THE SOCIO-HISTORICAL CRITICISM TOWARD SUNNAH AND IJMA' IN FAZLUR RAHMAN PERSPECTIVE

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Abstract: *Sunnah and Ijma' are among the two propositions of Islamic law used by all schools of Sunni, which by Fazlur Rahman as a neo-modernist gives both specific concepts, and he succeeded in answering orientalists' criticisms regarding the existence and strengths. This study uses a qualitative approach with descriptive analysis, and includes library research type. The analysis technique used is descriptive technique. The results of this study show that Fazlur Rahman recognizes the Sunnah and Ijma' as the postulates of Islamic law, and he also describes them based on social and historical conditions critically, and refutes all criticisms and doubts of the orientalists, with the arguments can be proven by facts, data, and spectacular. This shows that the Sunnah and Ijma' in Fazlur Rahman's view are the same as the previous classical scholars, and he is even able to describe them in a socio-historical and historical-critical frame.*

Keywords: sunnah, ijma', Fazlur Rahman

Abstrak: Sunnah dan Ijma' merupakan diantara dua dalil hukum Islam yang digunakan oleh semua mazhab Sunni, yang oleh Fazlur Rahman sebagai seorang neo-modernis memberikan konsep keduanya yang spesifik, dan ia berhasil menjawab kritikan-kritikan para orientalis mengenai eksistensi dan kekuatan keduanya. Penelitian ini menggunakan pendekatan kualitatif yang bersifat deskriptif analisis, dan termasuk jenis penelitian kepustakaan. Teknik analisis yang digunakan adalah Teknik deskriptif. Hasil penelitian ini menunjukkan bahwa Fazlur Rahman mengakui Sunnah dan Ijma sebagai dalil hukum Islam, dan ia juga memaparkan keduanya berdasarkan kondisi sosial dan historis secara kritis, serta membantah semua kritikan dan keraguan para orientalis, dengan argumen-argumen yang dapat dibuktikan dengan fakta, data, dan spektakuler. Hal ini menunjukkan bahwa Sunnah dan Ijma dalam pandangan Fazlur Rahman sama dengan para ulama klasik terdahulu, dan bahkan ia mampu menguraikan keduanya dalam bingkai sosio-historis dan kritik-historis.

Kata-kata kunci: sunnah, ijma', Fazlur Rahman

A. Introduction

The presence of Fazlur Rahman in the view of Islamic law is the crisis answer faced by Muslims, from the perspective of critical analysis observers. Fazlur Rahman's thoughts on Ijtihad and its methodology are found in several of his books, such as

Islamic Methodology in History; Islam; Islam and Modernity: Transformation of an Intellectual Tradition; Major Themes of the Qur'an; and some of his articles, such as *Toward Reformulating the Methodology of Islamic Law, Interpreting the Qur'an*.

Fazlur Rahman, in several historical studies, tries to find the root causes of the bottleneck of Islamic intellectualism in general, and the causes of the bottleneck of Islamic thought in particular. As a result, he formulated basic concepts of Ijtihad, namely the Qur'an, Sunnah, and Ijma, as well as methodical and practical concepts.

He is a Muslim intellectual figure who has a background in opposing scientific traditions, namely traditional Indian-Pakistani *madrassa* scholarship and Liberal Western scholarship. Both of these things have a strong influence in shaping his intellectualism, this statement was expressed by Syafi'i Ma'arif¹.

The turbulence of thoughts around ideological issues in Pakistan in the early days of the establishment of the Islamic State of Pakistan, as a manifestation of efforts to formulate an ideal Islamic concept for the life of the state and society in Pakistan, contributed to the emergence of Rahman's intellectual awareness to contribute his thoughts. But what happened was that his thoughts helped ignite the existing controversy. Pakistani society, started by the majority of traditional clerics, rejected Rahman's ideas and launched an anti-reform movement.

The phenomenon that occurs throughout the author's observations, Fazlur Rahman's thoughts are popular or at least widely read, especially among Islamic higher education academics as he is one of the most serious and productive neo-modernist thinkers. In this paper, the author limits the discussion of Fazlur Rahman regarding the Sunnah and Ijma' and their socio-historical.

B. Identification of Fazlur Rahman

1. Biography and Educational Background

His full name is Fazlur Rahman, born on September 21, 1919. He comes from the North West region of Pakistan, precisely in the Hazara area of India before it was divided into two countries.² He comes from a pious family and is religiously devout. As Fazlur Rahman admits, his family regularly practices daily worship, such as praying, fasting, and others. At the age of 10 years he was able to memorize the Qur'an.³ Fazlur Rahman formally studied Islamic sciences in Madrasah, grew and developed in a traditional educational background. In addition, he received lessons from his father, Maulana Sahab al-Din, a well-known scholar who graduated from Deoband⁴.

After completing secondary education at a madrasa, he continued his studies in Lahore at a modern school, and at night continued to receive traditional religious lessons from his father at home. In 1940 he completed his degree in Arabic at the Department of the East, University, Punjab. In 1942, he successfully completed his

¹A person who once studied with Fazlur Rahman stated that his teacher is knowledgeable, *Alim* and a well-known orientalist. Syafi'i Ma'arif, *Fazlur Rahman al-Qu'an dan pemikirannya dalam hukum Islam*, (Bandung: Pustaka, 1984), p. vi.

²Taufiq Adnan Amal, *Metode dan Alternatif Neo Modernisme Islam Fazlur Rahman*, (Bandung: Mizan, 1994), p. 13.

³Fazlur Rahman, "An Autobiographical Note, *Journal Of Islamic Research*, vol. 4 no. 4, (1980), p. 287.

⁴M. Hasbi Amiruddin, *Konsep Negara Islam Menurut Fazlur Rahman*, (Yogyakarta: UII, 2000), p. 9. Deoband is the most prestigious traditional madrasa in the Indo-Pakistani subcontinent. This madrasa founded by Muhammad Qasim Nanotawi in 1867.

academic education at the university by obtaining an MA degree in the specialty of Arabic literature⁵.

The important thing that has influenced Fazlur Rahman's religious view is that he grew up in a family with the traditions of the *Hanafi* school. This school is a *Sunni* school that uses more ratios (*ra'yu*) compared to other *Sunni* schools. In addition, liberal thought had developed earlier in Pakistan, such as by Shah Waliyullah, Sayid Ahmad Khan, Sir Syaid Amir Ali and Muhammad Iqbal developed. Even though Fazlur Rahman was a *Sunni* follower, his thoughts in recent times were very critical of both *Sunni* and *Syi'ah*.

Before the birth of Pakistan, education in Indian subcontinent can be grouped into two: *First*, the general education system which does not teach Islamic sciences at all; *Second*, *madrasah* education system that teaches Islamic and general sciences. Deoband as a famous *madrasah* in North India, which was founded in the middle of the 19th century AD by the students of Shah Waliullah. In addition, there are still Madrasah Ahli Hadits (Madrasah of Hadith Expert) and Barelawi Madrasahs in North India. *Third*, Sunni educational institutions. These madrasahs reduce the general knowledge, so that by itself, the applicable curriculum is limited to pure religious sciences: Hadith, *Tafsir* (interpretation), Tauhid (monotheism), fiqh, with a number of Arabic grammar and literature⁶.

There are 137 madrasahs in Pakistan since it was separated from India. In 1950, it rose to 210 madrasahs, 401 in 1960, and 563 in 1971. The highest and smallest number of madrasahs is predicted to reach 893, with 3,186 teachers and 32,384 regular students⁷.

Fazlur Rahman himself was educated in a traditional Islamic education environment, but his critical attitude led to his identity as a thinker who was different from most madrasah alumni. The critical system that illustrates dissatisfaction with the traditional education system, can be seen with his decision to continue his studies to the West, at Oxford University, England in 1949. His decision was the beginning of Rahman's controversial attitude. Because, someone learns Islam to the West, something that is considered negative by Pakistani Ulama (Muslim scholars). Moreover, any form of attitude that tends to the West is considered negatively by Pakistani clerics, even though certain attitudes are adopted for the good and progress of Muslim people. Fazlur Rahman is not the first person to receive criticism for his critical attitude and thoughts, Sayyid Ahmad Khan, long before, has received similar criticism because of his rational thinking. He was accused by the scholars of being an infidel.⁸ The establishment of Aligarh Higher Education, initiated by Ahmad Khan, was the initial moment of controversy among traditional scholars against all efforts to reform Islam in India-Pakistan⁹.

Fazlur Rahman's decision to continue his Islamic studies to the West, Oxford due to conditions of Pakistani society who have not been able to create a solid

⁵*Ibid.*, p. 10.

⁶Fazlur Rahman *Islam*, (Chicago: Chicago University Press, 1979), pp. 188-189.

⁷Fazlur Rahman, *Islam and Modernity: Transformation of An Intellectual Tradition*, (Chicago University Press, 1982), p. 42.

⁸Harun Nasution, *Pembaharuan Dalam Islam*, (Jakarta: Bulan Bintang, 1992), p. 168.

⁹Fazlur Rahman, *Islam and Modernity:...*, p. 87.

intellectual climate. This is expressed by Fazlur Rahman as follows "*The Basic Question*" *Islam that of the general intellectual climate prevailing in society: Pakistan Society has not Been able to evolve a solid, substantial intellectual climate.*"¹⁰ Institutionally, he did not find a high-level Islamic education in Pakistan with professors whose research traditions are adequate. In addition, the turbulent conditions before and after independence did not support the growth of scientific developments. The dynamics that emerged at that time were political debates, upheavals, and not scientific studies.

Meanwhile, the spirit of rationalism has grown rapidly in the West, thus encouraging the growth of intellectual thought, not only in the field of science, but also in the field of philosophy. The progress of higher education institutions in the West is evidenced by the high frequency of research which eventually gives birth to a number of experts or professors. Most of them are in the field of Islamic studies, such as Ignaz Goldzhiher, Joseph Schacht, HR Gibb, Noel J. Coulson, and JND Anderson. In general, they conduct Islamic studies through a historical approach.

The progress of scientific study in the West becomes a reason of his decision to study at Oxford University, England. A Hindu priest, Sir Radhakhrisnan in England, once asked Fazlur Rahman: "*Why don't you go to Egypt, but instead study at Oxford?*", then he replied: "*Islamic studies in Egypt and India are not critical.*"¹¹ His dissatisfaction with the Islamic education system in Muslim countries is not only in his attitudes towards making the decision to study in the West, but also his critical thinking about the Islamic education system.¹² Fazlur Rahman went to England to continue his studies at Oxford University, a year before the independence of Pakistan (1946). During his study in England, he attended lectures and studied several foreign languages: such as Latin, Greek, English, Arabic, Turkish, Persian, French and German. With these helpful languages, he used them to deepen and broaden scientific knowledge. Fazlur Rahman completed his doctoral studies at Oxford University in 1950, with a research (dissertation) on Ibn Sina¹³.

It is also important to note that Fazlur Rahman was the first Muslim ever to be appointed to the staff of the University of Chicago's Divinity School. He was also the first Muslim to receive *Giorgio Levi Della Vida* the highly prestigious for the study of Islamic civilization from the Gustave E. Von Greenbaum Center for Near Eastern Studies UCLA (University of California Los Angeles).

2. Scientific works.

Throughout his intellectual career, Fazlur Rahman has produced 5 (five) books, in addition to being accompanied by his doctorate, and more than 50 (fifty) articles published in several international journals.¹⁴ Among them was *Prophecy in Islam: Philosophy and Orthodoxy*, published in 1958 while he was teaching at MC

¹⁰ *Ibid.*, p. 121.

¹¹ Fazlur Rahman, *Islam and Modernity*..., p. 120.

¹² *Ibid.*, Chapter III and IV. See also, Fazlur Rahman, *Islam*, pp. 263-282.

¹³ Ghurfon A. Mas'adi, *Metodologi Pembaharuan Hukum Islam*, (Jakarta: Rajawali Press, p. 19.

¹⁴ Taufiq Adnan Amal, *Islam dan Tantangan Modernitas*, (Bandung: Mizan, 1989), pp. 235-237.

University. Gil, Canada. This book discusses the doctrine of prophet hood, which is principally a religious-philosophical study of Islam. His second book, *Islam Methodology in History*, was published by the Central Islamic Research Institution, in 1965. His research shows the historical evolution of the four basic principles of Islamic thought methodology: the Qur'an, Sunnah, Ijtihad and Ijma' and the actual role of these principles in the history of Islamic thought development¹⁵.

Fazlur Rahman's third work is *Islam*, first published by The Anchor Book, New York 1968, and the republishing of this book by The Chicago University Press, in 1979. This book explores the development of Islam in general, the existence of Islam approximately 14 centuries. In this book, Fazlur Rahman confirms his previous findings, and is also equipped with the existence of aspects of Islamic thought developed during periods of stagnation and renewal. Historical criticism is more dominant in this work¹⁶.

Islam and Modernity: Transformation of and Intellectual Tradition was written in 1977-1978, and published by The University of Chicago Press, in 1982. This book provides a critical analysis of the development of Islamic higher education. According to him, the methodological crisis is the cause of the decline of Islamic thought. That alternative methodology is the central point of solving the crisis of Islamic intellectualism. The implications and methodological alternatives are major Muslim projects that lead to the renewal of Islamic thought. He realized that this large project would require a long time and supporting facilities, namely the Islamic education system. Aspects of the education system must first be modernized, by making it able to support the intellectual productivity of Islam, one way to raise its intellectual standards¹⁷.

Major Themes of the Qur'an, Fazlur Rahman's next work, was published by Bibliotheca Islamica, Minneapolis, Chicago, in 1980. The book he wrote about the application of Fazlur Rahman's methodological concepts is related to the construction of his thoughts. This research is basically a book of the Qur'an interpretation. This research has its own specifications from the interpretive approach developed so far, namely the first classical approach which is piecemeal (*harfiyah*) and the second modern approach comes with units (*maudu'i*). These two approaches have not been able to give a holistic picture of the Qur'an about God, human society. Fazlur Rahman discusses it with a unique methodological and methodical concept approach, and applies the concepts consistently¹⁸.

All of Fazlur Rahman's research works during his intellectual career, between 1950-1988, describe the development of comprehensive thought, which cover all aspects of Islamic thought - philosophy, theology and law - including criticism, theoretical methodological solutions, to solutions. methodical-applicable.

¹⁵Fazlur Rahman *Islam Methodology in History*, (Karachi: Central of Islamic Research Institution, 1965), p. ix. This book has been translated into Indonesian by Anas Mahyuddin, *Membuka Pintu Ijtihad*, (Bandung: Pustaka, 1983).

¹⁶Fazlur Rahman, *Islam*, (Chicago: Chicago University Press, 1979). This book has been translated into Indonesian oleh Senoaji Saleh, *Islam*, (Jakarta: Bumi Aksara, 1992).

¹⁷Fazlur Rahman, *Islam and Modernity:...*, pp. 134.

¹⁸Fazlur Rahman, *Major Themes of the Qur'an*, (Minneapolis-Chicago: Biblioteca Islamica, 1980). This book has been translated into Indonesian oleh Anas Mahyuddin, *Tema Pokok al-Qur'an*, (Bandung: Pustaka, 1996).

From several books and dozens of articles, it seems that Fazlur Rahman is not a partial thinker who only pursues one field of Islamic thought. In the field of philosophy, his works include *the Philosophy of Mulla shhadara; Prophecy in Islam; Philosophy and Orthodoxy*. In theology *Islam*, Chapter II, V; *Islam and Modernity: Transformation of an Intellectual Tradition*, Introductory chapter, I, IV; *Major Themes of The Qur'an* Chapter V. His other articles are *Riba and Interest: The Controversy Over The Muslim Family Law; Islamic Concept of State; Islam and The Constitution Problem of Pakistan; Toward Reformulating the Methodology of Islamic Law; A Recent Controverting Ever the Interpretation of Shura; Status of Women in Islam*, and others¹⁹.

3. Service and Figures

Constitutionally, there are three centers of Fazlur Rahman's service, namely Lembaga Pusat Kajian Islam (the Central Institute for Islamic Studies), where he served as Director (1962-1968); Dewan Penasehat Ideologi Islam Pakistan (Pakistan Islamic Ideology Advisory Council)²⁰, as a member of the council (1964-1968); the third is as a lecturer (professor) at several universities in the West, namely Durham University, England, MC. Gill University, Canada and Chicago University, USA²¹.

After returning to Pakistan in 1961-1968, Fazlur Rahman had an important role, he was seen intensely in the effort to interpret Islamic teachings in the reform program in Pakistan. Later by Ayub Khan, he was appointed as Director of the *Central Institute of Islamic Research* which was founded in 1960, and as a member of the *Advisory Council of Islamic Ideology*. This research institute was formed with the task of interpreting Islam in a rational and scientific sense to meet the needs of a progressive modern society²².

In 1968, Fazlur Rahman resigned from his position at the research institute he led. There are three factors that identify the occurrence of a number of controversies and opposition to Fazlur Rahman's thinking in Pakistan, and his resignation from the position of director of the Islamic Research Institute. *First*, the traditional ulama (muslim scholars) and Pakistani fundamentalists have long been at odds with all attitudes and thoughts that are pro or inclined to the West. They did not agree with Fazlur Rahman's decision to continue Islamic studies in the West. Finally, they never welcomed the arrival and return of Fazlur Rahman to Pakistan. On this basis, they never approved the appointment of Fazlur Rahman as director of the Islamic study institute as a member of the advisory board for Islamic ideology.

According to Fundamentalists, these two positions are the exclusive rights of a traditionally educated ulama. *Second*, in another position, Fazlur Rahman put

¹⁹Ghufran A Mas'adi, *Metodologi Pembaharuan...*, p. 25.

²⁰One of the job of this council is to review the entire law and kindness that suitable with the instructions of the Qur'an and the Sunnah. See John L Esposito, *Islamic Development*, (terj.), (Jakarta: Bulan Bintang, 1982), p. 224.

²¹Taufiq Adnan Amal, *Metode dan Alternatif...*, p. 13.

²²Fazlur Rahman, "Some Islamic Issues in the Ayyub Khan Era," *Essay on Islamic Civilization*, Donald Pakistan Little, ed, (Leiden: e.j. Brill, 1976), p. 285.

forward his modern interpretations aggressively, and by taking approach or *shock treatment* style, namely an outspoken style, without the need for compromise and pleasantries to his environment, especially when he evaluates the history of the Islamic *ummah*. This style gives off an impression of arrogance and is felt very oppressive by Pakistani *ulama*. Fazlur Rahman himself identified himself as a modernist figure who was optimistic about his position, with a distinctive method of settlement, then developed his thinking in a strong and aggressive manner. Because he is not a weak modernist figure, or does not have an established intellectual base²³.

In 1970, Fazlur Rahman emigrated to America and he served as Professor of Islamic Studies in various aspects at the Department of Near Eastern Languages and Civilization, University of Chicago. It seems that his movement to Chicago was motivated by his service experience in Pakistan. According to him, Pakistan is not ready to provide a responsible intellectual freedom environment²⁴.

In Chicago, Fazlur Rahman taught understanding of the Qur'an, Islamic Philosophy, Sufism, Islamic Law, Islamic Political Thought, Islamic Modernism, al-Ghazali studies, Ibn Taimiyah Syah Waliullah studies, and Iqbal studies. Apart from teaching, he is asked by Western study centers to deliver lectures or participate in international seminars related to Islamic studies. For example, in 1981, the Center for Jewish Studies at the University of Connecticut at Storrs asked Fazlur Rahman to deliver a lecture on the attitude of Islam to Judaism. In March 1984, UNDP/Bangkok was asked to deliver a seminar. In Indonesia in 1985, Fazlur Rahman fulfilled the invitation of the Indonesian government for 2 months, he heard discussions and gave lectures in important places in Indonesia. For example, at IAIN Sunan Kalijaga, August 9, 1985, he gave a lecture on "*Islam and Challenge of Modernity*"²⁵.

Fazlur Rahman is not a partial figure in certain aspects of thought, such as theology, philosophy, Islamic law, and others, but he almost studies and masters all aspects of Islamic thought in an almost equal position. All of Fazlur Rahman's thoughts show the manifestation of his awareness of the crisis facing Islam today. The crisis stems from the history of Islam itself and from the challenges of modernity. With moral encouragement and a sense of responsibility towards Islam, the *Ummah* and their future in the midst of today's modernity, Fazlur Rahman devoted his intellectual potential to overcome this crisis²⁶.

This is the "*starting point*" to understand the position of Fazlur Rahman's thinking, the interrelationships of the aspects of his thinking, and to find the most dominant aspect of thoughts (Fazlur Rahman's central ideas).

²³Wan Moh. Wan Daud, *Fazlur Rahman: Kesan Seorang Murid dan Teman*, "Ulumul Qur'an, (Jakarta: Journal, vol. II, 1991), p. 107.

²⁴Fazlur Rahman, *Islam and modernity...*, p. 125.

²⁵His visit is the efforts of his two ex. students, Nurcholic Madjid and Safi'i Ma'arif. See Gufron A. Ma'sadi, *Metodologi Pembaharuan...*, p. 31.

²⁶*Ibid.*, p. 32.

C. Sunnah Fazlur Rahman Perspective

Etymologically Sunnah means the way or the way²⁷. While in terminology, *sunnah* is everything that comes from the Prophet SAW. in the form of words, actions, and *taqrir* (the silence of the Prophet against a word or action) related to *tasyri' al-ahkam al-'amaliyah*²⁸.

According to Fazlur Rahman, basically Sunnah means behavior that is used as an example, obedient obedience to the Sunnah, it is not an integral part of the Sunnah, to perfect it the Sunnah needs to be obeyed²⁹. The conclusion is not too difficult to accept, for example a village head or governor, to obey his "Sunnah (behavior)" requires authority, and that authority is not an integral part of his "Sunnah", but comes from a higher official, who gives him compliance authority.

Fazlur Rahman Tesa is associated with Islamic law, the holders of Islamic law, namely the Prophet, prophet' friends and mujtahids. Each of them has a "sunnah", for obedience to them authority is needed and the source of all authority in this case is the Qur'an. Another thing to note regarding the notion of Sunnah put forward by Fazlur Rahman is about the trend of "*behavior*". The trend in italics must cover all types of behavior, namely *fi'liyah* (speech) and *Sukutiyyah* (silent).

In order to convey Fazlur Rahman's thoughts on the Sunnah of the Prophet in relation to the basis of Islamic law, it is necessary to first convey the concept of the Sunnah of the Prophet developed by Western orientalists and the concept developed in traditional classical *ushul fiqh*, because in both traditions of thought the emergence of Fazlur Rahman's thoughts. The orientalist traditions opposed him when he lived in the West, while the classical Islamic tradition condemned him during his several years in Pakistan.

According to Ignas Goldziher, it is almost impossible to have the slightest confidence to sift through so much *Hadith* material, so as to obtain a *Hadith* that can be connoted to be from the Prophet or his early friends, and therefore *Hadith* should be regarded as the records or views of the early generations of Muslims, and not Sunnah in the sense suggested by the scholars of *ushul*³⁰. He only acknowledged the existence of the Sunnah of the Muslims which he interpreted as practical norms drawn from the words and actions offered³¹. Ignaz Goldziher defines Sunnah as a living practice.³² According to him, the difference between *Hadith* and *Sunnah* is that the *Hadith* are purely theoretical reports, while the *Sunnah* are reports that acquire a normative quality, which has become a practical principle of Muslims generations³³.

²⁷Sunnah means the way or ways mentioned in al-Qur'an surah al-Fath (48): 23, which says:
سُنَّةَ اللَّهِ الَّتِي قَدْ خَلَتْ مِنْ قَبْلُ وَلَنْ تَجِدَ لِسُنَّةِ اللَّهِ تَبْدِيلًا

Artinya: ""Thus) the law of Allah, which has been exist for a long time, you will never find a change in the law of Allah".

²⁸Ibn Amir al-Hajj, *al-Taqrir wa al-Tadbir fi 'Ilm al-Ushul*, jilid II, (Beirut: Dar al-Fikar, 1996), p. 297., Abd al-Wahhab Khalaf, *Ilm Ushul al-Fiqh*, (Kairo, ttp, 1992), p. 36.

²⁹ Fazlur Rahman, *Islam and Modernity*..., p. 2.

³⁰Ignaz Goldziher, *Muhammadanische Studient*, jilid II, (Halle Univercity Press, 1981), p. 5.

³¹Ignaz Goldziher, *Muhammadanische Studient*, jilid II, (Halle Univercity Press, 1981), p. 5.

³² *Ibid.*, p. 13.

³³ *Ibid.*, p. 12.

A similar opinion was expressed by David S. Morgoliouth. He interpreted the Prophet not to leave the *Sunnah* or *Hadith*, but only the Qur'an. The *Sunnah* that developed in the community at the time of the Prophet was not the *Sunnah* of the Prophet, but the custom of the pre-Islamic Arabs modified by the Qur'an. According to him, the concept of *Hadith* is an attempt by later generations around the 2nd century of H. To support their concept of the *Sunnah* of the Prophet.³⁴ Not unlike his predecessor Yoseph Schacht also denied the living *Sunnah* and *Hadith* from the Prophet³⁵.

Throughout the evolution and development of the contents of the *Sunnah* that developed from time to time, Fazlur Rahman did not insist on denying the theses put forward by the orientalist. In fact, the concept of *Hadith* developed in the majority of *ushul fiqh* varies, namely the *hadith mutawatir*, *famous*, *ahad*, *mauhdhu* ' and others, with various degrees of: *authenticity authentic*, *hasan*, *da'f* and others. The very basic thing that Fazlur Rahman denies is the orientalist conceptual "*that the Prophet did not leave the Sunnah at all except the Qur'an*". The orientalist issued a statement "*That Hadith cannot be said to have come from the Prophet but came from the Sunnah (practice) that lived at that time*"³⁶.

According to Fazlur Rahman, the error is caused by their views that confuse the meaning of *Sunnah*: as a living practice and as a normative practice.³⁷ Fazlur Rahman has been put forward on the notion of *Sunnah* as exemplary behavior, and normative nature (to be followed) is not an integral part of the *Sunnah*, but comes from an authority outside the *Sunnah*. When these two elements, namely between the *Sunnah* and its normative nature, are mixed up, they produce the orientalist *tesa* above, while they are people who do not have a normative vision of the Prophet Muhammad. This is an unhistorist historical *tesa*. According to Fazlur Rahman, the fault of the orientalist is precisely because they interpret the *Sunnah* as "normative practice".

Sunnah as a normative practice is an error in the conceptualization of the orientalist "*that the Prophet did not abandon the Sunnah (normative practice)*", because the historical data they have collected indicate that there have been actual changes and developments from the early generations after the Prophet to the last generation before the formulation of the *Hadith* concept (approx. 2nd century AH/8 AD). The *Salaf* and later generations are recognized by orientalist as having actual *Sunnah* (practice), surely the Prophet also had the same thing. The Muslim community after the Prophet did not recognize part of the *Sunnah* of the Prophet or they developed their own *Sunnah*, this fact is another problem that cannot be used to build the concept that "*Nabi tidak meninggalkan Sunnah*"³⁸ (the Prophet did not abandon the *Sunnah*).

All of Fazlur Rahman's thoughts regarding the historical evaluation of the Prophet's *Sunnah* into a living *Sunnah* and subsequently formalized into *Hadith*, are

³⁴ *Ibid.*

³⁵ Yoseph Schacht, *The Origin of Muhammadan Jurisprudence*, (USA: Oxford University Press, 1980), p. 138

³⁶ Fazlur Rahman, *Islamic Methodology...*, p. 6.

³⁷ *Ibid.*, p. 46.

³⁸ *Ibid.*

basically the antithesis of orientalist thought. Through his research, Fazlur Rahman managed to break the theses put forward by the orientalists.

In the book *al-Haraj*, Abu Yusuf relates that Umar bin Khattab had sent several people to certain countries to teach the Qur'an and the Sunnah of the Prophet. Although the reference came later, in the second half of the Hijri century, what is important for Fazlur Rahman is the truth of the information contained in it, describing the awareness that developed at that time that the Qur'an could not be taught without considering the activities of the Prophet Muhammad, because he has a significant background, covering politics, leadership, decision making and others. There is no more logical connection to the teaching of the Qur'an than knowledge of the life of the Prophet Muhammad and the era³⁹.

This proves that the concept of "Sunnah of the Prophet" has existed since the time of the Prophet and was not formalized by later generations. That the Sunnah that lived from the early Muslim generation is substantially closely related to the *Sunnah* of the Prophet, not as alleged by Morgoliuth, Goldziher and Schacht above. The search for historical data around the *Sunnah* of the Prophet shows Fazlur Rahman's great care and service in defending the existence of the Prophet's *Sunnah* from the challenges of the authorities.

Then regarding Fazlur Rahman's concept of the nature of the authority of the Prophet's Sunnah. Similar to the majority of *ushul fiqh* experts, Fazlur Rahman acknowledged that the Prophet had authority over Islamic teachings. The Qur'an always mentions the Prophet Muhammad when speaking of authority, and Muslims are always commanded to obey Allah and His Messenger⁴⁰. As long as the Prophet was alive, he held two roles, namely the sole religious and political guide for Muslims, both through the Qur'an and by words and deeds⁴¹.

Fazlur Rahman's statement clearly shows his recognition of the authority of the *Sunnah* of the Prophet. Even Fazlur Rahman emphasized his stance by rejecting the concept of Morgoliuth which asserted that the Prophet Muhammad did not have an extra Qur'anic *Sunnah* as written in the books of *Hadith*. According to Morgoliuth, Muhammad was only an ordinary human being who became the intermediary of revelation, so that Muhammad's authority could not be separated from the reference of the Qur'an. Fazlur Rahman denies it as an opinion that has no reference based on the Qur'an itself, and he asserts the opposite opinion, that the Prophet Muhammad has the authority of the Sunnah outside the Qur'an (extra-Qur'an)⁴².

In principle, Fazlur Rahman's concept of the authority of the Sunnah of the Prophet, strengthens the thinking of the majority of *ushul fiqh*. In the literature of

³⁹Fazlur Rahman, *Islam*, pp. 8-9.

⁴⁰*Ibid.*, p. 50.

⁴¹*Ibid.*, p. 43.

⁴²The basis that he conveyed: the Qur'an letter al-Hasyr (59): 7, says:

...وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning: "What the Apostle gives you, take it. Leave what he forbids. And fear Allah. Indeed, Allah is very severe in His punishment." And the Qur'an surah al-Nisa: 64, which says:

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ...

Meaning: "And We did not send an Apostle but to be obeyed by Allah's permission ...".

ushul fiqh and Hadith, in general, two authorities of the Sunnah of the Prophet are emphasized, namely as *bayān al-Qur'an* and as *tasyri'*. Hadith experts generally specify the authority of the Sunnah of the *bayān* Prophet's, among others in the form of *tafsir al-mubham*, *tafsil al-Mujmal*, *taqyid al-Muthlaq*, *takhsish al-'Am*⁴³. All these forms of *bayān* represent the intra-Qur'anic authority of the Prophet. As for the authority of the Sunnah as *tasyri'*, namely as an independent law maker in cases where the Qur'an does not stipulate the law, it is the extra-Qur'anic authority of the Prophet⁴⁴.

An important issue is regarding the nature of the authority of the *Sunnah* of the Prophet, that is, the authority of the *Sunnah* of the Prophet is absolute, without considering situational and conditional boundaries. This is a matter of space for the authority of the *Sunnah* of the Prophet. Fazlur Rahman's view on this matter is almost no different from his view on the space of the Qur'an. The difference is, the *Sunnah* is more likely to be a concept of behavior, and from the perspective of the Qur'an, it is an operational effort, because the Sunnah reflects the situational content of its time except for those concerning religious and moral aspects of Islam, for example the provisions of the Sunnah of the Prophet on the object of obligatory zakat assets. The *Sunnah* of the Prophet when making the decision to qashar and congregational prayers within a distance of *safar* (journey) is closely related to the background of the Arab situation at that time⁴⁵.

According to Fazlur Rahman, that Sunnah means the practice carried out by the Muslims in Medina, but this understanding does not fit in the second statement, because for an agreed practice it is impossible to ask "*is there a Sunnah on this matter*". In the second statement it must mean a normative precedent, it can be in the form of the Sunnah of the Prophet or in the form of a friend's fatwa originating from the Prophet⁴⁶.

D. Ijma' Perspective Fazlur Rahman.

Etymologically, *Ijma'* contains two meanings, namely *al-ittifaq* which means agreement, and secondly *al-'azm* means determination⁴⁷. While the terminology there are several opinions. According to al-Syirozi (d. 476 H) interpreting *ijma'* as an agreement by scholars regarding the law of an event⁴⁸. Al-Ghazali (d. 505 H) defines *Ijma'* as the agreement of the *Ummah* of Muhammad regarding certain affairs of Islam⁴⁹. Al-Amidi put forward two notions of *Ijma'*, namely the agreement of all members of *Ahlu al-Halli wa al-Aqdi* from the *Ummah* of Muhammad in a certain period of time regarding a certain event law. This definition applies if the *Ummah* or

⁴³Muhammad Ajjaj al-Khatib, *al-Sunnah Qabla Tadwin*, (Mesir: Maktabah Wahbat, 1993), pp. 23-26.

⁴⁴*Ibid.*, p. 26. He gave an example of the Sunnah of the Prophet which forbids buying and selling fruits that are still young and not yet visible.

⁴⁵Fazlur Rahman, *Islamic Methodology...*, p. 51.

⁴⁶*Ibid.*, p. 14.

⁴⁷Abu Ishaq Ibrahim ibn Ali al-Syairozi, *al-Luma' fi Ushul al-Fiqh*, Muhaqqiq: Muhammad Yasin Isa al-Padangi, (Mekkah: Muhammad Sholeh Ahmad Mashur al-Bazz, t.th), p. 200. Abu Hasan Ali al-Amidi, *al-Ihkam fi Ushul al-Ahkam*, (Kairo: Muassasat al-Nahdah, t. tahun), p. 147. Abu Hamid Muhammad al-Ghazali, *al-Mustasyfa min 'Ilm al-Ushul*, (Mesir: Muassasat al-Nahdah, tt), p. 199.

⁴⁸Al-Syairozi, *al-Luma'...*, p. 200.

⁴⁹al-Ghazali, *al-Mustasyfa...*, p. 199. Furthermore, he explained that what is meant by Muhammad's people" are "mujtahids" who are authorized to deliver fatwas, namely *ahlu al-Halli wa al-Aqdi*.

the masses are not seen as part of the subject of *Ijma'*, but if they are included in *Ijma'*, then the meaning becomes the agreement of the entire *Ummah* of Muhammad and so on in accordance with the above understanding⁵⁰.

According to Fazlur Rahman, the notion developed by classical *Usul fiqh* figures, part of which is quoted above, namely *Ijma'* as the unanimous agreement of all mujtahids, originated from the efforts of *al-Shafi'i* (150-204 H), which was intended as an effort to stabilize in suppressing the diversity of practices agreed upon earlier. *Al-Shafi'i* opposed the Medina school of law which adhered to their mutually agreed practice. He said that in reality apart from the basic obligations of religion there is no *Ijma'*; what *Ahl Madina* stated was not a real consensus; at most, it was just a coincidental similarity⁵¹.

Ijma', which developed later, Fazlur Rahman commented that a principle of stability without the principle of development would by itself become a static instrument of oppression. The theory of infallibility of *Ijma'* developed, the concept of pragmatic authority from the consensus of a community turned into theoretical absolutes within the limits of truth values. Thus *Ijma'* becomes a mechanism that is built theoretically from traditional authoritarianism (understanding of absolutes).⁵²

Fazlur Rahman's statement shows that the transition of the concept of *Ijma'* occurred in two periods: before and after *al-Shafi'i*. In the days of the *Salaf*, *Ijma'* is an agreement (consensus) of society. He proved this with some data which stated that there was a developing practice, and they agreed, and it was not a unanimous agreement that attributed every possible difference⁵³.

The majority of *ushul fiqh* experts, and Fazlur Rahman, recognize the authority of *Ijma'* as the proof of Islamic law. According to him, this authority comes from an agreement or mutual consensus itself, so that if they no longer recognize the consensus, the authority of the hujjah is lost. In addition, Fazlur Rahman's concept of *Ijma'* authority opens up opportunities for the emergence of other *ijma'*-*ijma'* with the same authority as the existing *Ijma'*⁵⁴.

The majority of *ushul fiqh* experts believe that the *hujjah Ijma'* as the legal basis comes from the *syar'i* argument so that it must be followed, and it is forbidden to disagree with it⁵⁵.

Fazlur Rahman explains the process of formation of *Ijma'* and its authoritative nature. According to him, the Islamic doctrine of *Ijma'* has a solid pragmatic value and does not describe the absolute truth value in its content, there is only a practical influence value, but the value of the influence is constantly changing. This is the only view that agrees with the theory and practice of the early schools of law. *Ijma'* is seen as an ongoing process, the result of *ijtihad* activities that should continue to be pursued in the space between *Sunnah* and *Ijma'*⁵⁶.

According to Fazlur Rahman, the *Ijma'* is an organic process and an organism; it functions and grows simultaneously, at one time, it has high functionality. In this

⁵⁰Al-Amidi, *al-Ihkam...*, p. 148.

⁵¹ Fazlur Rahman, *Islam*, p. 76.

⁵²*Ibid.*, p. 78

⁵³*Ibid.*, p. 75.

⁵⁴Fazlur Rahman "Implementation of The Islamic Concept of State in the Pakistani Milieu", *Islamic Studies* (vol. 6, 1967), p. 501.

⁵⁵Al-Ghazali, *al-Mustasyfa...*, p. 223. He explained that the law of *Ijma'* must be followed and it is forbidden to disagree with him: al-Amidi, *al-Ihkam...*, p. 50. He emphasized that the majority of Muslims agreement that *Ijma'* is based on the arguments *sam'iyat* (al-Qur'an and Hadith).

⁵⁶Fazlur Rahman, *Implementation, dalam Islam in Translation: Muslim Perspectives*, Johan Donohow & Johan Esposito, (Terj.), (Jakarta: Rajawali, 1993), p. 496.

sense, it is final, but at the same time, it creates, assimilates and modifies elements that exist outside of *Ijma'*. Therefore the formation of *Ijma'* cannot be symbolized in form and cannot be carried out in a discussion room⁵⁷.

Ijma' was associated by Fazlur Rahman with efforts to enact laws (*taqnin*). The expression "*public opinion must be followed up with taqnin efforts, namely the determination of the law into legislation*". This determination is the authority of the authorities, namely the legislative body consisting of representatives of the people.⁵⁸ Fazlur Rahman's linking between *Ijma'* and *taqnin* through the legislature attempts to link the two processes of forming Islamic law, which has been neglected in the majority of *ushul fiqh* literature. The principle of establishing law developed in most *ushul fiqh* literature is the principle of *ifta'* (submission of fatwa). In the principle *ifta'*, a *mufti* can only play a role in conveying legal advice, which is his personal opinion, both to the community and the authorities. At the same time, in *taqnin*, the representatives of the people have the opportunity to formulate Islamic law that has developed in public opinion into law with formal juridical power. The law (*qanun*) According to Fazlur Rahman, which contains Islamic laws formulated by the people's representatives in the legislature, is Islamic law in its most perfect form⁵⁹.

E. Closing

From the theoretical and historical analysis above, Fazlur Rahman concludes that the nature of the authority of the Sunnah of the Prophet is more inclined to "*konsep pelayung yang bersifat umum*" (a general concept law) rather than a particular content that must be held as it is. Because a concept of behavior is situational, while it is rare for two cases to have precisely the same social background, both morally and psychologically, the *Sunnah* of the Prophet must be developed with the spirit of interpretation and adaptation as the Muslim *salaf* generation has demonstrated this spirit.

Fazlur Rahman views that *Ijma'* and *taqnin* closely are the two institutions *shura* most related, especially in law. *Ijma'* is the process and *shura* of society product, while *taqnin* is the legislative process of *shura*, which manages the product of *Ijma'*-the community into juridical, namely laws. *Juridical Ijma'* has been formed, *Ijma'-society* will not stop following the people's character who never stop thinking and never stop interacting.

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⁵⁷ *Ibid.*

⁵⁸ Fazlur Rahman, *Implementation...*, pp. 449-500.

⁵⁹ *Ibid.*, pp. 484-485.

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