

Tagore Law Lecturer's Contribution to Islamic Legal Scholarship in British India

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This article aims to analyze the contribution made by Tagore Law Lecture series to Islamic legal scholarship in British India. These lectures were sponsored by an influential family of Tagore from Calcutta, India. They were organized under the auspices of the Calcutta University and eminent scholars were invited to deliver lectures on various themes of law. In the lecture series, many scholars also delivered lectures on different topics of Islamic law. These delivered lectures were subsequently published as books which attracted admiration during the colonial period and are still viewed with respect in legal fraternity. Considering the fact that it would not be possible to encompass all facets of the lecture series' contribution to Islamic legal scholarship, the author has selected some books emerged through this process and analyzed them in this article. The article is an attempt to bring forth an important phase of our legal history hitherto unnoticed which has a nexus with our present legal cum judicial system.

Keywords:

Islamic Legal Scholarship; Legal History; British India; Tagore Law Lecture.

Introduction:

We cannot analyze any legal system without having a proper grasp of its historical foundations. The legal system we have in Pakistan was substantially structured by the British colonial government of the Indian Subcontinent. Our government has been unable to get rid of many facets of that erstwhile system. One particular example of this unabated influence can be visualized in the field of personal laws. The division of laws into personal and public was a novel step taken by the British colonial government to extend its effective control on the latter. The former laws were to a major extent excluded from legislative exercise. In such a situation, the courts had two different alternatives to determine the issues relating to personal laws: the first was through the institution of mufti (native law officers) appointed in the courts and another was to have guidance from standard books translated into or originally written in English. The second mode of seeking guidance on the issues of personal laws was proved more efficient and long lasting. This was so as the institution of mufti was abolished in the second

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this standard, we included the above-mentioned names in the exegetes of the era of the companions (Shabah).

Conclusion

In this paper we discussed Tafsir methodology of Sahabah.

We may conclude the above discussion as follows:

- We discussed the methodology of the community who saw the Holy Prophet and been called Sahabah. While discussing the salient features of the methodology of this era, we observed that this era is the era of formation some fundamental principles of Tafsir .
 - ❖ The sources of Tafsir in the methodology of Sahabah are the Holy Quran, Sunnah of The Holy Prophet, traditions from Kitabi Scholars and Deliberation and the Potential of Eliciting of Sahaba.
- Our discussion described that Tafsir was not a separate field of knowledge in the age of Sahabah.
- In this era the tendency of compiling the Tafsir of entire Quran was not so common 'Abdullah B 'Abbas was only the personality to whom one Tafsir of complete Quran is referred.
- There is no saying that only the commentary which is based on the teachings of Sahabah may be called a Tafsir.

Future Work:

As it has been described that the methodology of Sahaba is the era of formatting some essential principles, the predecessor exegetes followed these principles and formed different methodologies of Tafsir specially the follwers of Sahaba (Tabi'in) made a bridge between the methodology of Sahaba and modern trends of Tafsir so the methodology of Tabi'in should be discussed in the next writing.

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(Bold font is the title of book)

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Quran. Bukhari has narrated 36 traditions about Tafsir³ while Hakim has also narrated a large number of her traditions about Tafsir.⁴

'Abdullah b 'Amr Al 'As (D:65 A.H/684 A.D)

'Abdullah b 'Amr Al 'As has narrated the traditions about the lexis of the Holy Quran.

'Abdullah B 'Abbas (D: 68 A.H/687 A.D)

'Abdullah b 'Abbas was the first cousin, he was the son of Holy Prophet's uncle Abu Talib. The Holy Prophet (S.A.W) prayed for 'Abdullah b 'Abbas that May Allah bless him with knowledge of Quran and wisdom. (Bukhari,1986a:17). He was the most famous scholar of Tafsir among Sahabah. His student Tawus has compiled his traditions from the Holy Prophet (S.A.W) and his own assertions about Tafsir. 'Abdullah b 'Abbas was died in 68 A.H/687 A.D.

Besides the above-mentioned Sahabah, who were famous in the field of knowledge of Tafsir, we can detect the following names of Sahabah who narrated one or two traditions of Tafsir from the holy Prophet (S.A.W).

'Abdullah b Zam'ah (D:35 A.H/655 A.D). Bukhari (1986d:1888) Narrated one tradition of Tafsir from him

Sa'id b Zaid (D:50 A.H/670 A.D).

Bukhari (1986d:1627) narrated one tradition of Tafsir from him

Sumrah b Jundub (D:60 A.H/ 679 A.D). Bukhari (1986d:1717) Narrated one tradition of Tafsir from him

'Adi B Hatim (D:68 A.H/7687 A.D). Bukhari (1986d:1640) have narrated one tradition of Tafsir from him.

Abu Bkrah Nufai' b Harith. Bukhari (1986d:1712) narrated one tradition of Tafsir from him

Muslim (NDd:2317) has narrated some of the Tafsir traditions from Harithah b Wahab and Jarir b 'Abdullah.

The above-mentioned name of Sahabah are not very famous in Tafsir, but when Tafsir was not a separate field of knowledge, and there was no trend of compiling the exegesis of the complete Holy Quran, at this stage, anyone who narrates even a single tradition about Tafsir, should be included in exegetes of era. On the bases of

³ Imam Bukhari has narrated these traditions in different chapters of Bukhari, Kitab Al Tafsir

⁴ See Hakim Al Mustadrak Kitab Al Tafsir.

on only three persons. He was the person entitled by Jam'e Quran. His narrations are mostly about the arrangement of the chapters (Surah) of the Holy Quran and their significance.

Hadrat 'Ali b Abi Talib (D: 40 A.H/660 A.D)

According to Ibn Hajar (1328b: 57), Hadrat 'Ali was born in 600 A.D. He was the son of the Holy Prophet's uncle Abu Talib. The Holy Prophet (S.A.W) nourished him. He was the first who embraced Islam among the young people. The Holy prophet (S.A.W) sent him Yemen as governor and chief justice. During his stay at Yemen, while making judgment or in any administrative matters, he used to consider the Quranic teachings first and refer it for deciding the matters. According to Abu Nu'aim (1980a:62) he has a deep approach about the meanings, aphoristic of the Holy Quran.

Zaid B Thabit b Dahak Al Ansari (D: 45 A.H/665A.D)

When the Holy Prophet (S.A.W) migrated to Madinah Munawarah, Zaid was 11 years old; he came to the Holy Prophet and embraced Islam. Allah (S.W.T) blessed Zaid with immense power of memory. During the first meeting with him, the Holy Prophet (S.A.W) recited some chapters (Surah) from the Holy Quran; Zaid memorized all of them in first hearing and recited for the Holy Prophet (S.A.W). According to Ibn Hajar (1328a:561) the Holy Prophet advised him to learn the Bible and Syriac language. He learnt the Bible and the language in fifteen and seventeen days respectively. Zaid's services regarding the collection and arrangement of the Holy Quran in the era of Hadrat Abu Bakr and Hadrat 'Uthman cannot be ignored. The companions of the Holy Prophet always perceive respectfully his opinions about the meanings of the Holy Quran. According to Hafiz Dhahabi (NDa:32) 'Abdullah b 'Umar, Abu Sa'id, Abu Hurairah, Anas b Malik and Sahal b Sa'ad Al Sa'idi in the companions of the Holy Prophet and Sa'id b Musyeb, Qasim b Muahmmad and Bashir b Sa'id in Tabi'in are the students of Zaid. ,

Zaid died in 45A.H/665 A.D. (Hanbali,1989a:54).

Hadrat 'Ayesha Siddiqah bt Abi Bakr (D: 57 A.H/676A.D)

Hadrat 'Ayesha was the daughter of Hadrat Abu Bakr and wife of the Holy Prophet (S.A.W). She was expert in Tafsir, Hadith and Fiqh. She died in 57 A.H/676 A.D or in 58/677.

She has narrated more than one thousand narrations from the Holy Prophet (S.A.W), many of them belong to Tafsir of the Holy

from the Holy Quran. Ubai asked, Allah nominated me by my name? the Holy Prophet replied:

Yes! By your name. Ubai started weeping.

According to Sayuti (1996d:189) a collection of the traditions of Tafsir narrated from Ubai has been incorporated by Ibn Jarir in his book of Tafsir². In addition to Ibn Jarir, Ibn Abi Hatim in his book, Al Jarah Wa Al Ta'dil, Hakim in Mustadrak and Ahmad b Hanbal in Musnad included his traditions. Senior Companions of the Holy Prophet like Anas b Malik, Abu Hurairah, 'Abdullah b 'Umar, and Abu Musa Ash'ri (R.A) were students of Ubai in various traditions of Tafsir. Ahmad b Hanbal (NDe:113-114) has narrated 35 traditions from Ubai.

❖ **Hadrat Abu Al Darda 'Uwaimer b Zaid Ansari (D: 32 A.H/653 A.D)**

Abu Al Darda was also Ansari Sahabi. He embraced Islam after battle Badar. He learnt Quran from the Holy Prophet (S.A.W) then he endowed his life for the teaching of the Holy Quran and its meaning. His son Bilal, wife Umme Darda, Jubair b Naufair, 'Alqamah, Sa'id b Musyib, Khalid b M'dan and Salman Farsi were his student in Hadith in general and in Tafsir in particular.

❖ **Hadrat Abu Zar Ghifari (D: 32 A.H/653 A.D)**

Abu Zar was the teacher of Anas b Malik, Zaid b Wahab, Jubair b Nufair and many other Tabi'in in the field of Tafsir.

Hadrat 'Abdullah b Mas'ud (32 A.H/653 A.D)

'Abdullah b Mas'ud was very near to the Holy Prophet (S.A.W). He was special attendant of the Holy Prophet and endowed his life for his service. Sayuti says (1996d:187):

The collection of Tafsir traditions for Ibn Mas'ud is the biggest collection after Ibn 'Abbas.

According to Dhahabi (1976a:86-87) his student Masruq says:

Ibn Mas'ud used to recite one Surah from the Holy Quran in the morning and narrates all the day long the traditions about the explanations of the particular Surah.

Hadrat 'Usman b 'Affan (D:35 A.H/655 A.D)

The third guided Khalifa Hadrat 'Uthman embraced Islam on the motivation of Hadrat Abu Bakr when Muslim Ummah consists

² The introduction of Ibn Jarir's book will be presented in forthcoming chapter (Mathur Tafsir)

- Sahabah who narrated a few narrations of Tafsir

Sahabah who are distinguished And famous in the field of Tafsir means that the companions of the Holy Prophet who are famous in this field of knowledge and generally historians of Tafsir literature include them in exegetes of this era. Names of the Sahabah associated with this glorious group are:

❖ **Hadrat Abu Bakr Siddique (R.A)**
(D:13 A.H/436 A.D)

His name was 'Abdullah b Abi Qahafah. His soul was departed to the havens just after two years of the demise of the Holy Prophet (S.A.W). Moreover, he has very calm and quiet personality, so that there are very few traditions narrated from him. According Sayuti (d: 493) Hadrat Abu Bakr Siddique has narrated less than 10 narrations of Tafsir. Imam Ahmad b Hanbal (NDa:2) has narrated 26 traditions from Hadrat Abu Bakr Siddique only one tradition concerning the Tafsir.

❖ **Hadrat 'Umar b Khattab (R.A)**
(D:23 A.D/346 A.D)

Generally, the historians of Tafsir literature do not include the second Khalifa Hadrat 'Umar in exegetes of this era but this fact cannot be ignored that 'Abdullah b Abbas, 'Abdullah b Mas'ud, 'Abdullah b 'Umar and Ubai b Ka'ab, key personalities in Tafsir of this era are the students of Hadrat 'Umar. Imam Bukahri (1986c : 348) has narrated 9 traditions about Tafsir from Hadrat 'Umar.

❖ **Hadrat Ubai b Ka'ab (R.A) (D:30 A.H/650 A.D)**

Ubai was an Ansari¹Sahabi embraced Islam before the Hijra of Holy Prophet (S.A.W) during 'Aqba pact in Makkah Muakarramah. His son Al Tufail b Ubai, 'Ubadah b Samit 'Abdullah b 'Abbas and 'Abdullah b Khabab were his students in Hadith. He was very enthusiastic for the reciting of the Holy Quran so that the Holy Prophet (S.A.W) gave him the title of Aqra (the best reader of the Holy Quran). According to Imam Tirmidhi (NDd: 368), one day the Holy Prophet (S.A.W) called Ubai and said to him:

Allah has ordered me to recite the Holy Quran in your presence and the Holy prophet recited one of the Surah

¹ Ansar: the citizens of Madinah Munawarah who helped the Holy Prop[het and the who migrated from Makkah Mukarramah.

In this verse and in many other similar verses, Quran describes the main objectives of these narratives, which are to be aware of these nations and their characters and to get a message that how the people lost concurred of their Lord and became a victim of His anger. To achieve this object Quran has described different parts and portions of these narratives in different places. Besides that, Quran narrates the only portion of the story that supports to the above mentioned object. On the other side, Sahabah had curiosity for details of these narratives. To fulfill their passion they refer to Jews Christen scholars. For this purpose, they have the permission from the Holy Prophet (S.A.W) and some limitations. The consent of the Holy Prophet and limitations are:

- According to Ahmad b Hanbal (NDb:159) the Holy Prophet (S.A.W) is reported to have said:

حدثوا عن بني اسرائيل ولا حرج

(Narrate from Kitabies and there is no harm)

Bukhari (1986f:13)) has reported another assertion of the Holy Prophet (S.A.W) in this regard:

لا تصدقوا أهل الكتاب ولا تكذبوهم

(Do not verify the Kitabies and nor contradict them)

- Only the portions were asked those are described neither by the Holy Quran nor by the Holy Prophet (S.A.W). the details which have been described by the Holy Prophet, were not been asked.
 - Only the Jews and Christen scholars were referred who embraced Islam like ‘Abdullah b Salam and Ka’b Ahbar.
 - Sahabah narrated to the next generation only such traditions, those are not against the basic principles of Islamic ideology.
 - The quires from these scholars were made regarding the narratives only. Sahabah never referred these scholars for the commands of Islamic Jurisprudence or ideological discussions.
 - This was the last and lowest source for understanding the Holy Quran.

D: Exegetes in Sahabah

While discussing the exegetes Sahabah, we can divide them into two kinds.

- Sahabah who are distinguished And famous in the field of Tafsir

- Sahabah while understanding the verses of the Holy Quran logically, kept in their views the motives and perspective of the revelation. According to Wahidi (ND:5) motives of revelation (اسباب النزول) are necessary to identify the exact meaning of a verse from the Holy Quran. According to Sayuti's research (1996a: 28), in the view of Ibn Daqiq al 'Id, motives of revelation is a strong path to understand the meaning of the verse from the holy Quran. Sayuti describing Ibn Taimiah's opinion. Said (Ibid):

The motives of revelations are helping tools for understanding the meaning of the verse from the Holy Quran.

The above mentioned different opinions show the importance of motives of revelations. Sahabah were also seems to be supporters of the same opinion as they took help from the motives of revelations in understanding the meanings of the Holy Quran. According to Sayuti (1996a:101) the following Sahabah have distinguished position in this regard:

Bra b 'Azib
Harethah b Wahab
Khabab b Art
Sumrah b Jundub
'Adi b Hatim
Sa'id b Zaid
Sa'id b Jubair

❖ **Kitabi Scholars(Jew and Christen Scholars)**

The Holy Quran has narrated the narratives of previous prophets and their nations (Ummah). In these narratives, Quran has adopted specific methodology. While describing the main object in narration these narratives, Quran says (12:3)

نَحْنُ نَقُصُّ عَلَيْكَ أَحْسَنَ الْقَصَصِ بِمَا أَوْحَيْنَا إِلَيْكَ هَذَا الْقُرْآنَ
وَبِئْسَ كُفْرًا مِمَّن قَبْلِهِ لَمِنَ الْغَافِلِينَ

(We do relate unto thee The most beautiful stories
In that We reveal to thee this (portion of the) Quran; before
this thou too wast among those who knew it not).

spiritual training from the Holy Prophet (S.A.W). The Holy Prophet (S.A.W) was given the wisdom *الحكمة* along with the Holy book, as we discussed it in our previous chapter. Sahabah enlightened their hearts and souls with the light of revelation and the wisdom of the Holy prophet (S.A.W) simultaneously. Therefore, they were expert of deliberations and have the potential of eliciting the delicate meanings of the verses of the Holy Quran. They made deliberations on certain basics. These basics are as follows:

- They considered the principles of Arabic linguistics, grammar; the terminologies of Arabic literature and dialectology of Arabic language as the basics of their deliberations and eliciting the delicate meanings of the Holy Quran. According to report of Imam Bukhari (1986f:134) Ibn 'Abbas expressed many words according the rules of Arabi linguistics while explaining some verses from Surah Anfal.
- The consideration of Arabs' customs and traditions was the second base of understanding the Holy Quran. The Holy Quran was revealed in Arabs and they were the first addressee of this Holy book. Quran, several times, while discussing its commands and juristic orders, kept in view the Arab customs. Sometimes these commands cannot be understood without the awareness of Arab Traditions. For example Quran says (2:189)

وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا اللَّيْبُوتَ مِنْ ظُهُورِهَا

(And for Pilgrimage it is not virtue if ye enter your houses from the back).

Although there is no word in this verse, which is difficult to understand accurately, but one cannot understand this verse from the Holy Quran without the knowledge of Arabs' custom in this regard. The Arabs used to enter or exit their houses from the backsides of their houses during the Hajj days. The philosophy of this custom was that the door that has been used throughout the year would not be used during the Hajj days. Therefore, Quran contradicted this custom of Arabs and expressed that it is not virtue. (Bukhari,1986f:30) Sahaba kept in their views the Arab customs and traditions to understand the Quranic teachings.

(S.A.W). The result of this phenomenon was that their Tafsir was less difference.

C: Sources of Tafsir

The main and basic sources of Sahaba in their Tafsir can be described as follows:

❖ **The Holy Quran**

While explaining the Holy Quran Sahabah in first instance refer the Holy Quran and used to try to explain the verse of the Holy Quran by another verse. According to Dahabi (1976a:38-39) there are many places in the Holy Quran where Quran described something briefly in a place and gave its details on any other place or gave something infinitive in one place and bounded it in the other.

❖ **Sunnah Of the Holy Prophet (S.A.W)**

Although Quran itself is describing its meaning but all of the verses of the Holy Quran cannot be explained only by this mean. To understand the Holy Quran a reader is in the need of some external means of explanation. In these, external means of explanation, Sunnah is the most significant source to understand the Holy Quran as the revelation of Quran came to him, his majesty (S.A.W) is the first commentator of the Holy Quran as Quran itself has affirmed this theme (Al Quran,16:44):

وَأَنْزَلْنَا إِلَيْكَ آيَاتٍ لِّتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

(And We have sent down Unto thee (also) the Message; That thou mayest explain clearly).

This explanation is Bayan from the Holy Prophet (S.A.W) as we have discussed it with detail in the last chapter. Sahabah seek guidance form him to understand the Holy Quran, the Holy Prophet guided them by his own assertions or refer them to any verse which is explaining the verse been aske. The aforementioned sources of Tafsir in the age of Sahabah were the basic and indispensable sources. Besides these essential sources, Sahabah extracted the meaning and explanation of the Holy Quran from some of the secondary sources. These sources are:

❖ **Deliberation and the Potential of Eliciting**

Sahabah were the student of the Holy Prophet. Suffah was their University and training centre where they got education and

appear to you Distinct from its black thread 2:187) was revealed, 'Adi b Hatim asked the Holy Prophet (S.A.W) what is meaning of the white thread distinct from the black thread? Are these two threads? The Holy Prophet replied it is the darkness of the night and the whiteness of the day. Quran several times informed the Holy Prophet in precognition about the queries of Sahabah. For this purpose Quran used two words; Yasalunaka (يسألونك) Yastaftunaka

(يستفتونك). Quran has used 9 times the first mentioned word while the second one been used 3 times. In these queries, Sahabah asked the Holy Prophet (S.A.W) about different commands concerning the practical life of human being.

- ❖ The third dimension of narrating the Tafsir Traditions concerning the juristic orders was that the Islamic state has been extended to non-Arab territories in the era of Sahaba. The Muslim society was facing new problems and wanted to solve them in light of Islamic jurisprudence. There was a need of deliberations to solve these problems of Islamic society. Sahabah felt this requirement, gave their verdicts in the light of the teachings of Quran and Sunnah and explained the Holy Quran with extraction of the salvation of the contemporary problems. The above discussion shows that Sahabah narrated Tafsir narrations concerning juristic orders from the Holy Prophet (S.A.W) also described by their own deliberations.

Partial and Brief Exegesis

While discussing the methodology of Tafsir in the era of Sahabah, this fact cannot be overlooked that one Sahabi did not compile the Tafsir of entire Quran. They narrated the commentaries what they have heard from the Holy Prophet (S.A.W) or their students transmitted their own explanations or deliberations, so their exegesis were partial and brief.

Tafsir A Part of Hadith

This is also a salient feature of Sahabah's Tafsir methodology that in this era Tafsir was not established as a separate field of knowledge but it was a part of Hadith.

Less Difference

Sahabah although worked with deliberations, but they were very careful in explanation of the Holy Quran and tried their best to keep themselves limited to the saying of the Holy Prophet