Redefining Hadith by The Zahirism of Ibn Hazm

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Abstrak: The perception of Ibn Hazm's thought on hadith as a Muslim intellectual who always puts forward the principles of textual Zahirism (*dhāhiriyyat al-nash*) in establishing a legal conclusion (*istidlāl al-hukm*) has implications for the general principles of understanding and position of hadith or al-sunnah. These implications will generally lead to the strengthening of the *dhāhiriyyat al-nash* paradigm or vice versa. This study employs a qualitative method with historical analysis and literature study along with relevant information of the study.This study explores Ihn Hazm's ideas about hadith, written in several of his works. Thus, it can be concluded that Ibn Hazm did not just use hadith for the sake of his madhab; he was also suspected of redefining or reconceptualizing various understandings of hadith. Finally, Ibn Hazm has rationalized the hadith according to the context and paradigm he is carrying. Hadith terminology cannot separate from the influence of discourse outside of hadith, such as knowledge, law, politics, and social religion.

Keywords: Al-Andalus; Hadith; Ibn Hazm; Zahirism.

1. Introduction

As a Muslim intellectual who pursued many studies (Tritton 1964, p. 471–84), Ibn Hazm al-Andalus (384-458 AH) did not study hadith as much as he looked at other themes on religious sciences or *al-ulūm al-syar'iyyah*. The study of hadith conducted by Ibn Hazm was done only in areas of *uşūl al-fiqh*, as found in *al-ihkām fī ushūl al-ahkām and al-nubdah*. It is therefore understandable that, to date, studies of the hadith within Ibn Hazm's thought are still relatively rare. To our knowledge, the studies of the hadith as proposed by Ibn Hazm were more focused on the conception of hadith pursued by and referred to by Ibn Hazm. These studies were mainly done by Taha Busrikh who had gathered Ibn Hazm's ideas about the hadith. In fact, according to the author, Taha Busrikh's work can be considered the most comprehensive work on Ibn Hazm's thought of the hadith (Busrih, 2001). Nevertheless, as a work born from the Islamic intellectual tradition, Ibn Hazm's thought, although considered very comprehensive, was very descriptive. It was as if the idea was conceived in an empty space with no intersection with other dimensions other than the context of the thoughts he presented(Andalusi, n.d.; Laila, 1985).

Exploring the background of Ibn Hazm's thought of the hadith is essential, in which, he was firm with his existence as a follower of the legal ideas proposed by Dawud al-Zāhirī (d. 270 H. / 883 AD)(Ibrahim, 2013, pp. i–iv); unlike general Islamic legal thoughts that combined the dimensions of rationality, the textuality of the Qur'an and *al-Sunnah*, and collective history of prophecy and Islam (*al-ijmā'*) that brought forth the Islamic legal thought tradition through the madhhabs of *fiqh*. The thought proposed by Dawud al-Zāhirī or Zahirism is a mainstream thought that placed hadith as part of the leading Islamic law by, at the same time, ignoring the role of qiyas, as proposed by al-Shafi'i (Miftah, 2014). However, it is noteworthy that both Zahirism and Shafi'i, in their historical background, were part of the dialectical process of existence and ijtihad procedures (Hallaq 1984, p. 7–8).

We learned that Ibn Hazm attempted to explore and justify the concept of hadith in general. Therefore, Ibn Hazm did not merely use hadith for the benefits of his school of thought but also made an effort to redefine or reconceptualize the understandings about hadith, even though the concept of hadith was well-established long before his time. Moreover, it should also be pointed out that the

existence of hadith had been solid with a set of knowledge built together with the birth of hadith, or vice versa. Meaning, was the set of knowledge of hadith emerged as a result of hadith being used for specific interests? Joseph Schacht argued that the activities of hadith scholars were integral parts of the development of theories of law (*ushūl al-fiqh*) and the establishment of favorable Islamic laws (*al-fiqh*) which began in the first half of the second-century hijri(Schacht 1950, p. 253).

It is interesting to assess the above questions further, especially in the context of Ibn Hazm, since the formal hadith scientific discipline (*Ulūm wa musthalakh al-hadīts*) always appeared in line with the interests presented in the context to support the material hadith as discipline, therefore allowing it to be solid for the sake of other disciplines. Take the example of fiqh that was translated into legal hadith or hadith ahkam(Lucas 2008, p. 283–314), *tasawwuf*, which Christopher Melchert described as the "hadith folks"(Melchert 2002, p. 425–39). Or perhaps the example from the education discipline that coined the term tarbawi hadith (moral hadith), and many other examples. In the end, hadith became correlated terms and dependent terms, a distinctive feature of the study of hadith.

Regardless of the abovementioned issue, it is also crucial to further discuss the history of hadith discourse in Andalus and West Africa in general. Studies on the discourse of hadith, which developed and flourished in Andalus, were also the discourse of hadith that advanced in Islamic centers in Baghdad and Medina. This means that Dawud al-Zāhirī, the founding father of the Zāhirī madhhab, did not address the hegemony of the reasoning of hadith pursued by the majority of the fiqh scholars at that present time. It then resulted in the similarities of the discourse of hadith between the ones in Africa and Spain, as well as the discourse in Baghdad and Medina. Ibn Hazm then proposed that Zahirism was not a mere concept of thought of Islamic law but rather a concept of thought that must have a solid legal foundation that includes the principles of understanding the hadith. To get to the point of this study, however, we will direct the focus of the paper's initial description to the general issue of dialectics of hadith, Ibn Hazm, and Andalus.

This research uses qualitative methods with literature study. Literature study using for Ibn Hazm work written implemented by published articles examining Ibn Hazm with articulate Ibn Hazm's thought on hadith by reading carefully of his thought written in many books like al-ahkam fi usul al-ahkam and others. I also compare Ibn Hazm's ideas on hadith, precisely juxtaposing Ibn Hazm's concepts with his contemporaries'. In addition, our method also reflects Ibn Hazm's thought on hadith by tracing the early discourses that participate in building the distinctive character of Ibn Hazm's perspectives on hadith.

2.   Hadith and Its Discourse in Andalus

The study of hadith will always fall into the issues of history, authenticity, meaning, and the orientation of hadith(Berg, 2013, pp. 106–111). Historical issues are commonly the target of Western scholars who wish to understand the growth and development of the hadith. Interpretation of the history of hadith later became an internal debate in Islam because it concerns and disrupts with dimensions of the authenticity of hadith that has been firmly positioned as the second source of law after the Qur'an. Such differences in interests should not be contested because of the difference in spirit of independence and different visions between the two. The universal vision of the hadith will give birth to the meaning and orientation of the future of the hadith.

The existence of hadith in Andalus and West Africa emerged along with the expansion of Islam to Africa and Europe; the pattern was presented by word of mouth through religious forums (Khsyani 1989, p. 16). This means that explanations about religion and religiosity conveyed by the scholars at that time also served as learning process and the process of transmission of the hadith. Nevertheless, it does not mean that no figure focused on studying the hadith and collecting it into a book. One of a prominen figures who had been persistent in his effort in exploring and collecting hadith in Andalus was Baqi ibn Makhlad Abu Abd al-Rahman al-Qurtubi (d. 276 AH/889 AD) Baqi ibn Makhlad did not have other works other than hadith and the tafsir. In other words, he really became a seeker of religious knowledge by studying with different teachers across Islamic centers in Africa, like in Fez, Qayrawan, and Egypt, and also in other research centers like in Baghdad, Basra, and Kufa. To Baqi, hadith was one

particular discipline. Upon returning to Cordoba before the year 260 AH, he brought along with him the compilation of hadith of Ibn Abi Shaibah, and as a muhaddith, he also taught the hadith to the students and the general public (Raisuddin 1991, p. 263–67).

What Baqi Ibn Makhlad did drew protests and outrage in Andalusian society and parts of Africa. Ideas of the hadith were widely contradicting with the Maliki madhhab that was considered as the main reference to religion and religious issues through the work of Malik ibn Anas, particularly the Muwatta Imam Malik, also known as Al-Muwatta. The arrival of Baqi Ibn Makhlad after a period of studying sparked controversies among the scholars and society. He was accused of making efforts to change or innovate (*al-bid'ah*) the established religious order, the Maliki madhhab based on Al-Muwatta as its primary reference (Raisuddin, 1991, p. 267). Baqi was accused of being an *ahl al-atsar*. At the same time, his accusers positioned themselves as *fuqaha ahl al-sunnah-* the fiqh scholars pursuing the al-sunnah al-nabawiyyah as found in Al-Muwatta. It was possible that the contradiction happened due to hadith being in its raw or global form, a form that had yet to be processed to be a legal provision in that society. In the meantime, the hadith conveyed to the public tend to be partial, in a sense that they were likely to be presented as fragments of thought or teaching about religion and religiosity that needed to be further processed. This then led to the pros and cons of Baqi ibn Makhlad's return from the East.

It should be noted that Baqi was not working alone. He had the support of the society and government policy. The support came into existence, as suggested by Mahmoud Makki, due to the political policy during the administration of Muhammad bin Abd al-Rahman who ruled Andalus between 238 AH/852AD to 273 AH/886 AD. Across this period, he opened widely the culture for freedom of thought, including Baqi al-Qurtubi to spread his relatively new ideas at that time (Makki and Jayyusi 1992, p. 31). It was believed that Makki did not merely give freedom of thought but rather to keep the political stability and balance, as the hegemony of the religious power based on the madhhab of Imam Malik would sometimes be in contrast with the government policy (Makki and Jayyusi 1992, p. 23). Nevertheless, it did not necessarily mean that Baqi did not recognize Malik's religious thoughts nor reject them at all. Baqi obtained the chains of narration (*sanad*) al-Muwatta through Abu Mas'ab and Ibn Bukayr (Fierro 1989,p. 68–93). However, could be drawn the experience Baqi was that the process of the discourse of hadith publicly done in that society.

The Maliki madhhab began to emerge in Andalus long before the administration of Muhammad bin Abd al-Rahman. The madhhab came into existence during the administration of Hisyam bin Abd al-Rahman, at the year 172 AH/788 AD until 180 AH/796 AD, wherein some scholars deliberately went on pilgrimage to Mecca and continued to Medina to directly pursue their study with Imam Malik bin Anas (d. 179 AH/795 AD). At that time, Imam Malik already compiled Islamic law through his work entitled al-Muwatta'. One of the figures of authority and a pioneer of spreading Maliki thought in Andalus was Yahya bin Yahya al-Laitsi (d. 234 AH/848 AD) (Fierro 1989, p. 21).

After Yahya bin al-Laitsi, in one of the perspectives proposed by Rǔdiger Lohlker, he aimed to explore the context of family law in Morocco. However, his starting point is from the history of hadith in Andalus. One particular point to be made was that Lohlker did not include Ibn Hazm as one of the figures that had a significant contribution to the discourse of hadith in Andalus, especially in the 10th century. Lohlker skipped from Ibn Abi Syaibah (Lucas 2008, p. 288) in the 9th century to Abu Umar bin 'Abd al-Bar in the 11th century, who attempted to re-establish the fame of traditionalism (*ahl al-hadith*), although he remained to be under the shadow of Maliki (Lohlker 2002, p. 19–29). 'Abd al-Bar, on the other hand, strongly refused the *Zahiriyyah* (zahirism) school of thought. For Abd al-Bar, traditionalism, in some respect, was in contrast with the paradigm of Islamic legal thinking built by Zahirism. After all, in Andalus and parts of West Africa, three matters have always been their guiding principles, namely: al-Qur'an with the qira'at Nafi', Imam Malik's al-Muwatta,' and the Maliki madhhab itself.

The Zahiri madhhab emerged in Andalus in the 4th AH by a scholar named Mundhir bin Ziyad al-Balluthi (d. 355 AH), who was a qadi in Cordoba at that time. Although he appeared to preserve the Maliki madhhab to the public, in reality, according to Goldziher, he and his family observed the Zahiri

framework of thought (Goldziher 1971, p. 123). Ibn Hazm, on the other hand, was an independent thinker. There were many issues of Dawud al-Zāhirī's thoughts that he objected to, but his tendency as a free thinker could not be separated from an *-ism* that shaped him and even became his obsession. It could be concluded that after the period of *al-Hazmiyyah*, who represented the thought of Ibn Hazm, Zahirism in Andalus also faded out along with the fading out of Islam in Spain.

Reading the Hadith in the Ibn Hazm Zahirism Thinking

The position of the hadith both as a text, tradition, and as a source of Zahirism began with the contradictions between Abu Hanifa and his followers who positioned themselves *as ahl al-ra'y* (personal reasoning) and Dawud al-Zāhirī who positioned himself as *ahl al-hadith* (prophetic traditions). The contradiction was the polarized in such a way because Dawud al-Zāhirī did not only rest his understanding on the text alone but also on the logical construction that exists within the text. This resulted in the distinction from textualism that Ahmad bin Hanbal proposed(Goldziher 1971, p. 18–21). The classification, scope, and limitations of the two were still debated among Islamic legal experts. Nevertheless, few points need to be emphasized in this context. First, the dynamics of religious knowledge in the second Islamic century indicated that the term hadith was not limited to the text or the knowledge. Beyond that, there was also a community who claimed to be the keeper of prophetic traditions through hadith narrated by its narrators. Second, the debate regarding *ahl al-ra'yi* and *ahl al-hadith* was not constricted to personal reasoning or common reasoning as represented by the prophetic tradition. Above and beyond that, there was the limit of collective power and also collective truth pursued by the two groups. In his terminologies, J Schacht labelled this as the living traditions (Schacht 1950, p. 253). It was demonstrated by the patterns of arguments carried by both groups. *Ahl al-hadith* rejected personal reasoning because religious issues cannot be established based on individual claims. On the other hand, *ahl al-ra'yi*, as proposed by al-Syaibanī, Isa bin Aban (Bedir 2002, p. 285–311), and al-Jassas, also objected to the concept of Khabar ahad or khabar al-wahid that was assumed by many and turned out to be evidence of claims of truth for the benefit of specific individuals (Calder, 1993, p. 242; Hallaq, 1993, pp. 587–605, 1997, pp. 30–35; Melchert, 1997). Third, the role and narration and spreading process of hadith experienced rapid growth. This narration process from teacher to the student helped to shape and engraved the pattern of knowledge in the Andalus society.

Learning from the three points mentioned above, in general, the spread and narration of hadith was not limited to the context of the hadith. It also includes the contexts of Islamic legal interest, orthodoxy, the circle of the genealogy of knowledge, even an interest in power. On the one hand, the contexts of interest can be the driving power of hadith discourse. However, on the other hand, it can be an indication of dimensions that discourage the religious spirit of Islam in general (Lucas 2008, p. 27–35).

Apart from the possibilities and interests that could be directed towards Ibn Hazm, there was an urgency to discuss whether Ibn Hazm was one of those who had sanad who reached to the retainers of hadith like Bukhari, Muslim and others? Regardless of the quality and process of narration, Ibn Hazm was a scholar who earned "diploma in narration" of hadith, from Sahīh al-Bukhārī, Sahīh Muslim, Sunan Abū Dāwud, Sunan al-Nasā'ī,

al-Muwatta Imām Mālik, Musannaf Ibn Abī Syaiba, and Musannaf Abd al-Razzaq. All of which Ibn Hazm earned from his teachers (Busrih 2001, p. 90–94). There were few significant points to be highlighted. First, the knowledge that belongs to Ibn Hazm about hadith was quite comprehensive from almost all narrators and writers, who then codified the hadith. However, such understanding tends to be normative. Hence, we arrived at the second point, that the specific knowledge about hadith, in the context of Ibn Hazm's thought, was still raw or unprocessed to be a positive law proposed by Ibn Hazm through his works on Islamic law. Third, within the context of Ibn Hazm, how far have the hadith been reinterpreted? The process of interpretation was not simply an interpretation process but rather a form of production of new text-based knowledge that was done by Muslim intellectuals. The process became essential to reveal the general patterns that flourished after the codification of hadith, on the one hand, and the origin of positive Islamic law (*fiqh*), on the other hand.

Ibn Hazm wrote a few points of thoughts related to *ilm al-hadith al-dirayah*. Ali bin Busrikh identified Ibn Hazm's views on *al-hadith al-dirayah* towards nine types of hadith, namely: *saḥīḥ, mutawatir, ahad, da'if, tadlis, mursal, mu'an'an, al-idhtirab fi al-hadith* (الإضطراب فى الحديث), and *ziyadah al-tsiqqah* (Busrih, 2001, pp. 140–190). Ali identified few of Ibn Hazm's statements in some of his works, especially from *al-Ihkam fi Ushul al-Ahkam, al-Nubdah and al-Asul wa al-furu'*, as well as parts of statements from al-Fisal fi al-mill wa al-nihal wa al-ahwal that were considered as a representation of Ibn Hazm's understanding about the concept of hadith. However, what Ali did was inserting Ibn Hazm's views into mainstream hadith that reviewers of hadith commonly used. This understanding, in the author's opinion, is very reckless since the context of Ibn Hazm's comprehensive view. was highly different from the fragments of formula assumed by Ali Busrikh that was considered as the representation of Ibn' Hazm's thoughts. In this sense, it was then appropriate to understand Ibn Hazm's thoughts as it is, without leading one's opinion to a particular interpretation. Ibn Hazm meant to convey that he had comprehended the concepts of hadith as a way to strengthen the legal basis of Zahirism.

The first interest was the epistemic-paradigmatic interest of Ibn Hazm as a figure who pursued the concepts of Zahirism or textualism in Islam. This epistemic-paradigmatic interest is a general principle about the legal source in Islam as well as the basic principles of knowledge, especially about that law. To Ibn Hazm, the foundations and the epistemic process of human knowledge were bad that *al-'aql* and *awā'il al-khiss* (بديهة العقل وأوائل الحس)) (Andalusī, n.d., pp. 3–7). In other words, Ibn Hazm founded a theory of knowledge based on intuitive knowledge and sense perception. Both foundations were developed to generate argumentative structures that served as partners as well as the foundation of knowledge in the form of *al-burhāni* (Andalusī, 2007, p. 93) in understanding religious texts, namely the Qur'an and al-hadith (Montada, 2001, pp. 165–170). It can therefore be concluded that Ibn Hazm was a Muslim intellectual figure who was a textualist-rational, and also rationalist-textual.

Based on the paradigm above, Ibn Hazm preferred the terminologies *al-akhbār, al-khabar*, or khabar as compared to al-hadith or al-sunnah. This preference was certainly not without a cause. He chose the historical dimension of the hadith as a past news (*al-khabar*) in the form of *al-Sunan* derived from the prophet (*al-Manqūlat 'an Rasūlillah*) instead of the textuality the hadith as a textual statement being delivered by narrator (al-hadīth). In this regard, to Ibn Hazm, the essence of al-khabar was a revelation (Arnaldez, 1970, p. 30), especially in the context of *khabar al-sahīh*. According to Ibn Hazm (Andalusī, n.d., p. 98);

قال على: والقراءن والخبر الصحيح بعضها مضاف الى بعض وهما شيء واحد في أنهما من عند الله: وحكمهما حكم واحد في باب وجوب الطاعة لهما .

Muslims are undoubtedly obliged to obey what Allah commanded through the Qur'an and what the Prophet ordered through the khabar, based on QS. al-Nisa; 59. At the same time, Ibn Hazm classified the al-khabar into few parts. First part is the khabar tawattur (خبر توتر). According to Ibn Hazm, this part was religiously accepted as obedience to the Profet and ensured that the *khabar tawattur* would always agree with the common sense, both as *dharūriyyat al-aql* (imperative reason) and *thabi'iyyat al-'aql* (natural reason). The concept of tawattur to Ibn Hazm was not based on quantitative foundations as what was generally understood but rather on the qualitative dimensions. No matter how many narrators conveyed it, provided that the communicated was a fallacy, it could not be converted to a truth. Consequently, to Ibn Hazm, the quantity of the narrators was limited in a context as to how far the arguments could be explained rationally and empirically (Andalusī n.d., Vol I, p. 96–108).

Second part is the *ma naqalahu al-wahidu min al-wahid*, which is often termed as khabar akhad or khabar wahid, that is the khabar transmitted from the Prophet by means of person by person. To Ibn Khaldun, as long as the khabar was properly narrated by a fair narrator and reached the Prophet, then by all means the Muslims must practice it. To Ibn Hazm, one narrator was not the key measurement. The principal measurement was the general principle that specified that, naturally, news conveyed by

a person could be considered as truth (Andalusī n.d.,vol I, P. 109–14).   This understanding was not without consequence. In the context of legal understanding or istidlal *al-hukm*, Ibn Hazm was more flexible in positioning *khabar al-ahad*, especially when it is essentially positioned as news. Provided that. generally the news meets common sense, it doesn't have to be rejected. After all, Qur'an also recognized the process of delivering news from a person and accepted it as a truth. Accordingly, in the context of khabar ahad, Ibn Hazm always remind the importance of *al-ilm* requirements in the process of *istidlāl al-hukm* to avoid what Ibn Hazm referred to as *al-Hawa* in QS. al-Najm; 3-4 (Andalusī n.d.,Vol I, p. 121).

The third part, logically and naturally, Ibn Hazm also explained that in the process of transmission of knowledge or news, there were trustworthy narrators (al-udul) as well as, for some reasons, the untrustworthy ones (al-fasiq). The concept commonly referred to as hadith da'if, by Ibn Hazm then noted that the key to resolve any issues related textual or understanding is by the process of tabayyun, as stated in QS al-Hujurat; 6. Ibn Hazm admitted the different views on the position of khabar ahad. Despite that, Ibn Hazm remained firm in his stand because, to him, the essence of the issue was not in the process of narration but rather on the content of the hadith. The same applies to fabricated hadith- which can be classified as the fourth part, although Ibn Hazm classified this as the third part. To Ibn Hazm, in cases that Khabar that was clearly a deception (*al-kadb*) or fabricated (*al-maudhu*), and that did not originate from the Prophet, then it is considered as fallacy and not in any way accepted to the mind and soul. These khabar should therefore be rejected (Andalusī n.d., vol I, p. 135).   Within the same context, Ibn Hazm also explained the possibility of *al-tadlis or al-mudallas fi al-khabar* (*ahad*), that is, if the truth was believed to be in agreement with the common sense and religious principles, then it could be justified. According to him, not even a great narrator can ensure the transmission of the complete khabar from the Prophet. If it is indeed undoubtedly and textually contradicted with common sense, then the khabar should be dismissed (Andalusī n.d.,vol II, p. 6).

In contrast with the concept of al-tadlis that was still relatively acceptable, the concept of mursal or munqathi khabar according to Ibn Hazm should be suspended in the first place. Ibn Hazm evaluated that there were a number of religious incidences that occurred at the level of interest relations between companions of the Prophet and the tabi'in, that resulted in the hadith that deliberately ignore the last two narrators, the companion of the Prophet or tabi'in. For these reasons, Ibn Hazm proposed that *mursal khabar* or *maqthū'* should temporarily be suspended (*al-tawwaquf*) until the status of the khabar was unquestionably clear, as it is consistent with the QS. al-Taubah; 101.

What was discussed by Ibn Hazm was clearly far more extensive and complicated than what was elaborated above. That being said, what Ibn Hazm anticipated was actually a part of how the concept of al-khabar was specifically conversed in the context of the paradigm of Zahirism that he founded and developed. Ibn Hazm reasoned the concept of khabar within the scope of argumentative-rational considering that it concerns the news (al-khabar) that, by its content, could be true or untrue. The concept of truth was founded upon rational principles and natural law, wherein both principles could be muqaadimat for the protection of the teaching of literal meaning of al-Qur'an and al-Sunnah.

With respect to al-Sunnah, Ibn Hazm explained that al-sunan, the plural form of al-sunnah, was in essence the content of the hadith itself. In the terminologies of hadith studies, it was understood as *ilm al-hadith al-riwāyat*. The explanation above that cover different kinds of khabar, could be stated as a part of *ilm al-hadith al-dirāyat*. Ibn Hazm categorized al-sunan into three types: sunnah qauliyah, fi'liyyah, and taqririyah, which had different legal meanings. To Ibn Hazm, the asl al-hukm of al-sunnah al-qauliyyah is al-awāmir, except when there is qarinah that stated otherwise, whether the order was to proceed or renounce. Whereas for *al-sunnah al-fi'liyyah*, it does not work that way. As far as Ibn Hazm's is concerned, fi'l al-nabi is something that is very private. It is therefore irrational to require the people to carry out what was performed by the Prophet unless there exists a qarīnah or postulate that indicated them to do so. Similarly, according to Ibn Hazm, *al-sunnah al-taqririyyah* argued that the law associated with the Prophet's decree can be qualified as mubah and not something obligatory or sunnah. His argument was that the Prophet did not provide a factual statement about what was to be conveyed; therefore, we cannot impulsively interpret it as something obligatory or sunnah (Andalusī n.d., vol. II, P. 6–15; Zuhri 2013, p. 39–41).

The set of ideas mentioned above have yet to be completed. In other words, the ideas are then used as rules of law in the process of establishing the law. To put it simply, in the case of Ibn Hazm, he established the study of hadith by directly including it in the discourse of *Usul al-fiqh*. His decision appeared to be far more effective because it became the alternative between two sides of mainstream thoughts, the *ahl al-hadith*, and *ahl al-ra'y*. To Ibn Hazm, to fully accept pure rationalism in law as reflected in the concept of qiyas was also unwise, just as it is unacceptable that the law would seemingly lose its rationality when confined to the tradition of its pioneers.

The Prospect and Challenges of the Reason of Ibn Hazm's Hadith

Every idea will be faced with its challenges and prospects. That happens because every thought will be confronted by reality and other thoughts. Whether we like it or not, the thought will be tested. Ibn Hazm's thoughts were not an exception. Ibn Hazm's thoughts on hadith were realigned or returned to its original idea, its founders' mainstream reasoning of hadith. The attempt was made by Taha Busrikh by realigning Ibn Hazm's thoughts on the hadith and returning it to the general mainstream reasoning of hadith.

Given this, Ibn Hazm's hadith reconstruction was an attempt to place the Nabawiyah hadiths in a more flexible space and theoretical perspective. For Ibn Hazm, the hadiths are not limited to conceptions that are uprooted from their historical roots. Ibn Hazm instead focused on textual meanings that are not separated from the historical setting and the knots of rationality. The hadith is a particular view or perspective of a part of the large house called religion. In the modern context, this is termed by Fazlur Rahman as living sunnah (Rahman 1962, pp. 5–21).

Fazlur Rahman identified three elements in the living sunnah concept; (1) They strikingly drive home the reality of the "living sunnah", (2) they are intended as points for future developments, and (3) the constitute a humble suggestion to the ulama that if the study of early Hadith materials is carried through with the canon if historical criticism and in relation to the historico-sociological background they take on quite a new meaning. Fazlur Rahman, "Social Change in Early Sunnah"(Rahman 1963, pp. 205–16).

To put it simply, what was discussed by Fazlur Rahman in the 20th century was already debated by Ibn Hazm 10 centuries ago. What separated the two apart was that Rahman put an emphasis on the collective reasoning of the hadith or the living sunnah. At the same time, Ibn Hazm highlighted the reasoning of the hadith text and the rationality of the hadith.

3. Conclusion

At the final remark of this paper, a general idea that can be further discussed, that, in its history, the study of hadith cannot be disconnected from other religious and social studies. The discourse of hadith in Andalus emerged along with the development of Malikism through al-Muwatta, followed by the entry of hadith studies as part of other traditionalist religious thoughts, as represented by al-Shafi'i and other hadith scholars. The process occurred not only through the spread of the idea to Andalus but also due to Andalus-native intellectuals who studied hadith in Islamic centers in the East. Along with the entry of Zahirism religious thought in Andalus, one of its prominent figures, Ibn Hazm, attempted to systematize Zahirism comprehensively, both from the views of theology and *fiqh*. The process of systematization was done by developing the principles of textualism by considering the roles of *al-istidalal* and *al-Burhan*. With that being said, Ibn Hazm presented hadith in a more substantive frame regarding its existence as a historical reality and the reality of religious beliefs. With this rationale in mind, to Ibn Hazm, who was an adventurous reader, the hadith was a text within the framework of rationality and rationalism that does not deviate far from its textual meaning.

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