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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 Qur□n 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 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 Im□m ʿAl□ bin Ab□ T□lib (a), some from ʿAbd Allah bin ʿAbb□s and some from ʿAbd Allah bin Mas□d. ʿAl□ (a) was the most knowledgeable companion; the Prophet (s) said the following about him: "I am the city of knowledge and ʿAl□ is its entrance."[1]

But, we see some different verdicts passed by different companions and the generation that came after them called the *t□bi□n*. 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, *t□bi□n* and Im□ms (a) for the religious rulings that they needed. Im□m ʿAl□ bin al-Hussayn al-Sajj□d (a), Im□m Muhammad bin ʿAl□ al-B□qir (a) and Im□m Jaʿfar bin Muhammad al-S□diq (a) lived in these times.

How Jurisprudence sects were formed and when

The divisions of Muslims became widespread after the murder of the third *khal□fa*, ʿUthm□n bin ʿAff□n. At that time the Muslims swore allegiance to Im□m ʿAl□ bin Ab□ T□lib (a) but Mu□w□yah bin Ab□ Sufy□n 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 ʿAlī (a) to be the rightful *khalīfa* and the most knowledgeable person war was started between him and Muʿāwiyah bin Abī Sufyān. Here, the belief in the Ahlul-Bayt (a) grew. The Ahlul-Bayt are glorified in the Qurʾān. 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 Muʿāwiyah and after Imām ʿAlī bin Abī 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 ʿAlī bin Abī Tālib (a) and Yazīd bin Muʿāwiyah which lead to a war between them in a place called Karbalāʾ, Iraq. This war took place on the tenth day of the Islamic month '*Muharram*' in the 61stA.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 ʿAlī, Hassan, Hussayn and the nine Imāms that came from his lineage (a). The other group followed the *Umawī* (Umayyad) judges. Of course amongst the *Umawī* 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: Saʿīd bin al-Mussayab, al-Hassan al-Basrī and Sufyān al-Thawrī who lived in the same time as Imām Muhammad al-Bāqir bin ʿAlī bin al-Hussayn bin ʿAlī bin Abī 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 *wudīʾ*, 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 Jaʿfarī sect or the Shia Imāmīyyah sect.

2. The Hanafī sect.

3. The Mālikī sect.

4. The Shāfiʿī sect.

5. The Hanbal 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). Im m al-S diq (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.2

The Ahlul-Bayt (a) sect is also named the Ja'far sect attributed to Im m Ja'far al-S diq bin Muhammad al-B qir bin 'Al (Zayn al-'bid n) bin al-Hussayn (al-Sibt) bin 'Al bin Ab T lib (a). It is also named the Shia Im m yyah sect because of their belief in the 12 Im ms from the Ahlul-Bayt (a).

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

Im m Ja'far al-S diq (a) was born in the 82ndA.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-B qir (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, *tafs r* (exegesis) and everything else Muslims treasured.

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

Some of Im m al-S diq's (a) students were experts in the prophetic traditions and leaders of different sects, for example: Im m Ab Han fah (the leader of the Hanaf sect) and Im m M lik bin Anas (the leader of the M lik 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 Hanaf sect because of its im m, Ab Han fah.
Ab Han fah's full name is al-Nu'm n bin Th bit bin Z t al-F rs. His forefathers were from Kabul.
Ab Han fah was born in the 80thA.H. and died in the year 150 in Baghdad.

Abū Hanīfah grew up in Kūfa 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 Qurān 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 Qurān 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* taxe 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 Umayad 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 Mālik bin Anas bin Mālik al-Asbahī who was a member of the Yemenite al-Asbah tribe.

Mālik bin Anas was born in Medina in the 93rdA.H.. He was a student of some of the Islamic jurists of his time including Nāfiʿ, 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 ʿAbd Allah bin al-Hassan bin ʿAl bin Ab T lib who revolted against the Abbasid dynasty. As a punishment, Jaʿfar bin Sulaym n, 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 khal fa, Ab Jaʿfar al-Mans r changed his mind and improved his relations with Im m M lik. He asked Im m M lik to write a jurisprudential book, in accordance to his sect, to be published. Im m M lik wrote the book *Al-M att'*, the book of religious verdicts, and the M lak jurisprudential sect became the official sect of the Abbasid Empire and missionaries were sent as far as Africa and Indonesia to preach *Al-M att' and* the M lak sect. Im m M lik differed from Ab Han fah on his views regarding voting and syllogism as valid sources of religious rulings. He died in the 179thA.H..

The Shafi'i Sect

This sect was named after its founder Im m Muhammad bin Idr s bin ʿAbb s bin ʿUthm n al-Sh fiʿ whose lineage traced back to H shim, the son of ʿAbd al-Muttalib, the Prophet's (s) grandfather.

Im m Sh fiʿ was born in the 150thA.H., the same year that Ab Han fah 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 Kh lid al-Makhz m and M lik bin Anas (the founder of the M lik sect and the author of al-M att'.) When Im m M lik passed away he returned to Yemen.

During Rash d's reign, he was charged with helping the ʿAlaw movement along with others by the governor of Yemen. He was then sent to Baghd d to be tried. Many were killed but Sh fiʿ 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. Im m Sh fiʿ died in the 198thA.H.

He has said: "If there is a prophetic tradition in opposition to my view, throw my view against the wall."[3]

The Hanbali Sect

This sect was named after its founder Ahmad bin Muhammad bin Hanbal who was an Arab.
He was born in Baghd d in 164 A.H. He started his studies there at the age of 15. He studied under both Imam al-Sh fiʿ's and ʿAli Ab Yusif al-Q d (Ab Han fah's student.) He also studied under different scholars of his time, such as Har z, one of Im m S diq'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 Baghd d in 241 A.H.

1. Al-Sharīf al-Murtada, Tanzīh al-Anbiyā', page 212
2. Bāqir Sharīf al-Quraysh, Tuhfat min Sīrat A'imah Ahl al-Bayt (a), page 12
3. Asad Haydar, Al-Imām al-Sādiq wa al-Madhāhib al-Arba'h, volume 1, page 175

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