CHAPTER FIVE Moenawar Chalil and the Sunnah His Concept of Following the Prophetic Sunnah

The importance of the *sunnah* as a source of Islamic law was laid down in the *Qur in*, emphasized by the Prophet, recognized by his immediate *suhūbah* and *tābi un* and accepted by all the important orthodox Muslim jurists. The *Qur in* states: "Whatever the Prophet gives accept it and whatever he forbids you abstain from it." It also says: "He does not speak out of desire. It is not (him) but the revelation revealed (to him)." At the same time, the Prophet emphasized the importance of his own *sunnah* as a guide for his followers and he was pleased with the reply of Mu abd lbn Jabal, who said to him, when he was appointed as an official in Yemen, that he would follow his Prophet's *sunnah* if he failed to find guidance in the *Qur in*. The Prophet repeatedly instructed his followers to hold fast to his practice. On one occasion, he said to them: "So long as you hold fast to two things which I have left among you, you will not go astray: God's Book and his messenger's *sunnah*." 3

Muhammad's behavior, as illustrated in the texts of the *Qur'in* and *hadith* mentioned above, has long served as a model for Muslims. It is almost axiomatic that God should have preserved the Prophet from going astray and that his actions should carry some intrinsic moral value. Some Muslims even considered everything that the Prophet did as part of his *sunanh*. His treatment of children, the way he broke his fast, how he cleaned his teeth and wore his beard were all worthy of emulation. Moreover, in spite of the fact that the *fuguhā* '(the jurists) had excluded a wide range of Muḥammad's personal behavior from the immediate purview of the legalistic *sunnah*, Muslims still treasured many examples set by the Prophet in his personal life and took them as models.

¹ The Qur'ita. 49: 7.

² Ibid., 53: 3.

³Cited in John Alden Williams' Islam (New York: George Braziller, 1962), 84-85.

The emulation of the Prophet was a practice favored by most reformists, who believed that the ultimate strength of Muslims depended on patterning their behavior on the lessons contained in the sunnith. That Muslims were obliged to follow the Prophetic sunnuh had become the chief message of their movement and was expressed in a slogan stating that following svanah was the only way of ensuring the supremacy of Islam.⁴ Nevertheless, questions arose with regards to just what was meant by "following the sunnah." Did the term "following the Prophetic sunnah" mean emulating the Prophet's way of life in its entirety? Or did it mean following those practices of the Prophet which had legal value only? If the emulation of his practice was limited to the substance of the Shari'ah, did that make them less sunnah-minded? If the reformists claimed to be the ardent upholders of sunnah, why were they so critical of it, with some even going so far as to reject it as a source of legislation? All these were questions which Chalil delved into, questions which reflect his reformist attitude towards following the Prophetic sunnah. In this chapter. Chalil's attitude regarding the sunnah will be examined in two parts. The first part will deal with his division of the sunnah, the emphasis he placed on one particular form of sunnah over the other and its role as a source of legislation. As for the second part. it will discuss his work entitled Figh al-Sunnah, which he wrote as a guide to those wishing to model themselves on the Prophet's religious practices.

The principle of "following the Prophetic sunnuh" was sometimes expressed in a different phrase, namely "back to (the Our in and) the sunnuh." Chalil was among the strong advocates of this principle as attested by the writing of his work Kembuli kepndu Al-Our-un dan As-Sunnuh (Back to the Qur in and Sunnuh), to which his other work Mukhtür ul-Ahūdīth was intended to form the continuation, and his establishment of a magazine Swarn Islum with the motto "reviving the sunnuh of the Prophet and eradicating bid uh." Moenawar Chalil, Mukhtür ul-Ahūdīth al-Suhūhuh: Himpunun Hudiers? Pilihun Jung Berhubungun Dengun Fikih, vol. 1 (Djakarta: Bulan Bintang, 1956), 4; idem, Kembuli kepnda Al-Our in dan As-Sunnuh (Djakarta: Bulan Bintang, 1956), v; idem (ed.) Swarn Islum. 4 (April: 1935); 5 (May: 1935); 6 (December: 1935); for various views which espouse the necessity of following the Prophetic sunnuh by Muslims, see Abdul Majid Mackeens Some Thoughts on the Meaning of Following the Sunnuh. Islumic Courterly 28 (1984), 241-249.

Chalil divides the *sunnah* into five categories, namely (i) *sunnah quwlivah*, which embodies the utterances of the Prophet, (ii) *sunnah fi liyah*, which embodies the actions of the Prophet, (iii) *sunnah taqririyah*, which embodies the tacit approval of the Prophet on a matter which occurred either in his presence or in his absence, but which he had come to know about, (iv) *sunnah tarkiyah*, which contains the practices which the Prophet could have fulfilled but which he renounced, and (v) *sunnah hammiyah*, which refers to the proposed schemes which the Prophet was unable to translate into reality.⁵

Chalil's division of sunnah into five categories outnumbers the more usual division into three only, namely qualifyah, filipah and taquiriyah. Nonetheless, in spite of his careful delineation of the categories only two of them receive a thorough examination. Those two are taquiriyah and tarkiyah, which, he believed, had a bearing on the practice of bio'ah. In his view, bio'ah meant breaking with the Prophet's practice and discontinuing his tradition and, therefore, bio'ah was the antithesis of sunnah. Chalil's way of contrasting the sunnah with the bio'ah is evidence of his strong desire to root out bio'ah. He believed that only by means of eradicating the practice of bio'ah that the principle of following the sunnah would be implemented. This puritanist outlook found a strong support in the opinions of al-Shātibī, especially in the latter's al-l'tisām, which Chalil often cites. His fairly lengthy quotation of al-Shātibī's conception of bio'ah was aimed at fortifying his own argument against bio'ah with the source which had become the favorite reference for the reformists. al-Shātibī's al-l'tisām was considered a systematic and well-argued book on the concept of bio'ah. Rashīd Ridā, who was himself a warrior against

⁵Chalil. Kembali kepada al-Qur-an dan As-Sunnah. 210.

^{6&}lt;sub>16id.</sub>

⁷Ibid., 198, 229-235.

⁸Muḥammad Khālid Mas'ūd, "Trends in the Interpretation of Islamic Law as Reflected in the Fatāwā Literature of Deoband School: A Study of the Attitude of the 'Ulamā' of Deoband to Certain Social Problems and Inventions," (M. A. thesis, McGill University, Montreal, 1969), 16.

bid'ub and an ardent defender of sunnub regarded al-Shāṭibī as a crusader against bid'ub. Furthermore, Riḍā, who edited and published al-Shāṭibī's al-l'aṣām in al-Manar stressed the importance of the work in his biography of 'Abduh.9

Chalil holds that the *sunnuh* is anything which was stipulated by the Prophet, be it an explanation of the *Qur'inic* text or an independent ruling on a matter not elucidated in the *Qur'in*. He also maintains that the *sunnuh* can be extended to include the practice of the *subjibuh*, whether such a practice was in accordance with the instructions in the *Qur'in* and *hadith* or not. Their practice should be counted as *sunnuh*, because it was acquired by means of *ijuhid*, legitimized by the four Caliphs (al-Khulafa' al-Rāshidūn) and approved by each of the *subjībuh*. Chalil further explains that the *sunnut al-subjībuh* was also validated by the explicit approval of the Prophet who declared: "Take the *sunnuh* of mine and the rightly guided Caliphs." What Chalil means by *sunnut ul-subjībuh* is the product of the *subjībuh's ijrihūd* which obtained the general consensus (*ijmā'*) of the community. This body of material came into being in order to supplement the content of the Prophetic *sunnuh* which was in itself neither extensive in quantity nor very specific. 11 Thus, Chalil adopts the view that the Prophetic *sunnuh* was a catch all for the material derived either directly from Muhammad or indirectly from his *subjībuh*. *Sunnuh* defined as such, Chalil points out is akin to the conception put forth by al-Shātibi. 12

⁹Rashīd Ridā was initially regarded as a scholar with no authority on hadīth. However, after the death of his mentor, 'Abduh, he made himself more familiar with Islamic subjects including hadīth, eventually becoming a master of it. He turned to be one of the most ardent defenders of suauh and the fiercest opponent of the legal schools (al-mudhhāhib al-fiqhīynh). Muştafā al-Sibā'i, ul-Sunauh wa Mukānatuhā sī nl-Tushri' ul-Islāmī (Beirut: al-Maktab al-Islāmī, 1976), 30; M. Khalid Mas'ud, "Recent Studies of Shātibī's al-Muwāfaqāt," Islamic Studies, 14 (1975), 68.

¹⁰Chalil Kembali kepada Al-Qur'in dan As-Sunnab. 198.

¹ lThis premise forms the basis of the principle followed by Malik in accepting the decisions and practices of the subabab and of his recognition of their opinion as an authoritative legal tool. M. Zubayr Siddiqi, "The Importance of Hadith as a Source of Islamic Law." Studies in Islam. 1 (1964), 21.

¹²Chalil. Kembuli kepudu Al-Qur-un dun As-Sunnuh. 198; see also al Shātibi. al-Muwāluqūt lī Usūl ul-Shuri'uh. vol. 4 (Beirut: Dār al-Kutub al-Arabiyah, n.d.). 34

Chalil does not make a clear distinction between sunnah and hadith, saying that both convey elements of authoritative practices, which stem from the utterances, actions and tacit approval of the Prophet. ¹³ It is very common to look at sunnah and hadith as being two different terms for the same thing, since sunnah makes up the subject matter and character of hadith. ¹⁴ Chalil's view of the identical nature of sunnah and hadith coincides with that of the ahl al-hadith (hadith scholars). ¹⁵ The truth is, however, that the two represent different things, as explained in the reports related by Abū Dāwūd and Fāṭimah. According to these reports, hadith is the narration of the behavior of the Prophet, while sunnah is the law deduced from this narration. In other words, hadith is the carrier of the sunnah and sunnah is contained in the hadith.

In his treatment of the *sunnah*, however, Chalil emphasizes its relationship with the concept of emulation, which carries a normative and behavioral connotation. It is normative, when the *sunnah* indicates a regulation which has been spelled out *(peraturan yang tetap berlaku)*. In this regard, he mentions two kinds of verses which refer to two long established regulations; the first to the conduct of the early Muslims and the second to the law of nature. 17 To illustrate this he refers to *Qur inic* verses which employ *sunnah* in this sense, the first referring to *sunnat al-awwalin* (the *sunnah* of those of old) and the second to *sunnat Allah* (the *sunnah* of Allah). 18 The behavioral connotation, on the other hand, applies to those practices which are considered as an exemplary model. In support of his claim, he quotes two *hadiths*, one of which states: "Whoever introduces a good *sunnah*

¹³Chalil, Kembali kepada Al-Qur-na dan As-Sunnah, 196-197.

¹⁴ See, for example, the definition of the two given by A. Hassan in his Ringkusun Islum (Kota Bahru: Pustaka Aman Press, 1971), 14.

^{15&#}x27;Ali Hasan 'Abd al-Qadir, Nuzruh 'Ammah fi Tarikh ul-Fiqh ul-Islami (Cairo: Maktabat al-Qahirah al-Hadithah, 1941), 121.

¹⁶Abū Dāwūd states: "I heard that Ahmad Ibn Hanbal said: "There are five sunnuhs in this hudīth." Abū Dāwūd, Sunan, vol. 2 (Beirut: Dār al-Kitāb al-'Arabī, 1951). 105; a statement of Fāṭimah maintained that "There were three sunnuhs in the incidents of Barīrah, a slave girl." Mālik Ibn Anas, ul-Muwaṭṭa', vol. 2 (Norwich: Diwan Press, 1962). 332.

¹⁷ Chalil, Kembali kepudu Al-Qur-an dan As-Sunnah, 193.

¹⁸The Qur In. 8: 39: 15: 13: 18: 53: 35: 41: 17: 79: 33: 62 and 35: 42.

[will be rewarded] and whoever introduces a bad *sunnuh*..., "while the other states that: "Marriage is my *sunnuh*." Chalil does not use the word model, but instead employees the phrase *curu yung diadakan* (a way that was set up), which could refer equally to correct or a wrong behavior. 19

Chalil divides sunnah fi livah into those traditions which have legal authority and those which have none. In the first category, he includes the sunnah which by its nature elucidates the Qur injunctions. Consequently, the legal value of such a sunnah follows that of the elucidated verse, which is usually expressed in a mujmul (general) sense. 20 Chalil establishes the details of the juristic relation between the Qur'an and sunanh by referring to the opinions of the leading jurists, like al-Shāfi'ī and Aḥmad Ibn Hanbal. Chalil states that in his al-Risālah al-Shāfi'i lists five types of authoritative sunnah. The first three are by their nature explanatory of the Qur an and deal with either cufsil (elaboration) of the general assertions of the Qur'an, takhsis (specification) of its indefinite statements or mynn (determination) of the most apparently acceptable of a number of options. The remaining two serve either to establish an independent ruling or to explain those verses which are abrogating, abrogated or contradictory. Ibn Hanbal's categorization of sunnah fi'liyah, which Chalil cites from Ibn Qayyim's I'lām al-Muwaqqi'in. is not substantially different from that of al-Shāfi'ī's, except for the fact that Ibn Hanbal often adopts different terms for the same concepts. When the terms in kid and inquir are employed by Ibn Hanbal, he means an assertion of the Prophet in confirmation of the injunctions prescribed in the Qur'an. The terms talsir and takhsis are used by him to refer to sunnah that particularizes what is general and specifies what is common. As for the establishment of independent legislation by the sunnah, Ibn Hanbal uses the term tashri 21

¹⁹ Chalil. Kembali kepada Al-Qur-na dua As-Suanab. 193-194.

²⁰Ibid., 211, 213.

² Ibid., 208-209; Ibn Qayyim, I'lam al-Muwaqqi Ia, vol. 2 (Cairo: Matha'at al Sa'adah, 1955), 288.

The sunnah which operates within the above-mentioned framework forms what is generally called al-sunnah al-tashri iyah (law-making sunnah), because it either has a legal value or provides general guidance to the Muslim community. On this basis, Chalil excludes from the scope of al-sunnah al-tashri iyah those reports which speak of Muḥammad's personal habits, such as the manner of his drinking, eating or standing. Chalil maintains that these aspects of his personal life are left to the discretion of Muslims either to emulate or not to emulate them. As for the features associated with his position as Prophet, all believers are prohibited from imitating them. Such acts include his continuous state of fasting and his marrying more than four wives. 22

Chalil also deals with those acts which the Prophet performed with the intention of providing not only of a worthy paradigm but also of gaining God's favor (taquarub ità .-11/12h). Chalil rates such acts higher than the habitual manners of standing and walking, although he still considers them as acts with a symbolic value and not actually meant for emulation. It should be mentioned that there is a range of opinions with regard to the status of the non-legalistic sunnah. While the Hanbalites considered it wājib to observe that type of sunnah, al-Shāfi'is opinion viewed it as nudbah (recommended). The Mālikis required that Muḥammad's sunnah be followed even when no ethical issue was involved. The Ash'ārites held that any action common to the Prophet and his community was binding to all Muslims. Hence, they held that the definition of following sunnah goes beyond those prescriptions and acts of the Prophet that had legal implications. As such, they differed from what Chalil regarded as worthy of emulation in the Prophetic

²² Chalil. Kembali kepada Al-Qur-an dan As-Sunnah. 211.

²³Ibid., 212-213.

²⁴al-Āmidī, al-lþkām sī Usol al-Aþkām, vol. 2 (Cairo: Matba'at al-Ma'āris, 1914), 248-249.

²⁵James Edgar Royster, "The Meaning of Muhammad for Muslims: A Phenomenological Study of Recurrent Images of the Prophet," (Ph.D. dissertation, Hartford Seminary Foundation, Hartford Connecticut, 1970), 178.

sunnah, which included only those aspects of the Prophet's traditions which provide the substance of the sharinh.

The sunnt tarkinth comprises acts which were consciously renounced by the Prophet himself. It usually was not seen as constituting a separate category, since technically it subsists within the sunnth captifynth which embraces two types of captif (decision): approvals of actions and renunciations of certain practices. 26 Nevertheless, since sunnth tarkinth had the potential of giving him a strong hand in the debate on bid at. Chalil chose to classify it as an independent category. The sunnth tarkinth has an organic relation with the 'ibādath' (ritual practice), but lacks any precedent in the Prophet's traditions. The introduction of any 'ibādath, however, which is not based on the literal text of the Qur'an or the actual practice of the Prophet, is not permitted. This applied, in Chalil's eyes, to sunnah tarkinth? Chalil holds that the subab (reason) for sunnah tarkinth, which was to gain God's favor, existed during the period of tashri' (law-making) and, therefore, was certainly known to the Prophet. The same subab, however, cannot serve as a valid ground for the introduction of the 'ibādath' by later generations, if no actual precedent was provided by the Prophet himself.28

In citing the opinions of al-Shāṭibī and Ibn Qayyim to support his opposition to the sunnah tarkīyah. Chalil was drawing upon two of the most popular sources of reformist thought. Ibn Qayyim was an author very highly esteemed among the puritans, notably the Wahhābīs and the Salafīs, while al-Shāṭibī, as mentioned earlier, was crowned by Ridā as the crusader pur excellence against bid'ab. According to al-Shāṭibī, Chalil states, the

²⁶Sulaymān Ibn 'Abd al-Qawi al-Tūfī, Sharh Mukhtaşar al-Rawdah, vol. 2 (n. p... Mu'assasat al-Risālah, 1987), 266.

²⁷The original Arabic texts of the formula are ul-uşl fi ul-'ibāduh ul-tuwlīq wu ul-ittibū' and ul-uşl fī ul-'ibāduh ul-buṭlān ḥattā yaqūm dulīl 'ulā ul-umt. Chalil, Kembuli kepudu Al-Qur-un dun As-Sunnuh, 265.

²⁸Ibid. 214-215.

²⁹H. Laoust, "Ibn Kayyim al-Djawziyya," *Encyclopuedia of Islum*, vol. 3 (new ed.) (eds.) H.A.R. Gibb et. al. (Leiden: E. J. Brill, 1971), 822.

sunnah turkiyah was a form of 'ibādah' which the Shar' neither speaks about nor commands and, hence, its practice should be considered bid'ah madhmūmah (blameworthy innovation). 30 Ibn Qayyim's analysis reverses the definition by saying that the abandonment of practices which the Prophet had renounced was a sunnah in itself, since the observance of such practices would naturally constitute bid'ah. 1 Chalil further states that Ibn Qayyim also emphasized the role of the saḥābah as a point of reference, since they alone were witnesses to the legitimate 'ibādah. If they, either individually or collectively, did not report that a given "ibādah" was practiced by the Prophet, then such an "ibādah' should be classed under sunnah turkiyah.32

It is interesting to note that the examples of sunnah turkiyah quoted by Chalil from al-Shāṭibī and Ibn Qayyim were those practiced by the Indonesian traditionalists and considered bid'ah by the reformists. Cases in point were the expression of the intention to pray (al-talaffuz bi-al-niyah) which the Prophet did not pronounce when starting a prayer, and the reading of du'ā' after the subh and 'asr prayers while facing the ma'mūmin (the prayer attendants), which the Prophet did not perform either 33 The reformists rigorously attacked the practice of al-talaffuz bi-al-niyah which the traditionalists maintained 34 al-Talaffuz bi-al-niyah was considered by the traditionalists to be a ruka (an obligatory act) in the mandatory prayers and an intentional failure to perform it would cause the prayer to be nullified (bat).35 Other examples cited by Chalil are the practice of raising one's hands when rising from the second rukū' (a bending of the torso) of the subh prayer and the tradition of reading the quaŭt (a type of du'ā') during this same

³⁰Chalil, Kembali kepada Al-Qur-an dan As-Sunnah, 214-215.

³ lbid., 217; Ibn Qayyim, I'lām al-Muwaqqi'la, vol. 2, 271.

³²Chalil, Kembali kepudu Al-Qur-na dua As-Sunauh, 216-217; Ibn Qayyim, l'Inm ul-Muwuqqi'ia, vol. 2, 271.

³³lbid.

³⁴M. S. "Lafazh Ushalli," Sunl-Djuwab, no. 8, 36-38; A. Hassan, Melafazhkan Niat. Sunl-Djuwab, no. 1, 8-12; "Niat dalam Ibadah," Al-Muslimun, 5 (April, 1955), 3 9; Abbas bin Thaha, "Talaffoezh Niat," Pembelu Islum, 6 (April, 1933), 35-39.

³⁵ Zakarīyā al-Anṣārī, Futh ul-Wuhhāb bi-Shurh Munhuj ul-Tullāb, vol. 1 (n. p. Dār al-Fikr, n. d.), 38.

prayer. Chalil insists that the Prophet never indulged in these customs and that the traditionalists were wrong in holding them. 36 Again the traditionalists held that qunut was a strongly required (sunnah mu'akkadah) act in the subh prayer and that an extra prostration (sujūd sahwī) was required in substitution, if a person failed to make it.37 Similarly, many reformist pamphleteers protested against the incorporation of qunut in the subh prayer and considered the practice as bid'ab. 38

Chalil also reinforces his arguments against the sunnah turkiyah by relying on the opinions of Ibn Hajar al-Haytami whose Tuhfut al-Muhtāj li-Sharh al-Minhāj constituted one of the most important text-books on figh used by the Indonesian traditionalists. Chalil refers, however, not to the Tuhfah which was blacklisted by the modernists and instead to al-Haytami's al-Fatāwā al-Hadīthīyah39 al-Haytami, according to Chalil, maintained that the sunnah tarkiyah is synonymous with bidah and that all bidah is dalalah (misguided), as the Shar' has decreed to be so. Nonetheless, al-Haytami also said that bid ah could be either hasan (good) or ghayr hasan (bad) depending on its literal (lughawiyah) meaning. 40 It should be noted, however, that al-Haytami's conception of bid'ah was also intended to identify a novel theological concept. He employed the term

³⁶Chalil. Kembali kepada Al-Qur-an dan As-Sunnuh. 217. Ibn Qayyim, I'lām ul Munaggi ia. vol. 2, 271.

^{3 7} Muhammad Ibn Qāsim al-Ghazzī, Fuch ul-Qurib ul-Mujib (Indonesia: Maktabat al-İdrüs, n. d.), 14, 16; al-Ghazzī's work is a commentary on ul-Ghāyuh wu ul-Tuqrīb by Abū Shuja' al-Isfahani. They are very popular figh works in Indonesia. There is hardly a pesuatren where at least one of the two is not studied. Martin Van Bruinessen, "Kitab Kuning: Books in Arabic Script Used in the Pesantren Milieu," Bijdrugen. 146 (1990), 246. ³⁸M. S. "Angkat Tangan Waktu Batja Qunut," *Svul-Djuwub*, no. 8, 24-30; "Doa Qunut dengan tidak Mengangkat Tangan," *Svul-Djuwub*, no. 8, 30-32, "Mengangkat Tangan Waktu Bangkit dari Rakaat Kedua," *Svul-Djuwub*, no. 5, 69-70.

³⁹A. Halim Hasan, "Tafsir Al-Manar dan Pengaruhnja, 2" Pundji Musjurukut (February, 15, 1960), ?; Hasbi Ash-Shiddieqy, Runng Lingkup Ijtihud Puru Ulumu dalum Membina Hukum Islum (Bandung: Unisba, 1975), 16-17; They considered the Tuhfuh incompatible with the spirit of modernity on account of its lack of analysis. This assumption eventually betrays a lack of familiarity with the book, al-Haytami's Tuhfuh was recognized as one of the most authoritative textbooks of the Shafi'i school. C. Van Arendonk and J. Schacht. Ibn Hajar al-Haytami," Encyclopaedia of Islam, vol. 3 (new ed.) (cds.) II.A.R. Gibb et al. (Leiden: E. J. Brill, 1971), 179; 'Abd al-Latif Muhammad al-Subki et. al. Tūrikh ul Tushri' ul-Islāmi (Cairo: Matba'at al-Sharq al-Islāmiyah, 1930), 347.

⁴⁰Ibn Hajar al-Haytami, Kitub ul-Fatuwā ul-Hudithiyuh (Cairo: Matba'at al-Ma'āhid 1934). 200.

bid'ah for this concept in order to limit membership in the all al-sunnah (the community of sunnah) to the adherents of the theological creed laid down by al-Ash'ari and al-Mārurīdī. As such, the term bid'ah as defined by al-Haytamī could even be applied to the reformists who, in spite of being members of ahl al-sunnah, rejected any affiliation to the Ash'arī or Māturīdī theological schools as defined by al-Haytamī above. It was for this reason that the traditionalists identified the reformists as "non-Sunnīs," an identification which they manipulated to discredit the reformists in the political campaign of the 1955 general election. 42 Chalil's quotation of al-Haytamī's opinion, thus, was not in keeping with the content of the meaning of bid'ah as advocated by al-Haytamī.

Chalil had more success by relying on the work of Ahmad Ibn 'Abd al-Qādir al-Rūmī on the sunnub tarkīyuh, since the former explicitly attacked the traditions which prevailed among the traditionalists and which were classified as bid ah munkarah (rejected bid ah) by the reformists. Although al-Rūmī was certainly not on an equal footing with either Ibn Qayyim or al-Shātibī, both of whose reputations were unsurpassed by any scholar in the eyes of the Indonesian reformists, nevertheless his Majālis al-Abrār wa Masālik al-Akhyār, a commentary on one hundred selected hadīth, served as an important source for the reformists, including Chalil, in their polemics against the practice of sunnah aukiyah.

Chalil's approach to the sunnah turkiyah was modeled on the puritan pattern. according to which its resemblance with bid'ah was stressed and its justification on the

⁴ libid.

⁴²For the criteria on ahl al-sunah wa al-jamā'ah by the traditionalists, see Stradjaddin 'Abbas, I'tiqud Ahlussunah Wal-Jama'ah (Jakarta: Pustaka Tarbiyah, 1983), 16-17, for the use of the pejorative term "non-Sunnis" by the traditionalists to identify the theological belief of the reformists and undermine them in the 1955 general election, see "I'tiqud Al Ba-'Alwi tentang Wahhabi," Pembela Islam, 47 (?), 7-11; E. Abdurrahman, Ahli Sunnah Wal Djama'ah," Hudjdjatul Islam, 1 (August; 1956), 12-20.

⁴³ Chalil, Kembali kepudu Al-Qur-an dan As-Sunnuh, 219; Carl Brockelmann, Geschichte der Arubischen Litteratur, vol. 2 (Leiden: E. J. Brill, 1938), 661-662; Hasbi Ash Shiddieqy, for example, also refers to al-Rūmi's Majūlis ul-Abrūr in his refutation of the practice of bid'uh. He mentions that al-Rūmi was a prominent Hanasite scholar Hasbi Ash Shiddieqy, Kriteria untara Sunnah dan Bid'uh (Djakarta: Bulan Bintang, 1967), 40

basis of muslulath (public interest) examined. 44 Chalil holds that the muslulath contains the idea of producing utility and (public) interest (kemunfuntun) and preventing harm. What the term muslulath meant to the usuliyun (legal theorists), according to Chalil, was the preservation of the purpose of the Shar' by means of removing things that might engender harm to human interest. He explains that the purpose of the Shar' is based on five foci: religion, soul, intellect, progeny and property. What assures the preservation of these five principles is muslulath and whatever fails to preserve them is not muslulath. However, he further argues, the establishment of muslulath is dependent on the existence of munasulath of (the text of) the Book, the sunnul and ijmū', since muslulath has no textual evidence. What the munisulath means to Chalil was the presence of an 'illath' (reason), on the basis of which an analogy might be sought in order to establish a hukm (judgment). 45

It is due to the lack of textual evidence. Chalil says, that both masalih al mursalah or masalahah and bid'ah or sunnah tarkiyah appear identical and are often lumped under the same category. Indeed, the practice of bid'ah was often placed under the jurisdiction of masalahah. Such a categorization was erroneous, since there were principles that the two did not share. Chalil further argues that while the masalah apply to the wasa'il (means) that lead to the maqasid (purposes), bid'ah pertains to the maqasid themselves. 47 Moreover, masalahah serves as a source of law in connection with the mu'amalah, while bid'ah is an act attributed to the 'ibādah, an area in which God alone has the prerogative of determining its quantity, manner and timing. 48 In other words, the masalahah operates

⁴⁴Chalil, Kembuli kepadu Al-Qur-na dan As-Sunanh. 257-263.

⁴⁵ Ibid. 257; for a discussion of mundsubth, see Muhammad Khalid Masud, Islumic Legal Philosophy: A Study of Abu Ishaq al-Shatibl's Life and Thought (Islamabad: Islamic Research Pakistan, 1977), 155.

⁴⁶Chalil. Kembali kepada Al-Qur-un dan As-Sunnah. 258-259.

⁴⁷Ibid. 263.

⁴⁸The dichotomy between the mu'āmalah and 'ibādah was a manifestation of the different domains of authority. While the former related to worldly matters (dunyā), the latter addressed religious ones (dia). Attached to this dichotomy were the mu'āmalah which dealt with matters that could be discerned rationally (mu'qūl ul mu'nā) and 'ibādah that did not follow any rational principles (ghayr mu'qūl ul mu'nā) [bid 261 163] see also

within the sphere of mu'imuluh-related matters in which the exercise of reason is permissible, since the mu'imuluh regulates the conduct of men. This, however, does not apply to the 'ibāduh, which governs the conduct of men with God. Hence, the 'ibāduh provides no room for such an exercise, as it falls within the exclusive right of God (huqq nl-Shāri'). Chalil's argument regarding musluhuh and bid'uh served to consolidate further his argument against the sunnuh turkiyuh or bid'uh. This was also the approach of certain early scholars and reformists, such as al-Tūfī, to whom Chalil attributes his view and who regarded musluhuh as a fundamental principle clearly distinguishing it from bid'uh. Shātibi too exerted considerable effort in clarifying the difference between musluhuh and bid'uh and in making sure that they were not seen to overlap one another. He also laid down the principles behind distinguishing between the two.50

The remaining three types of sunnah, notably quwlivah, tuqritivah and hummiyah were not discussed as thoroughly by Chalil as the other two, since his main concern was with bid'ab and its relation to sunnah tarkiyah and fi'liyah. This is in spite of the fact that the term bid'ah, as he himself perceived it, was synonymous only with the sunnah tarkiyah and not fi'liyah. His recognition of sunnah as a source of religious legislation should have made him aware that the sunnah quwliyah deserves an equal, if not greater, attention than the sunnah fi'liyah. It should be noted that the usuliyan usually gave a detailed account of both sunnah quwliyah and fi'liyah, which in fact made up the main body of the sunnah al-Shawkāni, for example, delivers a lengthy discussion on the sunnah quwliyah and fi'liyah in which he does not even bother to treat the two separately, as the

Samīr 'Āliyah, 'Ilm nl-Qānun wa ul-Fiqh al-Islāmī (Beirut: Mu'assasat al-Jāmi'iyah li-al-Dirāsāt wa al-Nashr wa al-Tawzi', 1991), 70.

⁴⁹ For conformation of al-Tufi's argument that Chalil cited, see Mustafa Zayd, ul-Maslubub fi al-Tashri al-Islāmi wa Najm al-Din al-Tufi (n.p.: Dar al-Fikr, 1954), 133.

⁵⁰Muḥammad Rashīd Ridā, Yusr ul-Islām wu Uṣūl ul-Tushrī' ul-'Āmm (Cairo: Matba'at al-Nahdah, 1956), 70.

⁵ Chalil, Kembuli kepudu Al-Qur-un dun As-Sunanh, 210.

two sometimes interact, contradict and explain one another. 52 It was known that the sunnah qualifyith was numerically superior and legally more authoritative than the fillyah. The qualifyith was given a superior position, because it was identical with the hadith itself. 53 Hence, one can see how Chalil's preoccupation with the issue of bid'ah led him to neglect the sunnah qualifyith and how by not delving into the central concerns of the sunnah, he undermined his cause of reinforcing the principle of following the sunnah.

In dealing with the sunanh quwlivuh. Chalil confines himself to its classification as depicted in three hadiths. One of these states: "Pray as you see how I am praying." Another reads: "When you are making an ablution start with the right parts of your body." The third hadith relates to the act of reservation in which the Prophet says: "The best way for a Muslim is that he should not be engaged in matters that he is not entitled to [be engaged in]." 54 Even in giving his examples, Chalil fails to be completely accurate. While the last two hadith correctly relate to the sunnah quwlivah, the first is mistakenly classified as such, since it refers to the Prophet's actions during prayers and should, therefore, be considered as fill rather than quwli 55 al-Āmidī quotes this hadith as an example of a fill (act) rather than a quwl (saying) explaining (bayān) a Qur inic verse. This is not to deny that the act was reported through a clear statement (surih maqūlih) by Muḥammad, as al-Āmidī further states 56 Similarly, al-Shawkānī shares al-Āmidī's opinion and uses the hadīth in the same capacity in explaining a Qur inic verse that does not provide a detailed prescription of prayers. 57

⁵²al-Shawkāni, Irshād al-Fuhol (Mişr: Matba'at Muştafā al-Bābī al-Ḥalabī, 1937), 35-

⁵³Muḥammad Yosuf Mosā, Figh al-Kitāb wa al-Sunnah (Cairo: Dār al-Kitāb al-'Arabi, 1954), 12.

⁵⁴Chalil, Kembali kepada Al-Qur-un dan As-Sunnah, 221.

^{55&#}x27;Abd al-Rahman al-Şabuni, Muhādurāt fī ul-Shuri'nh ul-Islāmīyuh (n.p. n.p., 1972),

⁵⁶al-Amidī, al-Ihkām fī Uṣūl al-Aḥkām, vol. 1, 247-248.

The sunnah capritivals receives much less of Chalil's attention than the carking. The former also served as a source of legislation, though it did not originate from the deed or utterance of the Prophet. Chalil provides three examples of sunnah capritivals, one of them being the story of the Prophet keeping silent when he saw Khālid Ibn al-Walid eating a dabb (lizard), although he himself disliked eating such creatures. The second example is that of the Prophet's decision to let Muslim women leave their houses, walk in the streets, attend religious functions in the mosque and listen to the khutbah (sermon). The third example pertains to the authority he bestowed upon Sa'd Ibn Mu'ādh to pass judgment on the leaders of the Jewish tribe, Qurayzah Chalil provides these examples so as to make the definition of sunnah taqritivals more lucid. Nonetheless, he merely views the sunnah taqritivals within the limits of its definition, citing only a few examples and refraining from any elaborate discussion on taqrit. Had he done so he would have rendered the meaning of following the sunnah clearer and would have incorporated the legal value of taqrit in it.

Moreover, the *sunnuh tapriciyuh* had produced a number of controversies over the nature of its legal force. For example, when the Prophet issued a *taqric* with the intention of relieving a particular companion of certain hardship (intique allower), scholars differ over whether such an act conveyed a universal application or not. If the companions claimed his act to be authoritative, since it was performed in the blessed time of the Prophet, should its authority then be automatically accepted or not? Apart from that, disagreement still occurred among the scholars with regards to the authoritative nature of the *subabah's* legal judgments, when the latter were issued after the death of the Prophet. These are only some of the aspects of *mapric* that should have been dealt with by Chalil, so that the premise of following the *sunnah* would have had more substance to it.60

⁵⁸ In spite of the tagrir (decision) of the Prophet, not all four madhhabs agreed since the Hanasites held that eating a dubb was hurum (unlawful). Ibn Hajar al-'Asqalani, Bulugh ul-Murum min Adillut Ahkum (Beirut: Dar al-Ra'id al-'Arabi, 1987), 301.

⁵⁹ Chalil, Kembuli kepudu Al-Qur-na dua As-Suaanh, 221.

⁶⁰al-Shawkāni, Irshād ul-Fuhūl. 41.

As mentioned earlier, Chalil chose to incorporate the sunnat al sahabah into the body of the sunnah, thus indicating his indifference as to whether the former incorporated practices that occurred during the lifetime of the Prophet or after his death. In fact, he refrains from casting any doubt on the validity of their legal decisions, even on matters related to 'ibādah He provides a number of examples of their decisions, such as the tanīwīh prayer which 'Umar (the second Caliph) enforced to be more publicly practiced and the addition of one more ādhāa to the Friday prayer by 'Uthmān (the third Caliph). 61 As for the hadīth which declares that whatever Muslims (al-muslimūn) consider good is also good in the eyes of God, Chalil points out that the word al-muslimūn in the hadīth refers exclusively to the sahābah. This indicates his acceptance of their ijmā' (the consensus of the sahābah) as the only valid consensus and his undeterred faith in their legal authority. 63 Thus, it seems that he was determined to bestow on them the position of legal authority in line with the concept of sunnah, which in his view embraced their practice as well.

It should be mentioned, however, that Chalil's discussion of the sahābah's role in legislation, as in the cases of 'Umar and 'Uthmān or others not mentioned here, does not occur in the course of his treatment of sunnah taqrīrīyah or sunnat al-sahābah, but is rather subsumed under his argument regarding bid'ah. The examples of the tarāwīh prayer and the ādhān mentioned above were raised by Chalil in refutation of the statement that 'Umar and 'Uthmān had introduced two innovated 'ibādah ('ibādah mubtada'ah), thereby adding elements not known during the time of Muḥammad. Moreover, in his interpretation of the word al-muslimān, Chalil was trying to restrict the meaning to the saḥābah in order to make them the sole rightful possessors of religious authority. This, he thought, would

⁶¹Chalil. Kembali kepada Al-Qur-un dan As-Sunnah. 274-275.

⁶²The original text of this hudich is "mā cu'āhu ul-muslimua husunun sahuwu 'indu Allāh husunun." Ibid., 268, 273.

^{63&}lt;sub>Ibid., 309-312.</sub>

put an end the practice of bid ah. which was sometimes legitimized by claiming that it was overwhelmingly accepted by "al-muslimun" (i.e. Muslims in general).

Chalil's discussion of sunnah also covers the sunnah hammiyah which, like the sunnah tarkiyah, was not often brought to the fore by the usuliyan due to its lack of legal power. As the sunnah hammiyah consists of actions proposed but never carried out by the Prophet, it has little, if any, religious significance. Chalil rejects the legal authority of the sunnah hammiyah on the basis of the opinion of some 'ulamā' who declared that following the sunnah means following real acts, so that the manner of their execution might be clearly seen. Chalil also mentions the opinion of some 'ulamā' who not only accepted it, but also considered it obligatory. However, he does not indicate the names of these 'ulamā' nor that of the madhhab which regards the sunnah hammiyah to have legal significance. 64 The latter opinion appears to belong to the Shāfi'ītes who counted the sunnah hammiyah as one of the four types of sunnah, although in their scale of preference, it came last in order following the sunnah qualiyah, fi'liyah and taqririyah. Chalil's rejection was in line with the position of al-Shawkānī who described the sunnah hammiyah as matters that simply came to Muhammad's mind and which, therefore, have no religious effect, 65

Both Chalil and al-Shawkānī discuss the *sunnah hammīyah* despite the paucity of cases that exist to illustrate it. Chalil, for instance, provides one example only, in which the Prophet was said to have been planning to fast on the ninth day of the month of al-Muḥarram known as $T\bar{n}s\bar{v}'\bar{n}'$ (the ninth). This plan, however, did not materialize due to his death in Rabī' al-Awwal of the same year. 66 al-Shawkānī furnishes two examples only, one of which was that the Prophet was planning to punish those who did not perform their

⁶⁴ Moenawar Chalil, "Bid'ah Pada Asjura." Abadi (September 25; 1953).

⁶⁵al-Shawkānī, Irshād ul-Fuhol, 41.

⁶⁶Chalil, "Bid'ah Pada Asjura."

prayer by burning their houses (In uharriq 'alayhim buyuahum). Their mention of the sunnah hammiyah departed from the spirit of following the sunnah which also meant following the sunnah in its designated place where it signified what was executed by the Prophet. This meaning had occupied Chalil and al-Shawkānī whose puritanist frame of thought strove towards stripping the sunnah of anything which had no direct link to its legal implications. Hence, they restricted the term sunnah and prevented it from tempering with its correct significance and would halt all inappropriate practices from being attributed to it. 68

Chalil's call for following the sunnah takes a new direction when he challenges those who rejected it as the second source of Islamic law. He states that those who were satisfied with the Qur in as the only basis of their religious life were deviating from the right path and were not following the ordinances of the Qur in. This is so because the Qur in has clearly ordered Muslims to obey the Prophet. He then cites 'Abd Allāh Ibn 'Umar's statement that whoever opposed (khālafa) sunnah would become an infidel (faqud kafara)) It should be remarked that objections to or ignorance of the value of sunnah as a main component of law-making (tashri'). second only to the Qur in. have been heard since the period of the suhābah. The legal authority of sunnah was "officially" questioned as early as in the second century of the Hijrah. It was reported that al-Shāfi'ī engaged in debate (munī puruh) with such rejectionists. Indeed, the Khawārij in al-Shāfi'ī s time raised a serious objection to the employment of hadīths on the grounds of their tendency to contradict each other. Among the Mu'tazilītes there were those who argued that both the

⁶⁷al-Shawkāni, Irshād al-Fuhol, 44.

⁶⁸al-Shawkāni's puritan views are best represented in one of his works, ul-Quwl ul-Music si Adillat al-Istibād wa al-Taqlid (Misr: Idārat al-Tibā'ah al-Munīriyah, n. d.).

⁶⁹Chalil, Kembali kepada Al-Qur-an dan As-Sunanh, 224.
70The argument is entitled "Hikāyat Qawl al-Tā'ifah al-Latī Raddat al-Akhbār Kullahā."
(An Account of the Argument with the People Who Rejected the Whole [corpus] of Prophetic Traditions." Cited in Khādim Husayn Ilāhī Bakhsh, ul-Qur ānīyūn wu Shubhutuhum huwl ul-Sunanh (n.p." Maktabat al-Siddīq, 1989), 93; Ahmad Hasan," Al-Shāfi'ī's Role in the Development of Islamic Jurisprudence," Islamic Studies. 5 (1966), 245.

hadith mutawatir (a hadith reported by a collective audience) and the hadith ahad (a hadith reported by individuals) were equally susceptible to containing false reports. 71

This is despite the fact that many Mu'tazilites accepted hadith mutawatir for a number of reasons, which differed considerably from one Mu'tazilite scholar to the other. 72

Many reformists showed a critical attitude towards *hadith*. Even while calling for following the *sunanh*, they were suspicious of the validity of its components and strictly scrutinized the reliability of the *isaād* or *mata* of each *hadīth*. Some of them were very much under the influence of the school of 'Abduh, including Chalil, who used reason as a tool in measuring the acceptability of *hadīth*. Others went to even greater extreme in rejecting *hadīth* totally, as in the case of Ahmad Parvez who established an organization (*jum īyuh*) called *Ahl al-Qur ān* (people of the *Qur ān*), an organization which, by its name, indicates the exclusive acceptance of the *Qur ān* and not the *sunanh* as a legal source. 73

It is worth juxtaposing Chalil's condemnation of the sunnah-rejectionists with the position of Muḥammad Tawfīq Ṣidqī, a member of the reformist sulafīyuh group, the very group which might have been expected to uphold the sunnah but instead rejected it in its entirety. In one of his writings, Rashīd Ridā admits that Ṣidqī, who was one of his colleagues and a contributor to his journal al-Manār; doubted the authority of the sunnah as a source of religion (laysat min uṣūl al-dīn). Indeed, Ṣidqī wrote an article, "al-Islām huwa al-Qur'ān Waḥdah" (Islam is the Qur'ān alone), in which he articulates several reasons for his objection to the sunnah as a source of uṣūl ul-dīn (the basis of religion). He states therein that ḥadīth suffers from falsehood (kidhb) and fabrication (wad'), and

^{7 1} Muhammad Khudari, Tārīkh al-Tashrī' al-Islāmī (Beirut: Dār al-Qalam, 1983), 185; al-Sibā'ī, al-Sunnah wa Makānatubā fī al-Tashrī' al-Islāmī, 160; Ahmad Hasan, "Early Modes of ljtihād: Ra'y, Qiyās and Istihsān," Islamic Studies, 6 (1967), 55.

⁷²Bakhsh. *ul-Qur uaiyva*. 90-91.

⁷³ Muhammad Mustafā al-A'zami, Dirūsūt sī ul-Hudīth ul-Nubuwi ul-Shurīs wa Tūrīkh Tudwinih (Riyadh: Maṭābi al-Riyād, 1976), 28, 32.

even if it did not, its binding authority is at best zunni (ambiguous) and therefore has no value before God. Moreover, he criticizes the authenticity of hadith by equating it with the scriptures of the Ahl ul-Kitāb (the Peoples of the Book), since neither were recorded during the lifetimes of those who produced them, namely the Prophets. 74

Chalil was well aware that it was among the reformists that the rejection of the sunnah had taken root and not among the traditionalists, whom he and his reformist counterparts criticized for relying too much on their figh-books and for undermining the importance of the sunnah, as will be seen later. The fact that he does not refer to the extreme case of Tawfiq Sidqi is perhaps understandable, given the fact that it would not have helped his cause. It was certainly not because he was ignorant of Sidqi's position. After all, Şidqī's book Durus Sunan al-Kā ināt: Muhādarāt Tibbīyah 'Ilmīyah Islāmīyah. which questions the legal value of hadith literature, served as Chalil's primary reference in his refutation of the scientific statements of the hudith, as previously explained. It should also be noted that Chalil was among the very few Indonesians to have had access to al-Munar, that is while he lived and studied in the Middle East early in his career. In the debate over the hadith of the fly. Chalil states that he had read an article written by Muhammad Sa'id al-Suyūtī and published in al-Munūr countering Ṣidqī's opinion, which refused the validity of such a hadith. Hence, Chalil must have known Sidqi's stance concerning the hadith and must have intentionally left it out. One reason for leaving Sidqi out might have been that Chalil deemed him to be a mediocre reformist, whose academic credentials were authoritative only when dealing with medical issues, since the latter was a medical doctor and not a religious scholar. Furthermore, Sidqī was overshadowed by Ridā,

⁷⁴Bakhsh, al-Qur'ānīyvān, 154-155; In the case of hadīch, the Prophet prohibited the suhābah from writing down his sayings and instead ordered them to write down the Qur'ān. (lā caktub 'annī fu mun kutubu ghayr al-Qur'ān fulyamḥuh). Mūsā, Fiqh al-Kitāb wa al-Sunnuh. 30.

⁷⁵ Moenawar Chalil, Mukhtar ul-Ahūdīth ul-Şuhībuh. 87.

on whom Chalil placed greater faith and who assumed the respected position of true" defender of *sunnuh* in his eyes. ⁷⁶

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Chalil's call for following the *sunnah* did not halt at the level of discussing its division and significance, but extended to using it as the primary source of his *ligh*. His work in this field, entitled *Mukhtār al-Aḥādīth*, which was also called *Figh al-Sunnah*, represents a conscious effort on his part to understand Islam in its pristine purity without the fetters of sectarian adherence and unqualified allegiance to a juristic school. 77 It calls for treating the opinions of the founders of the *madhhabs* in a light that neither emphasizes their differences nor overlooks them. In keeping with this non-sectarian inclination, Chalil was attracted to comparative *figh* books that went beyond the boundaries of particular *madhhabs*. 8 Hence, he availed himself of Ibn Qayyim's Zād al-Ma'ād. Ibn Rushd's Bidāyar al-Mujahid, Ibn Qudāmah's al-Mughnī, Ibn Ḥazm's al-Muḥallā, al-Nawawi's al-Majmū' Sharh al-Muhadhdhab and others. 79

Chalil was certainly aware that figh must derive its rulings from the Qur'an. However, the Qur'an usually gives its provisions in very general language, leaving Muslim scholars with no choice but to turn to the sunnah in order to provide details. In addition, his belief that the Qur'an should not be exploited for information on any particular science meant that he had to rely almost exclusively on the sunnah in constructing his figh. This is understandable, because nearly all of the detailed regulations on 'ibādah were brought to light by means of the sunnah.80 This does not suggest that Chalil disregarded the Qur'an, because he believed that the Qur'an served as the blueprint

⁷⁶For the comment on Rida's role in defending sunanh, see footnote no. 9 above.

⁷⁷ Chalil, Mukhtār al-Ahādīth, 4; idem, Kembali kepada Al-Qur'an dan As-Sunnah. v.

⁷⁸The concept of unification constituted one of the predominant factors behind the reformist work on *figh al-sunauh*. See Sayyid Sabiq's *Figh us-Sunauh: Purification and Prayer*, vol. 1 (1989: American Trust Publication, 1989), xv-xvi.

⁷⁹Chalil, Mukhtār al-Aḥādīth, 10.

⁸⁰ Mūsā, Figh al-Kitāb wa al-Sunnah. 44.

from which the *sunauh* was generated.⁸¹ It should be noted that some 'ulumi' preferred the term figh al-Qur'an to figh al-sunauh, although in essence the role of the *sunauh* along with the opinions of the fuguhai' was greatly instrumental in revealing the provisions of the Our an 82

Historically, books of *figh* were compiled on the basis of the Prophetic *sunnah* along with the *āthā* (sayings) of the *saḥābah*. The best example of this genre of writing is Mālik's *nl-Muwnṭa* and to this genre also belong Sufyān al-Thawrī's *nl-Jāmi' nl-Kabīr* and al-Shāfi'i's *Ikhtilāf al-Ḥadīth*. In these works, *ḥadīths* are compiled and arranged in a thematic order within chapters devoted to various topics of *figh*. Thus, the *sunnah* made up the core element of the science of *figh* since its earliest development. And the earliest of these, one may count *Umdat al-Aḥkām fī Kalām Khayr al-Anām* by Taqy al-Dīn 'Abd al-Ghanī al-Jamā'ili (541-600 H.). *al-Umdah* is a compilation of more than five hundred aḥādīth al-aḥkām (ḥadīths which deal solely with legal issues) which were declared as suhih by al-Bukhārī and Muslim and were widely circulated among *ḥadīth* scholars. And *Umdat al-Aḥkām* and both are listed by Chalil among the references that he consulted. Abc Chalil

^{8 1} Chalil, Kembali kepada Al-Qur-aa daa As-Sunnah, 68-72.

⁸²Sa'id Ibn Hibat Allah al-Rawandi, Fiqh al-Qur'an (Qum: al-Matba'ah al-Ahliyah, 1397 H.).

⁸³See al-Zurqānī, Sharh al-Zurqānī 'alā al-Muwarta' li-al-lmām Mālik, vol. 1-4 (Beirut: Dār al-Fikr, 1980); al-Shāfi'ī's Ikhtilāf al-Ḥadīth (Beirut: Dār al-Kutub al-'Ilmīyah, 1986).

⁸⁴Muhammad Jamāl al-Dīn al-Qāsimī, Qawā'id al-Tahdīth min Funun Mustalāh al-Hadīth (Beirut: Dār al-Nafā'is, 1987), 70; 'Umar Sulaymān al-Ashqar, Tārīkh al-Fiqh al-Islāmī (Kuwait: Maktabat al-Fallāh, 1982), 96, 114.

⁸⁵ See the commentary in the preface provided by Taqy al-Dīn 'Abd al-Ghanī al-Jamā'ilī in his 'Umdur ul-Aḥkām min Kulām Khuyr ul-Anām (Damascus: Dār al-Ma'mūn li-al-Turāth, 1988), 5.

⁸⁶ In the preface of Iħkām ul-Aḥkām, it is stated that the text is a prototype of liqu ul Svanub. See Ibn Daqiq al-Id, Iḥkām ul-Aḥkām: Shurḥ 'Umdut ul-Aḥkām. vol. 1 (Misr: Idārat al-Tibā'ah al-Munīrīyah, 1923), 4.

considered these two texts to be figh books which clearly derived their rulings from hacith.87

Speaking of figh al-sunanh in the Indonesian context, one pioneering work, namely Muntaqā al-Akhbār by Majd al-Din al-Harrāni (590-652 H., the grandfather of Ibn Taymiyah) merits our attention. Muntaqā al-Akhbār may be classified as a typical large collection on figh al-sunanh, in contrast to al-'Umdah described above, which belongs to a smaller category of work exclusively intended for beginners. 88 The Indonesian modernists held Muntaqā al-Akhbār in great respect and it too served as one of Chalil's sources along with its commentary Nayl al-Awtār by al-Shawkānī. Muntaqā al-Akhbār contains five thousand and twenty nine hadīths, classified in accordance with the established chapter divisions of figh texts. 89 The image of Majd al-Dīn as one the Taymīyah family (Āl Taymīyah) and al-Shawkānī as the defender of sunanh might have influenced the popularity of the text in modernist circles. Smaller in size but more widespread in its use is Bulūgh al-Marūm, which is a compilation of one thousand five hundred and ninety six hadīths, modeled after Nayl al-Awtār. Bulūgh al-Marūm, which was written by Ibn Hajar al-'Asqalānī (733-852 H.), served as an important text-book in the traditionalist schools and was translated into Javanese by Bishrī Mustafā, a prolific traditionalist tilim.90

Our discussion would not be complete without mentioning the figh al-sunnah texts written by Indonesian reformists. One such reformist was A. Hassan who inaugurated this new hybrid" of figh texts in the Indonesian context with the composition of his Al-Boerhan written as early as 1929.91 Later, Hassan expanded his figh al-sunnah by

⁸⁷ Chalil, Mukheār ul-Ahādīch, 10; al-Ashqar, Tūrīkh ul-Fiqh ul-Islūmī. 225.

⁸⁸Ibn Daqiq al-'Id, Ihkām ul-Ahkām: Shurh 'Umdut ul-Ahkām, vol. 1, 3, 5.

89Chalil, Mukhtār ul-Ahādīth, 9; al-Shawkānī, Nuyl ul-Awtār min Ahādīth Suyyid ul-Akhyār: Shurh Muntuqā ul-Akhbār, 8 vols. (Beirut: Dār al-Jīl, n.d.).

9 Ovan Bruinessen "Kitab Kuning." 255.

^{9 1} A. Hassan, Al-Boerhun Kitab Figh. vol. 1, 2 (Bandoeng: Persatoan Islam, 1929).

composing treatises on the pillars of Islam, such as Risulub Zukunt and Risulutul Hudj. 92
Hasbi Ash-Shiddieqy provided another substantial contribution with his Al-Ahkum, which covered various fight subjects ranging from 'ibūduh' (ritual practice), mu'ūmuluh (transaction) and uhwīl shukhsīyuh (personal status) to 'uqūbuh (penal code) and jinūyuh (criminal law). 93

In comparison with the works of Hassan and Ash-Shiddieqy, Chalil's Figh al-Sunant is more comprehensive due to its extensive coverage of a specific domain of figh. The first volume of his Figh al-Sunant consists of eleven sections occupying seven hundred and twenty pages. This volume is exclusively devoted to all aspects of al-nutural (ritual purity) and describes in minute details the water, the different levels of its inherent purity, the types of impurities (anjusah), the manner of purifying bodies and removing impurities from them, the acts of ablution (wudu'), the complete ablution (ghusl), issues involving menstruation (huvd) and post-childbirth bleeding (nifus), dry ablution (anyummum) and others. 94

In the introduction, Chalil states that since no comprehensive figh book was available in Indonesian, he felt obliged to produce a reference-work for the educated members of Muslim society, who spared no enthusiasm in studying Islamic law. Chalil never expected, as he explicitly states, that his work would be comparable with al-Nawawi's nl-Majmo' or Ibn Qudamah's nl-Mughni. Nonetheless, the fact that he intended to produce a multi-volume figh nl-sunnah indicates his ambition to aim at the standards set by al-Nawawi and Ibn Qudamah. He also mentions that he had no fear of running out of

⁹²A. Hassan, Risalah Zakaut (Bangil: Persatuan Islam, 1955); A. Hassan, Risalatul Hadj (Djakarta: Tintamas, 1955).

⁹³ Hasbi Ash-Shiddieqy, Al-Ahkam: Pedomaa Muslimia, 4 vols. (Medan: Islamiyah, 1953).

⁹⁴Chalil, Mukhenr ul-Ahudich, 707-720.

material in producing a multi-volume work, since the nhādīth nl-nhkām, which were to serve as the reservoir for his project, offer a wealth of inexhaustible material. 95

The pattern that Chalil follows in his Figh al-Sunnah consists essentially of an analysis of several hadiths illustrating one particular legal provision. In his analysis, Chalil starts by reporting the last narrator in each case, so as to show the sources of his hudith. The hadiths themselves were usually obtained from the kutub al-hadith al-mu tabarah (the authoritative hadith books), which include the two Suhihs of al-Bukhari and Muslim, the four Sunnas of Abū Dāwūd, al-Tirmīdhī, al-Nasā'ī and Ibn Mājah, the three Musands of Aḥmad Ibn Ḥanbal, al-Dārimī and al-Shāfi'ī and Mālik's al-Muwaga 'among others. If a hudith is reported in a number of sources, Chalil examines the consistency of its lutz (words) in order to explore the possible deficiency of its mum (content). If the examination shows any deficiency, he dismisses the ruling of the hudith in question.

The second step in this approach was to classify each hadith within a designated category, either du'if, sahih, hasan or hasan-sahih. 96 This was largely a routine measure, because most of the *hadiths* selected had already been classified by previous fugaha? In most cases, Chalil simply mentions the remarks of his predecessors. Nonetheless, whenever he finds a suspect report, he cross-examines it by referring to a different source. 97 The sources are not always in agreement with regards to the status of individual hudith, i.e. a given hudith can be simultaneously classified as suhih and duff by different fuquhā? 98 Whenever he finds the latter to be the case, he conducts a further examination to

^{9 6}For the definitions of du'if, suhih, hasua, husua-suhih and others which might be mentioned in one way or another in this chapter, see Subhi al-Salih, 'Ulom al-Hadith wa Mustulahuh (Beirut: Dar al-'Ilm 11-al-Malayin, 1988).

⁹⁷See, for example, Chalil's remark on a hadith related to 'Abd al-Rahman Ibn Zayd al-Aslam, whom he blames for issuing fabricated hadiths. Chalil, Mukhtar al-Ahadith, 37.

⁹⁸In analyzing a hadich which specifies the quality of water free from impurity. Chalil mentions that hadith scholars, like Ibn 'Abd al-Barr, regarded it as da'll due to its iditab. whereas others, such as al-Bukhāri, Muslim and Ibn Khuzaymah, regarded it suhih. Ibid.,

see if the same narrator, whose unreliability caused the weakness of the *hadith*, is mentioned in the chain of transmission of another *hadith* or not.⁹⁹

Chalil's strict examination of the authority of the transmitters was in line with his overall attitude towards the role of the *sunnah* in establishing legal norms. The importance task carried with it the responsibility of investigating the authority of those transmitting the *hadith*, as practiced by the early scholars. 100 As a result of his research into this field, he finds fault with some 'uluma', accusing them of having circulated certain hadiths without examining the authority of their transmitters. A case in point is al-Ghazāli, who, in his thyā' 'Ulum ul-Din, quotes many hadiths without referring to their narrators or their sources as evidence of their reliability. Chalil declares it to be understandable that numerous hacūth scholars of al-Ghazāli's time blamed him for removing the most important part of the body of the hadīth. 101 This even inspired Zayn al-Din al-'Irāqī, according to Chalil, to compose ul-Mughni ti Haml ul-Astūr, in which he examines the authority of the hadīths that al-Ghazāli quotes in his thyā' in order to determine their reliability. 102

Following the classification of *hadiths* came the deduction of legal rulings from them, a process which constitutes the core of his book. This consisted of loosely translating the meaning of the *hadith* and adding to it his own explanatory notes. More often than not, Chalil makes a remark called a *tumbahan* (addition) or an *iscidnik* (correction) which sheds more light on a particular issue. In his remark, Chalil often uses a *hadith* to elucidate the ambiguous words mentioned in earlier *hadiths*, to annul the rulings derived from inauthentic *hadiths* or to settle controversies on debatable issues. Some typical cases,

⁹⁹ Chalil expresses the opinion that Rashid Ibn Sa'd was an unreliable narrator. The latter had reported two padiths which evaluated the purity of water when mixed with substances that caused its smell, taste and color to change. Chalil then closely scrutinizes the narration of these two different padiths in an effort to render an equitable judgment for a padith that had a defective narrator. Ibid., 29, 33.

¹⁰⁰Chalil, "Memperingati Pribadi Nabi Muhammad s. a. w."; idem, "Djangan Mempermudah Urusan Hadits," Abadi (July, 16; 1954).

¹⁰¹Moenawar Chalil, "Hati-Hati Memakai Hadits. Hadits Palsu Mentjerai Beraikan Ummat," Abudi (September, 16; 1960).
102Ibid.

which Chalil deals with, include the meaning of the word bidā'nh (the name of a well), a rejection of the opinion that water exposed to the sun (mā'mushummas) contains disease, and opinions concerning the purity of used water (mā'musta'mul), as well as the now familiar controversy over the disease and the cure on the fly's wings. 103

After classifying each *hadith* and deducing its ruling. Chalil advances the opinion of various *fuquhā*, on each provision. He uses this section as a forum to exhibit the tradition of debate among the *fuquhā*. He presents the different views of all ranks of *fuquhā*, from the *saḥābah*, the *tābi ūn*, the founders of the four *madhhabs* and their contemporaries as well as later scholars. 104 In this way, Chalil introduces comparative studies to the science of *fiqh* and endorses the principle of *talfīq* (moving from one *mudhhab* to another), by calling for the consultation of the opinions of different *madhhabs* before coming to a decision.

The principle of nulfiq was one of the features that the reformists introduced in an attempt to free themselves from partisanship to particular schools and to reduce the fanaticism attached to them. This certainly posed a challenge to the traditionalists, who were clearly opposed to the principle of nulfiq. Chalil, however, does not engage in the practice of nulfiq (favoring one ruling on the account of its stronger and sounder argument), because he is convinced of the validity of each ruling. When he is not convinced, he usually adds a remark describing its weakness.

Chalil's choice in undertaking to write a *figh nl-sunnth* text can also be viewed as a manifestation of his intellectual objection to conventional *figh*. He criticized works of this nature which did not provide textual evidence in their rulings and which were taught by the

¹⁰³Chalil, Mukhtar al-Ahadith, 30, 51, 54, 82, 85 and 92.

¹⁰⁴ Among the fuquhā' that Chalil refers to are Ibn 'Abbās, Ibn Mas'ūd, Sa'id Ibn al-Musayyab, 'Aṭā' Ibn Abī Rabāḥ, Mālik Ibn Anas, al-Shāfi'i, Aḥmad Ibn Ḥanbal, al-Awzā'i, Dāwūd al-Zāḥirī, al-Layth, al-Nawawī, al-Ṣan'ānī, al-Khattābī and al-Shawkānī. See the section "the opinion of the fuquhā'" provided in each subject discussed Ibid.

traditionalists in their pessantren. His criticism was typical of the reformist belief that conventional figh was one of the factors behind the traditionalists' self-sufficiency and their consequent neglect of the study of the sunanh. The traditionalists even accorded these figh books a respect greater than that which they felt for works of hadith his in turn, hindered the preservation of the authentic teachings of the Prophet. In order to combat this trend, the restoration of the sunanh as the focus of study was required. In an attempt to further this process, reformists created a forum to reawaken interest in the study of hadith, viz. the Lajanh Ahli-Ahli Hadith Indonesia in which Chalil assumed the position of secretary. While continuing his own Figh al-Sunanh. Chalil joined with others in writing Al-Fighun al-Nahawy, another way of expressing figh al-sunanh. Chalil's and other reformists criticism of conventional figh merits discussion on two points: the first is the manner in which the traditionalist pesantrens treated the hadith literature and the second the question of whether conventional figh substantially was distinguishable from figh al-sunanh.

On investigation, it would seem that the traditionalists never lost sight of the importance of *hadith*. They taught the *Saḥiḥs* of al-Bukhārī and Muslim and other smaller collections of *hadīth* in their *pesantrens*. These smaller collections alone were accorded the same amount of time as *figh* and *ilm al-ālūt* (Arabic-related sciences). Moreover, they reached a wider audience than the *Saḥiḥs*, as they were taught to the less advanced students, who made up the greater part of the *pesantren's* enrollment. The collections in this

¹⁰⁵ Moenawar Chalil, "Mana Pentjinta Nabi Muhammad s.a.w.," Abadi (February 5; 1954).

¹⁰⁶A. Farichin Chumaidy, "The Jam'iyah Nahdlatul 'Ulama': Its Rise and Early Development, 1926-1945," (M. A. thesis, McGill University, Montreal, 1976), 117.

¹⁰⁷ Imam Ghozaly and Moenawar Chalil, Al-Fighun al-Nabawy: Figih Berdasar Acus Pimpinua Nubi s. n. w. vols. 1-18 (Solo: Al-Ma'murijah: n. d.).

category were Bulugh al-Maram, Riyad al-Ṣaliḥin, Tanqih al-Qawl, al-Arba'in al-Nawawiyah, al-Adhkar and Usfuriyah. 108

The teaching of the smaller texts was primarily intended to emphasize the virtues exemplified in the Prophet's behavior. al-Bantani's Tanqih al-Qawl. for example, which encompasses forty chapters (al-abwāb). discusses the promotion of virtuous deeds (findiil al-a'māl), primarily in the areas of charity and social etiquette. 109 This is also the case with al-Nawawi's Riyald al-Sallipin which, due to its larger collection, covers a greater variety of subjects, such as the virtues of greeting, the etiquette of asking for permission, the proper way to shake hands, the manners of eating, dressing saluting, etc. 110 The Prophetic sunnation was, therefore, observed by the traditionalists in a holistic way, incorporating the behavioral norms advanced in the Prophetic traditions. The question of the authenticity of those thadiths which suggested meritorious deeds was raised by Chalil. 111 However, the issue was not seen by the traditionalists as being of paramount importance as their authenticity would not lower their value as tools for the edification of the young. 112

Although the smaller *finosith* collection tended to concentrate on virtuous deeds, they did not neglect the most important aspect of the *sunnah*, i.e. its role as a guide to Muslim religious life. It was to bring out this aspect that al-Nawawi wrote his *Mata ul-Arba in*, a work which contains forty selected *finosiths*, as the title of the text indicates. In his introductory statement, al-Nawawi points out that the other collections of forty *finosiths*

¹⁰⁸ Van Bruinessen. "Kitab Kuning." 255-256; idem, "Pesantren dan Kitab Kuning: Pemeliharaan dan Kesinambungan Tradisi Pesantren," Ulumul Qur'ia. 4 (1992). 84.

¹⁰⁹ Muhammad Ibn 'Umar al-Nawawi al-Bantani, Tunqih al-Quwl ul-Huchich si Shurh Lubith al-Hudich (Indonesia: Dar Ihya' al-Kutub al-'Arabiyah, n.d.).

¹¹⁰al-Nawawi. Riyad ul-Şulibin min Kulam Suyyid ul-Mursulin (Cairo: Dar Ihyu' al-Kutub al-'Arabiyah, n.d.).

¹¹¹ Moenawar Chalil, "Ratjoen Jang Berbahaja Bagi Oemmat Islam?" Pembelu Islam. no. 56; see also Hassan's rejection of the use of hadith da'if for virtuous deeds. A. Hassan. "Memakai Hadits Dla'if," Sval-Djawab, no. 3, 20-21.

As can be seen from the chapters of Tunqih ul-Quwl, they were all described by the word fudiluh, al-Bantani, Tunqih ul-Quwl fi Shurh Lubüb ul-Hudith, 64.

tend to focus on one particular subject only, such as $fur\bar{u}'$ (branches). fihid (holy war). zuhd (asceticism), $\bar{u}d\bar{u}b$ (ethics) and khumb (sermons). His work, however, was designed to cover all those subjects, with each $fud\bar{u}d$ in the collection constituting an important religious norm $(q\bar{u}'idah'azimah min quw\bar{u}'id al-din)$. 113 al-Nawawi's al-Arbu'in is made up exclusively of sound $fud\bar{u}d$. almost all of them derived from al-Bukhāri and Muslim. Because the main purpose of the text is to edify beginners, al-Nawawi intentionally leaves out the chains of narrators, so that elementary learners of $fud\bar{u}d$ need only to deal with the body fud of the fud fud al-Nawawi's fud fud was one of the most widely used texts in the traditionalists' schools and served as the basic fud fud fud fud instruction at the elementarylevel. 115

The practical nature of al-Nawawi's n/-Arbn'in is also reflected in another of his hadith collections, namely n/-Adhkār n/-Muntakhabah min Kalām Snyyid n/-Abrār. al-Nawawi himself states that n/-Adhkār was composed to serve as a practical guide for devout worshippers (n/-mun'abbidīn), whose aim was to bring their religious practices in line with the Prophetic sunanh. Unlike n/-Arbn'in, n/-Adhkār provides a brief account of the category of each hadīth and describes which of them is saḥīh, hasan, da'if or munkar. Like n/-Arbn'in, n/-Adhkār gives priority to the mam of the hadīth rather than its isnīd, which, al-Nawawi thought, was more the concern of the muhadithūn (badīth scholars). 116 The fact that n/-Adhkār not only includes hadīths on ādāb and riyādār al-nufūs (spiritual exercises), but also on 'ilm n/-hadīth (the science of hadīth), figh and

¹¹³al-Nawawi, Mata al-Arba'ia ul-Nawawiyah II al-Ahādith ul-Şahihah (Algiers: al-Madrasah al-'Aliyah li-al-Dirāsāt al-'Arabiyah, 1950), 10.
114Ibid.

¹¹⁵ It should be mentioned that the *pesuatrea* often had an affiliated school where *ul-Arbu'in al-Nawawiyah* formed a part of its curriculum but not that of the curriculum of the *pesuatrea* itself.

¹¹⁶al-Nawawi, al-Adhkār al-Muntakhabah min Kalām Sayyid al-Abrār (Damascus: al-Maktabah al-Amawiyah, 1978), 4.

muhimmit ul-quwi id (important norms) might have led the traditionalists to use it for the instruction of students at the intermediate level in their pessanten. 117

Even though the subject of *Innoteth* was, as we have seen, made obligatory in the pessatrens, the fact that the students did not seem to consider it as one of their major courses cannot be entirely denied. However, this assumption is correct only in so far as it applies to the study of the Subits, because they were offered on a seasonal basis, mostly in Ramadān, or in alternate years and in certain pessatrens only. Despite this irregularity, attendance at the courses on the Subits never fell off, for they were of special interest to the advanced students, who had completed the principle sciences and were deemed "eligible" to study the Subits. They often had to leave their home pessatren for another pessatren, where instruction in the Subits was offered during Ramadān. This process meant a month's stay away from the student's home pessatren and was known as mbajuk (a Javanese word which literally means to plow or to commute) within the pessatren milieu in Java. It should be mentioned that the principle sciences, which included film al-ālāt, figh and usul al-figh, constituted prerequisites to be completed by the students, before embarking on the study of tafsir and hacāth (the Subits). It was due to this reason that the last two sciences were offered to the more advanced students only, 118

In evaluating the place of hadith studies in the pesantren curriculum, one must not forget the role played by the abridgment of the Suhih al-Bukhārī, namely Mukhtasar Sahih al-Bukhārī al-Musammā al-Tajrīd al-Ṣarīh li-Aḥādīth al-Jāmi al-Ṣaḥāḥ by Zubaydī. Due to its relatively small format, the Mukhtasar received more regular teaching hours than the

¹¹⁷Ibid.

¹¹⁸ The name "principle sciences" has been coined by the present writer to distinguish them from the other two sciences, namely tassir and hadith, studied in the pesnatren. The word "principle" simply means here a foundation on which the study of tassir and hadith is built. For the names of the text related to "ilm al-ālāt, sigh and uṣūl ul-sigh offered in the pesnatren, see Van Bruinessen's article and for the prerequisite sciences that should be mastered by the student of hadith, see the preface of Bulogh ul-Marām. Van Bruinessen, "Kitab Kuning," 240-244, 244-250 and 250-251; al-'Asqalāni, Bulūgh ul-Marām. 3.

Sahih did and still broached the subjects covered in the Sahih of al-Bukhāri. 119 The science of hadith (muṣṭalāḥ al-ḥadīth) was not neglected either, for it was the only means by which the knowledge of distinguishing the false from the sound hadith was acquired. The most widely used text on this subject in the traditionalist institutions was Minhath al-Mughīth by Ḥāfiz Ḥasan Mas'ūdī. 120

The fact that the previously-mentioned Arabic fundith-texts were taught primarily in the pessatiren and not in the modernist schools undermined the hopes of Chalil and his tellow reformists that the study of sunnah, particularly through the Suhihs of all Bukhāri and Muslim, could ever gain ground in the pessatirens. The study of Arabic fundith-texts in the pessatirens was made possible because of the fact that the students in those institutions received an intensive training in the Arabic-related sciences and thus had a greater access to texts still only available in Arabic. What all this goes to show is that while the pessatirens may have given extra weight to the study of figh, they were nevertheless far from apathetic about the study of fundith. Moreover, the unequal distribution of fundith-figh subjects may have been attributable partly to the greater availability of practical manuals in the area of figh and partly to the fact that conventional figh offers a more direct approach to issues of daily concern. Indeed, the conventional figh-texts provide rulings and suggestions for application that are of immediate use. This is in contrast to figh al-sunnah, which demands time and effort and constant examination of the authorities of every fundith before any legal rulings can be deduced. A case in point is Chalil's own work on the subject.

Furthermore, even though most works of conventional figh do not provide any textual evidence, they still ultimately depend on the sunnab for their substance. A sound knowledge of the sunnab constitutes one of the prerequisites to be met by a faqih (singular of fuquhā) engaged in the production of a legal text. al-Ghazālī, for example,

¹¹⁹ Zayn al-Dîn Ahmad al-Zubaydî, Mukhtaşar Şahih al-Bukhārī al-Musammā al-Tajrīd al-Şarīh li-Ahādīth al-Jāmi al-Şahīh. 2 vols. (Beirut: Dār al-Nafā'is, 1986).
120 Van Bruinessen. "Kitab Kuning." 240.

declares that a fingth should have a number of books on the sunnah on hand, such as Abū Dāwūd's and al-Nasā'i's Sunnas, while other scholars oblige a fingth to know the ul-Kurub ul-Sittah. Still others expect from a fingth a good command of the ubūdūth ul-ubkūm contained in the ul-Kurub ul-Sittah and others. 121

lndeed, the *fuquhā* were the associates of the *muḥnddithūn* (budīth scholars) and were regarded as the protectors (hurrīs) of sunnth against any potentially corrupting elements. 122 Furthermore, a fuqīth had often to be a muḥnddith (singular of muḥnddithūn) at the same time, since any lack of knowledge of traditions was bound to undermine the authority of his legal scholarship. Hence, the conventional fiqh which excludes textual sources and delves directly into the opinions of individual fuquhā' and their own madhhabs is acceptable in itself, since those opinions were indirectly generated from a mastery of sunnth, which was mandatory for every fuqīth. This genre of fiqh was an early phenomenon "institutionalized" by the Hanafīte fuquhā', who were among the precursors in the field of fiqh literature and deserve credit for their role in its formulation as an independent science. Hence, there is no reason to consider fiqh al-sunnth to have sounder textual basis than conventional fiqh, since they only differ in the presentation of material and not in their use of the sources themselves.

Indeed, the generalization that conventional figh lacks textual evidence is not entirely correct. The best example of a conventional figh-text which quotes hadiths in its arguments is Tuhfat al-Tullab by Zakariyā al-Anṣārī. The Tuhfah frequently came under attack by the reformists in their polemics against traditionalist figh. 123 It should be noted that the nature of the provision of hadith texts in the traditionalist figh-books is not to extract rulings from any given hadith, as in the case of Chalil's Figh al-Sunnah, but rather

¹²¹al-Ashqar, Tarikh al-Figh al-Islāmi. 224.

¹²² Muhammad al-Ghazāli, nl-Suanuh nl-Nuhuwiyuh buyuu Ahl nl-Fiqh wu Ahl nl-Hudīth (Cairo: Dār al-Shurūq, 1990), 19.

¹²³ Hasbi Ash-Shiddieqy, Sjuriut Islam Mendjuwah Tuntungan Zuman (Djogdjakarta: IAIN Sunan Kalidjaga, 1961), 43; A. Halim Hasan, "Tafsir Al-Manar dan Pengaruhnja, 2,"?

to support already-established rulings which were not specifically stipulated or which were subject to debates among the jurists.

Examples of the methodology of conventional *ligh* with respect to *hadith* can be seen in the following two cases from the *Tuhfah*. In the first example, a *hadith* is cited justifying the practice of recommended ablution (wudū' masnūn) for a person with a major impurity (junābah), a practice different from obligatory ablution (wudū' wājib) in that in the recommended version the feet are washed after bathing (ghusl) rather than after wiping one's ears. The second example pertains to the manner of wiping one's head (mash al-ra's) during ablution. There were a variety of opinions on the latter issue. In order to settle these differences, a hadith favoring the Shāfi'ite position is selected and it forms the basis for the legal ruling that only a part of the head (ba'dul-ra's) need be wiped. Indeed, according to the Shāfi'ites, it was sufficient to wipe part of the head, while the Mālikites demanded that it be most of the head and the Hanafites a quarter only. 124 The last example is presented here not only to illustrate how hadith were employed in conventional figh, but also to show an early attempt at comparative figh in so early and so simple a text as Tuḥfah.

The use of *hadīth*, however, is not consistent throughout the *Tuḥfuh*, partly because certain topics were not seen as needing clarification through the use of *hadīth*. It is also worth mentioning that a brief examination of the authority of the cited *hadīths* is also given in the *Tuḥfah*, so as to categorize them and establish the reliability of their transmitters. A closer look at this process of examination reveals that the selection of the quoted *hadīths* is restricted to those obtained from the *nl-nḥndīth al-mu'tabarah* (authoritative *ḥndīths*). In such cases, the names of the reporters are mentioned, such as Abū Dāwūd, al-Tirmīdhī, al-Bukhārī, Muslim, al-Nasā'ī, Mālik, al-Shāfi'ī and, when

¹²⁴Zakarīyā al-Anşārī, Tuḥfat ul-Tullāb bi-Shurh Taḥrīr Tunqīh ul-Lubāb (Indonesia: Dār lḥyā' al-Kutub al-'Arabīyah, n.d.), 4-5.

necessary, the names of the first narrators as well, like 'Ā'ishah, Jābir and Ibn 'Abbas. In addition, the classification of a *hadīth*, i.e. whether it should be deemed as *salnih*, hasan or *suḥiḥ-ḥasun*, is also mentioned, as this has a bearing on the nature of its *isnīd*. 125

The traditionalists were not unfamiliar with the major fight books in which the text of the Qur'in and the sunant serve the basis for the deduction of rulings, as in the case of figh nl-sunnah. In his nl-Majmu' Sharh al-Muhadhdhab, al-Nawawi, for example, explains the textual evidence furnished from the Qur'in and hadith by the Shāfi'ite faqih al-Firuzbādi, author of the Muhadhdhab, a work much favored by the traditionalists. He describes which of the hadiths employed by al-Firuzbādi are sahih (sound) da'if (weak), maqbūl (acceptable) or mirovo (rejected). He also mentions the sources from which al-Firuzbādi quotes the hadiths. Moreover, when any cited hadith is da'if he explains the causes of its weakness and provides a sound hadith as its replacement. 126

Although al-Nawawi's al-Majmū' was not included in the fight syllabus taught in the persantren, it was considered one of the primary sources to which the traditionalist visuali'referred in their bahth al-masā'il, a periodic meeting held to discuss contemporary issues in light of the fuquhā's opinions. al-Nawawī's works were supreme in the eyes of the traditionalists. This can be confirmed from the fact that whenever there was a dispute among the Shāfi'īte scholars on a legal question, al-Nawawī's opinion was the first to be considered, even before that of al-Rāfi'ī or any other scholar of that madhhab.127

While the *Tuhfah* served as one of the most important text-books for the students of the *pessatren*, al-Majmū' was the work most frequently referred to by their teachers, the

¹²⁵ See, for instance, the first part of "Kitab al-Taharah" in ibid., 3-38.

¹²⁶al-Nawawi wrote the first nine volumes of al-Majmo' (the last chapter is būb al-ribā, the chapter on usury), while the remaining three were done by Taqy al-Din al-Subki. al-Nawawi, al-Majmo' Sharp al-Muhadhdhub, 12 vols. (Medina: Tab'at al-Maktabah al-Salafiyah, n.d.); Van Bruinessen, "Kitab Kuning," 249.

¹² TPengurus Besar Nahdlatul Ulama, Ahkām ni-Fuqahā', vol. 1 (Semarang: Toha Putra, 1963), 7; Abū Bakr Ibn Muḥammad Shatā al-Bakrī, I'ānat ni-Tālibīn, vol. 4 (Beirut: Dār al-Fikr, 1993), 267-268.

traditionalist 'ulama'. But this does not mean that al-Anṣāri's Tuluah and al-Nawawis al-Majmu' were the only works which used hadith as the basis of their rulings. Tuluan al-Muhtaj li-Sharh al-Minhāj by al-Haytami, which always grounds itself on the Qur'an and hadith, was employed in the pessatrens as an intermediate-level text, while al-Shāfi'i's al-Uman, which cites plenty of Qur'an and hadith passages, supplemented al Majmu' 128

Chalil's campaign against the excessive reliance on conventional figh by the traditionalists was typical of the reformist attitude, which stereotyped the traditionalists as being self-sufficient in depending on their figh-books and, therefore, indifferent to the study of hadith literature. Chalil, like his reformist counterparts, failed to perceive that the pesantren is an established Islamic educational institution, where all religious sciences must be taught alongside the hadith. He also failed to remember that the traditionalists were orthodox Muslims, whose commitment towards the sunnah as a source of legislation was second only to the Qur in. This is despite the fact that the traditionalists approach to the study of figh vis-a-vis hadith was unlike that of the reformists. Hence, the intention of bringing the sunnah to the fore as a way of implementing the concept of following the sunnah cannot be linked to the conventional figh nor to the study of hadith by the traditionalists, because it will confirm the above-mentioned stereotype.

It should be noted, however, that figh ul-sunnah made its contribution to the exposition of the sunnah, particularly among those whose illiteracy in Arabic left them no choice but to use the Indonesian text-books. In addition, the traditionalists began to realize the importance of this genre of figh, as can be seen in their decision to incorporate Bulugh ul-Marūm into the syllabus of their schools. More importantly, figh ul-sunnah influenced the traditionalists into adopting a more flexible attitude towards legal schools other than

¹²⁸For the use of *Qur'anic* and *hudith*-texts in *Tuhfat al-Muhtaj*, see Siradjuddin Abbas' comment on this issue and for the verification of the extensive use of the texts in *ul-'Umm*, see al-Shāfi'ī's al-'Umm: Siradjuddin Abbas, Kumpulun Sonl Juwab Kengamunn (Jakarta: Pustaka Tarbiyah, 1987), 149-151; al-Shāfi'ī, al-'Umm, vois. 1-2 (Cairo: Ţab'at Būlāq, 1321 H.).

their own (the Shāfi'ite *mudhhub)*. Indeed, it was under the influence of the reformists that they began to use non-Shāfi'ite *fiqh*-texts, notably Ibn Rushd's *Bidāyna al-Mujauhid*. 129

The reformists' call to follow the Prophetic sunant prompted Chalil to redouble his efforts in order to persuade believers that it was their duty to obey the Prophet and to respect his authority. On the whole, he laid stress on emulating Muhammad's conduct as Prophet and not on imitating every detail of his personal behavior. Following the sunnab. therefore, meant practicing it in matters of 'ibāduh and not necessarily in one's daily life and habits. This limited scope of Chalil's discussion was a reflection of his puritan outlook. This may be seen in his choice to concentrate on removing unsuitable practices from the sunnub, rather than on promoting wider use of the latter in supporting legal rulings. Hence, he concentrated on the question of sunnah tarkiyah at the expense of other types, namely sunnuh quwliyuh and mqruriyuh. His discussion of the sunnuh hummiyuh too was a reflection of his inclination to exclude any practice other than those actually engaged in by the Prophet. In addition, Chalil was also clearly aware of the critical attitude towards the sunnah which had emerged as part of the rational approach towards the Prophetic traditions undertaken by reformists. Chalil's commitment to promote the reformist slogan of following the sunanh went beyond the level of words and thought. It was to his credit that he championed the cause of figh ul-sunnib and informed the Muslim community about it. both in his capacity as the secretary of the Lajnah Ahli-Ahli Hadith Indonesia and as an individual. This genre of figh expressed the reformist call for the abandonment of a strict reliance on any particular juristic rite and a return to the model performance of religious observances, as exemplified in Muhammad's original practice.

¹²⁹ Van Bruinessen, "Kitab Kuning," 244.