Impact of the Events of Saqifa on the Formation of Differences between the Islamic Sunni and Shia Tradition

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Abstract

There were a number of events in early Islamic history that caused controversy among the first generations of Muslims. In our opinion retrospective analysis of these events can reveal the prerequisites for the emergence of certain characteristics that have become specific to the main directions of Islam. This essay presents an analysis of one such event and its impact on the differences in the sources of Sunni and Shia Islamic traditions. During the events of Saqifa the successor to the Prophet was chosen, which played a significant role in the division of the Muslim community. We analyzed how these events influenced the understanding of divine law and the role of ijma and aql in Sunni and Shia doctrines.

Keywords Islamic law, Sunni law, Shia law, Saqifa

Introduction

The Islamic religion is represented by two main directions: Sunni and Shia. Each of the directions has its own religious doctrine, represented by several madhhabs (legal schools). Each of them, in turn, has its own sources of law, in accordance with which religious scholars make their legal decisions. Analyzing the history of the emergence of madhhabs, we can see that their formation was influenced by historical, religious, political, social, economic and other factors. J. Schacht wrote that in the first century of the Hijri (Islamic chronology) many distinctive features of Islamic law emerged, and the emerging Islamic society created its own legal institutions.[1] At the same time, attention must be paid to the fact that the early history of the Islamic state and the formation of Islamic law had events in which we can see the reflection of certain religious and legal ideas, which later formed the basis of differences both between madhhabs and between whole directions of Islamic law. These events took place almost immediately after the death of the Prophet Muhammad and the election of Abu Bakr as Caliph. For the period of his reign, the events of his confrontation with members of Ahl al-Bayt (the progeny of the Prophet) are quite interesting.[2] One of them was expressed in the fact that Ali ibn Abi Talib was not among the first to take the oath of allegiance to Abu Bakr as caliph. This issue was highlighted in the works of Muslim scholars, especially Shia ones since they consider this event to be one of the first manifestations of Shia ideology.[3]

We believe that this event played a very important role in the manifestation of certain features that later became typical in the Sunni and Shia, and laid the foundations for the division of the Muslim community (ummah) into two directions, thereby forming certain characteristics for the legal systems of each of them.[4] The purpose of this work is to examine the impact of this event on the formation of the sources of Sunni and Shia law.

Methodology

The study of Islamic law is necessary for understanding its specifics since Islamic law is one of the largest religious legal systems, which covers more than 1.5 billion people who live on all continents.[5] Although at the moment the boundaries between the classical legal systems have 'erased' so much that

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[1] Joseph Schacht (1983), *An Introduction to Islamic law*, Oxford: Clarendon Press.
[2] Sharaf al-Din Abdul Hussein al-Musawi (2015), Al-Nass Wal-Ijtihad (Text and Interpretation), Abdullah al-Shahin (trans.), Qom: Ansariyan Publications.
[3] Syed Husain Mohammad Jafri (2002), *The Origins and Early Development of Shia Islam*, Oxford: Oxford University Press.
[4] Akif Tahiiev and Dmytro Lukianov (2022), "The Role of the Events of Fadak in the Formation of Differences between the Islamic Sunni and Shia Laws," *Islamic Inquiries*, Vol. 1, No. 1, pp. 61-74.
[5] Michael Lipka and Conrad Hackett (2017), "Why Muslims are the world's fastest-growing religious group," *Pew Research Center*, https://www.pewresearch.org/fact-tank/2017/04/06/why-muslims-are-the-worlds-fastest-growing-religious-group/.

even leading specialists in the field of comparative law studies pay attention to the fact that the formulation of the 'perfect framework' for the world legal systems is practically impossible.[6] Therefore, studies in the field of 'mixed' legal systems become relevant, which are considered as a category that includes formations in which two or more systems are applied cumulatively or interactively, as well as formations in which systems are compared as a result of more or less clearly defined spheres of application.[7] Thus, the study of Islamic law becomes even more relevant, since there is a need not only for the availability of competent knowledge about Islamic law but also for the possibility of its integration with other legal systems.

We also consider it necessary to draw attention to the importance of research on Islamic law. The methods of comparative jurisprudence should be used not only in the study of various legal systems but also in the analysis of the structural elements of Islamic law as a system and complex phenomenon. Significant part of researchers analyze Islamic law incorrectly considering Islamic law as a monolithic entity. Thus, most of them mainly analyze the features of only Sunni Islamic law by extending their conclusions to all Islamic law. For example, the most famous fundamental doctrine of the 'four sources of law' in the form of the Quran, Sunnah, ijma and qiyas is the most cited by many researchers.[8] [9] At the same time, it is not characteristic of Shia Islamic law. We want to convey the idea that Islamic law has many directions, each of which, in turn, also has its own components. So, for example, we found out that Shia Islamic law is one of the two main parts of Islamic law. It is represented by the Twelver (or Imamiyyah) and Zaidi madhhabs. 'Madhhab' is viewed as a legal school, although this concept has gone from 'the basic meaning of a jurist holding a certain opinion to strict adherence to a collective, aggregate and self-sufficient legal doctrine' (obviously, this development of events did not mean that one meaning replaces or cancels another meaning from which the first came).[10] The Twelver madhhab, in turn, consists of two directions - Usuli and Akhbari.[11] The positions of the Usuli scholars also differ on many practical issues. Among them, the question of the position of Shia scholars during the occultation of hidden Imam and the concept of 'wilayat al-faqih', which is reflected in the participation of some of them in the political life of Iran and Iraq or in their political inactivity.[12] And it is just one example of the diversity of positions and opinions between representatives of various branches of Islamic law. Thus, we can understand how relevant is to study all directions of Islamic law.

In this essay we studied one of the events that we believe was fundamental to the beginning of the formation of differences between Sunni and Shia Islamic law.

Conflict about Giving the Oath (Events of Saqifa)

Ali was one of the closest companions of the Prophet, his cousin and son-in-law. He is one of the key figures in both Shia and Sunni Islam. He enjoys great authority because of his knowledge, since he was so famous for his knowledge of Islam that the Prophet said: 'I am the house of wisdom, and Ali is its door.'[13] The Sunnis considered him one of the best Prophet's companions, while the Shiites revered him as the best person after the Prophet Muhammad, his successor and imam (leader of the Muslims) appointed by Allah. Ali's biography has been studied by a large number of both Muslim and non-Muslim researchers. We have cited all these facts to determine the important role that Ali played in Muslim society. After determining this, we can move on to the question of giving oath by him. That is, if the oath of allegiance to the Caliph had not been taken by any secondary Companion or personality, then this issue would not be considered as key in determining the formation of certain differences and schisms in the ummah.

The question of taking the oath played a very important role in the feudal theocratic Muslim society. The oath (bayʿah) was primarily applicable to the Prophet, but after his death also to other leaders of the Muslim community, primarily to the Caliph as the successor of the Prophet in political affairs. Joas Wagemakers writes that this oath was a contract (treaty, covenant), in which not only the latter

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[6] Ugo Mattei and Boris N. Mamlyuk (2011), "Comparative International Law," *Brooklyn Journal of International Law*, Vol. 36, pp. 385-395.

[7] Vernon Valentine Palmer (2008), "Two Rival Theories of Mixed Legal Systems," *Journal of Comparative Law*, Vol. 3, No. 1, pp. 7-33.

[8] Mohammad Hashim Kamali (2003), *Principles of Islamic Jurisprudence*, Cambridge: Islamic Texts Society.

[9] Wael B. Hallaq (1997), *A History of Islamic Legal Theories*, Cambridge: Cambridge University Press.

[10] Wael B. Hallaq (2005), *The Origins and Evolution of Islamic Law*, Camridge: Cambridge University Press.

[11] Robert Gleave (2000), *Inevitable Doubt: Two Theories of Shīʿī Jurisprudence*, Leiden: Brill.

[12] Saeid Golkar (2017), "Clerical Militia and Securitization of Seminary Schools in Iran," *Contemporary Islam*, Vol. 11, pp. 215-235.

[13] Muhammad ibn Isa al-Tirmidhi (2007), *Sunan Tirmidhi*, New York: Maktaba Dar-us-Salam.

participated as a person receiving loyalty, but also there were those who voluntarily expressed a desire to obey their leader. He also pointed out that in practice, real voters were mainly officials in leadership positions in the caliphate, whose oaths of allegiance were considered binding on themselves and the community as a whole. Thus, some scholars believed that violation of the oath should be punishable by death.[14]

Some researchers draw attention to the fact that Muhammad did not leave a full-fledged will and therefore did not identify his legal successor. In this aspect there are hadith, which are in the Sunni authoritative collections of Bukhari and Muslim. One of the first Western scholars of Shia Islam, D. Donaldson, cited following hadith from these collections: 'Narrated Ibn Abbas: "When Allah's Messenger was on his deathbed and in the house, there were some people among whom was Umar bin Al-Khattab, the Prophet said: "Come, let me write for you a statement after which you will not go astray". Umar said: "The Prophet is seriously ill and you have the Qur'an; so the Book of Allah is enough for us". The people present in the house differed and quarreled. Some said: "Go near so that the Prophet, may write for you a statement after which you will not go astray", while the others said as Umar said. When they caused a hue and cry before the Prophet, Allah's Messenger, said: "Get up (leave me alone)". Narrated Ubaydullah: "Ibn Abbas used to say: "It was very unfortunate that Allah's Messenger was prevented from writing that statement for them because of their disagreement and noise"'[15] [16]. There is also a large number of hadith in which the Prophet declare Ali to be his successor. Therefore, as we can see, the issue of the awareness of people about the will of the Prophet about the successor is quite controversial, but, as H. Halm notes, nevertheless, Abu Bakr became the caliph and the actual successor of the Prophet.[17]

Abu Bakr was elected caliph during the events of Saqifa. Saqifa was a roofed building in Medina, where representatives of different clans gathered in the pre-Islamic period. A meeting took place here, which had a significant impact on the further development of the Islamic world. Famous Sunni theologian and historian Tabari in his 'History of Prophets and Kings' describes these events as follows. He wrote that when the Prophet passed away, the Ansar gathered in the building of Saqifa and started to decide who would be 'responsible' for their affairs after Muhammad. A discussion began between them about who is a worthy candidate for the position of Prophet's successor. Unlike most historians, V. Madelung believes that the assembly in Saqifa was not originally intended to choose a successor to the Prophet and they only wanted to choose a ruler for their city of Medina. He also notes that only Abu Bakr and Umar believed that the chosen ruler should rule all Muslims.[18] Further Tabari writes that after hearing about such discussion Umar went to Abu Bakr and informed him that the Ansar were going to remove the Muhajirun from power and that it was necessary to stop it. The Muhajirun were immigrants from Mecca who were among the first to convert to Islam; the Ansar were the indigenous population of Medina, who later converted to Islam and invited the Prophet to their city. Therefore, Abu Bakr, Umar and several Muhajirun went to the building of Saqifa, where Abu Bakr preached a sermon on the superiority of the Muhajirun over other groups since they were among the first to convert to Islam. After that, the discussion began in which the Ansar wanted to propose their candidate, but Umar rejected this, arguing by the fact that someone who is not a fellow tribe of the Prophet (Muhajirun, like the Prophet, were from the Quraysh tribe) can't be a caliph. Because of similar arguments and active actions of Umar, Abu Ubaydah and Abu Bakr, the members of this council came to the decision to elect the latter as the caliph.[19] M. Momen wrote that the election of Abu Bakr as caliph was also facilitated by the clan struggle, represented by a prolonged (more characteristic of the pre-Islamic period) enmity between the Ansar tribes Aws and Khazraj.[20] The Ansar speculated about choosing a Khazraj chief as their leader, and so when Abu Bakr put forward his candidacy, the Aws tribe supported him. The representatives of Khazraj themselves were not completely united, and several of the leading people of this tribe were among the first to obey Abu Bakr, apparently feeling some displeasure with their leader. In general, it is quite remarkable that not all members of that council swore allegiance to Abu Bakr, including the

[14] Joas Wagemakers (2015), "The Concept of Bay'a in the Islamic State's Ideology," *Perspectives on Terrorism* Vol. 9, No. 4, pp. 98-106.
[15] Dwight M. Donaldson (1933), *The Shi'ite [Shiite] Religion: A History of Islam in Persia and Irak [Iraq]*, Luzak & Company.
[16] Muhammad al-Bukhari (2007), *Sahih Bukhari*, Vol. 5, New York: Maktaba Dar-us-Salam.
[17] Heinz Halm (1997), *Shi'a Islam: From Religion to Revolution*, Allison Brown (trans.), Princeton: Markus Wiener Publishers.
[18] Wilferd Madelung (2008), *The Succession to Muhammad: A Study of the Early Caliphate*, Cambridge: Cambridge University Press.
[19] al-Tabari (1993), *Volume X The Conquest of Arabia, The History of al-Tabari (Ta'rikh al-rusul wa 'l muluk)*, Fred M. Donner (trans.), New York: State University of New York.
[20] Moojan Momen (1985), *An Introduction to Shia Islam: The History and Doctrines of Twelver Shi'ism*, New Haven: Yale University Press.

owner of the Saqifa building – Saad ibn Ubayda.[21] Shia scholars consider these events as an act of usurpation of power since at the council most of the leading companions were not present and following Umar's argument that the Caliph could not be a person from a tribe other than Quraysh, Ali, as a direct Prophet's relative, would have been a more worthy candidate. A number of non-Muslim scholars have also, in turn, criticized certain procedural points and the decision of that council. Thus, the Italian orientalist L. Caetani wrote in his 'Annals of Islam' that he agrees with Lammens's theory of the triumvirate of Abu Bakr, Umar and Abu Ubaydah as the most likely explanation for the origin of the caliphate. They named Umar as the inspirer of their joint actions as a successful and prudent politician.[22] In any case, there were either no people ready to challenge the council's decision, or they preferred to take a neutral position and Abu Bakr began to take the oath from the most influential representatives of the ummah.

Considering Ali's closeness to the Prophet, his oath was a very important moment for legitimizing the Caliphate of Abu Bakr, perhaps even necessary. The Sunni researcher and historian Sheikh al-Khudari in his book 'Biography of the Righteous Caliphs' quotes the following words of Ali to Abu Bakr: 'However, you made a decision (to become a caliph) and did not take our opinion into account. And we believed that we also have a right since we are relatives of the Messenger of Allah ...' Ali spoke with Abu Bakr until tears flowed from Abu Bakr's eyes.[23] According to the Shia thought Ali and several of his closest companions (who were called 'Shiites of Ali' at the time of the Prophet) did not recognize the legitimacy of the Caliphate of Abu Bakr. Thus, Tabarsi cited a hadith from Imam Sadiq. Latter one was asked 'were there those who did not recognize Abu Bakr as the Caliph' and he said that there were twelve people among the Muhajirun and Ansar who did not agree with the election of Abu Bakr as Caliph, and therefore some of them wanted to raise a rebellion and came to Ali, who was supposed to be the caliph in their opinion. Ali told them not to revolt, and just go to Abu Bakr and tell him the words of the Prophet after defeating Banu Khadir: 'You must know and fulfill my will - after me Ali will be the caliph and successor.' When they came to Abu Bakr and said these words to him, Abu Bakr left them and closed in his home for three days. Only after the arrival of Umar and his companions, who 'gave Abu Bakr will (strenth),' the latter came out to the people and returned to rule. Umar came to Ali's companions and said to them: 'O Shiites of Ali! Know that if you say these words again, I will order your head to be cut off.'[24] Shia sources claim that Ali decided to refrain from rebellion in order to preserve the unity of the Muslim society. Gulam-Hassan Muharrami identifies the following reasons for Ali's silence': unwillingness to divide Muslims, danger from the munafiqun (hypocrites), the need to preserve Ahl al-Bayt (the Prophet's progeny).[25]

At first glance, the events described above have an exclusively historical nature, but we believe that it is their detailed study that will allow us to see the specifics of the application of 'derivative sources' of law, those derived from the Quran and Sunnah, which are recognized by all Islamic madhhabs, albeit in different interpretations. The first such source is ijma - consensus or unanimous decision. It was the fact that the Sunnis represented the majority among Muslims that facilitated an easier way of legitimizing this source of law. That is, as we see, during the events in Saqifa, while the Prophet's companions were engaged in the election of the Caliph, Ali was busy with the Prophet's funeral. That is, during Ali's absence, Abu Bakr was elected caliph in Saqifa by the majority of his companions, which was later taken by the Sunnis for granted. Therefore, Sunnis sometimes appeal to the following hadith: 'My nation (ummah) will not unite on misguidance, so if you see them differing, follow the great majority.'[26] Almost all Sunni scholars recognized the unanimous decision of the Prophet's companions as an authoritative source of law. Shiites, on the other hand, were in the minority at almost all moments in history, and their imams mostly did not have real political power. Therefore, in the Shia legal doctrine ijma is interpreted as a way to reveal the opinion of the Imam. In particular, ijma refers to the consensus or unanimous view of Shia scholars who lived during the time of the imams. Since

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[21] al-Tabari (1993), *Volume X The Conquest of Arabia*.
[22] Leone Caetani (2018), *Annali dell'Islam, Vol. 1: Introduzione, dall'Anno*, London: Forgotten Books.
[23] Muhammad ibn 'Afifi al-Khudari (2009), *Жизнеописание праведных халифов* (Biography of the Righteous Caliphs), Moscow: Ummah.
[24] Tabarsi Abi Mansur Ahmad ibn Ali ibn Abi Talib (n.d.), *Al-Ihtijaj*, Vol. 1, Tehran: Intisharat-e Usweh.
[25] Ghulam-Hasan Muharrami (2008), *History of Shi'ism: From the Advent of Islam up to the End of Minor Occultation*, London: ABWA Publishing and Printing Center.
[26] Ibnu Majah (2007), *Sunan Ibnu Majah*, New York: Maktaba Dar-us-Salam.

several prominent Shia scholars were close companions of the imams, the Shia doctrine emphasizes the opinion of these early Islamic scholars.[27]

Sunnis represented the majority, respectively, Sunni Islamic law was dominant and therefore, until the XV-XVIth century, there was practically no state that officially used Shia law. In this aspect, quite interesting is the remark of Muhammad Baqir Sadr, who wrote that the Sunni jurisprudence had to lose some of its vitality in the VIth and VIIth centuries (Hijri) and in subsequent times due to political instability and the destruction of the caliphate by the Mongols. However, it was not the political environment that prompted Shia jurists to engage in science and research. That is, 'they were stimulated by the needs of people who believed in Imamate of Ahl al-Bayt and who turned to the jurists of their school in order to eliminate difficulties in understanding religion and learn about their religious obligations in accordance with Sharia. Therefore, the development of Shia fiqh (law) was conditioned by the needs of the people, and not by the political situation, in contrast to the development of the Sunni fiqh.'[28] That is, after analyzing Sadr's words, we see that the fact that Ali was deprived of his actual political power during the events of Saqifa to a certain extent determined the trend in the development of Shia law.

In the Sunni legal schools, the fourth source of law is qiyas, while in the Twelver (main Shia madhhab) – aql (intellect, reason). In general, it is the rational ways of interpreting the Quran and Sunnah that underlie Shia ijtihad – the derivation of legal rules exclusively from the Quran and Sunnah. At the same time, Sunni madhhabs, although they were developing and using rational methods, allowed the use of personal judgments (to varying degrees) in the process of ijtihad. Reason became one of the main sources of Shia law precisely because Shiites attached a special role to intelligence and knowledge of religious positions because all Shia imams were one of the leading theologians and jurists of their time (especially imams Ali, Baqir, Sadiq and Reza).[29] Must be noted that Sunnis also attach an important role to the reason, they developed and recognize rational methods as an important source of Sunni legal doctrine, but do not put forward knowledge of Islamic laws as a necessary criterion for the leader of the Ummah. Most of the Shia arguments in favor that Ali was considered the Prophet`s successor (in addition to direct indications, which are recognized by the Shiites), are based on the fact that Ali was also most knowledgeable among Companions in matters of religion and the Quran.[30]

Conclusion

We have studied the most important aspects of the event in Saqifa. From the analysis of them, we came to the conclusion that at that moment such a feature of Sunni Islam as following the opinion of the majority manifested itself, which contributed to the recognition of ijma as one of the main sources of Islamic law. After the death of the Prophet (and the termination of direct contacts with the imams for the Shiites), it became necessary for them to develop the ilm usul al-fiqh — the science of the principles of jurisprudence, within which 'derivative' sources of law were created. During analyzing the events in Saqifa we traced the following features that became specific in the Sunni and Shia doctrines. In the first of them, ijma was formed on the basis of the unanimous decision of the Companions, which came from the recognition of their righteousness and the fact that the Sunnis have always represented the majority of Muslims. While the Shia legal doctrine was characterized by the practical non-use of ijma. It was also characterized by the high role of reason and rational methods as the only correct ways to derive norms from the Quran and Sunnah. Sunni jurists allowed themselves to use personal judgments in some cases since they believed that the Quran and Sunnah were not comprehensive and sufficient sources of law.[31] Shia jurists believed that all the necessary Laws are in the Quran and Sunnah and it is only necessary to derive them from these primary sources. Therefore, they allowed themselves to use ijtihad, removing from it their own opinion of the jurist and leaving only deductive rational methods of interpreting the Quran and Sunnah.

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[27] Nader Entessar (1988), "Criminal Law and the Legal System in Revolutionary Iran," *Boston College Third World Law Journal*, Vol. 8, No. 1, pp. 91-102.

[28] M. B. al-Sadr (2009), *История 'Илм Аль-Усул*, Москва: Садра.

[29] Shaykh Baqir Sharif al-Qarashi (1992), *The Life of Imam Ja'far Al-Sadiq*, M. Majid Asadi (trans.), Qom: Ansariyan Publications; Allama Syed Zeeshan Haider Jawadi (2000), *Life Sketch of Imam Muhammad Baqir (a.s.)*, Extract from Nugoosh E Ismat, India: Allamah Jawadi Trust; Akif Tahiiev (2020), "Imam Sadiq's Legal Doctrine of the Sources of Law," *Recht der Osteuropäischen Staaten (ReOS)* 02/20, pp. 62-66.

[30] Ibn Al-Maghazeli 'Ali b. Muhammad (2004), *Manaqib al-Imam Ali ibn Abi Talib*, Beirut: Dār al-Aḍwāʾ.

[31] Murtadha Mutahhari (1984), "The Principle of Ijtihad in Islam," J. Cooper (trans.), https://www.al-islam.org/al-serat/vol-10-no-1/principle-ijtihad-islam-murtadha-mutahhari.

Thus, in Sunni law, the doctrine of four main sources of law was formed, including the Quran, Sunnah, ijma and qiyas. At the same time the Shia law of the Twelver madhhab currently has the following sources: the Quran, Sunnah, ijma and aql. The formation of such doctrines of sources of law was due to religious and historical factors, and in certain historical events we can see the prerequisites for their formation, which become obvious in a retrospective analysis of these events. In addition to the concept of sources of law, these events laid down the following trends in the development of each of the directions of Islam:

- removal of Shia imams from political power made possible the development of Shia Islamic law in the absence of its recognition by the state;
- level of religious knowledge as a mandatory requirement for a leader in Shiism and optional (but desirable) in Sunnism.

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