as they were mentioned in plural term in the verse while the word (مسكين) i.e. "a poor" is used singularly.¹³

iii. Tafsiru 'l-Qur'an bi 'l-hadith

Qurtubi uses 'Ahadith as well to explain and expatiate on meanings of the verse(s) he treats. In his attempt to elaborate on the meanings related to the phrase: "Luxurious life in a garden of delight" in verse 15 of *Suratu 'r- Rum* which read thus:

فَأَمَّا الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ فَهُمْ فِي رَوْضَةٍ يُحْبَرُونَ

Meaning: "Then as for those who believed (in the oneness of Allah-Islamic monotheism) and did righteous good deeds, such shall be honoured and made to joy, luxurious life (forever) in a garden of delight (paradise)".

Qurtubi narrates the following 'ahadith:

"فيها مالا عين رأت ولا أذن سمعت ولا خطر على قلب بشر" (i.e. "In the garden of delight (paradise), there are things that are never seen by any sight, nor heard through element of hearing or that has ever come to the heart of man").¹⁴

Qurtubi quotes this *hadith* to explain the forbidden things while fasting. He also quotes a *hadith Qudusi* to explain the position and huge rewards of fasting. The *hadith* reads thus:

يقول الله تبارك وتعالى: كل عمل ابن آدم له (الحسنة بعشر أمثالها إلى سبع مائة ضعف) إلا الصوم فإنه لي وأنا أجزي به

“Allah (SWA) says: All deeds of man belong to him (any good deed attracts ten rewards of its like and may be multiplied to seven hundred) except fast which is for Me and I only shall reward it”.¹⁸ This is a *hadith Qudsi* related by Prophet himself directly from his Lord, promising direct rewards from Allah to those who fast sincerely.

Qurtubi, in his commentary on Q.2:284, expatiates on the distance of journey in which someone can break fasts, with the following *hadith* of the Prophet (SAW):

عن ابن عباس قال: خرج رسول الله (ص) من المدينة الي مكة فصام حتي بلغ عسفان ثم دعا بماء فرفعه الي يديه ليريه الناس فأفطر حتي قدم مكة وذلك في رمضان

Reported by Ibn ‘Abbas, saying: The Prophet of Allah (SAW) left Medinah to Makkah while fasting, until he got to ‘*Usfān* (a village of 48 miles to Makkah), he (SAW) then called for water and raised it up with his noble hands for people to see it, then broke the fast and proceeded to Makkah, all in Ramadan.¹⁹

To this end, if one’s journey amounts to 48 miles, he is permitted to break the fast, but if he decides to keep the fast, his decision, to some opinion, is unrighteous. This is based on the following *hadith*:

روي كعب بن عاصم قال: سمعت النبي (ص) يقول: ليس من البر الصيام في السفر
Ka‘b bin ‘Asim relates; I heard the Prophet (SAW) saying: Keeping fasts while on journey does not amount to goodness.²⁰

While commenting on Q.2:285, Qurtubi relates the *Hadith* of the Prophet (SAW) which describes the merit and values of Ramadan, the *Hadith* reads as follows:

روي النسائي عن أبي هريرة قال، قال رسول الله (ص) أتاكم رمضان شهر مبارك فرض الله عزوجل عليكم صيامه تفتح ابواب السماء وتغلق فيه أبواب الجحيم وتغل فيه مردة الشياطين الله فيه ليلة خير من ألف شهر من حرم خيرها فقد حرم

By An-Nasa’i from ‘Abi Hurayrah who said: The Prophet of Allah was reported to have said: “*Ramadan*, the blessed month has come to you. Allah prescribed fasts during the month on you. In it, gates to the heaven are opened and that of the hell fire are closed, and the devils are chained down. Allah has in the month

a night better than a thousand months, whoever is been forbidden of its goodness is actually been forbidden of all good things.²¹

Qurtubi relates the Prophetic tradition on how to start and end fasts in Ramadan. A study of the entire *Tafsir* of Qurtubi reveals that he quotes 'Ahadith copiously. It is, however, observed that though many of the 'ahadith used by him are authentic, yet there are many others rated by Al-Albāni as weak which are mostly *Mursal Hadith* (i.e. Hadith whose chain of transmission drops at a companion). These are raised to portray importance of values or need to avoid some abominably unwarranted matters. An example of such could be seen in what was narrated from Muwatta' by Mālik that the Prophet (SAW) forbids selling of living animal in exchange for flesh of an animal; and that he regarded such as among the games of gambling practiced in the early period of Islam.

However, on the rulings of *Mursal Hadith*, Albāni writes:

...وَحَكْمُ الْمُرْسَلِ مَقْبُولٌ وَاحْتِجَ بِالْمُرْسَلِ الْإِمَامُ مَالِكٌ وَأَبُو حَنِيفَةَ وَأَحْمَدُ فِي الْمَشْهُورِ عَنْهُ
وَاتَّبَعَهُمْ مِنَ الْفُقَهَاءِ وَالْأَصُولِيِّينَ وَالْمَحْدَثِينَ فَالْمُرْسَلُ عِنْدَهُمْ مَقْبُولٌ مُطْلَقًا فِي الْأَحْكَامِ
وغيرها

The ruling concerning *Hadith Mursal* (a category of Weak *Hadith*) is that it is acceptable. Imam Mālik, Abu Hanifah, Ahmad and their followers among jurists and traditionists are popular among those who use it. *Mursal* to them is unconditionally accepted in matters of legal rulings and the likes.²²

iv. Use of *Sahabahs'* Statements

In an effort to make meanings of Qur'an verses clear to his readers, Qurtubi uses *Sahabahs'* statements and actions to illustrate and expatiate on verses he treats. Among these may include the followings:

وَإِذْ تَقُولُ لِلَّذِي أَنْعَمَ اللَّهُ عَلَيْهِ وَأَنْعَمْتَ عَلَيْهِ أَمْسِكْ عَلَيْكَ زَوْجَكَ وَاتَّقِ اللَّهَ

(And remember) when you said to him (Zaid bin Harithah RA-the freed-slave of the prophet SAW) on whom Allah has bestowed grace (by guiding him to Islam) and you (O Muhammad SAW too) have done favour (by manumitting him): keep your wife to yourself, and fear Allah. Q.33:37.

While expatiating on the meaning of this verse, Qurtubi quotes a statement of a companion i.e. 'Aishah (RA) thus:

لو كان رسول الله صلى الله عليه وسلم كاتمًا شيئًا من الوحي لكتم هذه الآية

“Had it been that the Prophet (SAW) used to conceal any of the revelations to him, he would have concealed this verse.

Qurtubi cites another report in *Sahih* of Bukhari from ‘Anas bin Mālik that ‘Umar, Ibn Mas‘ūd, ‘A’ishah and Hasan said regarding the above verse:

ما أنزل الله على رسوله آية أشد عليه من هذه الآية

“Allah (SWA) had never revealed on His messenger any verse more severe than this”.²³

Another example is where Qurtubi quotes the statement of Ibn ‘Abbas while explaining the numbers and types of fasting Allah (SWA) prescribed on the Jews and the Christians

thus: ثلاثة أيام ويوم عاشوراء ثم نسخ هذا في هذه الأمة بشهر رمضان

“Three days in every month and the day of ‘*Ashūrā* (were prescribed on the Jews and the Christians as fasting days) but these were abrogated by the month of Ramadan prescribed on this community”.²⁴

Qurtubi also cited Ibn ‘Umar, Ibn ‘Abbās and Sufyān ath-Thawri on the number of days and distance accounted on journey for breaking fasts. The three *Sahābah* were reported to have unanimously said: الفطر في السفر ثلاثة أيام. حكاه ابن عطية.

“Fasting can be broken only for three days on journey.”²⁵ Related by Ibn ‘Atayyah.

Qurtubi also quotes the statement of ‘Ali (RA) on determining the beginning and the ending of Ramadan fasts: “A man sighted the crescent and reported it to ‘Ali, he (‘Ali) therefore started the fasts and ordered people to fast on the man’s information and then he said: “That I should fast on a Sha‘bān day is more preferred to me than not to fast in a day of Ramadan”.²⁶

Qurtubi cites as well Ibn ‘Abbas (RA) when he was explaining the efficacy of prayer as contained in the concluding verse of *Sawm* in Suratul Baqarah.

He says:

قال ابن عباس: كل عبد دعا أستجيب له، فإن كان الذي يدعوه رزقا له في الدنيا أعطيه، وإن لم يكن رزقا له في الدنيا ذخره

“Allah always grants request of every servant that invokes Him. If what he asks for will be of his benefit in this world, He grants. Otherwise, it would be preserved for him (till the Day of Judgment)”.²⁷

v. Use of *Tābī‘ūns’ Tafsīr*

Among the features that portray Qurtubi’s work *at- Tafsīru ‘I-Ma’thur* is his use of statements of the followers of the companions (*at-Tābī‘un*) to explain the meanings of the verses he treats. Some of their (*Tābī‘un*) statements which Qurtubi uses in his *Tafsīr* include their commentary over the verse:

يَتَأْتِيهَا النَّبِيُّ قُلًّا لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلْبَابِهِنَّ

“O prophet, tell your wives and your daughters, and the woman of the believers to adorn the cover cloth.”

While explaining this verse relating to Muslim women dress code, Qurtubi cites, a *tābī'un's* (i.e. Qatadah) statement while enumerating the Prophet's wives thus:

مات رسول الله صلى الله عليه وسلم عن تسع. خمس من قریش: عائشة، وحفصة، وأم حبيبة، وسودة، وأم سلمة. وثلاث من سائر العرب: ميمونة، وزينب بنت جحش، وجويرية. وواحدة من بنى هارون: صفية. فكان للنبي صلى الله عليه وسلم أولاد ذكور وأناث.

The Messenger of Allah (SAW) died leaving nine (wives). Five (of them) were from Quraysh; °Aishah, Hafsa, Umm Habibah, Sawdah, and Umm Salmah. Three were from other Arab tribes: Maymunah, Zaynab bint Jahsh and Juwayriyyah. The last one was from Bani Hārūn; Safiyyah. The prophet was blessed with both male and female children.²⁸

Also the verse:

ثُمَّ أَوْرَثْنَا الْكِتَابَ الَّذِينَ اصْطَفَيْنَا مِنْ عِبَادِنَا فَمِنْهُمْ ظَالِمٌ لِّنَفْسِهِ وَمِنْهُمْ مُقْتَصِدٌ وَمِنْهُمْ سَابِقٌ بِالْخَيْرَاتِ إِذِنَ اللَّهُ ذَٰلِكَ هُوَ الْفَضْلُ الْكَبِيرُ

Then We gave the Book (the Qur'an) as inheritance to such of Our slaves whom We chose (the followers of Muhammad SAW). Then of them are some who wrong their own selves, and of them are some who follow a middle course, and of them are some who are, by Allah's leave, foremost in good deeds. That (Inheritance of the Qur'an)- that is indeed a great grace (Q.35:32).

Qurtubi cites Mujahid, a *Tābī'* who established a semblance between this verse and verse 7 of Chapter 56 which reads: “And you (all) will be three groups”. Mujahid then submitted that the three groups mentioned in Q.7: 56 are those enumerated in Q. 35:32.²⁹ Also, Qurtubi cites the statements of Ibn Sirin and that of Imam Mālik respectively to explain the conditions that can warrant a sick person and a traveler to break their fasts. He says:

قال: ابن سيرين (أحد التابعين)

متي حصل الإنسان في حال يستحق بها اسم المرض صح الفطر

Ibn Sirīn said: “Whenever one falls into a condition right to be called sickness, it is permissible for him to break the fasts.³⁰”

فقال ما لك: يوم وليلة، ثم رجع فقال ثمانية وأربعين ميلا

Malik said: "A day and a night, he later withdrew his former statement and said forty eight (48) miles".³¹

In addition to these, Qurtubi also quotes Al-Hasan Al-Basri (a prominent *Tābī'*) saying:

وقال الحسن: إذا لم يقدر من المرض علي الصلاة قائما أفطر

"Whenever a sick person cannot pray while standing, he is allowed to break his fast".³²

Qurtubi also quotes the statements of Imam Mālik and Shafī' respectively while explaining sighting of the moon by just people, he says:

لا يقبل فيه شهادة الواحد لأنها شهادة علي هلال فلا يقبل فيها أقل من اثنين

"A single man's witness is not acceptable on the matter of moon sighting; the acceptable witnesses cannot be less than two".³³ And:

لا يجوز علي رمضان إلا شاهدان

"The only acceptable authorities on (sighting) Ramadan (crescent) are two witnesses".³⁴

The meaning of the word : (لباس) was elucidated with Mujāhid's statement which says:

قال مجاهد لباس: أي سكن لكم، أي يسكن بعضكم إلي بعض

"*Libās* literally means; garments, and technically means; your abode i.e. An abode (of peace, pleasure and enjoyment) in which one of you dwell in with another".³⁵

He also quotes *Ar-Rabī'* on the same word (لباس) saying:

وقال الربيع هنّ فراش لكم وأنتم لحاف لهنّ

"They (wives) are bed spread out for you and you are wrappers for them".³⁶

vi Use of Poetry

Qurtubi uses poems as well to illustrate some verses he examines. The followings are few of the poems cited in his *Tafsir*:

وذا النصب المنسوب لا تتسكّنه * لعافيه والله ربك فاعبدا

"Never slaughter for any shrine whenever you are in a state of adversity or distress, but rather direct your worship and requests to your Lord, Allah".³⁷ The above stanza of poem was composed by Al-A'ashiyy and is quoted by Qurtubi to explain the meaning of the phrase: *على النصب* (i.e. And that which is sacrificed (slaughtered) on stone – altars (*An-Nusub*) while commenting on enumerated foods that are forbidden by the Qur'an in Q.5:3.

Qurtubi quotes also An-Nabighah Thibyāni's stanza of poem to illustrate that fasting is known to various communities before Islam even in the animal kingdom, as he says:

قال النابغة:

خيل صيام وخيل غير صائمة ** تحت العجاج وخيل تعلق اللجما

In a smoky and cloudy atmosphere, some horses were seen keeping fast, some were not, while some were seen chewing their bits out of terrible hunger.³⁸

In his bid to explain the grammatical meaning of the word طوق, Qurtubi quotes the following:

قال أحمد بن يحيى النحوي

فقيل تحمّل فوق طوقك إنها ** مطبّعة من يأتها لا يضيرها

Accomplishment of divine obligation seemingly above one's aptitude is devoid of devastating effects.³⁹

The following poems however were quoted by Qurtubi to explain the conditions of women before they could be exempted from Ramadan fast and how to make up the indebtedness:

جارية في درعها الفضايف ** أبيض من أخت بني إياض

جارية في رمضان الماضي ** تقطع الحديث بالإيماض

Women shielded with divine coverage and exempted (from The let off (menstruating or sucking mother) in the foregoing Ramadan, whose fast was unavoidably broken up by impurities, should hasten to make up the indebtedness.⁴⁰

Qurtubi also illustrates with the following poem the significance of Holy Qur'an:

ضحوا بأشمط عنوان السجود به ** يقطع الليل تسبيحا و قرأنا

The Muslims in the day break were long recognized for their submissiveness to Allah in prostration, they break the nights with the celebration of His glory and rehearsing the Qur'an.⁴¹

He also expresses conditions guiding invocation (*du'a*) with the following:

ينادي ربه باللحن ليث ** كذاك إذا دعاه لا يجيب

He invokes on his Sustainer with detestable and egotistical speech. Nay, He does not act in response to such an ingrate.⁴²

The word *Ar-Rafath* in the verses of *Savm* is illustrated by Qurtubi to mean sexual relation with women. This meaning is seen in the following stanza:

ويرين من أنس الحديث زوانيا ** وبهن عن رفت الرجال نفار

In the course of their amusing speech, they were recognized to be prostitutes. And they act as if to be shy to have sexual interaction with men.⁴³

The issue of white and black threads in the verses of *Sawm* is illustrated by Qurtubi with the following stanza of poem:

الخيط الأبيض ضوء الصبح منفلق ** والخيط الأسود جنح الليل مكتوم
The white thread symbolically means a luminous
brightness of a day break while the black thread
represents devastating shadows of the night.⁴⁴

It is however remarkable to note that virtually all the poems cited by Qurtubi are not referenced. He, most of the time, opens with: قال الشاعر "The poet says" without mentioning his name. And, in few instances that the poet is mentioned, the collections where one can locate the poems are not given. It therefore becomes difficult for a reader to crosscheck.

vii. Legal Expositions

Being the major focus of the book, Qurtubi swerves deeply into legal exposition of almost every legal verses of the Qur'an he treats. An apt example could be cited from the following verse:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِّثْلُ
مَا قَتَلَ مِنَ النَّعْمِ

O you who believe! Kill not the game while you are in a state of *ihram* (for the hajj or Umrah i.e. pilgrimage), and whosoever of you kills it intentionally, the penalty is an offering, brought to the *Ka'bah*, of an eatable animal (i.e. sheep, goat, cow) equivalent to the one he killed, as adjudged by two just men among you, or, for expiation, he should feed *Masākin* (poor persons), or its equivalent in *Saum* (fasting), that he may taste the heaviness (punishment) of his deed (Q.5:95).

The verse, according to Qurtubi, is addressed to the entire Muslims (male and female), as it forbids them not to indulge in the act of hunting as long they are in the state of *Ihram* during pilgrim exercise at the holy city in Makkah. It was reported that 'Amr bin Mālik Al-Ansari, while in a state of *Ihram*, in the year when the treaty of Hudaibiyyah was contracted by the Prophet (SAW) killed a big wild camel, thus, the verse under study was revealed.

The word "قتل" used in the verses indicates taking of animal's life by any form, be it killing, slaughtering, butchering, strangling etc. Allah (SAW) therefore forbids on the pilgrim not to partake in hunting or taking animal's life while in the state of *ihrām*. Hunting or killing of an animal without eating out of it, in the state of *ihrām* attracts a penalty which is payment of a ransom, according to Shafi'. Nevertheless, Abu Hanifah submits that pilgrim is penalized for that which he ate because it is prohibited on him, and whose penalty is equivalent to what he eats. Contrary to that, Malik and Ambali maintain that there is nothing on him save seeking for the forgiveness.

Qurtubi remarks that killing a prey by a pilgrim is forbidden by Allah, and this is consented to by the jurists most especially Abu Hanifah, based on the verse under study. Scholars however opine that when a pilgrim slaughtered a prey, it is prohibited upon him to eat out of it, but others who are not in *ihrām* can do so.

The word "*sayd*" is an Arabic word that embraces preys or hunting animals from land and sea, only that Allah has forbidden on pilgrims land preys and permits totally those from sea. Scholars diverged specifically on hunting of land predatory animals. Malik views that not all animals are such considered as wild or predatory except animals like Cat, fox, hyena and the likes which are all interdicted upon pilgrim to kill, and if he kills it, he pays ransom on it. There is no blame, according to jurists, to kill such animals that are most combatants to man such as lion, wolf, leopard, tiger etc. Likewise animals like snake, scorpion, rat, crow and kite are killed while in the state of *ihrām* (i.e. pilgrim), based on prophetic tradition that says: "خمس فواسق يقتل في الحل والحرم" "Five nasty animals are killed both at home and in the state of *ihram* i.e. by pilgrim and non-pilgrim as well".

Voracious dog is often furious at man, equally snake, scorpion, crow and kite. Because of this, permission to kill these animals is granted, scorpion for instance, is a toxic insect, and rat always cut and destroy water bin, belt, box and other beneficial materials of man, while crow (*Qurāb*) stays always at camel's back and eat up its flesh. However, Malik was reported to have said; "crow and kite (*Hidā'u*) are not killed except when they harm"

Moreover, such pests like bed-bug, flea, ant and the likes are killed in the state of *ihrām* by the pilgrim without ransom, this according to Malik and the people of opinion (i.e. *Ashabur-Ra'y*). Abu Hanifah and his associates at the other hand opine that a pilgrim shall never kill any predatory animal except voracious dog and wolf (*Dhā'b*) only (either they attack or not), but if he kills apart from these two, any other prey, he pays ransom. Likewise to be killed without ransom, according to this school of thought, are snake, scorpion, crow and kite. This is supported by Aozā'iyu, Thaori and Al-Hasan, with the proof that the Prophet (SAW) specifically singled out some sets of animal to be killed by a pilgrim because of the harms they cause.

Shafi^c however considers all animals that its flesh are uneatable to man to be killed by the pilgrim, be it small or big, without paying ransom, because it is out of "Sayd" mentioned in the verse under study. "Sayd" is bound only on those animals that are permissible to be eaten. Head and beard lice or louse are killed because of its harms without compensation. Its killing is like removing a harmful object from the body.

Bukhari reports, narrated by many Imams from Ibn Umar (RA) that the messenger of Allah was reported to have said:

خمس من الدواب ليس على المحرم في قتلهن جناح الغراب والحداة والعقرب والفأرة والكلب العقور

"There is no blame on a pilgrim (*Muhrim*) to kill five animals: crow, kite, scorpion, rat and voracious dog".

Both Ahmad and Ishaq consent to this hadith. However, in the collection of Muslim, narrated from Aishat (RA), that holy Prophet (SAW) says:

خمس فواسق يقتلن في الحل والحرم الحية والغراب الأبقع والغارة والكلب العقور والحديا
 "Five vicious animals are killed both at home and while in the state of *Ithram*: Snake, severe Crow, Rat, voracious dog and kites". This is consented to by a group of scholars.

Also, in Abu Daud's collection, Abi Sa'ed Al-khudriyy narrates the Prophet (SAW) to have said: "Crow is chased away but not killed". This is Mujahid's view.

Conclusion

Imam Abu Abdullah Muhammad Ibn Ahmad al-Qurtubi was a prolific writer of mediaeval age. He was very vast in knowledge of different disciplines while he specialized on sciences of Qur'an, *Hadith* and jurisprudence. His work on exegesis of Qur'an, *Al-Jāmi' u li-'Ahkami 'l-Qur'ān* portrays these qualities in him.

Qurtubi uses verses of the Qur'an to illustrate meanings of the verse(s) he treats. He describes different methods of the Qur'anic recitation and relates stories of previous people before Islam according to the Qur'an. In his bid to further clarify meanings of the Book of Allah and make it comprehensible to his readers, Qurtubi uses *'Ahadith* of the Prophet to explain the verses of the Qur'an, as well as the statements of both the companions of the Prophet (SAW) and their successors after. The use of Arabic poems to illustrate meanings of some difficult words in the Qur'an is one of the characteristic features of Qurtubi's *Tafsir*. *Tafsir* literature therefore could be incorporated into various academic institutions of learning to promote moral and spiritual standard of all Muslims.

Endnotes

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10. *ibid*, p.73
11. *ibid*, p.17
12. *ibid*, p.62
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17. *ibid*, vol. 2, p.273
18. *ibid*, p.274
19. *ibid*, p.279
20. *ibid*, p. 280
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23. A.A.M.A., Al-Qurtubi, *Al-Jam' u li-'ahkami-T-Qur'an*, vol. 14, pp.188- 189
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25. *ibid*, p.277
26. *ibid*, p.294
27. *ibid*, p.295
28. *ibid*, vol.14, p.241
29. *ibid*
30. *ibid*, vol.2, p.276
31. *ibid*, p.277
32. *ibid*, p.279
33. *ibid*, p.294
34. *ibid*
35. *ibid*, p.317

- 36. *ibid*
- 37. *ibid*, vol.6, p.57
- 38. *ibid*, vol.2, p.270
- 39. *ibid*, 286
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- 41. *ibid*, p.298
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