

Non Ahli Sunnah Sects in Islamic Law and Causes of the Emergence of Sects

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Summary

The mujtahid scholars period is about two centuries from the early days of the Abbasids until the time of the Karahanlılar. One of the features of this period is the codification of Islamic law and the establishment of sects. Major jurists who perform the codification activity are: Sufyan b. Uyeyne (Mecca), Malik b. Enes (Medina), Hasan Basri (Basra), Abu Hanifa, Sufyan-iSevri (Kufe), Evzai (Sham), Shafii, Leys b. Sa'd (Egypt), Isaac b. Rahuveyh (Nisabur), Ahmed b. Hanbal, Davud-u Zahiri and Ibn Cerir (Baghdad). Some of these sects still exist today. Since some of them are not members of the group, theoretically their views are found in the books.

Keywords: mujtahid scholars, Islamic law, Sufyan b. Uyeyne, Malik b. Enes, Hasan Basri, Abu Hanifa, Sufyan-iSevri, Evzai, Shafii, Leys b. Sa'd, Isaac b. Rahuveyh, Ahmed b. Hanbal, Davud-u Zahiri and Ibn Cerir

Introduction

There are also sects outside the Ahli Sunnah in the history of Islamic law. The following hadith points to these sects: "Like the Jews and the Christians, my nation is divided into groups. Among

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those who are in the path of me and my companions are those who are saved." ³In this hadith, the people of the Ahl al-Sunnah sects, described as those who are in the way of me and my companions, are sects accepted by the majority of Muslims.

The belief principles of the Ahl al-Sunnah sects are compatible, but they think differently on some issues related to fiqh. Non Ahl al-Sunnah sects do not accept some principles of belief. Although they think differently from Ahl al-Sunnah in some belief principles, they are not considered to be out of religion.

The Kharijites

Kharijites people think differently from Ali and Muawiyah groups in the Battle of the Siffin and separated from them. For this reason, the outsiders have taken this name, which means leaving. They rejected the arbitrators who were chosen to ensure peace by holding a slogan "*la hukma illa li-Allah*, meaning, judgment (*hukm*) belongs to God alone or "to judge belongs Allah". The Kharijites considered Ali and Muawiyah supporters as infidels. Kharijites, who acted contrary to the apparent meaning of some Quranic verses and hadiths and thereby accepted infidels to be killed. In this respect, some Kharijites are understood to be the first terrorist movements in Islamic history.

Ibaziye Sect

From the Kharijites, which were divided into different branches, the Ibaziye sect continued until today. The founder of the Ibaziye sect is Abdullah b Ibaz. He died during the Umayyad caliph Abdülmelik b Marwan. The jurisprudence of the sect was established by Jabir b Zayd (d. 93/711). The Ibaziye's accepted the Qur'an and the Sunnah as their source, but they reject the Ijma and

³ Abu Dawud, Sunnah, I; Tirmidhi Iman, 18; Ibn Majah, Fitan, 17; Ahmad b. Hanbal, 11, 332, 111, 145; Hakim, Mustadrak, IV,430).

Qiyas. The sect's views are similar to those of the Shafi'i sect. Currently, İbaziye sect continues to be applied to the west of Oman, Zengibar, Madagascar, Djerba Island and Great Sahara.

Shi'ism

The word Shiite, which means follower, was used for those who supported Hazrat. Ali in the Battle of Siffin. Later, Shi'ism became a sect that accepted that the caliphate was Ali's right. There are also Zeydiye and Imamiye (Caferiye) which do not have extreme views among the Shiites. The extremists who accepted the prophethood and even the divinity of Hazrat Ali are called gulat-i shia, the extremists of the Shiites.

Zaydiyah Sect

Zaydiyah is the sect of those who belong to Zayd b Ali, grandson of Hazrat Hüseyin. The mother of Zeyd b Ali is Ceyda, the concubine from Sind. His father was Ali Zeynelabidin, the only surviving son of Hazrat Hüseyin. Zayd b. Ali learnt from his father religious sciences such as fiqh and hadith. He took lessons from the scholars in Medina. Zayd b. Ali opposed the unfair policies of the Umayyads. He fought against the Umayyads with his 40,000 followers who pledged allegiance to him and was seriously injured and died. Zayd b. Ali was a powerful scholar in sciences of tafsir, hadith, fiqh, kalam, qira'ath (recitation). He is famous for his oratory, asceticism and supplements. Abu Hanifa praised his knowledge and rhetoric.

The views of the Zaydiyah sect are close to the Ahl al-Sunnah sects, especially Hanafi sect. Members of the Zaydiyah sect accept the caliphate of Hazrat Abu Bakr and Hazrat Umar, but believe that the subsequent caliphs must be of the Ahl al-Bayt. They rejected mut'a marriage and the belief in taqiya among other issues.

The legal evidence of the Zaydiyya sect was sourced from books of sunnah, ijma and qiyas. According to the Zaydi sect, those who narrate the hadith need not be Ahl al-Bayt. But they gave

priority to the Ahl al-Bayt in case of conflict of evidence. According to them, ijma is the ijma of Ahl al-Bayt, but they do not fully refuse the ijma of the Companions. The views of Hazrats Fatima, Ali, Hasan and Hüseyin, who were from the Ahl-i Bayt, are accepted as evidence. This sect widely spread in the north of Yemen, namely Sana and its vicinity.

Imamiye (Caferiye) Sect

Jafar b. Muhammad al-Bakir b. Ali Zeyni'l-Abidin, the founder of the Imamiye sect, was born in Medina in 80/699. He is known as Cafer-I- Sadık. His father, Muhammad al-Bakir, the fifth of the twelve imams, and his mother is Umm Ferve. His lineage was linked to Hazrat Ali through his father and on Abu Bakr through his mother. During the reign of the Umayyads and Abbasids, Cafer-i-Sadık avoided politics and engaged in scholarship activities, thus protecting himself from oppression and persecution. He died in Medina in the year 765 (148 / m). According to Shiite sources, he was poisoned by the Abbasid caliph Mansur.

The sources of judgment of the Imamiye sect are Qur'an, Sunnah, ijma and reasoning. The Holy Quran is intact and will not be destroyed until the resurrection. The second source of the sect is the true Sunnah, which does not contradict the Qur'an. The Imamiyya sect accepts the hadiths narrated by Ahl al-Bayt and the Companions of Hazrat Ali and does not accept the hadiths narrated by others. They accepted Ahli bait's ijma. The fourth source, reasoning cannot make a new provision, it only explains the judgment of Allah. They do not accept sources such as qiyas, istihsan, the companions' opinion, or included it among the sources that they deemed valid. They accepted sources such as istishab and precaution among others.

The Imamiyye sect believes that twelve imams who descended from the Hazrat Ali were appointed as caliphs with verses and hadiths. According to the sect, each imam appointed the caliph after him. The twelfth imam Muhammad Mahdi according to the sects view was hidden and will appear on the Day of Resurrection. Until then, the caliphate was run by the innocent jurists chosen from among the mujtahids, namely ayatollahs. Ayatollahs give fatwa and make provisions about new issues. The main works of the Imamiyya sect were written by the Shiite scholars Abu Jafar al-Kumni and Abu Jafar et-Tusi.

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Until the XVIII century, political issues were deemed out of the jurisdiction of the Ayatollahs, and it was accepted that the Mahdi had to come. Since the second half of this century, it has been adopted that political issues are within the jurisprudence of Ayatollahs. Finally, Ayatollah Khomeini developed the theory of "Wilayat-fakih"⁴ and argued that the most scholars are virtuous of the ummah and representatives of the expected Mahdi. Political issues and state administration were also within the competence of the most scholarly and virtuous scholars at that time.

The views of the Imamiye fiqh are close to the Hanafi sect. There are up to two hundred different provisions on marriage and inheritance. For example, Mut'a marriage is permissible, anointing the bare foot in ablution, two fair witnesses are required in divorce, the People of the Book are not permissible to marry, the divorce of the patient is not valid... Today, the official sect of Iran is Imamiye, Jafarilik. Azerbaijan, Iraq, Lebanon and Turkey, Iğdır and Kars located in Jaafari region. During the Ottoman Empire period, the provisions of Hanafi sect were applied to the Imamiye.

Ismailia (Batiniyya)

One of the extreme branches of Shiism is Ismailia or Batinism. The Ismailiyah branch established in Iraq believes that there is a secret meaning in addition to the apparent meaning of the Qur'an, and that the imam is mostly secret. Hasan Sabbah, who established a small state in the north of Iran was also a member of the Ismailia branch. The supporters of Hasan Sabbah are called assain. This sect supported the Mongols in the Mongol invasion, and assassinated important statesmen, leaving the Islamic states in the region in a difficult position. The state of Hasan Sabbah was annihilated in 1256 by Hüllagu, the governor of Iran of the Mongols. Today, members of the Ismailia faction live in eastern Africa, Syria, and India, where they emigrated after 1840. The leader of India is known as Agha Khan.

⁴ Guardian Jurist in Shiite political thought

Hurufism

One of the branches of the Batīni party is hurufilik and was founded by Fadlullah al Hurufi. According to Hurufi, every letter of the Qur'an has a meaning. Fadlullah was killed by Miran Shah, the son of Timur Khan in 1393, but his adherents fled to Anatolia and continued their activities. Huruf located to Edirne (one of the Turkish province), it was defused by Fatih Sultan Mehmet.

Safavism

Safavism, which was established in Iran by Shah Ismail, is one of the extreme sects of Shiism. The Druzes living in Lebanon are among of the extreme branches of Shiism.

Causes of the Emergence of Sects

The main reason for the emergence of sects is differences methodology adopted by the founders. The sect founders, who were the mujtahid lawyers, solved the fiqh issues according to their own methods. The fact that these methods are different has led to different opinions.

Geographical Region Differences

One of the reasons for the emergence of sects is that they were born in different geographical locations. The fact that the geographical conditions and the social structure are different has led to different denominations. For instance, the Hadith School was born in Medina, which has an unadulterated social structure. On the other hand, the school of Ra'y emerged in Kufa, where different cultures, races and religions lived together.

Different Use of Resources

The two main sources of Islamic law are the Qur'an and Sunnah. Other sources arise from these two sources. The evaluation of these sources varies according to sects. If the verses and the hadiths are correct as **subut and delalet**, the ijtiḥad cannot be made about them. There are differences between denominations in the use of verses and hadiths that are not certain. The use of hadiths as a source, which is not definite as **delalet**, varies according to sects. For example, Hanafis do not use the ahad hadiths that their narrator acts contrary to the narration. Maliki, Shafi'i and Hanbali use ahad hadith as a source.

Language Differences

The fact that the words used in the verses and hadiths have different meanings led the sects to reach different views. For example, in the Qur'an, it is stated that the woman who was divorced by her husband must wait for three dry months... "Divorced women wait for three kuru". The word of kuru is hayz according to Hanefi and Hanbali sects. And the word is three cleaning periods (menstrual period), according to Maliki, Shafi'i and Imamiye.

Conclusions

The period of Muctehid jurists is considered the golden age of Islamic law. During this period, a large number of mujtahid lawyers were trained and provided a great accumulation on behalf of Islamic law. The issues are discussed in free environments and new ideas have been reached from these discussions. In this period, the expansion of the borders of the Islamic country and the participation of different cultures in the Islamic geography brought a lot of problems before the

lawyers. The lawyers made efforts to settle these issues and contributed to the development of Islamic law.

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