Ahl al-Hadis and Ahl al-Ra'y
(A Polemic of Domination Dynamics on *Hadith*)

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Abstract: In the horizon of Hadith study, two major streams have different thoughts on hadith interpretation, namely Ahl Al-Hadith and Ahl Al-Ra'y. Ahl Al-Hadith views hadith, based on their theoretical framework construction, as literal values while Ahl Al Ra'y, based on their knowledge, perceived hadith as contextual values. The difference in their paradigms has often put them in clashes and conflicts both on the ideological and practical levels. This study attempts to shed some light on the domination dynamics that often occur between them through historical investigation. A qualitative-interpretative method and a historical approach are applied to gain the needed data. The results show that both Ahl Al-Hadith and Ahl Al-Ra'y have existed since the time of the Prophet, the Shahaba, and the Tabi'in. In all three eras, Ahl Al-Ra'y was found more dominant than Ahl Al-Hadith. Meanwhile, Ahl Al-Hadith was recorded as dominant at the time of Imam Al-Syafi'i and during the documentation of hadiths into books. Based on these findings, it becomes clear that each of these two streams becomes a continuity base for others. Therefore, despite the domination dynamics that often occur between them, the relations of both are not addressed as antagonistic relations that nullify each other but are addressed as complementing and strengthening each other.

Keywords: ahl al-hadith; ahl al-ra'y; hadith of Prophet SAW, textual, contextual

Introduction

The discourse on hadith is generally dominated by the thoughts associated with two major streams, namely *Ahl al-Hadith* and *Ahl al-Ra'y*. It is said in general, because there are two other streams in addition to the latter, namely the *Ahl-al-Tasawwuf* and *Ahl al-Tarikh*.

Ahl al-Hadith is a term referred to a group of scholars who are conservative and traditional in their *ijtihad*. They decide laws by literally referring them to the texts of the Qur'an and hadith. They do not reason from these two sources and tend to be careful in issuing *fatwas*.[1] This group is more concerned with the literal meaning of the Qur'an and hadith (*ma fi al-nash*) rather than speculating on the meanings surrounding the Qur'an and hadith (*ma haula al-nash*).

Meanwhile, *Ahl al-Ra'y* as the opposite group is a term addressed to a group of scholars who use reasoning in their *ijtihad*. They decide laws by referring them to the texts of the Qur'an and hadith in a contextual manner. In the spirit of exploring Islamic teachings contextually, they often remove *hadith ahad* which are assessed to be contrary to the Qur'an.[2]

Studies on *Ahl al-Hadith* and *Ahl al-Ra'y* have been carried out by scholars of Islamic studies, especially hadith studies. Among them is a book entitled *Al-Sunnah al-Nabawiyyah Baina Ahl al-Fqh wa Ahl al-Hadis* by Muhammad al-Ghazali. As the title suggests, this book examines the understanding of *hadith* according to *Ahl al-Fqh* and *Ahl al-Hadith*. Another work is a book entitled *Al-Hadith* and *Al-Ra'y* Streams in *Fiqh* by Irwan bin Mohd Subri.[3] This book covers at least three major themes, namely the history of the emergence of *Ahl al-Hadith* and *Ahl Al-Ra'y*, the thinking methodology of the two streams, and the influence of their teachings on the thoughts of Islamic schools (*madzhab*). Next is a dissertation entitled "Nalar Tekstual Ahli Hadis Dalam Ormas Modernis dan Tradisionalis Islam di Indonesia" (Textual Reasoning of *Ahl al-Hadith* of the Modernist and Traditionalist Islamic Organizations in Indonesia), written by Ahmad Ubaydi

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[1] Cyril Glase, *Ensiklopedi Islam (Ringkas)*, trans. Gufron Mas'adi (Jakarta: Raja Grafindo Persada, 1999), 14; Dede Rosyada, *Hukum Islam Dan Pranata Sosial* (Jakarta: Raja Grafindo Persada, 1996), 134.

[2] The coordinate point that is used as a foothold is that the Qur'an as *Kalamullah* occupies a higher position of proof (*hujjah*) than hadith, especially the *hadith 'ahad*. By referring to the probability theory, the *hadith 'ahad* is considered to provide knowledge that is still "probable" and not "definite" like the *hadith mutawatir*. Therefore, even though the *sanad* of a *hadith 'ahad* is declared valid, its content (*matan*) still has to be examined for conformity with the Qur'an's principles; if it is appropriate then it is accepted, if it is contradictory then it is rejected. More details regarding the examination of hadith conformity with the Qur'an can be seen in Shalahuddin bin Ahmad al-Adlabi, *Menalar Sabda Nabi*, trans. Ita Qonita (Yogyakarta: Insan Madani, 2010), 284–324.

[3] Irwan bin Mohd Subri, *Al-Hadis Dan Aliran Al-Ra'y Dalam Fiqh* (Malaysia: KUIM, 2006).

Hasbillah.[4] This work criticizes a notion that is considered well established among Islamic scholars, namely textualism that causes fundamentalism and radicalism. Following it is a journal article entitled "Sunnah Dalam Pemahaman Tekstual Dan Kontekstual Pakar Hadis Dan Pakar Fiqih: Studi Kritis Atas Pemikiran Muhammad Al-Gazaly" (Sunnah in Textual and Contextual Understanding of *Hadith* and *Fiqh* Scholars: Critical Study of Muhammad Al-Gazaly's Thoughts), by Misbahuddin.[5] This article examines the thoughts of Muh. Al-Ghazali on the *sunnah* among *hadith* and *fiqh* scholars. It is stated in the work that the understanding of *hadith* scholars is more of a textual type, while the understanding of *fiqh* scholars is of a contextual type.

Based on the literature study above, it can be concluded that the discussion about the domination dynamics between *Ahl al-Hadith* and *Ahl al-Ra'y* has not yet been explored. This study is important to present considering the high potential for conflicts in the grassroots of the two streams based on differences in understanding of hadith texts. There is also a tendency in the grassroots to oppose each other and even negate each other.

To examine these, this research used a qualitative-interpretative analysis method, literary data that has been found and collected, then analyzed by interpretation so that the literary data becomes meaningful data. The historical approach[6] used in this research, emphasizes that an entity (institutions, religion, values, or thoughts) is derived from the physical, socio-cultural, and socio-religious environment (not the physical, socio-cultural, and socio-religious environment) not from the metaphysical/trans-historical world) in which the entity appears.[7]

Complementing the findings of previous articles, this article adds a concept map regarding the relationship between *ahl al-hadith* and *ahl al-ra'y*. With this concept map, it becomes clear that the polemic between *ahl al-hadith* and *ahl al-ra'y* is constructive. *Ahl al-hadith* with textual reasoning do not automatically

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[4] Ahmad Ubaydi Hasbillah, "Nalar Tekstual Ahli Hadis Dalam Ormas Modernis Dan Tradisionalis Islam Di Indonesia" (Disertasi, Sekolah Pascasarjana UIN Syarif Hidayatullah, 2017).

[5] Misbahuddin, "Sunnah Dalam Pemahaman Tekstual Dan Kontekstual Pakar Hadis Dan Pakar Fiqih (Studi Kritis Atas Pemikiran Muhammad al-Gazaly)," *Farabi (e-Journal)* 11, no. 1 (June 1, 2014): 36–51.

[6] This approach emerged in the 19th century AD, pioneered by Leopold Von Ranke (1795-1886), a prominent German historian. May Rachmawati and Yudhi R, *Al-Qur'an Buku Yang Menyesatkan Dan Buku Yang Mencerahkan* (Bekasi: Gugus Press, 2002), 85.

[7] Ibid., 85–86.

become opponents of *ahl al-ra'y* with contextual reasoning, because in certain cases the textual ones can be contextual at the same time, and vice versa in certain cases the contextualists can be very textual.

Discussion

Getting to Know Ahl al-Hadis and Ahl al-Ra'y

a. The History of *Ahl al-Hadis* Thought

Referring to historical records, *Ahl al-Hadith* emerged during the time of *shahaba* (the companions of the Prophet). Among the *shahaba* who could be classified in this group are Bilal bin Rabah, Abd al-Rahman bin Auf, Zubair bin Awam, Abu Hurairah, Anas bin Malik, Urwah bin Zubair, Abu Bakr bin Abn Abd al-Rahman, Ubaidillah bin Abdullah, Kharijah bin Zaid, al-Qasim bin Muhammad, and Sulaiman bin Yasar.[8] They believe in the textual meanings of the Qur'an and hadith. It is grounded by the argument that the Qur'an and hadith as revelations from God contain absolute truth while the process of reasoning (*ra'y*) produces relative truth. Relative things are certainly incapable of explaining absolute things. Besides, *Ahl al-Hadith* also rejects any causes, events, or circumstances that surround the text (*ma haula al-nash*). They believe that as revelations, both the Qur'an and hadith are not bound by a particular historical space. Therefore, they perceive *hadith ahad*[9] as a fairly important source of law.[10]

In addition to the *'aqli* argumentation as described above, the thought of *Ahl al-Hadith* is also based on a *naqli* argumentation, *e.i. Surah Al-Najr*, verse 3-4 which reads:

$$\text{وَمَا يَنطِقُ عَنِ ٱلْهَوَىٰ – إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ}$$

"Nor does he (Muhammed) speak of his own whims. It is only a revelation sent down (to him)."

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[8] M. Rikza Hamami, *Studi Islam Kontemporer* (Semarang: Pustaka Riski Putra, 2002), 80–81.

[9] Hadith 'ahad is a hadith that does not meet the requirements of a hadith mutawatir. In the study of hadith, hadith 'ahad is divided into three, namely masyhur (hadith narrated by three or more people in each tabaqat), aziz (hadith narrated by no less than two narrators of all tabaqat), and garib (hadith narrated by a single person wherever it happens). Umi Sumbulah, *Kajian Kritis Ilmu Hadis* (Malang: UIN Maliki Press, 2010), 91–95.

[10] The authenticity of a *hadith 'ahad*; even if the level of truth of the information is not one hundred percent, as long as the *sanad* is valid, then the *hadith* is valid to be used as *hujjah*/proof of law. In fact, in certain cases the *hadith* that is declared valid for *Ahl al-Hadith* can ignore the basic principles of the Qur'an, such as the *hadith* that there is no *qishas* for Muslims who kill non-Muslims (*la yuqtalu muslimun bi kafirin*), though the Qur'an clearly mentions the statement of the soul with soul (*an-nafs bi al-nafs*). See Mun'im A. Sirry, *Tradisi Intelektual: Rekonfigurasi Sumber Otoritas Agama* (Yogyakarta: Madani, 2015), 134.

In the verse above, the clause *wa ma yanthiq* (Nor does the Prophet speak) comes as an inseparable clause of *illa wahyun* (only a revelation) which is written in the form of *nakirah*.[11] In the structure of Arabic language, the form of *nakirah* (*wahyun*) has an indefinite meaning, in other words, it refers to revelation in general.[12] Therefore, the *wa ma yanthiq* clause means that everything the Prophet SAWSAW uttered both in the form of the Qur'an and hadith was a revelation from Allah. In this case, it is not allowed to specify the "Prophet's words" as merely Qur'anic verses since there is no single text, either in Quran or hadith, affirming that "Prophet's words" include only Qur'anic verses.[13] Based on this argument, everything that was uttered by the Prophet Muhammad is a revelation that has absolute truth.

b.   The History of *Ahl Al-Ra'y*'s Thoughts

In contrast to the *Ahl al-Hadith* who base their thoughts on the concept of the absoluteness of revelation and the relativity of reason, *Ahl al-Ra'y* bases their *aqli* arguments on the idea that Shari'ah is logical, it contains people's ways of life, and it is based on solid points and *'illat* as the axis of the law. Therefore, they examine the *'illat* and the meaningfulness of a law stipulation. They make the existence or absence of a law in line with the presence or absence of the *'illat (al-hukmu yaduru ma'a 'illatihi wujudan au 'adaman)*.[14]

Among the *shahaba* that belong to this stream are Umar bin Khattab, Usman bin Affan, Mu'adz bin Jabal, Ali bin Abi Talib, Abdullah bin Mas'ud, Ibn Abbas, Ibn Umar, Aisyah, and Zaid bin Sabit. In contrast to *Ahl al-Hadith* who is reluctant to use reason in understanding the texts of the Qur'an and hadith, *Ahl al-Ra'y* maintains the role of reason in understanding the two main sources of Islam. For this stream, revelation corresponds to the socio-cultural condition of society in which they were revealed. Thus, an important thing in their

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[11] *Nakirah* is a noun (*isim*) that does not start with *alif* and *laam* marking its indefiniteness. Should *alif* and *laam* are attached to the *isim*, it causes the *isim* to become *isim ma'rifat* (definite noun). Ibnu Hamdun, *Hasyiyah Al-Allamat Ibni Hamdun 'Ala Syarh al-Makudi Li Alfiyat Ibni Malik*, vol. 1 (Semarang: Toha Putera, n.d.), 45.

[12] This *faidah* is called *yahtamilu al-wahdah wa al-nau'iyyah ma'an* (a form of *nakirah* which refers to all types/all forms). In this context, it means all types/forms of revelation, both in the form of Qur'anic verses or *sunnah/hadith*. See Muhammad bin 'Alwi al-Maliki al-Hasani, *Al-Qawaid al-Asasiyyah Fi Ulum al-Qur'an* (Makkah al-Mukarramah, n.d.), 55.

[13] Muhammad Ismail, *Bunga Rampai Pemikiran Islam*, trans. Nurkholis (Jakarta: Gema Insani, 2013), 82.

[14] Shalih bin Muhammad bin Hasan al-Asmari, *Majmu'at al-Fawaid al-Bahiyah 'Ala Mandzumat al-Qawaid al-Bahiyah*, 2000, 112.

understanding activity is to pay attention to the events, causes, and circumstances that surround the text (*ma haula al-nash*).[15] The large portion of reason in understanding the Qur'an and hadith, has logical consequences on the products of their understanding which are often far beyond the boundaries of text (*ma fi al-nash*).

The *naqli* argument used as the basis for their argument is also *Surah Al-Najm*, verses 3-4, but with a different interpretation. They understand that the verse *wa ma yanthiq 'an al-hawa, in huwa illa wahyun yuuha* is explaining the Qur'an only, not the whole words of the Prophet.[16] The Prophet could have spoken according to his wishes and on the basis of his humanitarian considerations which are closely tied to the conditions of his era. Not all of the Prophet's hadiths can be used as the only choice for different times and situations, because his example does not always exist in the details of activities, but many of them are in their essence and deepest values, such as honesty, altruism, responsibility, justice, protection of the weak, and so forth.

The Dynamics of Ahl al-Hadith and Ahl al-Ra'y in Understanding Hadith

As is mentioned above that both Ahl al-Hadith and Ahl al-Ra'y existed at the time of the Prophet and the time of the *shahaba*. However, the dynamic between the two groups in applying the methods of understanding hadith was not seen at that time. This is because, at the time of the *shahaba*, there were still many companions of the Prophet who saw the *sunnah* directly from the Prophet Muhammad. They are people who associate closely and intensely with the Prophet Muhammad so that they know a lot of hadith.

The difference in the method of understanding hadith between the two appeared in the next generation, namely the *tabi'in* (follower) generation during which disputes among Muslims started to emerge. The groups such as *Khawarij, Shi'a*, and *Jamaah* emerged at this time. Many hadith *maudhu'* were invented for the benefit of each group. This condition made the *ulama* (Muslim religious leaders) more careful in encountering a hadith. Before exploring its meaning, they first

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[15] One of the second stream's arguments is *hadith masyhur* narrated from Mu'adz bin Jabal when he was sent by the Prophet SAW to Yemen. For complete explanation see Abu Bakar Ahmad bin al-Husain bin Ali al-Baihaqi, *Al-Sunan al-Kubra*, vol. 2 (Majlis Dairat al-Ma'arif al-Nizamiyyah, 1344), 423.

[16] This case is based on several reasons; 1] morpheme "ya" in "yanthiqu" which is used for the third singular person does not refer to the Prophet SAW, it refers to the Qur'an; 2) both verses were revealed in Mecca where many Arabic people doubted the truth of the Qur'an as a new thing coming to them, not the truthfulness of the Prophet's words. Hence, Surah al-Najm verses 3-4 do not relate to the words of the Prophet SAW, it refers to the truth of the Qur'an as a revelation. Muhammad was known for long as an honest person, the verses were present to respond to the hesitation of the Mecca people about the truthfulness of the Qur'an not the truthfulness of Muhammad's words; 3] The Prophet SAW once forbid people to document his words. Muhyar Fanani, *Fiqih Madani Konstruksi Hukum Islam* (Yogyakarta: LKiS, 2010], 200.

examine the validity of the *sanad* and *matan* of the hadith. But they moved too far from the practice of the *shahaba* so that the differences between adherents of the methods became wider. Some Muslims who prioritize hadith are increasingly sticking to its methods on the grounds that they will avoid slander. While some other Muslims see that lies against the Prophet SAW have been widespread, various new developments demand a lot of explanations, especially related to legal issues that demand the use of *Ra'y*. From here, then emerged the terms *Ahl al-Hadith* and *Ahl al-Ra'y*, each of which has its own characteristics. [17][18]

Furthermore, broadly speaking, the scholar distribution of the two *hadith* streams in the early days is that scholars in Hijaz/Hedzjaz[19] are dominated by *Ahl al-Hadith* with the main figure being Sa'id bin Musayyab (d. 94 Hijri)[20] while scholars in Iraq and other regions that are far from Hijaz are dominated by *Ahl al-Ra'y* with the main figure being Ibrahim al-Nakha'i (d. 76 H).[21] The domination by *Ahl al-Hadith* in Hijaz is caused by two things: First, they are influenced by the

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[17] The potencies of dispute were said to have existed during the time of the Prophet like a case depicted in *hadith taqriri*. There was a dispute among the *shahaba* during their return from *Ahzab* war on whether to pray Asr or not before reaching a place called Bani Quraidzah. The Prophet SAW said to his shahaba before they start returning: "*la yushalliyanna ahadun al-'asra illa fi bani qaraidzah*" (Let no one pray Asr except in Bani Quraizah). Disputes occurred when they found the time of Asr came before they reached the Bani Quraizah. Some of them said: "We will not pray Asr except after we arrive at Bani Quraizah", while others say: "We will pray Asr here because the Prophet did not want that from us". Then the incident was reported to the Prophet and he did not reproach any of them. From this case, it is clear that there are some *shahaba* who understand the words of the Prophet textually (*Ahl al-Hadith*), and there are others who understand the words of the Prophet contextually (*Ahl al-Ra'y*). Muhammad bin Isma'il Abu Abdillah Al-Bukhari, *Shahih Al-Bukhari*, vol. 1 (Beirut: Dar Ibn Kasir, 1987), 321.

[18] *Ahl al-Hadith* do not like to use *ra'y* and is not fond of questions about hypothetical problems because their legal sources are limited. They hold textual *hadith* firmly, even the *dha'if* ones, by loosening the requirements and prioritizing the use of *hadith dhaif* over using *ra'y*. In adhering to the hadith, they are more inclined to its textual meaning. Meanwhile, *Ahl al-Ra'y* do a lot of deductions on hypothetical problems (propose many problems, find the law, and then deduce them). The phrase they often use in their deductions is "*araita lau kana kaza*?", which means what do you think if this happens? Because of this expression, *Ahl al-Hadith* dubbed them *al-araiata'iyyun* (the group that always asks "what do you think?").

[19] Hijaz/Hedzjaz is a region in the western part of the Kingdome of Saudi Arabia consisting of Mecca, Medina, Ta'if, dan Jeddah.

[20] A *tabi'in* (follower) in Medina whose authority is recognized by Mufti Ibnu Umar. Most hadith narrated by him was received from Abi Hurairah.

[21] A fiqh scholar/*ulama* in the time of *tabi'in* who is the disciple of a fiqh scholar/*ulama* from Iraq named Alqamah bin Qais al-Nakha'i (w. 62 H). Meanwhile, Alqamah is the disciple of a *shahaba* named Ibnu Mas'ud.

method of interpreting *hadith* implemented by their teachers such as Ibn Umar who adheres to hadith and refrains from using *Ra'y*. Second, they have a very rich collection of hadith, but they have not experienced much development in their life, especially, a new development that did not exist during the life of the *shahaba*. This is because the area where they live is a remote desert that has not experienced much development. Meanwhile, the domination of *Ahl al-Ra'y* in Iraq was caused by three things: First, the influence of their first teacher, Ibn Mas'ud, who followed Umar bin Khatthab's method of using *Ra'y*. Second, they argue that Iraq is the most fortunate area to have many *shahaba* who memorized and received a lot of knowledge directly from the Prophet Muhammed SAW so that they were content with the well-known *hadith* in their area. Third, there are more problems that require legal research in Iraq than in the Hijaz, because Iraq is a developed region.

Apart from the above information regarding the distribution of *Ahl al-Hadith* and *Ahl al-Ra'y* scholars, both streams factually existed in the Hijaz, Iraq, and other regions.[22] According to Imam Muhammad Abu Zahrah, the main factor that distinguishes the Hijaz and Iraqi scholars is the level of *Ra'y* implementation. The Iraqi scholars have a higher level of *Ra'y* adoption than the Hijaz ones. Furthermore, the different levels of using *Ra'y* do not mean that *Ahl al-Hadith* ignores *Ra'y* and *Ahl al-Ra'y* rejects textual *hadith*. *Ahl al-Hadith* does not reject *Ra'y* at all, they use it in forced conditions (mud}t}ar).[23] On the other hand, *Ahl al-Ra'y* does not leave textual *hadith*, they use *Ra'y* because they do not/have not yet found a hadith about an emerging problem at hand.[24]

The Historical Portrait of the Dominative Relations Ahl al-Hadith and Ahl al-Ra'y

As it is known that at the time of the Prophet SAW, the highest authority regarding Islamic law was the Prophet himself. There was no such a thing as *ijtihad* in Islamic law because if *shahaba* encountered a problem, they could immediately address it to the Prophet. Except in a few cases such as the position of a *shahaba* who due to certain tasks must be far from the Prophet, for instance, Mu'adz bin

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[22] Moreover, the dichotomy of *Ahl al-Hadith* and *Ahl al-Ra'y* no longer refers to geographic boundaries, it has entered the imagination boundaries, as explained earlier.

[23] For example, Ahmad bin Hanbal, even though he was more concerned with *hadith dha'if* than reasoning (*qiyas*), his disciples eventually used *qiyas* (though very limited).

[24] Because they do not want to base a law on something doubtful, they apply a very strict selection of hadith. In other words, a very strict selection of these hadiths was carried out because they were careful to avoid carelessness in giving evidence for a law.

Jabal,[25] or in cases where the Prophet was not guided by revelation as in the Battle of Badr.[26]

However, in the period after the death of the Prophet SAW and along with the widespread expansion of Islam to various surrounding areas, the problems faced by Muslims are increasingly complex. At this time, if a problem cannot be referred to in the Qur'an and the hadith (*al-manhaj bi al-ma'tsur*), then the *shahaba* will use the method of reasoning/ijtihad (*al-manhaj bi al-ra'y*) as done by Mu'adz bin Jabal.

Not only that, but the method of reasoning (*al-manhaj bi al-ra'y*) is also used on problems that actually have references in the Qur'an and hadith, but because the reality being faced has changed, the *shahaba* did a kind of contextualization. This is as done by Umar bin Khattab in the case of the disappearance of one of the *mustahiq zakah* (rightful recipients of *zakah*), namely *mu'allaf qulubuhum* (people who have just converted to Islam).[27]

Not only Mu'adz and Umar use the method of reasoning, but many other *shahaba* also used this method. This is considered reasonable because, once again,

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[25] This case is recorded in the narration of *shahaba* Muadz bin Jabal when the Prophet was about to send him to Yemen. The Prophet asked him "If you were faced with a problem, how would you decide? Mu'adz replied "I will decide the matter by referring to Allah's Book (the Qur'an)", the Prophet asked again "What if you did not find (the answer) in Allah's Book?", Mu'adz replied "I will decide it with the *Sunnah* of the Prophet", the Prophet asked again "What if you also did not find (the answer) in the *Sunnah*?" Mu'adz replied "I will decide by using my reason carefully not carelessly". So the Prophet patted Muadz's chest with his hand and said, "Praise be to Allah who has given *taufiq* to the messenger of His messenger for something pleasing to the Messenger of Allah". al-Baihaqi, *Al-Sunan al-Kubra*, 2:423.

[26] It is said that at the time of the Battle of Badr, the Prophet chose a certain area to set up a camp for Muslim troops. Then there was a *shahaba* named Hubab bin al-Mundzir asked the Prophet "is the choice of this place based on your own considerations or the guidance of revelation (Allah)?". The Prophet replied that the choice of the place was based on his own judgment. When the *shahaba* suggested a more suitable place, the Prophet said to him "You have given a sensible reason (*laqad asharta bi al-ra'y*)". Quoted from Abdul Mun'im Saleh, *Hukum Manusia Sebagai Hukum Tuhan* (Yogyakarta: Pustaka Pelajar, 2009), 120.

[27] Such as Abu Sufyan, Aqra bin Habas, Abbas bin Madras, Shafwan bin Umayyah, and Uyainah bin Hasan. Umar's attitude of not giving them zakat was because it was based on the purpose (*maqashid*) of giving zakat to *mu'allaf*. In this case, there are at least two objectives, namely; 1] people who have just converted to Islam are given zakat so that they are happy and are bond with the new community, 2) people who have just converted to Islam are given zakat so that people who have not embraced Islam are interested and want to convert to Islam. Umar considered these two goals to be irrelevant so the right to receive zakat for mu'allaf was then revoked/eliminated. Quoted from Ahmad Hafidh, *Meretas Nalar Syari'ah* (Yogyakarta: Teras, 2011), 147–148.

after the death of the Prophet, the *shahaba* expanded the syiar and da'wah of Islam to various regions.[28] In these areas, they become community leaders and at the same time become references in religious matters. In such a position, they not only convey the hadiths, but also interpret, and even contextualize them. This is where new opinions emerged resulting from the reasoning of the *shahaba* which was also called *sunnah*.[29] Therefore, it is not surprising that in the context of capturing these times, statements such as *qad madat al-sunnah…* (it has become *sunnah* for us…), *al-sunnah 'indana…* (the *sunnah* for us), and *al-sunnah allati la ikhtilafa 'indana…* (the *sunnah* that we do not dispute).[30]

Based on this historical fact, it is clear that this era is the era of *Ahl al-Ra'y*, in other words in the early days of Islam (after the death of the Prophet) *Ahl Al-ra'y* was more dominant than *Ahl al-hadith*.[31]

Conditions such as the above continued to take place and became even more complex during the *tabi'in* (follower) period and beyond. As the result of the free reasoning (contextualization) of the ideal *sunnah* of the Prophet, many legal formulations, religious practices, and moral structures emerged around the first and middle of the second century of *Hijriyah*. In the following periods, the permissive and accommodating nature of these new formulations (laws, religious practices, and moral structures) to local and regional contexts resulted in a lot of legal confusion and ambiguity; one region does this and another does that, even though the legal case is the same.[32]

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[28] It was recorded that during this period of *shahaba*, the territory of Islamic rule continued to widen; in 14 H they were able to control Damascus, in 17 H they controlled Sham and Iraq, in 21 H they controlled Persia, in 56 H they controlled Samarkand, and even in 93 H they managed to enter Andalusia.

[29] At first, they contextualized the *sunnah* of the Prophet, then the form of contextualization was seen by the people as an example to be followed up to a certain time because the people continued to follow and practice this example, then this example became the *ijma'* (consensus) of the people. Ijma' is what in the speech of early Islamic references referred to as the *sunnah* outside the *sunnah* of the Prophet. Musahadi HAM, *Evolusi Konsep Sunnah Implikasinya Pada Perkembangan Hukum Islam* (Semarang: Aneka Ilmu, 2000), 98.

[30] The terms of the *sunnah* above do not refer to the *sunnah* of the Prophet but to *ijma'* (the actual practice of an established society). With this, *sunnah* and *ijma'* (in the early days) were mutually exclusive and identical.

[31] It is said to be more dominant because even though the *Ahl al-Ra'y* tradition of reasoning is very massive, there are still some *shahaba* who stick to the text and apply the quoting culture (*al-manhaj bi al-ma'tsur*). If those who adhere to the culture of reasoning (*al-manhaj bi al-ra'y*) are referred to as the school of *ijtihadi*, then those who adhere to the quoting culture are called the school of *ta'abbudi*. Hafidh, *Meretas Nalar Syari'ah*, 153.

[32] For example, the legal case that became a polemic between Abu Yusuf and Abu Hanifah regarding the distribution of the spoils of war. Abu Yusuf thought that war horses were worth the value of two soldiers. Meanwhile, Abu Hanifah argues that it is unreasonable for an animal to be valued more than a human. Abu Yusuf refers to al-Awza'i's opinion who claims that such a decision is something that has been practiced by Muslims from the past until then, while

This complexity is exacerbated by the political and theological conflicts that plague the Islamic world.[33] In addition, there are individuals who want to get a legitimate basis for a certain argument related to political issues and also sectarianism so that they do not hesitate to fabricate stories about the Prophet to support their own interests.

Until the time of al-Shafi'i, who with his scientific work recommended a universal reference to resolve the confusion about the circulation of *sunnah* in society. The universal reference that he recommended was *sunnah* accountability through verbal transmission (*hadith*). With this, Imam al-Shafi'i wanted to exclude the concept of *sunnah* only for the *sunnah* of the Prophet (not for anything else) and to realize this project he offered a new paradigm, namely, there must be the legitimacy of a hadith. [34]

With all that, al-Shafi'i rejected the old paradigm held by previous generations, especially the people of Medina.[35] According to al-Shafi'i, the old paradigm clearly cannot be maintained anymore. Even though the people of Medina claimed that their practice was the result of mutual consensus (*ijma'*) which was believed to be authentic from the Prophet because it was narrated in the form of a practical transmission, for al-Shafi'i such a claim was in stark contrast to the facts which showed that in this practical transmission, many differences were found in almost every case. Therefore, al-Shafi'i replaced practical transmission (living *sunnah*) with verbal transmission (*hadith*) and placed it as the only way to establish that a *sunnah* was from the Prophet.[36] In other words,

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Abu Hanifa refers to Umar's ijtihad which agreed to a one-to-one distribution for war horses and for a soldier in the case of Syrian war. See HAM, *Evolusi Konsep Sunnah Implikasinya Pada Perkembangan Hukum Islam*, 110.

[33] It started with the murder of Usman bin Affan and culminated in the Shiffin war between Ali and Mu'awiyyah. This war was triggered, among other things, by the dissatisfaction of the Usman family of the Umayyad against Ali bin Abi Talib for failing to uncover the mystery of Usman's murder. A. Syalabi, *Sejarah Dan Kebudayaan Islam*, trans. Mukhtar Yahya, vol. 1 (Jakarta: PT. Jaya Murni, 1973), 214.

[34] Concerning this case, Syafi'i clearly stated: مطلق السنة يتناول سنة رسول الله صلى الله عليه وسلم فقط (the concept of Sunnah applies only for the Sunnah of the Prophet). Quoted from HAM, *Evolusi Konsep Sunnah Implikasinya Pada Perkembangan Hukum Islam*, 112.

[35] They are guided that the authentic traditions of the Prophet can be found in the practices carried out by the people of Medina. As recorded in history that in Medina there were about thirty thousand *shahaba*. They were people who saw firsthand the behavior of the Prophet in all its forms and varieties so their behavior was also believed to be the result of imitating the Prophet which was then passed on to the next generation. Thus, practice (practical transmission) is much more valid than verbal transmission.

[36] HAM, *Evolusi Konsep Sunnah Implikasinya Pada Perkembangan Hukum Islam*, 115.

al-Shafi'i wanted to emphasize that verbal transmissions (*hadith*) which are believed to be true from the Prophet, whether they are supported by practical transmissions or not, must be viewed as authoritative. In fact, if there is a practical transmission that conflicts with it, then the practical transmission must be canceled.[37]

After al-Shafi'i succeeded in establishing the position of *hadith*, it can be said that that was the era of *Ahl al-Hadith*. Moreover, after the existence of the established 'doctrine' of the hadith which was then followed up by a massive movement from the next generation to select, inventory, and document the hadith of the Prophet into main hadith books, the position of *Ahl al-Hadith* became very supremacist. In fact, this era is referred to as the golden era of hadith, because in that era the masters of hadith books were born which were written by authoritative scholars in their fields which became known as *al-Kutub al-Sittah*.[38]

Ahl Al-Hadith and Ahl Al-Ra'y Polemics; Antagonistic or Complementary

The polemic of *Ahl Al-Hadis* and *Ahl Al-Ra'y*, as described above, is a polemic of moslems interacting with the sacred text of their religion (read: hadith); This is because of the fundamental awareness that to be a good servant *(shalih)* humans must submit and obey the commands and prohibitions of God. It's just that, God's commands and prohibitions are wrapped in religious holy texts, then Moslems have a problem in applying this submission and obedience. The problem is whether the commands and prohibitions are based on literal meanings or are based on the contextual meaning of religious sacred texts?

Ahl Al-Hadith thought that moslems in carrying out God's commands and avoiding His prohibitions are guided by the literal meaning of religious sacred texts. This is similar to the popular classical *kaidah*: **'***La ijtihada fi muqabalah al-nas'* (there is no ijtihad in the text that has been explained clearly).[39] From this rule, it can be understood that in legal reasoning (something is ordered or prohibited) textual editorial is the most basic foundation so the theory of words

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[37] Al-Syafi'i did not take his decision solely on the basis of his academic reasoning, his decision is also based on historical data. Among them is the data on Umar's action in changing his *ijtihad* after receiving a haidth note from Ali bin Amr bin Hazm on the compensation of the loss of a thumb. Initially, Umar's *ijtihad* was that the compensation for the loss of a thumb was fifteen camels. This *ijtihad* was based on the Prophet's decision regarding compensation for the loss of a hand with fifty camels, then Umar made *ijtihad* himself by specifying the price per finger according to its function and beauty. Umar valued a thumb fifteen camels. But later, Umar canceled his *ijtihad* by following the hadith narrated by Ali bin Amr bin Hazm which states that the Prophet said: "For every finger, ten camels are set for compensation". Quoted from HAM, *Evolusi Konsep Sunnah Implikasinya Pada Perkembangan Hukum Islam*, 114.

[38] Those included in *al-kutub al-sittah* are *Shahih al-Bukhari, Shahih Muslim, Sunan Abu Dawud, Sunan al-Tirmidzi, Sunan al-Nasa'i,* and *Sunan Ibnu Majah*.

[39] Abd Moqsith Ghazali, Luthfi Assyaukanie, and Ulil Abshar Abdalla, *Metodologi Studi al-Qur'an* (Jakarta: PT Gramedia Pustaka Utama, 2009), 126.

plays an important role. This thought leads to a textualist understanding model of religious sacred texts.

Meanwhile, *Ahl Al-Ra'y* thought that the basic character of the text is **it** is limitations in expressing the integrity of the idea, including religious sacred texts. The transfer of ideas from spoken language to written language systems can break the relationship between meaning and the context of language. [40] The Qur'an and the hadith which were originally a dialogue (communication) between Muhammad SAW and his *ummah* when the two revelations became a written text (closed corpus), the integrity of the ideas contained by both revelations cannot be found as the *shahabah* found when they were involved in the dialogue. Therefore, it is necessary to have a tradition of reading going beyond text, to find God's purpose/message not only to stop at the editorial form of a text but to cross over to the main message contained in the text. The construction of *Ahl al-Ra'yi's* thought then leads to a contextual understanding model of religious sacred texts.

The two models of understanding (textual and contextual), using a conflict approach, could lead to a confrontation with one another. The *Ahl al-Hadith* group is positioned as a textualist group in confrontation with the *Ahl al-Ra'yi* group which is positioned as a contextualist group. Is this positioning relevant? Based on the previous study, there has indeed been dynamic domination between *Ahl al-Hadith* and *Ahl al-Ra'y*, however, in addition to this fact, there are other facts that show that among ahl al-hadith groups there is a contextual side and there is contextual side to it. Among *Ahl al-Ra'y* there is also a textual side. Thus, the attitude of positioning the two groups antagonistically becomes irrelevant, because one group has become the basis of continuity for the other group. The relevant attitude is to position the two as complementing each other.

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[40] Besides grammatical structure, language has a logical structure too. It could be that two sentences *have* the same grammatical structure, but have different logical structures. It describes the gap between the written sentence and the meaning it shows. Kaelan, *Filsafat Bahasa* (Yogyakarta: Paradigma, 2002), 97.

Conclusion

The forerunners of *Ahl al-Hadith* and *Ahl al-Ra'y* actually existed at the time of the Prophet. During the period after the death of the Prophet, namely from the *shahaba* era, to the pre-al-Shafi'i era, the existence of *Ahl al-Ra'y* was more dominant than *Ahl al-Hadith*. This era was initially marked by the proliferation of free reasoning by the *shahaba* in interpreting and contextualizing the ideal *sunnah* of the Prophet. The interpretation was then practiced by the adherents of this stream and by the later generations. It was then manifested in practical transmission which henceforth was called the *sunnah*. After that, Imam al-Shafi'I offered a new paradigm, *e.i.* tracing the Prophet's *sunnah* through verbal transmission only. By applying this method al-Shafi'i succeeded in establishing the position of hadith by verbal transmission not practical transmission. Afterward, *hadiths* of the Prophet were documented on a large scale, thus giving birth to authoritative hadith books. This era is where *Ahl al-Hadith* was more dominant than *Ahl al-Ra'y*. The establishment of textual hadith and coupled with the documentation project of hadith has caused the tradition of contextualizing the *sunnah* replaced by the tradition of textualizing the *sunnah*. The domination dynamics between *Ahl al-Hadis* and *Ahl al-Ra'y* in practice is not just a dichotomy of two major streams in *hadith* interpretation. It becomes a phenomenon of the dichotomy between *naql* and *'aql*, between religion and philosophy, between *taklid* and creativity, between normativity and historicity, between realistic and hypothetical thinking, and between *tsabit* (which remains) and *mutahawwil* (which changes). The domination dynamic relationship between the two should not always be seen as an antagonistic relationship, but can also be seen as a complementary relationship because one becomes the basis of continuity for the other, and *vice versa*.

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