

## The Jurisprudential Sects of Islam

We learned that Islamic jurisprudence is the knowledge of Islamic laws, what is permissible and what is forbidden, what is obligatory, what is disliked (not recommended, unfavorable) and what is recommended (favorable), and what is correct and what is incorrect.

We also know that these Islamic laws are derived from the Qurʾān and prophetic traditions.

We also know that the Muslims in the time of the Prophet (s) would take their religious rulings from him. They would take the rulings that had to do with worship, like prayer, pilgrimage, fasting and spiritual purification, or the rulings that had to do with transactions like trade, partnership, rent, land, marriage and divorce and other rules that are found in the religion from him.

Then, after his death, some situations arose in one's prayer, fast, life, business, partnership or pilgrimage...etc that did not occur during the Prophet's (s) lifetime. They needed to know what the religious ruling was. In this case they would refer to some of the companions to take the ruling from them. Some took rulings from Imām 'Alī bin Abī Tālib (a), some from 'Abd Allah bin 'Abbās and some from 'Abd Allah bin Mas'ūd. 'Alī (a) was the most knowledgeable companion; the Prophet (s) said the following about him: "I am the city of knowledge and 'Alī is its entrance."<sup>1</sup>

But, we see some different verdicts passed by different companions and the generation that came after them called the *tābiʿīn*. There were many *mujtahids* and many differences in verdicts, but there were no jurisprudential sects like there are today. The Muslims would refer to the scholars amongst the companions, *tābiʿīn* and Imāms (a) for the religious rulings that they needed. Imām 'Alī bin al-Hussayn al-Sajjīd (a), Imām Muhammad bin 'Alī al-Baqir (a) and Imām Ja'far bin Muhammad al-Sādiq (a) lived in these times.

### How Jurisprudence sects were formed and when

The divisions of Muslims became widespread after the murder of the third *khalīfa*, 'Uthmān bin 'Affān. At that time the Muslims swore allegiance to Imām 'Alī bin Abī Tālib (a) but Mu'awwiyah bin Abī Sufyān refused to swear allegiance to him. Nobody followed him in this except the people of Syria. He

formed his own, autonomous government there. He also took some jurists and some people who related traditions with him, and thus the major division was started.

At the same time where the Muslims and the great companions believed 'Alī (a) to be the rightful *khalīfa* and the most knowledgeable person war was started between him and Mu'awwiyah bin Abū Sufyān. Here, the belief in the Ahlul-Bayt (a) grew. The Ahlul-Bayt are glorified in the Qur'ān. Allah said that he removed all impurities from them and purified them a thorough purification. Allah also made it obligatory to love them and accept their authority.

A *shi'a* (follower) of the Ahlul-Bayt (a) is one who loves them, obeys them and believes in their rights.

The Shia had a strong presence during the fight with Mu'awwiyah and after Imām 'Alī bin Abū Tālib's martyrdom when his son al-Hassan (also the son of the daughter of the prophet) became the *khalīfa*. After that a big argument arose between Imām al-Hussayn bin 'Alī bin Abū Tālib (a) and Yazīd bin Mu'awwiyah which led to a war between them in a place called Karbalā', Iraq. This war took place on the tenth day of the Islamic month '*Muharram*' in the 61st A.H.. Imām Hussayn and 78 of his companions and family members were martyred in this war.

With all of this, there were not jurisprudential sects of Islam as there are today. There were two different sects at that time. One of them followed the Ahlul-Bayt (a) those that Allah cleansed from all impurities and purified them a thorough purification, those who did not say anything except what their forefather, the messenger of Allah (s) said. The Ahlul al-Bayt (a) are none other than Imām 'Alī, Hassan, Hussayn and the nine Imāms that came from his lineage (a). The other group followed the *Umayyad* judges. Of course amongst the *Umayyad* judges there were different opinions and various verdicts.

At the end of the first century A.H. different jurists appeared and the Islamic sciences took form. Examples of these jurists are: Sa'd bin al-Mussayab, al-Hassan al-Basrī and Sufyān al-Thawrī who lived in the same time as Imām Muhammad al-Baqir bin 'Alī bin al-Hussayn bin 'Alī bin Abū Tālib. The scholars of this time learned from him.

Islamic jurisprudence started to spread out in the second century A.H. Islamic jurisprudential sects also started to form because many jurists appeared and they made many religious verdicts which differed from the verdicts of others. Some of the differences include leaving the arms down in prayer or crossing them or in some of the rulings regarding *wudū'*, fasting, divorce, inheritance, etc.

The jurisprudential sects of Islam that are taught and have scholars and students all over the world are:

1. The Ahlul-Bayt (a) sect. It is also called the Ja'farī sect or the Shia Imāmīyyah sect.
2. The Hanafī sect.
3. The Malīkī sect.
4. The Shāfi'ī sect.

## 5. The Hanbalī sect.

Each of these jurisprudential sects will be described:

### The Ahlul-Bayt (a) Sect

It must be stated that the Ahlul-Bayt (a) do not have a separate sect, or different laws than their forefather Muhammad (s). Instead, they continued his path and were taught by him. Rules pertaining to worship, contracts and other miscellaneous subjects are all taken from one source full of wisdom and light, which is none other than the Prophet (s). Imām al-S̄diq (a) said: “We do not give any legal rulings or ethical advice unless it was passed to us by our great father who obtained it from the Prophet (s).” So, their traditions, unless changed, depict the essence of Islam that was sent from the lord of the worlds.<sup>2</sup>

The Ahlul-Bayt (a) sect is also named the Ja'farī sect attributed to Imām Ja'far al-S̄diq bin Muhammad al-B̄qir bin 'Alī (Zayn al-'Ībidīn) bin al-Hussayn (al-Sibt) bin 'Alī bin Abī Tālib (a). It is also named the Shia Imāmīyyah sect because of their belief in the 12 Imāms from the Ahlul-Bayt (a).

Imām Ja'far al-S̄diq (a) was the Imām of the Muslims in his time. He was the teacher of scholars and famous for his greatness, knowledge, abstinence from the world and worship.

Imām Ja'far al-S̄diq (a) was born in the 82nd A.H., during the Umayyad reign. He taught and spread Islamic sciences in the prophet's mosque, just like his forefathers did. He would relate traditions from his father, al-B̄qir (a) who related them from his forefathers all the way up to the messenger of Allah (s). He gave 1000 jurisprudential verdicts and was ahead of the scholars of his time in Islamic sciences, for example theology, *tafsīr* (exegesis) and everything else Muslims treasured.

There were around 4000 religious students that related traditions from him.

Some of Imām al-S̄diq's (a) students were experts in the prophetic traditions and leaders of different sects, for example: Imām Abī Hanāfah (the leader of the Hanafī sect) and Imām Mālik bin Anas (the leader of the Mālikī sect).

The Ahlul-Bayt jurisprudential sect has spread today to different areas of the Islamic world, for example Iraq, Lebanon, Iran, Pakistan, Indonesia, Turkey, Saudi Arabia, India, Azerbaijan, etc.

### The Hanafi Sect

This sect is called the Hanafī sect because of its imām, Abī Hanāfah.

Abī Hanāfah's full name is al-Nu'mān bin Thābit bin Zayd al-Fārsī. His forefathers were from Kabul. Abī Hanāfah was born in the 80th A.H. and died in the year 150 in Baghdad.

Abū Hanīfah grew up in Kufa and spent half of his lifetime working as a merchant before he became a seminary student and teacher. He studied under Hammād bin Abū Salamah for eighteen years before he became a scholar himself. He was one of the big scholars of his time and reached the level of *ijtihād*. He accepted voting and syllogism *qiyas* in addition to the Qurʾān and prophetic traditions as tools for deriving religious rulings or *fatwa*. Many scholars of his time refuted him on this issue. In this regard, both Imām Muhammad al-Bāqir (a) and Jaʿfar al-Sādiq (a) said that when making a *fatwa* one must stick only to the Qurʾān and the prophetic traditions.

His sect spread in Iraq and later in other areas of the Islamic world. Abū Hanīfah lived for 52 years during the Umayyad reign, but did not accept them. Rather, he believed that the rule *khilafat* should be given to the family of ʿAlī (a). He even ruled in favor of the ʿAlawī uprising lead by Zayd bin ʿAlī bin al-Hussayn bin ʿAlī bin Abū Tālib and allowed money that was collected from *zakāt* tax to be spent on the uprising. It should be mentioned that Zayd bin ʿAlī bin al-Hussayn tutored Abū Hanīfah for two years and ʿAbduallah bin al-Hussayn bin ʿAlī bin Abū Tālib was also one of his tutors.

The Umayyad rulers asked him to become a judge and he refused. Because of this, they put him in prison and whipped him for days, until he was on the brink of death. Then, the prison warden helped him to escape and he fled to Mecca. Afterwards, he was travelling between Mecca and Medina pretending to be a nomad. During this period of time he studied for two years under Imām al-Sādiq (a). He has a famous saying describing this experience: “If it wasn't for these two years, al-Nuʿmān would have perished.” He stayed there until the end of rule of the Umayyad dynasty on the hands of the Abbasid dynasty.

When the Abbasid dynasty came to power, Abū Hanīfah refused to help them. Al-Mansūr imprisoned him and ordered him to be lashed 120 times which resulted in his death.

## The Maliki Sect

This sect is named its founder Imām Malik bin Anas bin Malik al-Asbahī who was a member of the Yemenite al-Asbah tribe.

Malik bin Anas was born in Medina in the 93rd A.H.. He was a student of some of the Islamic jurists of his time including Nafiʿ, Mawla ʿAbduallah bin ʿUmar and Ibn Shahāb al-Zahrī. He also studied under Imām Jaʿfar al-Sādiq (a) and related traditions from him. He said: “I have not seen anyone better than Jaʿfar bin Muhammad.”

He lived under the Umayyad rule for forty years and during this time he did not portray himself as a scholar.

When the Umayyad dynasty fell and the Abbasid dynasty came to power he showed inclination towards the family of ʿAlī bin Abū Tālib (a) and ruled that they were the legitimate rulers and that rule *khalafah*

was their right. He passed a verdict making it obligatory to aid Muhammad bin 'Abd Allah bin al-Hassan bin 'Alī bin Abū Tālib who revolted against the Abbasid dynasty. As a punishment, Ja'far bin Sulaymān, the Abbasid governor of Medina at the time, ordered him to be lashed 50 times. The lashes were so hard that his shoes fell off.

Later on, the Abbasid khalīfa, Abū Ja'far al-Mansūr changed his mind and improved his relations with Imām Mālik. He asked Imām Mālik to write a jurisprudential book, in accordance to his sect, to be published. Imām Mālik wrote the book *Al-Maṭṭa'*, the book of religious verdicts, and the Mālikī jurisprudential sect became the official sect of the Abbasid Empire and missionaries were sent as far as Africa and Indonesia to preach *Al-Maṭṭa'* and the Mālikī sect. Imām Mālik differed from Abū Hanḍafah on his views regarding voting and syllogism as valid sources of religious rulings. He died in the 179th A.H..

## The Shafi'i Sect

This sect was named after its founder Imām Muhammad bin Idrīs bin 'Abbās bin 'Uthmān al-Shāfi' whose lineage traced back to Hāshim, the son of 'Abd al-Muttalib, the Prophet's (s) grandfather.

Imām Shāfi' was born in the 150th A.H., the same year that Abū Hanḍafah died. He was an orphan and his mother raised him in Yemen. When he reached 10 years of age he went to Mecca to learn reading and writing. He then lived in the desert for 17 years before becoming a religious student. He studied under the scholars of his time such as Muslim bin Khallid al-Makhzūmī and Mālik bin Anas (the founder of the Mālikī sect and the author of *al-Maṭṭa'*.) When Imām Mālik passed away he returned to Yemen.

During Rashīd's reign, he was charged with helping the 'Alawī movement along with others by the governor of Yemen. He was then sent to Baghdād to be tried. Many were killed but Shāfi' was saved.

He then migrated to Egypt and preached his sect there. His sect was also spread by his students in other parts of the Islamic world. Imām Shāfi' died in the 198th A.H.

He has said: "If there is a prophetic tradition in opposition to my view, throw my view against the wall."<sup>3</sup>

## The Hanbali Sect

This sect was named after its founder Ahmad bin Muhammad bin Hanbal who was an Arab.

He was born in Baghdād in 164 A.H. He started his studies there at the age of 15. He studied under both Imam al-Shāfi' and 'Alī Abū Yusif al-Qāḍī (Abū Hanḍafah's student.) He also studied under different scholars of his time, such as Harūz, one of Imām Sādiq's (a) students.

This sect was spread like the other sects. This sect is still practiced in the Arabian Peninsula and other parts of the Islamic world. Ahmad bin Hanbal died in Baghdād in 241 A.H.

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1. Al-Sharḥ al-Murtada, Tanzīh al-Anbiyā', page 212
  2. Bāqir Sharḥ al-Qurayshī, Tuḥfaṭ min Ṣirāt A'imah Ahl al-Bayt (a), page 12
  3. Asad Haydar, Al-Imām al-Sādiq wa al-Madhḥib al-Arba'h, volume 1, page 175

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