

Fazlur Rahman's Perspective on Hadith Critical Reposition

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Abstract

Fazlur Rahman is an insider who has critical ideas about hadith. The reason is that there is a very long interval between the time of the Prophet Muhammad SAW. with the bookkeeping of hadith, as well as debatable about the concept of sunnah-hadith that is still not finished yet. The method used in this research is descriptive-analysis with a hermeneutic approach. According to Rahman, there is a fundamental difference between the definition of sunnah and hadith. Sunnah is a living tradition in society while hadith is a reportage of sunnah. This research is used library research, namely documentation data. The researcher uses descriptive-analytical method, with a hermeneutic approach. The main points of Rahman's thoughts related to the history of the development of hadith are comprehensive and strict. Then, the hermeneutic approach is used to explain the concepts or theories that are initially unclear related to the concept of sunnah-hadith become clear. The results of this study reveal that Rahman differentiates the concept of sunnah (conceptual sunnah) with the content of sunnah (literal sunnah). The earlier finds absolutes, and the last is more or less dependent (relative). According to Rahman, what distinguishes universal normative principles is the first sunnah. On the other hand, the literal sunnah allows us to understand the logical ratio behind the general principles contained in the conceptual sunnah. Thus, that binds us to obey Rasulullah PBUH, the Messenger of Allah is a conceptual sunnah, not a literal sunnah.

Keywords: *Sunnah-hadith concept, living tradition, sunnah reportage.*

Abstrak

Fazlur Rahman adalah orang dalam yang memiliki pemikiran kritis tentang hadits. Pasalnya, terdapat selang waktu yang sangat panjang antara masa Nabi Muhammad SAW. dengan pembukuan hadits, serta perdebatan tentang konsep sunnah-hadits yang masih belum selesai. Metode yang digunakan dalam penelitian ini adalah deskriptif-analisis dengan pendekatan hermeneutik. Menurut Rahman, ada perbedaan mendasar antara definisi sunnah dan hadis. Sunnah adalah tradisi yang hidup di masyarakat sedangkan hadits adalah risalah sunnah. Penelitian ini merupakan penelitian kepustakaan, yaitu data dokumentasi. Peneliti menggunakan metode deskriptif-analitis, dengan pendekatan hermeneutik. Pokok-pokok pemikiran Rahman terkait dengan sejarah perkembangan hadis bersifat komprehensif dan tegas. Kemudian, pendekatan hermeneutik digunakan untuk menjelaskan konsep atau teori yang semula tidak jelas terkait dengan konsep sunnah-hadits menjadi jelas. Hasil penelitian ini mengungkapkan bahwa Rahman membedakan konsep sunnah (conceptual sunnah) dengan kandungan sunnah (literal sunnah). Yang sebelumnya menemukan kemutlakan, dan yang terakhir kurang lebih bergantung (relatif). Menurut Rahman, yang membedakan prinsip normatif universal adalah sunnah yang pertama. Di sisi lain, sunnah literal memungkinkan kita untuk memahami rasio logis di balik prinsip-prinsip umum yang terkandung dalam

sunnah konseptual. Jadi, yang mengikat kita untuk menaati Rasulullah SAW, Rasulullah adalah sunnah konseptual, bukan sunnah literal.

Kata kunci: *Konsep sunnah-hadits, tradisi hidup, reportase sunnah.*

INTRODUCTION

Hadith was conveyed orally for at least a hundred years, then the Prophet allowed it to be recorded, so that there was a very old-time lapse between the times of the Prophet PBUH. with the period of writing the hadith in completely and officially, around the second century of Hijriyah. On the other hand, there are differences in the methods and backgrounds of the scholars/researchers of hadith. In positioning the Prophet's hadith, when will it be understood textually, contextually, universally, temporally, situationally and locally¹.

Then, according to the history of the development of hadith, it turns out that not all the so-called hadiths really come from the Prophet, not to mention those related to fake hadiths. Initially, the hadith was everything that was attributed to the Prophet, which served as a reference in understanding and implementing Islamic teachings. Thus, something that is based on a friend is also called a hadith, even that which is based on a *tabi'in*. Therefore, the problem is which hadith can be accepted (*maqbul*) as a religious argument that is possible to come from the Prophet, and which are rejected (*mardud*). So, it is very possible that the writing of the Prophet's hadith is not attributed to the Prophet and is mixed with other than hadith.

Talking about the discourse of hadith studies in the academic area, it is related to two very fundamental discussions, the first is about the authenticity associated with the method of delivering *sanad*, is the original hadith text from the Prophet or not? The second is about the meaning of hadith, related to its *matan*. When Prophet's hadith is understood textually, contextually, universally, temporally, situationally or locally. The narration of hadith is only partially narrated *mutawatir*, others on an *ahad* basis. Initially the hadiths were mostly preserved in memory rather than in the records held by the *sahabah* (companions of the Prophet Muhammad PBUH).

Therefore, it is needed a seriously research, both ontology, epistemology, and very accurate axiology, so that what is meant by hadith can really be justified scientifically. So that it avoids the mixing of hadith with other hadiths whose reliance is not to the Prophet Muhammad PBUH. Regarding to the authenticity of hadith, Fazlur Rahman, as a professional historian, has successfully introduced early history related to the development of the notion of sunnah into hadith, from non-verbal to verbal. The Sunnah which was originally a tradition that lived and developed in Arab society with an informal nature, turned into a tradition which has a standardized meaning as sunnah with formal characteristics.

Therefore, the problem reached by Rahman is not specifically directed on the tracking on the development of the appropriate and accurate method to understand the Sunnah as a basis for building relevant and contextual concepts of Islamic law in the modern era.

¹ Nurun Najwah, "Reproduksi Manusia dalam Perspektif Hadis" in Abdul Mustaqim, et.al., *Paradigma Integrasi-Interkoneksi dalam Memahami Hadis*, (Yogyakarta: Teras, 2009), p. 81.

However, it covers all aspects of research in the study of hadith. It is the authenticity and understanding of hadith. Even in this case Rahman went beyond the boundaries of the existing study area of hadith studies.

The next development of the sunnah is the result of the interpretation from hadith's text. The next Sunnah is a discourse which produced from the interpretation by later generations toward hadith's text. As a consequence, of course, the early Sunnah discourse has undergone a process of shrinking or drying up.² Hadith studies become very rigid, tight and sensitive part.³ Formulation of sunnah into hadith, where hadith is a verbalization of sunnah.⁴

Fazlur Rahman's thoughts on hadith are very eccentric. Hadith is a verbal tradition while sunnah is a practical tradition or a silent tradition.⁵ The most important parts of the hadith are the sanad/rawi and the matan. Then the next subsequent path of the journey, there were problems with respect to certain parts of the hadith. Prophet Muhammad PBUH. has given a lot of hadith and after he died, the hadiths (transforms) from information becomes semi-formal.⁶

According to Rahman, the formulation of the sunnah was carried out when these differences of opinion and interpretation had occurred, then, people became accustomed to contrasting the sunnah with bid'ah which later appeared widely to formulate,⁷ so that it became clear.

Based on this, Fazlur Rahman's view, sunnah is information about what the Prophet PBUH said, carried out, approved or disapproved by him, as well as the same information OF the companions, especially the senior companions, and more specifically, about the first four caliphs.⁸

For this reason, Fazlur Rahman's thoughts deserve to be discussed, very significant with the journey of hadith thought. The output is so important which is worth discussed methodologically. That is why some researchers interested in Fazlur Rahman's thoughts, because he can explain the history of the notion of sunnah becoming hadith.

Fazlur Rahman's Socio Historical Settings

Fazlur Rahman Malik (فضل الرحمان لکی) was born in 1919 from today's Northwest Pakistan. He grew up in a family with the traditions of the Hanafi madhhab (school of thought), a Sunni school that is more rationalistic than the other three Sunni schools of thought. In his autobiography, Rahman explained that he was grown up by a very religious family atmosphere.

² Cecep Ramli, *Angin Segar Tafsir Hadis; Dari Hadis ke al-Qur'an*, in *Metafor*, no.I/Year I/1998, p. 85

³ Sahiron Syamsudin, *Hermenutika al-Qur'an Mazhab Yogya* (Yogyakarta: Islamika, 2003)

⁴ Jalaluddin Rakhmat, "Dari Sunnah ke Hadis, atau sebaliknya?" in Budhy Munawwar Rachman, *Kontektualisasi Doktrin Islam dalam Sejarah*, (Jakarta: Paramadina, 1995), p. 227.

⁵ Refer to Fazlur Rahman's writing on *Islam*, dan *Islamic Methodology in History* (Karachi: Central Institut of Islamic Research, 1965)

⁶ Alfatih Suryadilaga, *Aplikasi*, p. 176.

⁷ Fazlur Rahman, *Islam*, Transl. by Ahsin Mohammad (Bandung: Pustaka, 1984), p. 72-73.

⁸ *Ibid*, p. 68.

August 1962, Rahman was appointed as the director of the Institute of Islamic Research. At the age of 14, he and his parents moved from their ancestral place to Lahore. This is where Rahman entered his formal education in a modern school. Currently, his father teaches traditional subjects in Islamic studies at his home. His father was considered pious in his society as because he had been educated at the center of traditional Islamic studies in Deoband-North India region.⁹

After completing his secondary education in the city, Rahman entered to the college taking the Department of the East at Punjab University. In 1942 he successfully completed his studies with an MA in Arabic literature. Looking at to his formal educational background, it is not surprising that Rahman is constantly motivated to be able to achieve the highest academic degree. However, for his future education, he thought that Islamic universities especially in his country, are still far behind with the universities in the West.

Therefore, that is the reason behind his doctoral studies in Europe at Oxford University of in England. As a means of developing academic and scientific quality, this kind of university can be relied on to educate the Muslim generation to become responsible intellectuals. When he met a Hindu priest, Sir. S Radhakrisna, Rahman once asked: "Why don't you go to study in Egypt, but instead to Oxford?", Rahman replied: "Islamic studies there are not as critical as India".¹⁰ This shows that what is sought in the midst of his intellectual odyssey are critical and dynamic studies to reach the future thoughts.

He entered Oxford in 1946 and here apart from attending formal lectures, Rahman was also actively studying foreign languages. His mastery of a number of languages used in the West, such as Latin, Greek, English, French and German, in turn greatly assists efforts in deepening scientific insight, including in Islamic studies in the West, has been so developed in a number of countries that it is automatically a study of heritage, history and culture thought in the Islamic world. Thus, while studying here, he was able to study Islam not only from the pure classical Islamic treasures, but also by searching the literatures written by orientalists. Right in 1951 when he was 32 years old Rahman successfully got his doctorate in philosophy.

The achievement of his doctorate shows that Rahman is an intellectual figure, a person who is required to work through the study of thoughts. His new status sometimes worries him, considering that as an intellectual, especially one who is educated in the West, has not been openly accepted in his country. Therefore he chose to stay in England and teach at the University of Durham. Then he moved to Canada and worked as Associate Professor of Philosophy at the Institute of Islamic Studies.¹¹ In Durham, he became acquainted and had

⁹ The study center was called "Dar al-Ulum", a kind of madrasa. Darul Ulum in Deoband was originally born as a continuation of the form of the Mujahideen struggle, which initially engaged focusly in politics, but did not get any results. Therefore, the successors tried to develop it to another dimension, namely in terms of education by establishing madrasas from the initial level to the high level. Among its leaders were Muhammad Qasim Natantawi and Muhammad Ishaq. Refer to Harun Nasution, *Pembaharuan dalam Islam Sejarah Pemikiran dan Gerakan*, (Renewal in Islam History of Thought and Movement), (Jakarta: Bulan Bintang, 1975), p. 162-163.

¹⁰ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, (Chicago: University of Chicago Press, 1982), p. 117.

¹¹ Taufiq Adnan Amal (peny), *Metode dan Alternatif Neo-Modernisme Islam Fazlur Rahman*, (Bandung: Mizan, Prt. I, 1987), p. 13.

a close friend with a well-known orientalist, Prof. Dr. Wilfred C. Smith, the director of the Institute.

In the early 1960s he returned to Pakistan, where he later worked at the Institute of Islamic Research as a senior staff member. Then in 1962 he was appointed by the government to lead the Research Institute. This institution was formed by the Government of the Islamic Republic of Pakistan Leader Ayub Khan with the task of interpreting Islam into scientific and rational formulations to meet the needs of a progressive modern society.¹² During his leadership of the Institute, Rahman managed to publish two scientific journals, they were Islamic Studies in English language and Fikr-u Nazr in Urdu language. In scientific journals, in addition to other media, Rahman presents his ideas for renewal ideas which often cause controversy. Apart from working in this direction, in order to advance and develop his Research Institute, Rahman made technical-constructive efforts as he has been said;

In addition, since 1964 Rahman has been appointed as a member of the Advisory Council of Islamic Ideology of the Government of Pakistan. This Ideological Advisory Council is designed to review all existing and future plans by the government with the aim of aligning them with the mission of the Qur'an and Sunnah. As well as providing suggestions and recommendations to the central and provincial governments on how Muslims should become better Muslims.

Rahman's achievement received full attention, especially from traditionalists. As a result of Rahman's continuously writing and expressing his renewal ideas, the controversy was quite intense. As an implication, many people do not support the existence of the institution led by Rahman and even take a firm line of opposition. Because the controversy escalated and Rahman realized that his existence was lacking in support, he also submitted a request for resignation. The request was signed on September 5, 1968 and was immediately granted by Ayub Khan.

The occurrence of controversy and opposition to Rahman can be understood in a wider spectrum, that the traditionalist Pakistani Ulama' have never approved Rahman with his position because for them this position is the exclusive privilege for traditionally educated Ulama. In addition, as explained by John L. Esposito, the mass opposition was actually aimed at the government in general under the leadership of Ayub Khan.¹³ Although the socio-political reasons are justifiable, from the other side, it cannot be denied that Rahman's attitude in formulating his reform ideas was quite bold and often deviated from the mainstream of general understanding.

In order to get a detailed picture of this issue, it is necessary to state how the conflicts between the traditionalist and modernist side started and lasted. In fact, Pakistan has been independent since August 14, 1947 and since then there has been an ideological debate about how the format of the future Islamic state should be. The debates of opinion in the constituent assembly are reflected in its sessions, which can only be brought together through

¹² Abduh, *Risalah al-Taubid*, p. 30-35.

¹³ Muhammad Abduh dan Rasyid Ridha, *Tafsir al-Qur'an al-Hakim al-Syahir bi al-Manar*, (Cairo: Dar al-Manar, 1960), Vol. IV, p. 469.

compromise efforts. The effort only got real results after 9 years, precisely in 1956 Pakistan was only able to inaugurate its first constitution.¹⁴

Prior to the formation of the constitution, the government of Pakistan was guided by a document called the Objective Revolution, presented by Liyaqat Ali Khan who became Prime Minister in 1949. The revolution basically accommodated the thought developed at that time and reflected the compromise of the form of a state based on God's sovereignty as stated in the constitution strove by the 'Traditionalists Ulama' with the concept of a modern sovereign state aspired by modernist intellectuals. But because Pakistan is still new, the state is not yet strong enough so the political bureaucracy is still fragile. Ali Khan, who comes from traditionalists, faces a fierce challenge from traditionalist groups which are pretty extreme. They expressed dissatisfaction with the position of non-Muslim minorities. Moreover, this group intended to propose their own draft constitution, but did not succeed until the death of Ali Khan who was later replaced by Akhwaja Nazibuddin in 1951.

Earliest his leadership, Nazibuddin faced a socio-political crisis with the erupting chaos of the traditionalist anti-Ahmadi Qadiyan. The action demands several things which are essentially; (1) The Qadiyani must be declared as a non-Muslim minority like the Hindus and other minority groups, because they do not believe in the finality of Muhammad's prophethood, and therefore they are treated as *dzimmi*. (2) No non-Muslim is right to hold a key position in the government.¹⁵ This case and several other incidents prior to 1956 show how obvious the political agitation of some Muslims is, which also shows the strong currents of traditional Islamic thought.

After the establishment of the first constitution in 1956, Pakistan officially became an Islamic Republic. However, because the president-elect under the 1956 constitution was General Iskandar Mirza, a secularist who had previously stated explicitly that religion and politics should be separated, chaos inevitably ensued. The situation was getting worst after it turned out that Iskandar Mirza took surprising steps such as suspending the 1956 constitution, dissolving political parties, abolishing the legislature and imposing a state of emergency. Even more surprising was his courage to change the name "Islamic Republic of Pakistan" to "Republic of Pakistan". In such conditions, it creates a great disappointment for people who want to immediately enjoy the form of an Islamic state.

Due to the weak of the political situation, a strong man emerged who took power, he was Ayub Khan who succeeded in overthrowing Iskandar Mirza through a military coup in October 1958. Responding to the recent political situation, Ayub Khan tried hard to make a breakthrough in the context of Islamization of Pakistan. In 1961 his government succeeded in promulgating a family law ordinance which fully reflected the ideas of modernists. The commission that handled it consisted of 7 people, six from modernists and three of them women, while one from Ulama'. As a result of this imbalance in the composition of traditionalist-modernists, the results achieved reflect the point of view of the second group. As a result, ulama' rejected almost all of the provisions of the Ordinance that had been

¹⁴ *Ibid*, p. 269.

¹⁵ Arbiyah Lubis, *Pemikiran Muhammadiyah dan Muhammad Abdub: Suatu Studi Perbandingan*, (Jakarta: Bulan Bintang, 1993), p. 133.

promulgated. However, because Ayub Khan's regime was quite strong, the opposition from ulama' circles were meaningless.

Moreover, when Pakistan's second constitution in 1962 was formed, Ayub Khan and his supporters from modernist circles moved further away from traditionalist groups. Based on the 1962 constitution, he formed two important institutions: the Advisory Council of Islamic Ideology and the Institute of Islamic Research. Through these two institutions, Ayub Khan has ambitions to further advance the Islamic state of Pakistan according to the demands of modernity. Therefore, those who were recruited at the above institutions were people who were in line with the direction of his thinking and Fazlur Rahman was one of them.

Based on the explanation above, it can be seen where Rahman's position is in the affairs that are fighting for influence. It is clear that Rahman joined the government because according to him, the direction of the government is already appropriate and all that remains is to strengthen it with Islamic bases within a modern framework. On this basis, the idea of renewal developed by Rahman is indeed at odds with traditional Islamic thought. So that, Rahman's activities while leading the above Research institute were often watched out for and often oppositions of thought emerged until they culminated in demonstrations demanding Rahman resign from office. As mentioned earlier, the hatred of the masses was not only directed at Rahman but at Ayub Khan's policies in general.

After his resignation from that position, Rahman remained in his position as a member of the Ideological Advisory Council. However, many factors finally made Rahman give up this position so that practically he only had time to serve until 1969. In subsequent developments due to reasons that he could not live freely and develop his thoughts in Pakistan, he decided to emigrate to another country. In a mimeograph he wrote himself, Rahman admitted that his departure from Pakistan was

non-negotiable. He felt how Pakistan did not provide the world with intellectual freedom and instead provoked a prolonged crisis. Subsequently he wrote;

When in such a crisis situation, an intellectual cannot state openly what he suggests, when the expression of power replaces the power of expression, it is his duty to refuse to join and agree with the surrounding situation.¹⁶

A year later he moved to the USA and settled at the University of Chicago, a place where he was accepted to work as Professor of Islamic Studies in the Department of Near Eastern Language Civilization.¹⁷ It seems that he is indeed suitable for his profession as an intellectual-thinker and it is in this western country that Rahman feels the nature of freedom with all its challenges. In Chicago, apart from giving lectures and Islamic studies, Rahman is active in various intellectual activities such as research, writing and seminars. On July 26, 1988, after a long illness of diabetes, Fazlur Rahman died.

Debatable Dichotomy of Sunna and Hadith

¹⁶ Fazlur Rahman, "The Quranic Concept of God, the Universe and man", in *Islamic Studies*, Vol. VI, No. 1, 1967, p. 6

¹⁷ Rasyid Ridha, *Tarikh al-Ustadz al-Imam Muhammad Abdub*, (Cairo: Dar al-Manar, t.t.), Vol. II, p. 261.

Fazlur Rahman said that, the sunnah that comes from the Prophet is not many in numbers and is not intended to be absolutely specific. According to Fazlur Rahman, the concept of sunnah after the Prophet's death does not include the Sunnah of the Prophet, but also the interpretation of the Sunnah of the Prophet. Then, sunnah in this sense is as broad as *ijma'* which is basically a process that is expanding continuously. Furthermore, Fazlur Rahman said that, after a massive purification movement of hadith, the organic relationship between sunnah, ijihad, and ijma' was damaged.¹⁸

Early theological writings offer more evidence of sunna freedom than specific precedent. Even in situations where the sunnah has a concrete content, referring to specific rules, according to Brown, this is still conceptually different from the hadith.¹⁹

Generations after Rasul, the Companions pay attention to the behavior of the Prophet PBUH. as an example. The Companions try to practice it in everyday life. After the Prophet's death, individual interpretations of the Prophet's example developed. Maybe some friends see certain behavior as sunnah, but some other friends do not see it as sunnah. In the world of free discourse, in certain areas such as Medina, Kufa, there is a sunnah which is generally agreed upon by the scholars in that area. There are Sunnah of Medina and Sunnah of Kufa. Gradually in the Muslim territory developed democratically the agreed sunnah. Therefore, the sunnah another word as an *opinion publica*. When the hadith movement grew in the second half of the Hijri century, this sunna that most people agreed upon was expressed in the hadith. Hadith is the verbalization of the sunnah. Unfortunately, according to Fazlur Rahman, the formalization of the sunnah into this hadith has stifled the creative process of the sunnah and ensnared Islamic scholars in inflexible formulas.²⁰

Fazlur Rahman clearly distinguishes those two terms. According to him, the sunnah is the scholars' formulation of hadith. Therefore the sunnah involves elements of human interpretation. He further explained that, the sunnah has two sides; namely historical facts that state their actions and norms for future generations.²¹ Whereas hadith is a verbal reflection (a monumental commentary on the Prophet by past Muslims) of the living sunnah and therefore, the sunnah of the Prophet may be in the hadith.²²

Therefore, the efforts to study and critically examine the traditions that have undergone orthodoxy processes within the body of Muslims become a necessity, and naturally of course the existing traditions require further study in an effort to separate the normative sunnah and historical sunnah.

For those who have a high sensitivity to the sunnah and hadith, the two themes can certainly be clearly distinguished, even though the two are closely related. Sunnah is the application of the Prophet to the holy book of the Qur'an which is translated into the language of behavior and action, so that Muslims who were still weak at that time could

¹⁸ Fazlur Rahman, *Membuka Pintu Ijtihad*, translation.....(Bandung: Pustaka, 1995), p. 7-8.

¹⁹ Daniel W. Brown, *Rethinking Tradition*, p.25.

²⁰ Fazlur Rahman, *Membuka Pintu*, p.28 and 43 .

²¹ Fazlur Rahman, *Islam*, p. 40

²² Fazlur Rahman, *Islamic Methodology*, p. 97-98.

understand it well. This application is known by the scholars/ulama' of hadith as the sunnah.

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In the context of the development of works or thoughts in the methodology of the study of Hadith's criticism, from the beginning there have been perspective differences among the scholars of Hadith experts which are packaged in the context of place and time, for example, the differences in perspective of Hadith experts in Medina who emphasize the importance of "tradition" of sunnah in understanding the hadith of the Prophet, and the perspective of the hadith experts of the Hijaz, Iraq and Egypt who emphasize the importance of "ratio" (ra'y) in understanding the hadith of the Prophet.²⁴ These differences also occur in the area of the methodology of the study of hadith criticism from time to time.

Not all the sunnah of the Prophet is recorded in the hadiths that are with us today, some are lost and some are being lost. In this case, it is due to the statement of the Prophet Muhammad narrated by Ibn 'Abd al-Bar with his own chain from Kasir bin Abdillah 'Amr bin 'Auf al-Mazani, from his father from his grandfather, which reads:

وانى قد تركت فيكم امرين لن تضلوا ما تمسكتم بهما كتاب الله وسنة رسوله

*I leave between you two things. You will not go astray if you hold on to both, namely the Book of Allah and the Sunnah of His Messenger.*²⁵

From these words it can be concluded that the sunnah is indeed more principled than the hadith, because what is mentioned is the second source of law after the Koran is sunnah, not hadith.²⁶ Hadith experts and perhaps many of the hadith reviewers just equate hadith and sunnah. The above statement has been described about the differences between the two. However, when referring to the definition of sunnah and hadith itself, there is confusion in the meaning of these two terms.

The Experts of *Usul Fiqh*, define hadith "as anything that is relied on the Prophet, in the form of words, actions and taqir, or physical or moral behaviour."²⁷ While the sunnah is "as anything that comes out of the Prophet, other than Al-qur'an, in the form of words, deeds and *taqir* that is right for the arguments of syar'i law."²⁸

In the book Sahih Bukhari, referenced to hadith number 117 which tells of Abu Hurairah's rebuttal to people who allege that he has narrated many hadiths. In that hadith there are no words, or traits, or morals, let alone the Prophet's *taqir* which resulted in syar'i law, there is only the story of a friend in response to an accusation that was shown to him. Thus, the definition of hadith and sunnah above is not relevant to what is stated by Bukhari in his *Sabih*. This shows the definition which relied on the Prophet PBUH. it is too narrow, cannot contain the problems of the times that are developing every time, especially when examined carefully, not everything the Prophet did contains Shari'a implications. For example, if a companion said: "I saw the Messenger of Allah scratching his hand before

²³ Ahmad Hasan, *Pintu Ijtihad Sebelum Tertutup*, p.83.

²⁴ Fazlur Rahman, *Islamic*, p. 14-15.

²⁵ Abu Umar Yusuf bin al-Abd al-Bar, *Jami'ul Bayan al-Ilm wa Fadlihi*, chapt. II (Egypt: al-Muniriyya, 1346 H), p.110.

²⁶ Budi Munawwar, *Kontekstualisasi Doktrin Islam*, p. 208.

²⁷ Refer to Nuruddin Itr, *Manhaj al-Naqd fi Ulum al-Hadis*, cet, III (Bairut: Dar al-Fikr, 1992), p.12.

²⁸ Refer to Ajjaj al-Khatib, *al-Sunnah Qabla al-Tadwin* (Bairut: Dar Fikr, 1971), p.16.

takbiratul ihram", could it be determined that the behavior of the Prophet it is sunnah. If you say no, of course, because the Prophet's actions are just a coincidence and have no legal implications. Scratching is not shar'i.

But what was in a mind, when a friend named Wail bin Hajar reported what he witnessed, when he saw the Prophet sit tasyahud, "I saw him move his index finger while praying". It is not concluded that the finger gesture is the same as scratching, just a coincidence, and has no legal implications. Did not Ibn Zubair, saw the Prophet gestured with his forefinger, but did not move it.²⁹

This is an indication that what is written in the hadith is not all sunnah, but not all of the sunnah is recorded in the hadith. Sunna is not only a law of behavior, but also a normative moral law. Whereas hadith is a recorded form of the sunnah itself. Therefore, when the hadith was recorded, since then the sunnah could not develop.³⁰ The sunnah is stuck in the books that are scheduled. Public opinion is formed in order to understand that it is with the books of a collection of hadith that Muslims can carry out the sunnah properly. Whereas in its journey, the hadith experienced massive forgery, in connection with the internal political conflicts of Muslims at that time.

For this reason, Fazlur Rahman emphasized the existence of elements of human interpretation in the sunnah. Sunnah is the formulation of the scholars regarding the content of hadith. When there is a difference of understanding, what is called the sunnah is public opinion, so that at first the sunnah was the same as *ijma'* because the sunnah is the result of interpretation, so the value of the sunnah is of course not absolute like the Koran.

The important difference between sunnah and hadith, is seen in the view of early Muslim biographers, as Goldziher mentions that the relationship with sunnah is something different from expertise in the field of Hadith.³¹ Juynboll has elaborated on this argument by showing that in early biographical accounts, the individuals associated with the sunna are seldom referred to as Hadith experts. In fact they are often criticized for their carelessness in conveying the hadith or even for fabricating the history.³² This situation appears to have lasted into the early legal activist period. The early *qadi* were often not distinguished by their knowledge of hadith, although they were commonly identified as supporters of the sunnah. The idea of sunnah and the phenomenon of transmitting hadith also emerged and grew separately following parallel development lines, although independent after al-Shafi'i.³³

According to Fazlur Rahman, hadith is formed after the sunnah, not before, Hadith is only a reflection and documentation of the "life sunnah" of the people, so the hadith grows parallel to the sunnah. Most of the early traditions did not go back to the Prophet, but latest Muslims who were busy formulating this as "life sunna".³⁴ As the hadith movement

²⁹ Al-Syaukani, *Nail al-Antar*, (t.tp : t.pn, t.th), Chap. II, p.318 .

³⁰ Fazlur Rahman, *Membuka Pintu Ijtihad*, p.117.

³¹ Ignaz Goldziher, *Mubammedannische Studien*, (Liden: t.pn, 1896), translation by SM. Sren, entitled *Muslim Studies* (London : t.pn, 1967), p.24-25.

³² Daniel W.Brown, *Rethinking Tradition*, p, 12.

³³ *Ibid*

³⁴ Fazlur Rahman, *Membuka Pintu Ijtihad*, p.47.

developed, there was an unavoidable pressure to project hadith backwards, to its most natural anchoring point, the Prophet Muhammad PBUH.³⁵

Although the majority of hadith are not authentic in a strict historical sense, according to Rahman this does not reduce the importance of hadith as a source of sunnah. Fazlur Rahman opposed the mention of fake hadith, because even though the verbal hadith did not reach the Prophet, the spirit certainly did, and the hadiths are mostly situational interpretations and formulations of the model or spirit of the Prophet Muhammad.³⁶

Fazlur Rahman added, that the hadith literature represents a record of the understanding and application of Muslims to the examples of the Prophet, what the Prophet was going to do. It is for this reason that the hadith must be accepted as a sunnah guide, because the hadith is only a living verbal reflection of the sunnah.³⁷ Hadiths represent interpretations of the spirit of the Prophet's teachings, and although they are not fully historical characteristics, hadiths "however be considered normative in the basic sense."³⁸

However, the normative understanding of hadith according to Fazlur Rahman is not same as the normative understanding for *muhaddisun*. The problem is that although the hadith records the development of the "living sunnah" and therefore serves as a guide to the living sunnah, it is different from the living sunnah, because it encourages rigidity. While the living sunnah is a "living and endless process", the hadith movement seeks to "give (permanence) absolute determination." The result is "to make" the sunnah static and inflexible.³⁹ Thus the sunnah cannot be rediscovered only by applying the hadith formally.

The Development of Hadith; Verbal and Non-Verbal

This theory is actually related to Rahman's objection to the orientalist views of Margoliouth and Joseph Schacht, that the sunnah of the Prophet only appeared at a later date; and for the first time the hadith was not relied on the Prophet, but the *Tabi'in*, then the Companions and only then to the Prophet. To show the inaccuracy of the views of the two orientalisms, first of all, Rahman makes a theory of verbal tradition (hadith) and non-verbal tradition (sunnah), and a theory of three phases of hadith development "informal -> semi-formal -> formal".⁴⁰

The verbal tradition (hadith) is a narrative, usually very short and aimed at providing information about what the Prophet said, his action, approved or not; also regarding the same information regarding to the companions of the Prophet, especially the senior companions. While the non-verbal tradition (sunnah) is a silent and living tradition.

Rahman admits that the hadiths first appeared without the support of the *sanad* around the turn of the 1st century AH. However, there is a strong suspicion that the phenomenon of hadith has existed since the beginning of the development of Islam (during the time of the prophet himself), given the position of the Prophet as a source of guidance for the

³⁵*Ibid.*

³⁶*Ibid*, p. 116.

³⁷*Ibid.*

³⁸*Ibid*, p. 111.

³⁹*Ibid*, p.117.

⁴⁰ Fazlur Rahman, *Islamic Methodology in History*, p. 32-33 dan Fazlur rahman, *Islam*, transl. Ahsin Mohammad, (Bandung: Pustaka, 1994), p. 68-69.

Muslim community at that time. However, the development of the concept of hadith at that time was more informal.⁴¹

Since the Prophet's death, the development of the concept of hadith began to shift from the informal to semi-formal conditions. At this time, the phenomenon of the transmission of hadith turned into an intentional one because of the demands of the new generation to ask questions about the behavior of the Prophet.

The excess of the semi-formal development of hadith above is the emergence of differences in "actual practice (living sunnah)" in various regions of the Islamic empire, sometimes even contradicting each other. Thus, the third phase of hadith development emerged, there is a change in the pattern of hadith transmission from semi-formal conditions to formal transmission which demanded uniformity and standardization throughout the Islamic empire. This last developmental phase, according to Rahman, hadith must be developed and always created in new situations to deal with new problems. In fact, the contents of the entire hadith are the *sunnah-ijtibad* of the first generation of The Muslim Community (companions) which after some time are justified by *ijma'* or obeyed by the majority of scholars'.⁴²

CONCLUSION

According to Fazlur Rahman, hadith is a form of reportage carried out by ancient Muslims which is incomplete. That not all the sunnah of the prophet is recorded in the book of hadith that we have now that is lost, or "being lost". In studying the sunnah, it can be concluded that Rahman basically distinguishes the concept of sunnah (conceptual sunnah) with the content of sunnah (literal sunnah). The former contains absolutes and the latter is more or less dependent (relative). For Rahman, what distinguishes universal normative principles is the first sunnah. On the other hand, the literal sunnah allows us to understand the logical ratio behind the general principles in the conceptual sunnah. Thus, that binds us to obey the Messenger of Allah. is a conceptual sunnah, not a literal sunnah.

Therefore, in a broader dimension Rahman wants to distinguish between "ideal Islam" and "historical Islam". The conceptual sunnah represents the ideal Islam and the literal sunnah represents historical Islam. The first group is temporal and the second is tradition. The criteria for Islamism according to Rahman are: "a doctrine or institution is truly Islamic if it emanates from the totality of the teachings of the Qur'an and Sunnah".

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⁴¹ Abdul haris, *Usul Al-Hadis Teori Dasar Studi Hadis Nabi Muhammad SAW*, (Yogyakarta: Fak. Ekonomi Bisnis Islam, 2018), p.10.

⁴² Fazlur Rahman, *Islamic Methodology in History*, (Karachi: Central Institut of Islamic Research, 1965), p. 44-45.

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