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A Glance on Main Sources of Fiqh al-hadīth From the Point of view of Feyz Kāshānī's Book *al-Vāfī*

Ali Mohammad MIRJALILI, Yrd. Doç. Dr.[*]

Majid DANESHGAR, Dr.[**]

"Feyzi Kâşânî'nin *el-Vâfî*'si Nokta-i Nazarından Fıkhu'l-hadîsin Temel Kaynakları"

Özet: *Vāfī* Şîî İslâm düşüncesinin en önemli kitaplarından birisidir; şerh ve tevillerle birlikte beş bin hadis içermektedir. Bu nedenle Şia'nın fıkhu'l-hadîs konusuna dair en önemli kaynaklardan birisidir. Bu makalede, Molla Muhsin Feyz Kâşânî'nin *el-Vâfî*'sinden hareketle, fıkhu'l-hadîs ilminin kaynakları incelenmektedir.

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Anahtar Kelimeler: *al-Vāfī*, Feyz Kâşânî, hadîs, fıkhu'l-hadîs, kaynak.

I. Introduction

Fiqh (*jurisprudence*) literary means "understanding,"[1] and in the early years of Islam, it was used in the same meaning as religion and religious comprehension.[2] But today it is applied for knowing of secondary legal rules (ahkām).[3]

Hadīth (*tradition*) means: new, news and speech,[4] but as a term, it is a text which narrates words, action or approvals of Prophet or his companions.[5] It is composed of two parts: the matn (text) and the isnād (chain of narrators). A

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[*]   Assistant Professor of Qur'ān and hadīth Studies, University of Yazd, IRAN
[**] Researcher of Islamic Studies, University of Qom, IRAN, majid.daneshgar@gmail.com
[1] Jowharī, *Sihāh*, vol. 6, p. 2243, Khalīl b. Ahmad, *al-Ein*, vol. 3, p. 370.
[2] Khalīl b. Ahmad, Ibid.
[3] Sāhib Ma'alim, *Ma'alimoddin*, vol. 1, p. 90.
[4] Ibn-e Salaam, *Gharibolhadīth*, vol. 2, p. 153.
[5] Jowharī, Ibid, p. 278, Sheikh Bahaeï, *al-Vajīzeh*, p. 4.

text may seem to be logical and reasonable but it needs an authentic isnad with reliable narrators to be acceptable.[6]

Fiqh al-hadīth is a term which formed from two words: fiqh and hadīth. Fiqh here signifies its literal meaning i.e. understanding and hadīth is used in a technical sense. Fiqh al-hadīth is a science which is related to correct understanding of hadīth in addition to explaining of its meaning.

The sources of Fiqh al-hadīth

The sources of Fiqh al-hadīth is affairs that provide information about content and the meanings of hadīths for traditionists (*Muhaddithīn*).

The sources of Fiqh al-hadīth are closely related to rules of Fiqh al-hadīth (*qawāid Fiqh al-hadīth*) because these rules detect the need for referring to sources to refer to understand a hadīth such as the Holy Qur'ān, hadīths, deduction, cause etc.

To understand and comprehend the meaning of ahadīth, one needs to have necessary training in such sciences as tafsīr, rijāl and dirāyah (mustalah al-hadīth) to use the sources in a correct way. When a person is lack of necessary familiarity with these sciences and for example cannot use sources of tafsīr, he/she may acknowledge and use a hadīth which is quite the opposite of the Holy Qur'ān. Also somebody who is unfamiliar with rijāl and mustalah sciences or have incomplete information about them may refer to a weak hadīth (*da'īf*) or may advance it as an evidence to understand another hadīth, and make a mistake when he/she interprets the latter. On the other hand the knowledge of fiqh al-hadīth sources helps the muhaddith in determining the required sciences, i.e. if we consider the Holy Qur'ān as a source of fiqh al-hadīth, the need to interpretation science (ilm-e Tafsīr) will be obvious for a muhaddith.

Al-Vāfī as a Source of Fiqh al-Hadīth

al-Vāfī book is a great source for those who study and search on Islamic sciences, because this voluminous book contains five thousands ahadīth from the Prophet (pbuh) and his companions (*infallible ones*).

On the other hand, the explanations, which Feyz cited under the ahadīth with title of bayān, have made the book as one of important books in Fiqh al-hadīth. The author has used different sciences in this book such as fiqh (*jurisprudence*), mysticism (*tasawuf or 'irfān*), kalām, hadīth, ethics, etc, and this makes easier the comprehension and understanding of ahadīth especially for beginners in Islamic studies..

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[6]   Suhaib Hassan, *An Introduction to the science of hadīth*, p. 6.

Some of aspects of *al-Vāfī*'s which increased its value as follows: description of difficult words, pay attention to reasons for ahadīth (*sababi sudūr*) and the context of ahadīth, correction of isnads (*ahadīth documentation*), correction of manuscripts of the four books (*kutoub arba'a*), harmonization of opposite ahadīth, literary notes and suitable poems, important points related to science of Rijal , excellent subheading and so on.

Despite above mentioned qualities, this book is not very famous among our scientific centers including universities and seminaries.

Thus, by taking into consideration Feyz's scientific grandeur and his specialty in different scholarly areas and also "*al-Vāfī*"s being his most important work of Feyz, we have decided to use his sources of fiqh al-hadīth (bayāns).

Different sources may be used for knowing the meaning of hadīth, but the most important of them are:

1- The Holy Qur'ān

The need of referring to the Holy Qur'ān for understanding the hadīth can be explained in four aspects:

(a) ahadīth are explanations of the Qur'ānic verses

The Holy Qur'ān has includes general rules and guidelines and it has abdicated the explaining of details to Prophet (pbuh).[7]

Sūra Nahl/44:

"We sent this Quran to you in order to make clear whatever is sent to them by you and perhaps they think, too."

This verse has considered the Prophetic ahadīth as the explanation of the Qur'ānic verses. Thus, our understanding of hadīths will be defective without referring to the Holy Qur'ān.[8] Some hadīth, which we have from *Imams* are on the same position as prophetic ahadīth based on thaghaleyn rule:

Thaghaleyn hadīth:

"I leave two valuable things between you, as long as you hold on to them you shall not be misled. They are the Holy Qur'ān (God's book) and my family (ahli bayt)."[9]

So, for understanding of the words of Imams and Infallible ones, it is necessary to refer to the Holy Qur'ān.

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[7]   Koleinī, *Kāfī*, vol. 3, p. 30, Tousi, *Istibsār*, vol. 1, p. 63.
[8]   al- Qur'ān , 22:78.
[9]   Ahmad b. Hanbal, *Musnad*, vol. 3, p. 14, Tousī, *Amālī*, p. 162.

In addition to the Holy Qur'ān, which in above verse introduces the prophet's sunnh as Qur'ān's explainer, in many hadīths coming from Ahl al-Bayt, mentioned the Holy Qur'ān as a source. Some of these hadīths are as follows:

Zarareh asked Muhammad b. 'Ali (*the fifth Imam of Shia*): "why do you prefer to wash the part of the head and toes at the time of ablution? Why is not necessary to wash whole of these two? "Imam answered: "Zarareh! Both Prophet has ordered such action and the Holy Qur'ān has introduced it, too. God states about face washing : "فاغسلوا وجوهكم". We find that we must wash the whole of our face. Then he states about hands washing: "وأيديكم الي المرافق" we find from this sentence that we must wash our hands till elbow. Then he brought the new phrase and separated his word from prior word and said: "و امسحوا برؤسكم" "rub and ret your head" we can find from this sentence and from the word of "با" that washing or rubbing must be for a part of the head not for whole ..."[10]

Abdula'lā told Ja'far b. Mohammad (the sixth Imam of Shia): "my foot knock to a thing and my nail has been cut and I put on it some drug and bandages. How can I do ritual ablution?"

Imam answered: "one can find the rule of these cases from the Holy Qur'ān. God has ordered: "God has not placed any hard heavy duty in religion for you (*has laid on you no impediment in your religion*),[11] "you can rub on the bandage or drug.[12]

In these two hadīths, the style of doing ritual ablution, which is mentioned in prophets' orders, is based on the Holy Qur'ān. Imam invited narrator to refer to the Holy Qur'ān and to think in its verses.

From Feyz viewpoint, the Holy Qur'ān is a important source for understanding the hadīth. The Holy Qur'ān and ahadīth supplement each other. Thus one should refer to ahadīth to explain Holy Qur'ān and vice versa. Feyz f'st brings together Qur'ānic verses related to one. When it is necessary he also interprets them.[13] Feyz used hadīths for the Holy Qur'ān interpretation and used the Holy Qur'ān and its interpretation for hadīths explanation. Sometimes he uses some verses for explanation of hadīth.[14] From his point of view, the Holy Qur'ān's mujmal verses are clarify by the Prophet and ahl al-bayt's commentary because they were more familiar to the Holy Qur'ān.

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[10] Koleinī, *Kāfī*, vol. 3, p. 33.
[11] *Vāfī*, vol. 1, p: 47, 48, 49, 307, 443, 493 and vol. 2 p: 20, 225, Vol. 4, p. 19, 23, 75, 261, vol. 5, p: 489, 725, 907, 997, 998, vol. 6, p: 244.
[12] *Vāfī*, vol. 2, p. 431-432 and vol. 4, p. 30.
[13] Ibid, vol. 6, p. 244.
[14] Koleinī, *Kāfī*, p. 49 and *Vāfī*, vol. 1, p. 169.

"The mujmal verses are clearfy by prophet's ahli bayt's commentary and they are more knowledgeable in the Holy Qur'ān and prophecy (*risalat*) than others."[15]

While explaining this hadīth from Ja'far b. Mohammad, he says:

"there are so many narrators who try to learn hadīth and think about its content but lacking of the understanding of Holy Qur'ān. They will commit perfidy to Qur'ān",[16] As it is clear form the passage, Feyz puts the efforts for understanding the hadīth beside the efforts for understanding the Holy Qur'ān, and he regards efforts to understand hadīth without considering the Holy Qur'ān is as a kind of perfidy to God book.[17]

Samples in which Feyz refer to the Holy Qur'ān to explain hadīths:

We read following materials in a hadīth from Ali b. Abī Tālib (1st Imam of Shia):

"Aware! Acquirement of science is more necessary than earning the money for you, because the distribution (share) of each of you has determined and will be given to you definitely. Righteous and Fair ('Adil) God has divided it between you, but knowledge is as a treasure which is only in access of its scholars and you have to obtain it. So learn it."[18]

Feyz assumed following verse is related to the above mentioned hadīth:

"God is divider of people's livelihood and sustenance in the world." (43:32) He accept the following verse as God's warranty to people's properties and sustenance.

"There is no moving creature on earth but its sustenance dependeth on Allah: He knoweth its resting place and its temporary deposit: All is in a clear Record". (11:6)

While explaining this hadīth, he says: "the highest degree of human perfection is in three things: having religious knowledge, patience in the face of problems and moderation in life" Feyz sees moderation in life as neccessary for humans to engage neither in prodigality nor to be stingy and miserly on life expenses. Therefore he refers to the verses of sūra al-Forqān:[19]

"The servants of the all merciful are those.... who, when they expend, are neither prodigal nor parsimonious, but between that is a just stand"

(25:63-67)

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15 *Vāfī*, vol. 1, p. 170.
16 Ibid, vol. 1, p. 127.
17 Ibid, vol. 1, p. 131.
18 Homeirei, *Gharbolasnad*, vol. 1, p. 44.
19 ‎باب الأخذ بالسنه و شواهد الكتاب.‎

(b) The Holy Qur'ān as a criterion to separate the authentic hadīths from inauthentic ones

Companions (*Imam*) have known the Holy Qur'ān as a criterion to separate the authentic hadīths from inauthentic ones. They teached their followers that when encountering with hadīths, they should compare them to the Holy Qur'ān, then accept the compatible hadīths with Qur'ān and reject opposite ones. This criterion should be considered even if there is no challenge for a hadīth

Prophet (pbuh) states "soon a liar calumniate to me as they calumniated to prior prophets. Each hadīths is narrated for you from me, if it was agree and compatible with the Holy Qur'ān, it would be issued from me and if it was opposite of the Holy Qur'ān, it wouldn't be my word".[20]

Under one of the chapters in *al-Vāfī*,[21] Feyz brought the hadīths which indicate that he considers the criterion for accepting a hadīth its compatibility with the Holy Qur'ān and definite Sunnah of Prophet (pbuh).[22]

A Sample of these ahadīth:

Prophet (peace be upon him) stated that: "Each (speech) has a right and a truth and each (speech) has a light correctness, accept each speech which is agree with God book (Qur'ān) and don't accept each speech which is opposite of it".[23] While explaining this hadīth, Feyz states that: "Light in this hadīth means bright reason (burhān) by which the correctness of a saying will be clear. The Holy Qur'ān is principle for each.[24]

(c) Agreement with the Holy Qur'ān: one of the signs for authentic hadīths

Feyz considered agreement with the Holy Qur'ān as one of the signs for authentic hadīths,[25] and he related Prophet Households' (the infallible one's) order to compare opponent news with Qur'ān as an authentic source.[26]

Feyz states: "it's narrated from Imams "when you receive two different hadīths, compare with the Holy Qur'ān. Each of them is agree with the Holy Qur'ān, accept it and each of them is opposite of the God book, reject it."[27]

Likewise he mentioned that "Imams have ordered when a hadīth is narrated, compare with the Holy Qur'ān. The ones which agree with the Holy

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20 *Vāfī*, vol. 1, p. 295-302.
21 Ibid, p. 295 and *Kāfī*, vol. 1, p. 69.
22 *Vāfī*, Ibid.
23 Ibid, vol. 1, p. 41.
24 Ibid, vol. 21, p. 248-249.
25 Ibid, vol. 1, p. 40.
26 Mahmoud Rajabi, *Exegetical Methods of Qur'ān*, p. 92.
27 Rashid Reza, *Almonar*, vol. 1, p. 22.

Qur'ān, accept it and the ones which were not compatible with the Holy Qur'ān, reject it".[28]

2- Other hadīths

To understand the hadīth text, on must pay attention to use of other predicates in line of the text and the sentences which have the same content. Exact comprehension of text is not possible with ignoring the other related parts of the text. This reasonable method is not special to hadīth only. But it must be considered in the interpretation of the Holy Qur'ān.

Feyz was familiar with this point, so he defines his method in explaining the hadīth as follow: "If a hadīth required an explanation, I have brought it, although I found its explanation in another hadīth or in books other than the four books (*kutub arba'a*)".[29]

Sometimes the use of hadīth for explanation of another hadīths means the use of *siyāq* of the same hadīth, and sometimes the use of another hadīth.

a) The use of Siyāq:

Siyāq is a general structure which covers a collection of words and sentences, and influences their meaning.[30]

The use of siyāq in understanding the meaning of terms and sentences is not special to religious texts such as Qur'ān and hadīth but all of thinkers will regard to siyāq when they are in comprehension position or in meaning understanding from a text or term.

Importance of regarding to *siyāq* is very high and some people have considered it as important as word significance and speaker intention.[31] The reason of this importance is that exact understanding of each part of a text is not possible without considering other related parts of it.

Feyz had used *siyāq* in interpretation of the Qur'ānic verses[32] and hadīths quite often.

Some examples about Feyz attention to *siyāq*:

- Zarareh asked Ja'afar Ibn Mohammad (Imam Sādeq, the sixth Imam of Shi'a)

Is it necessary the alms (Zakāt) for corn?

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[28] *Vāfī*, vol. 13, p. 796.
[29] *Tahzib*, vol. 4, p. 65, other examples of Siyāq can be found in *Vāfī*, Vol. 1, p. 311-312, vol. 2, p. 37, vol. 6, p. 304.
[30] *Tahzib*, vol. 4, p. 65, Vāfī, vol. 10, p. 58-59.
[31] Wheat, Barley, Date, Raisin, Gold, Silver, Cow, Sheep, Camel.
[32] *Vāfī*, vol. 10, p. 56-57.

Imam answered: "It is necessary the alms for corn, lentil, sour barley and cereal like wheat and barley and everything that is measurable and its weight reach to alms limit".[33]

In another hadīth from Imam Sādeq: Abu Basir asked Imam: Is it necessary alms in rice?

Imam answered: "Yes, in the time of Prophet age in Medina the rice is not planted and there is no word about rice alms. But it is necessary alms in rice; How no alms would pertain to rice, where as the most of taxes of Iraq people are from rice?!".[34]

Feyz stated that:

"Sheikh Tūsī in his book *(Tahzīb wa Istebsār)* considered these hadīths for *istihbāb* and stated that:

It is necessary alms for nine cases[35] but is optional (mustahab) in other cases like corn, lentil and other cereal, because in hadīth of Ibn Mahzyar, Imam Sādeq reject alms from rice, but it's mentioned in this hadīth: There are alms for all measurable things![36]

But Yūnos Ibn Abdolrahmān narrates that alms necessary for all cereals and because he said:

At beginning of prophetic period, alms were considered for nine cases but later it was considered for all cereals. Koleini seems to agree with Yunos.

But Yūnos opinion is not acceptable, because Imam Sādegh has rejected the necessity of alms in rice and some other cereals (such as corn and millet) clearly.[37] It is derived from *siyaq* of Ibn Mahzyar's hadīth that this hadīth has been issued on *Taqiyyeh* position, therefore the hadīths in which it's necessary to give alms other than nine cases are in *Taqiyyeh* position.[38]

Feyz has relied on *siyāq* for explanation of this hadīth:

Prophet did dead prayer on a person corpse (body). When the pray was finished a group said: O' prophet, we didn't reach to prayer (please pray again). Prophet answered: It's not performed two prayers on a corpse instead ask God forgiveness for him.[39]

Feyz has stated about explanation of this hadīth: "Sheikh Tūsī believed that these hadīths emphasized repeating dead prayer is unnecessary, but in some hadīths it's ordered to perform the second prayer. Therefore he cannot

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[33]   Ibid, p. 56-60.
[34]   Ibid, p. 59.
[35]   *Tahzīb*, vol. 1, p. 468.
[36]   *Vāfī*, vol. 24, p. 475.
[37]   *Vāfī*, vol. 1, p. 195.
[38]   *Kāfī*, vol. 1, p. 43 and *Vāfī*, vol. 1, p. 195-196.
[39]   *Vāfī*, vol. 1, p. 196.

consider the second prayer abominable. On the other hand, it's not contributed these hadīths in terms of being unnecessary, because the *siyāq* doesn't confirm it ...Perhaps repeating the prayer is special to a dead person who has a special merits (like scholers, martyrs and so on).[40]

b) The use of hadīth in explaining another hadīth

Words (speeches) and writings are divided in two groups:

The first group have expressed or written for public using and they have simple and easy phrases and texts for public. In these cases, one can trust to what is understandable from appearance of the phrase or texts. (Dhāhir)

The second group is words or writings which have deep and long content, and they are written or expressed not for public. Sometimes writer express his/her words ambiguously and gives up its explanation to special persons who have specialty in that area. In these phrases, we need to more careful for in order to understand the meaning well. Pay attention to other words of writer or speaker is the best of way for understanding the second group.

There are both kinds of texts in hadīths: some of them expressed so simple that we do not need a teacher or commentator to understand it, but another group of hadīth have deep and complex meanings and it is not possible to comprehend the depth of these words without help of other available texts.

Advantages of referring to other hadīths:

Reference to hadīth with the same content in the process of comprehension and explanation of a hadīth has some advantages. Some of these advantages are:

a) Understanding of *Mutashabih* by referring to the *Muhkam*

As there are some *mutashābih* and *muhkam* verses in the Holy Qur'ān, starting to interpret the Holy Qur'ān without having the necessary knowledge of *muhkam* and its difference from *mutashābih* is incorrect. The same goes for ahādīth as well since there are *mutashābih* and *muhkam* in hadīths, too.

Feyz has stated: "There are *mutashābih* and *muhkam* in the Holy Qur'ān and no one know the interpretation of *mutashābih* verses in Quran except the God and some scholars. In the same way, there are *mutashābih* and *muhkam* in sunnah. For this reason, Ja'afar Ibn Muhammad (Imam Sadiq) prevented the public from this work and he ordered to refer to sunna member and Ahl al-Bait."[41]

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[40]   Ibid, vol. 12, p. 408-409.
[41]   Ibid, vol. 16, p. 950.

Feyz has narrated a hadīth from Abdollah-Ibn Shabrameh from Ja'far Ibn Muhammad (Imam Sādiqh) that: Prophet (pbuh) has stated that: everyone adjudge but the who does not know *nasikh* (nullifier) from *mansoukh* (obsolete) and *muhkam* from *mutashābih*, he destroys himself and misled others, too.[42]

Feyz states about explanation of this hadīth: "The aim of "muhkam" is the sentences and phrases which have not tolerance for several meanings. So the same meaning which is considered by speaker is to be comprehended and there is no possibility for another meaning.

But the aim of "mutashābih" is the sentences and phrases which have tolerance for several meanings. The one does not know the difference between *muhkam* and *mutashābih*, he may arbitrated according to *mutshabih* whereas he is unaware of its *tashāboh*.[43]

b) Recognition of Correct hadīths (sahih)

As Qur'ān is a criterion to shift the correct hadīth from incorrect one and we must compare them with the Holy Qur'ān. Sunna and definite news from Prophet (pbuh) and Prophet Household (*Ahl al- Bait*) is also a criterion to shift the correct hadīths from incorrect one. When someone heard a hadīth, you should not accept it immediately, unless it has compared with definite and mutawātir hadīths from Prophet (pbuh) or Imams. This criteria must be considered even if there is no opposite (*mu'ārez*) hadīth.

Feyz has rejected many hadīths in *al-Vāfī* due to their opposition to definite and mashhūr (*famous*) hadīths. For example:

It's narrated a hadīth by following content:

Asked Imam Sādegh about a woman who claims that a person has testate one-third (1/3) of his properties but she has no evidence or witness for her claim proving. Imam answered: "Her word is accepted about one-fourth(1/4) of her claimed property."[44]

Feyz considered this hadīth as opposite of mutawatir hadīths and rejected it.[45]

c) Recognition of Taqti'a in hadīths

One of other cases which make necessary the reference to other hadīths in fiqh al-hadīth is pay attention to *taqti'a* discussion. Many of hadīth in books has been divided into several prts and sometimes this position results in

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[42] Ibid, vol. 5, p. 804, 839, 1096.
[43] Ibid, vol. 1, p. 5-6.
[44] Ibid, p. 40.
[45] *Tahzīb*, vol. 4, p. 168-171.

difficulty in understanding the meaning. A person, who seeks hadīth comprehension, must be aware of this fact and search for the other parts of the hadīth. Feyz has noted to this point, and tries to mention hadīth in its all[46] or he refers the reader to other parts of hadīth which is found elsewhere.[47]

Therefore, in introduction to *al-Vāfī*, he writes about defects of the four books and the *taqti'a* of hadīths is considered one of defects of "Tahzīb" and "Istibsar" book. He promises that he will compensate this shortage in *al-Vāfī*.[48]

d) Removing Ta'arod between hadīths

The dhāhir (appearance) of some hadīths are opposite with each other, and religious scholars establish some methods to resolve this problem i.e. ta'arod between hadīths.

For a *faqih ol hadīth*, the best way to resolve the apparent oppositions between hadīth is to refer to the other hadīths related to same subject. When a group of hadīths is analysed together, many of doubts and oppositions could be removed.

3- Intellect

One of sources in fiqh al- hadīth, which is useful in understanding the aim of hadīth, is intellect. Intellect is a power which the God has placed in each human and in this way he places values in humans.[49]

The intellect in two ways helped the jurist in order to understand the meaning of hadīth:

a) Sometimes intellect affects on determining the intention of speaker, and it detects in the content of hadīth intellectual self-evident truths and definite reasons derived from them. If intellect proves an idea, it must be considered in fiqh al-hadīth as undisputable.. If there is several possible meaning in a hadīth and only one is possible, the other possibilities are deniable intellectually, the possibility accepted by intellect must be accepted. If a hadīth has several possibilities (muhtamil) and intellect assumes one of those possibilities is impossible, it must be rejected in fiqh al-hadīth.

The appearance (dhir) of each hadīth is not enough to to be rejected based on the intellect. This is because Imam who was placed in intellect perfection position never said a word against the intellect.

b) Sometimes intellect provides and the means to infer principals from a hadīths. Intellect was mostly not the source but the mean in fiqh al-hadīth.. It

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[46]   Ibid, p. 171-172.
[47]   Ibid, p. 171.
[48]   Ibid, p. 171-172.
[49]   Ibid, p. 167-168.

is as a light which teach us the comprehension of Imam words but it is not considered as a source But sometimes it plays the role of source as well. For example Feyz believed intellect as a certain source in fiqh al-hadīth and he said: "If a hadīth needs an explanation, I will mention even if I find its explanation in other hadīth. If one of three sheikhs (Koleinī-Sadūqh and Tūsī) or other scientists and scholars describe it I will narrate that explanation from them. Otherwise I myself explained and described that hadīth by my intellect.[50]

Examples

There are two kinds of hadīths about the number of Ramadhān days.

The first one is the hadīths which indicate that Ramadhān month is 30 days and is not less than 30.[51] In some of these hadīths it is mentioned the reasons. For example it is mentioned in some hadīth that a year was 360 days but the God reduced 6 days (number of world creation days) from that and then it is determined 354.

Sha'ban month is often defective and Ramadhān month is always 30 days. Shawāl is defective and Zul-qha'da is complete. And other month of the year is in this rate, means: one month will be defective and one month will be complete.[52] In some other hadīth mentioned that if Ramadhan month was 29 days, vajib(s) will be defective.[53]

In some hadīths it is referred to a verse (2:185):"لتكملوا العده"

On completing Ramadhan month[54] and to verse 142 of sūra Al-A'raaf

واعدنا موسى ثلاثين ليله و اتممنا بعشر فتم ميقات ربه اربعين ليله

On completing Zul-qha'dah month.

The second group of hadīths which are used in order to indicate that it is not necessary to complete Ramadhān and it may be 29 days.[55]

Feyz stated about these hadīths:

"There are two kinds hadīths about the number of Ramadhān days. First group is reliable hadīths which is agree with astronomy science but only it is practical when crescent could not be seen. But it doe not agree with the Holy Qur'ān. In addition it includes weak reasons which safe intellect does not accept it and thus it is unlikely that they are issued by Imams."

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[50] *Vāfī*, vol. 11, p. 146.
[51] Ibid, vol. 11, p. 149.
[52] *Tahzīb*, vol. 4, p. 173.
[53] Ibid, p. 169-174.
[54] Koleinī, *Kāfī*, vol. 1, p. 114.
[55] *Vāfī*, vol. 1, p. 469-470.

Another group is compatible with the Holy Qur'ān. In addition it has more narrators and is more reliable. It is more similar to Prophet (pbuh) and Imam's word. So second group is preferable.

Sheikh Tusi has rejected the first group because it has unacceptable reasons and is opposite to customs. And the verse لتكلموا العده (2:185) is about illness and it has nothing to do with to the numbers of Ramadhān days. The verse واعدنا موسى ثلاثين ليله (al- A'raaf) indicates that when Moses went to meeting place with God, the Zul- qha'dah month was 30 days. But this does not mean that this month would be complete in all past or future years. In addition, being 30 days of Zul- qha'dah has not any relation to Ramadhān.

Ja'far Ibn Mohammad (as) stated upon "بسم الله الرحمن الرحيم" in the name of God the merciful and the compassionate "الرحمن بجميع خلقه و الرحيم بالمومنين خاصه"

For describing this hadīth, Feyz believes that General mercy which covers all of things (and due to this feature, we called him "Rahmān) and private and special mercy which is only for his special servants (and therefore we called him Rahīm.)

Then, Feyz narrates following word from his master Mulla Sadra:

When some of attributions are attributed to God like mercy, that feature is higher and better in the God than human. Because the feature of each creature is based on his inherence. Their features are physical and sensual... and God's features are divine.

Some of scholars have denied attributions in God and they believe that divine features mean that God does some works according to that features. For example his being merciful means he teats creatures worth mercy but the rahmah feature is not in God. This idea is due to lack of thinking. They have not comprehended different degree of existence and creatures, so they suspended divine features (61).

Conclusion

In this paper it is discussed the main sources of fiqh al-hadīth from the point of view of Feyz Kāshānī in his book "al-Vafī". The aim of fiqh al-hadīth is to provide some information about content and the meaning of hadīths for scholar of hadīth or muhaddith in order to understand content of items and sentences of the hadīth. From Feyz' point of view the main sources of fiqh al-hadīth are:

1) Al- Qur'ān

Because hadīth are the explanations of Quranic verses and the Holy Qur'ān is criterion for recognizing correct hadīths among incorrect ones. Besides, agreement with the Holy Qur'ān is one of reasons to prefer a hadīth. It is also

the criterion to determine different possibilities of the meaning of a hadīth. So referring to the Holy Qur'ān is necessary to comprehend and understand the hadīths.

2) Hadīths

The best way to understand the aim and word of a speaker is the use of his other words and sayings. For this reason referring to hadīths which have the same content is necessary for a real understanding. This reference helps the jurist of hadīth to grasp the meaning of mutashābih hadīth, to shift correct hadīths from incorrect ones, to understand the hadiths divided into different (taqtī') , to resolve the opposition (ta'rodh) between hadīth, to infer the rules (ahkām) and the reasoning behind them.

3) Intellect

Intellectual data (intellectual self- evident truths and definite reasons derived from them) affects on determining the intention of Prophet (pbuh) and Imams and makes clear the content of hadīth. Therefore the jurists in hadīth take help from intellect for understanding the hadīth.

"A Glance on Main Sources of Fiqh al-hadīth From the Point of view of Feyz Kāshānī's Book *al-Vāfī*"

Abstract: *al-Vāfī* is a well-accepted source of Shī 'ī Islamic thought and contains five thousands hadīths along with explanations and descriptions. For this reason, it is one of important books in Shi'a Fiqh al-hadīth. In this paper, the main sources of Fiqh al-hadīth has been discussed from the point of view of the Mulla Muhsin Feyz Kāshānī and his book; *al-Vāfī*.