STUDIES IN IBADHISM

by

Dr. Amr K. al-Nami

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to contact:

admin.open.books@gmail.com

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GENERAL NOTES

"This work was originally the English part of a thesis submitted to Cambridge University in 1971 for the Ph.D. D. degree" The publication is made without any alteration. The Arabic texts of that thesis will be published separate in due course.

The translation adapted the previous work is the Middle East Center of Cambridge University. The definite article, al- is given always the small letters i.e. al-Wahab al-Shammakhi, etc., unless it is the beginning of a sentence. For the title of books, only the first letter of the title is given except when the title contains names of more than one word; i.e. the original work and a commentary, or summary of two works, i.e. al-Wad wa al-hayah.

The footnotes are given at then end of each chapter. As most of the Mss. I used for this study have not been numbered before, I numbered them in pages; therefore the references are made accordingly, except where the Mss were already numbered in folics, the reference in this case being made to folios distinguished by letters a and b. For the Qur'anic verses quoted in this work, the author used the translation of the late Professor Arberry, unless otherwise stated. The reference was made to the original text of the Qur'an, the number of the Surah, and the number of the 'Ayah and not to the translation.

For the Abbreviation of the Periodicals, the author adopted the abbreviations given in Index Islamicas (pp. xxix; - xxx; 11, xxii – iii; xxiv-xxv).

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PREFACE

Al-Ibadhiya, or al-Ibadhiyah, is one of the earliest Islamic sects, the foundation of which goes back to the first half of the first century H. The school took its name from Abdullah b. Ibadh, one of its early theologians.

The name Ibadhiyah applies to a Muslim group, which was considered by most writers as a moderate branch of the Kharijite movement. The adherents of this school still form a number of independent communities holding a fast to its teachings. The largest of this lives today in Oman and Muscat in Southeast Arabia. There are other minorities in Zanzibar of the East Coast of Africa, in Jabal Nafusah and Zuwarah in Libya, in Jerba Island in Tunisia and in Wad Mzab in Algeria.

Very little is known about the Ibadhiyah, their doctrines, origins and development. Modern European scholars have made useful contributions in the field of Ibadhi studies, but their studies were directed mainly to the history of the Ibadhi communities or some aspects of their present social and religious life. With the exception of a few articles on Ibadhi theology, Ibadhi teachings in general have not been dealt with seriously. The studies conducted by European scholars on Ibadhism were based mainly on historical sources. The vast Ibadhi writings on jurisprudence and theology were not properly utilized. This was no doubt due to the difficulty of access to such sources.

The earlier paper on Ibadhi bibliography was presented by Motylinski in his article on "Bibliographe du Mzab"* in which he listed the Ibadhi works given by al-Barradi, adding his own notes and findings. However he does not give specific locations of the Mss. he mentions, nor does he give a satisfactory description of them with the exception of the historical works. The value of this study lies in the fact that it was the preliminary step, which facilitated subsequent researches. The latest and most useful list of Ibadhi work in Mzab was made by the late Professor J. Schacht in his article "Bibliotheque et manuscript abadites" in which he listed the extant Ibadhi Mss. in the private collections of Mzab, arranged according to their subjects, giving the names of the collections and the numbers of the Mss. The other lists of Ibadhi collections of Mss. were complied by other modern scholars: A list of the Ibadhi Mss. in Krakow in Poland made by Wladyslaw Kubiak, in his article "al-Makhtutat al'arabiyah fi Polunia" in Majallat Ma;had al-Makhtutat al-arabiyah; a list of the Ibadhi Mss. in the Oriental Institute of Naples, made by Rubinacci, and also the description of the Ibadhi Mss. in Dar al-Kutub or Cairo, made by the late Fu'ad al-Saiyid in the Catalogue of Dar al-Kutub.

During the course of this study I made two tours to the Ibadhi communities in

North Africa in search of Mss. and material for my work. The first tour was during June - September 1968, and the second was during November - December 1969. Being myself an Ibadhi, it was easier for me to obtain access to private libraries and collections of Mss. than for non-Ibadhis. To my surprise, most of the important Maghribi works, including those which were thought to be lost, were still extant and in good condition. Moreover, there is still great hope for future discovery in this field. A description of some of the new Mss. discovered on my first tour has been published in the Journal of Semitic Studies. It is hoped that a complete list with a full description of all the Mss. I have examined will be madein the near future.

The region, which has not yet been fully explored and is no doubt a place where even more valuable Ibadhi Mss. are likely to be found, is Oman, which requires special attention from students of Ibadhi matters. I myself was unable to visit Oman, but was provided by some early works on jurisprudence and standard Sirahs of early Ibadhi authorities which were or great help in the study on the origins of the Ibadhi school and its relations to the early opposition movements in Islam.

Oman, being a major center of the Ibadhis and the Ibadhi imamate, received close attention from European scholars, an account of which has already been given by J. Wilkinson in his D. Phil. thesis on The Arab Settlement in Oman, Oxford, 1969, and which I therefore do not propose to treat here. However, what seems still to be needed as far as Oman is concerned, though it would not be easy to achieve, is the discovery of more material which would undoubtedly help in forming a clear picture of the Ibadhi school and its development in all Ibadhi areas. For, most of the early Ibadhi authorities moved from Basra to Oman, where strong Imamate was founded and which provided a more congenial atmosphere for those scholars to develop their views and contribute to other Ibadhi countries, but the original material of the Ibadhi doctrine in its early period may well be preserved in Oman, and the likelihood of making important findings there is quite feasible.

European scholars also paid close attention to the Ibadhis of North Africa. Masqueray, who translated the Sirah of Abu Zakariya al-Warijlani into French, started their studies. His work attracted the attention of other scholars who contributed to Ibadhi studies in different fields. In the field of history, Motylinski, in his article on the Ibadhi books, presented full tables of contents of the Ibadhi works on the biographies of the Ibadhi Sheikhs; the Sirah of Abu Zakariya; the Tabaqat of al-Darjini; al-Jawahir of al-Barradi, and the Siyar of al-Shamaakhi. He later edited and translated into French the history of Ibn al-Saghir al-Maliki on the Rustamid Imams. Full reviews of these Ibadhi sources appeared later. Lewicki made reviews of both Tabaqat of al-Darjini, and the

Siyar of al-Shammakhi, and Rubinacci reviewed K. al-Jawahir of al-Barradi. Lewicki, also, possessing a copy of the Siyar of al-Wisyani, published a series of articles using material from al-Wisyani and the other Ibadhi historical works. These cover a number of topics concerned with Ibadhi studies and with Ibadhi communities in their various countries, especially North Africa, their intellectual life and commercial and political activities. His studies appear to be the most satisfactory of those so far discussed despite a few minor points where he was misled mainly because of the lack of material. Brief historical accounts of the Ibadhis of North Africa were given first by Strothmann in his article "Berber und Ibaditen," then a fuller account of the Ibadhis, together with the other Kharijites in north Africa, was presented later by Chaikh Bekri in his article "Le Kharijisme Berber" The Ibadhi sources were used recently by the Italian scholars in the study of the early political conflict in Islam, notably by Vaglieri for an account of the conflict between Ali and Muaawiyah, and by Rubinacci for an account of the relation between the Ummayad Caliph 'Abd al-Malik b. Marwan and the Ibadhis.

Western scholars also dealt with the Ibadhi theology in a number of articles. These appeared after Motylinski presented a French translation of the Ibadhi creed of Amr b, Jumai; i in the year 1905. Nailino afterwards wrote his notes on what he considered to be a Mu'tazili influence on Ibadhi theology. Marino followed up this line of study in his article "Note de teologia ibadita". In this field, the Polish scholar Smogorzewski wrote an article on difference between Ibadhis and Malikis based on a few lines of verse by an anonymous Ibadhi "Un poeme abadite sur certaines divergence enterlest Malikites et les Abadites". Lewicki on his part wrote an informative article on the subdivisions of the Ibadhiyah. There is also a study of the Ibadhi creed of Abu Zakariya' al-Jannawni with an Italian translation and an examination of its relation to other Islamic sects by Rubinacci.

Ibadhi Jurisprudence has not been dealt with seriously up to the present time. A few articles have appeared in which minor aspects of this subject were treated. There is the article by Rubinacci "La purita rituale secondo gli Ibaditi" in which the presented a comparative study of the subject al-taharah, in Ibadhi and other Islamic schools. There is also an article dealing with the authorities who transmitted the Ibadhi doctrine in North Africa written by Crupi La Rosa in Italian, and based on the work of the modern scholar, 'Abdullah b Yahya al-Baruni, Sullam al-ammah wa al-mubtadi'in. In French there is the work of Goichon on "La vie feminine au Mzab", and also the work of Milliot, "Recueil de deliberations des djema'a du Mzab" in which some points of Ibadhi law were touched upon.

Few other articles were directed to the study of the Ibadhi organization of the

'Azzabah. There is the article of Lewicki on al-Halka and also the article of Rubinacci, "Un antico documento di vita cenobitica musulmana" which deal with the rules of the Halqah. There were the main works on Ibadhi studies concerned with the Maghribi Ibadhis in the European languages. Few notes are to be found where the subjects of the early sectarian movements of Islam were studied, for all European scholars include Ibadhis among the Kharijites.

As for non-Ibadhi Muslim scholars, they always regarded Ibadhis as extreme Kharijites and heretics, and did not pay any serious attention to studying Ibadhi doctrine and forming a clearer image of the Ibadhi School. It was only recently that the Ibadhi School was included among the Islamic schools represented in the new Encyclopaedias of Islamic law appearing in Egypt and Kuwait. This interesting event came about as a result of the continuous Ibadhi activities directed towards gaining better understanding from the neighbouring Muslims. These activities were started by Sulaiman Basha al-Baruni of Jabal Nafusah, who was an active Muslim politician and played a major part in the fighting against the Italian invaders of Libya in 1911. Interest of the Muslim in the Ibadhi affairs was aroused by the part which al-Baruni played together with the Ibadhis of Jabal Nafusah in the war against Italy, his firm loyalty to the Ottoman Empire and his hard struggle for the Muslim cause. He stood for better understanding between Muslims, and was one of the earliest voices to invite Muslims to forget the differences caused by conflict of opinion among the (المذاهب) original masters of their Schools.

and to return to the direct judgement of the Qur'an and the Sunnah. The prestige which was established by al-Baruni in international Muslim circles through his heroic struggle against Western colonial invasion brought appreciation for the Ibadhi contribution to Islamic unity, which was the slogan of most Muslim leaders at the time, and paved the way for the Ibadhi views to be heard. In addition to Baruniyah Lithographic Press, established in Cairo before the beginning of this century, Sulaiman al-Baruni established his own printing press during the early part of this century, and issued his newspaper al-Asad al-Islami, in which he propagated his views and tried to give a clearer picture of the Ibadhis. He also published a few Ibadhi books by Omani and Maghribi authors, including his own work on Ibadhi history, al-Azhar al-riyadiyah. The late scholar Abu Ishaq Ibrahim Atfaiyish of Mzab afterwards followed the activities started by al-Baruni in Egypt. He was exiled by the French from Algeria and settled in Egypt, where he issued his journal, al-Minhaj, and participated in editing and publishing the works of the modern Ibadhi scholar Muhammad b. Yusuf Atfaiyish, and some works of the Omani scholar al-Salimi. He was, during his long stay in Egypt, an unofficial representative of the Ibadhi school, defending and propagating Ibadhi views, and he was always ready for consultation on Ibadhi studies. There can be no

doubt that his contribution towards presenting a clearer view of the Ibadhi School was of great importance. This is much in evidence in his magazine, al-Minhaj; in his notes on the works he edited and in his notes on the parts of E.I. translated into Arabic, in which he tried to correct euphonious views on the Ibadhiyah.

Similar activities took place in Tunisia and Algeria through the leaders of Hizb al-Islah of Mzab who joined in the activities of al-Hizb al-Dusturi of 'Abd al-Aziz al-Th'alibi. Among the leading Ibadhi personalities who played an important part in Tunisia were the late Muhammad al-Thamini, originally from Mzab, who established a Bookshop in Tunis, and participated in publishing and circulating Ibadhi literature, and the late Sheikh Sulaiman al-Jadawi of Jerba, who was the editor of the well-known paper, Murshid al-'Ummah. The leading figures of the parallel activities in Algeria were Abu al-Yaqzan Ibrahim, who issued about eight different newspaper during the French rule, and Sheikh Baiyud Ibrahim B. 'Umar who is responsible for the modern reformist movement in Mzab, and it schools and institutions. Both men were active members of Jam'iyat al-'Ulama and personal friends of the leading Sunni scholars of the Jam'iyah. They were all sincere in their aim of seeking better understanding with the neighbouring Sunnis. This movement, which was largely inspired by al-Baruni and his approach, relaxed the bitter attitude of opposition to the Ibadhis in their different communities, and provided a better atmosphere for the Ibadhis to present their views in a moderate way. The latest contribution in this field has been made by 'Ali Mua'ammar of Jabal Nafusah, Libya, who recently published a number of volumes under the title, al-Ibadhiya fi mawkib al-tarikh, planning to present a general study of the Ibadhis in their various countries. He also published other works dealing with legal and religious matters. The other scholar is Muhammad 'Ali Dabbuz of al-Qararah, Mzab, who undertook to rewrite the history of the Maghrib from the Ibadhi point of view. Up till now he has published seven volumes he dealt with the early history of the Maghrib. The other volumes were devoted to study of modern Algeria, Thawrat al-Jazair wa nahdatuha al-mubarakah. Both authors were students of Sheikh Baiyud and were largely influenced by his reformist views. Their works argue persuasively and vigorously with Muslims that they should return to the Qur'an and the Sunnah, and leave aside the causes of division resulting from following opinions of later scholars affected by political differences. This was the Ibadhi contribution to the modern Islamic attempt to restore the original Islam of the Book and the Sunnah. This was the Ibadhi contribution to the modern Islamic attempt to restore the original Islam of the Book and the Sunnah. This trend which was propagated by Muhammad 'Abduh and his student Rashid Rida, and followed up by the activities of their students, brought to Ibadhis new hope

for better understanding. First it seemed to them that at last their Muslim adversaries had started to realise what they (Ibadhis) had stood for from the beginning. The Ibadhis took part in this movement throughout the political struggle for national independence in their different countries, and stood side by side with their Sunni neighbours against the invading powers. They tried always to present their views and doctrines, to clear away the old misunderstanding and release themselves from the traditional isolation in which they always lived with regard to their Muslim neighbours. The Ibadhi contribution to the Ibadhi studies branched into two directions:

a) Providing their own literature by edition and publishing old Ibadhi works, and adding new contributions, in new writings to meet with the present requirements.

b) Presenting a clearer picture of their views and history in order to gain better understanding from non-Ibadhi Muslims.

As for non-Ibadhi Muslims, there is no serious attempt yet on their side to study Ibadhism deeply through its own sources. However, signs of such attention to Ibadhi studies have started to appear in modern universities through contemporary scholars who were no doubt directed towards Ibadhi studies through the interest and contribution of the European scholars. Cairo University, where an Ibadhi student Muhammad Hanbulah under the supervision of Muhammad Sallam Madhkur is undertaking a comparative study of the laws of ownership in Ibadhi law and modern canon law in Libya, is taking the lead in this direction. There is no doubt that the originality of the subject and the possibilities it offers for new lines of research will encourage more studies in the future.

The object of the present study is to provide a clearer picture of the Ibadhi School based on original but newly discovered Ibadhi material. Although in area this study is concerned with Ibadhism in North Africa, it was essential to study the origins of the Ibadhi movement and its early founders in Basrah, its relation to the Kharijite movement, its connection with the early events of Islamic history and political development, the effect these (two latter) had on the Ibadhi school with regard to its theological and juridical views, then its expansion into North Africa. It is also aimed to present a clear view of Ibadhi jurisprudence and theology; the points of agreement and disagreement with the contemporary opposition movements and schools of law, and some distinguishing features of the Ibadhi doctrine, namely the system of 'Walaya' and 'Bara'ah', and the stages of the Ibadhi community. Three Ibadhi texts were edited as part of this thesis to provide samples of Ibadhi literature covering the fields of theology, jurisprudence, and the subject of Walaya and Bara'ah which falls into both fields1.

The present study is so far the first to be based on a large newly discovered foundation of original material of early Ibadhi authorities and a thorough examination of most extant Ibadhi works in different fields of study. It is hoped that it will open a new horizon in the field of Islamic studies and encourage further investigation in the light of the new materials used here and the opinions reached. However, it is only the first step in the study of Ibadhism, and no doubt a great deal remains to be done; though the writer trusts the way may have been paved by the results achieved in the research.

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(1) These texts are to be publishied separately.

CHAPTER I

THE FOUNDATION OF THE IBADHIAH, AND THE IBADHI VIEWS ON THE KHARIJITES.

"ABDULLAH B. IBADH"

The Ibadhi school took its name from 'Abdullah b, Ibadh al-Murri al-Tamimi. The school was named after his father because he was better known than the son, as is the case in Arabic genealogy1. Al-Malati alone reported that the sect was named after its founder who is, according to him, Ibadh b. 'Amr2. This information cannot be taken into account, for al-Malati reported information about the Kharijites in his book contrary to all sound authorities who dealt with the subject.3

Very little is known about 'Abdullah b. Ibadh in both Ibadhi and non-Ibadhi sources. He is of Banu Sarim b. al-Harith b. Muqa'is of Banu Tamim, one of the main tribes of Mudar.4 Nothing is known about his early life. The modern Ibadhi scholar Muhammad b. Yusuf Atfaiyish suggests that Ibn Ibadh moved from Najd, the homeland of his tribe, to Basrah5. He also reported that certain narrations state that he was a 'Sahabi for a short time6. However, Ibadhi chroniclers included Ibn Ibadh, among the class of al-Tabi'un who lived during the second half of the first century H7. It is not known whether he participated in the civil wars which occurred among Muslims before the 'Umayyad rule. But it appears that he was not satisfied by the rule of Mu'awiyah and criticised is violation of the Qur'an and the Sunnah8. The first definite information about

his public activities was about his part in the defense of Mecca against the 'Umayyad leader, Hussein b. Numair al-Sakuni, the successor of Muslim b. Uqbah, (63 H/582 A.D.)9. He also was among the leaders of the Muhakkimah party who tried to win 'Abdullah b. al-Zubair to their side and offered him their full support if he agreed to their views and dissociated himself from 'Uthman Jalhah, and his own father al-Zubair b. al-Awwam, but 'Abdullah b. al-Zubair refused to agree to their views and they left him, some of them returning to Basrah among whom was 'Abdullah bin Ibadh10. It appears that the attitude of Ibn al-Zubair made them give up all hope of an outstanding leadership. A number of leading personalities emerged and sought the leadership of the movement through military action. First of these was Abu Rashid Nafii' b. al-Azraq who took an extreme line in his revolt and withdrew with his followers from the Muslim community on the basis that their land was a land of war and they were all polytheists.11 At this stage 'Abdullah b. Ibadh appeared as a leading figure who opposed the attitude of Nafii' and other Khariji leaders and refuted them openly12. Non-Ibadh sources suggest that this was how the Ibadhi school started, and accredited its foundation to 'Abdullah b. Ibadh who was according to most of those sources, the head, (ra's), of the Ibadhi school.13

The information given in Ibadhi sources shows that 'Abdullah b. Ibadh played a secondary part in the foundation and the leadership of the Ibadhi movement compared with its first Imam and founder Jabir b. Zaid. It is reported that Ibn Ibadh in all his activities was acting according to orders from Jabir b. Zaid14. It is also stated that Ibn Ibadh was the most prominent theologian of the time of Jabir b. Zaid, and that he was the one who refuted openly the view of opponent groups of Qadarites Mu'tazilites, Muji'ites, Shi'tes, and extreme Kharijites15. It is believed that Ibn Ibadh propagated openly the views of his school, despite the fact that the activities of the Ibadhi School were carried out in secrecy at that time, because he enjoyed the protection of his tribe. Another reason was that the Ibadhi movement after the revolt of Nafii' b. al-'Azraq was obliged to make its views about the Azraqites known to the public to keep the support of ordinary Muslims, and to the authorities to avoid their persecution. Jabir b. Zaid who was the Imam of the Ibadhi movement at that time directed the activities of Ibn Ibadh. The school took the name of Ibn Ibadh, because he used to openly to propagate its views and was known to non-Ibadhi groups for refuting their views as also because of his clear and firm attitude against the extreme Kharijites. Another reason which made the Ibadhi school bear his name could be his political activities and his contacts with the 'Umayyad Caliph 'Abd al-Malik b. Marwan with whom he exchanged correspondence16. The Ibadhis did not use at first the name Ibadhis, instead they used the terms 'the Muslims' al-Muslimun, and 'community of the Muslims', Jama'at al-Muslimin,

and 'the people of the mission', 'Ahl el-da'wah. The name Ibadhis is not mentioned in early Ibadhi works such as the Mudawanah of Abu Ghanim or any other early works. Later, however, they recognised and accepted this name. It first appears in Maghribi Ibadhi works in the treatise of 'Amrus b. Fath 200 H.17

It seems that 'Abdullah b. Ibadh became a public figure because of his views and activities and certain groups other than the Ibadhis such as al-'Umariyah 18 claimed his leadership. It is also reported that al-Harithiyah, the followers of al-Harith b. Mazyad al-Ibadhi claim that they recognised none but the Imamate of 'Abdullah b. Ibadh after the death of Abu Bilal Mirdas.19

It is not clear whether 'Abdullah b. Ibadh took any active part in the military revolts which took place during his lifetime, al-Kadmi included him in one list together with Abu Bilal and 'Abdullah b. Yahya al-Kindi, and described them as al-Khawarij20. According to al-Qazwini, Ibn Ibadh revolted during the time of Marwan b. Muhammad b. 'Atiyah in Tabalah21. Shahrastani also stated that Ibn Ibadh was with 'Abdullah b. Yahya in his revolt, and in all his activities.22 Both Omani authors, al-Qalhati, and Ahmad b. Abdullah al-Ruqaishi mentioned that Ibn Ibadh lived up to the time of 'Abd al-Malik b. Marwan to whom he wrote the famous letters23. But, like other Ibadhi authorities, they did not mentioned whether he lived afterwards or took part in the revolt of Abdullah b. Yahya al-Kindi. It is unlikely that Ibn Ibadh took part in those wars without being mentioned by Ibadhi authors or other historians who reported those wars such as al-Tabari, al-Isfahani and others.24

The list of early Ibadhi authorities given by al-Qalhati showed Abdullah b. Ibadh and 'Urwah b. Hadir as students of Jabir b. Zaid, 'Abdullah b. Wahb al-Rasibi, and Zaid b. Sawhan and showed Abu 'Ubaidah Muslim b. Abi Karimah, Farwah b. Nawfal, and Wida b. Hawtharah as students of 'Abdullah b. Ibadh and his contemporaries, while 'Abdullah b. Yahya al-Kindi and al-Mukhtar b. 'Awf were listed among the students of Abu 'Ubaidah Muslim.25 It seems that either Ibn Ibadh was dead when Jabir died and was succeeded by Abu 'Ubaidah, or else he was not important enough to take over the leadership of the movement. The first view seems to be more convincing, and can be supported by the information given by al-Baghdadi that al-Harith al-Ibadhi headed his group as successor of 'Abdullah b. Ibadh. Accordingly, Ibn Ibadh must have been dead when al-Harith started propagating his views on qadar in which he opposed the Ibadhi authorities. It is hard to believe that Ibn Ibadh was till alive, for if he was he would have refuted the views of al-Harith. Ibadhi authorities reported that the burden of refuting al-Harith was borne by Abu 'Ubaidah Muslim.26 All these facts support the views of Lewicki who pointed out that the information reported by both al-Shahrastani and al-Qazwini

concerning Ibn Ibadh's part in revolts against Marwan b. Muhammad was not very convincing27. However, the information given about Ibn Ibadh is very limited and confusing. Among the early authors who noticed this fact was Ibn Hazm who states that the most learned men of the Ibadhis of al-'Andalus knew nothing of 'Abdullah b. Ibadh28. The reason, as suggested by Ibn Hazm, was that Ibn Ibadh renounced his views and joined the Tha'alibah group of the Kharijites29. Al-Dhahabi also reported that Ibn Ibadh recanted his heresies (i.e. Ibadhism)!30 Ibadhi authorities did not confirm such information. Another example of the confused and unreliable information is reported by Ibn Hawqal who said that both 'Abdullah b. Ibadh and 'Abdullah b. Wahb al-Rasibi came to Jabal Nafusah and died there31.

It may be necessary here to mention the fact that the view held by Lewicki, namely that the Ibadhi state of secrecy was started by Ibn Ibadh,32 is contrary to the information reported in Ibadhi works. Ibadhi authorities stated clearly that this state of secrecy (kitman) was introduced under the leadership or the Imamate of Jabir b. Zaid who conducted the activities of the movement and its members.33 They also reported that the revolts which took place during his life, whether that of Abu Bilal or others, were planned by Jabir b. Zaid,34 who was the man responsible for the foundation and the development of the Ibadhi school.

IBADHI VIEWS ON THE KHARIJITES:

Non-Ibadhi authorities regards the Ibadhi school as a branch of the Kharijite movement, which broke away from the mainstream to form a moderate group under the leadership of 'Abdullah b. Ibadh. This account of the Ibadhi School was repeated by those scholars who studied the subject on the basis of information from non-Ibadhi sources.

It was difficult for non-Ibadhis to form a clear view of the Ibadhi movement and the nature of its relationship to the Kharijite movement. This was due to the secrecy of the activities and plans according to which most of the early Ibadhi activities were conducted. The other reason was, as mentioned by Ibn al-Nadim, the Ibadhis fear of persecution by their opponents, which made them, conceal their literature.35 It is essential therefore to present the Ibadhis own view of the origin of their movement and its place with relation to the Kharijite movements as seen by their own authorities.

Ibadhis preserved a detailed account of their views of the early political development of the Muslim community. Al-Barradi gave the following list of the early works and documents dealing with the subject.36

1. Akhbar Siffin WA al-Nahrawan.

2. Sifat 'Ahdath 'Uthman.

3. The letter sent by 'Ali b. Abi Talib to Ibn 'Abbas after the defeat of the people of al-Nahr and the reply of Ibn 'Abbas to it.

4. The letter of Jabir b. Zaid to a certain Shi'te.

5. The letter of 'Abdullah b. Ibadh to 'Abd al-Malik b. Marwan.

6. The letter of Abu Bilal Mirdas to all Muslims.

7. The letter of Abu 'Ubaidah Muslim b. Abi Karimah and Hajib to the people of the Maghrib.

8. The letter of al-Rabi b. Habib concerning 'Abdullah b. 'Abd al-'Aziz, Abu al-Mu'arrij, and Shu'aib.

9. The letter of Abu al-Hurr 'Ali b. al-Husain.

10. K. Salim b. al-Hatiyah al-Hilali

11. K. Abi Sufyan Mahbub b. al-Rahil.

12. The Sirah of Muhammad b. Mahbub to the people of the Maghrib.

13. The Sirah of Munir b, al-Nayir al-Ju'lani.

Al-Barradi mentioned that he saw and read all the above-mentioned documents and works except the Sirah of Muhammad b. Mahbub.37 It is reported that a complete copy of this Sirah, consisting of seventy parts, was available in Jabal Nafusah towards the end of the fourth century H., and only part six of the book was available in Jerba Island during that period.38 However, most of these works and documents are still extant except the works of Abu Sufyan and his son Muhammad b. Mahbub, K. Salim b. al-Hatiyah al-Hilali, the letter of Jabir b. Zaid to the Shi'ite, and the letter of Abu Bilal Mirdas. Al-Barradi preserved useful information from some of those missing works in his al-Jawahir,39 while al-Darjini in his Tabaqat preserved useful information about early Ibadhi authorities from K. Abu Sufyan Mahbub.40

There are earlier Ibadhi documents that deal with the subject still in existence, which can be consulted:

1. The Sirah of Salim b. Dhakwan, and Ibadhi scholar and contemporary of Jabir b. Zaid.41

2. The Sirah of Shabib b. 'Atiyah al-'Umani.42

3. The Sirah of Abu Qahtan Khalid b. Qahtan al-Hijari.43

In addition, there are also the sermons of 'Abdullah b. Yahya and those of al-Mukhtar b. 'Awf, delivered by him in Mecca and Medina which were recorded

and preserved.44

All those works by early Ibadhi authorities contain the Ibadhi view of the early changes which took place in the Muslim community and which started with opposition to the policies of the third Caliph 'Uthman b. 'Affan, and the Ibadhi account of, and attitude towards, the different parties which came into existence in early Islamic history. The following account of the Ibadhi view of the early political development of the Muslim community, and their view of the Kharijites is based on the above-mentioned materials.

The Ibadhis considered their movement a continuation of the opposition which overthrew 'Uthman b. Affan, the third Caliph and caused his death. They regarded that opposition as being a purely Islamic rejection of the innovations introduced by 'Uthman and his 'Umayyad court. Those innovations (ahdath), were pointed out in K. Sifat Ahdath 'Uthman, the letter of 'Abdullah b. Ibadh and the Sirah of Salim b. Dhakwan. There is no mention in Ibadhi sources of the rule of 'Abdullah b. Saba' in this first revolt against 'Uthman, a fact which indicates that Ibadhis understood that the revolt was an Islamic duty carried out by the Companions of the Prophet who wanted to keep to the Sunnah of the Prophet and the example of his two successors, and not a result of any outside or mysterious influence. They (the Ibadhis) approved of the Caliphate of 'Ali b. Abi Talib and regarded Talhah, al-Zubair, A'ishah and their party as the rebellious party (al-fi'atu al-baghiyah).46 It is reported that both Jabir b. Zaid and Abu Bilal Mirdas discussed with 'A'ishah her attitude at the battle of the Camel and blamed her for her opposition to 'Ali who was the legal Caliph at that time, and she once more repented.47 They also approved of 'Ali in his wars against Mu'awiyah and regarded both Mu'awiyah and 'Amr b. al-'As and their party as the rebellious party which should be fought until they accepted the commands of God.48 But they disapproved of Ali's acceptance of arbitration, regarding those who rejected arbitration as the true Muslims, and their leader 'Abdullah b. Wahb al-Rasibi the fifth legal Caliph.49 They renounced 'Ali b. Abi Talib for killing the people of al-Nahr and argued that he had no right whatsoever to fight them. Abu 'Ubaidah Muslim b. Abi Karimah commented on the statement made by 'Ali regarding the slogan of the people of al-Nahr (la hukm illa lillah), that it was a word of truth meant for falsehood. Abu 'Ubaidah said that, since 'Ali know that their slogan expressed the truth, who informed him that false hood was their intention?50

It is reported on the authority of Jabir b. Zaid that when 'Ali b. Abi Talib noticed that his followers were disturbed at the slaughter of pious Muslims in the battle of al-Nahrawan, and regretted what they had done, he asked them on the next day of the battle to search for a devil among the dead people of al-Nahr, so they brought him a man who was bitten in the chest by a camel, and

'Ali told them that this was the devil. When his son al-Hasan reminded him that the man was Nafii', the client of the Companion himself and participated in jihad, 'Ali silenced him and told him that war is deceptive, (al-harbu khud'ah)!51. This information shows that early Ibadhi authorities believed that 'Ali b. Abi Talib was not in the right in fighting against the people of al-Nahr, and that his attitude was based on worldly desires and not on religious grounds as was the case with the people of al-Nahr52.

Thus was the view of the Ibadhis regarding the early political changes, as they understood them. To them, the Muhakkimah were the only party struggling to resume the just Islamic Imamate as it was during the time of Abu Bakr, 'Umar, the first six years of 'Uthman's rule and the early years of 'Ali before he accepted the arbitration. The military struggle of this party ended in the massacre of the people of al-Nahr by 'Ali b. Abi Talib and his forces (37 H/658 A.D.), and the people of al-Nakhilah by the joint forces of both Mu'awiyah and al-Hasan b. 'Ali.53

After this stage 'Umayyad rule became established and made its aim to prevent any sort of opposition. So the sympathisers of the Muhakkimah party, or 'al-Muslimun', or 'Jama'at al-Muslimin' as they were called in the early Ibadhi literature, were obliged to hide their faith and to carry out their activities in secret54. Among the survivors of the battle of al-Nahrawan were 'Urwah b. 'Udayyah and his brother Abu Bilal Mirdas.55 They continued their activities in Basrah, being known for their devotion to their religious duties, and were among the leading men of 'Jama'at al-Muslimin' in Basrah. It appears that Abu Bilal was a leading man of Basrah, for he was one of three men who commented on the first sermon of Ziyad b. Abih in the mosque of Basrah when the latter was appointed governor of Basrah, Khurasan and Sijistan by Mu'awiyah.56 It is also reported that Abu Bilal and Jabir b. Zaid were in a close touch during this period and he used to spend a considerable time with Jabir b. Zaid. It is reported that they together visited 'A'ishah and reproached her for her stand at the battle of the Camel.57 during this period Jabir's leadership of the Muhakkimah party was established. He was a learned pious man from al-Azd, the same tribe as 'Abdullah b. Wahb al-Rasibi, the last elected leader of the party. On the whole, the activities of Jabir were intellectual, so that he was able to propagate and preserve the teaching of Islam in a way which did not arouse the suspicion of the 'Umayyad authorities. His position as an outstanding mufti in Basrah provided him with useful cover and enabled him to establish widespread contacts with leading persons in different parts of the Islamic countries.58

The policy of Jabir was to use all means to ensure the security of his movement and safety for his followers. He even went to the extent of ordering the

assassination of a certain Khardalah who informed the 'Umayyad authorities about the names of the members of the Ibadhi movement in Basrah and disclosed its secrets.59 Jabir also allowed bribery to avoid difficulties with the authorities during the rule of 'Ubaidulah b. Ziyad.60

The increasing and continuing oppression of the members of the Muhakkimah party in Basrah by 'Ubaidullah b. Ziyad obliged some of the members to react violently, and led the authorities to further persecution of their fellow Muslims.61 The faced all sorts of cruel treatment ranging from imprisonment to death.62 Even women were subjected to cruel punishment.63 This situation made it impossible for the leading personalities of the party to lead a peaceful life, let alone have any chance to propagate and teach their views. At this stage the principle of shira', sacrifice of one's life, was introduced into the movement under special rules, and was carried out by forty members of the movement under the leadership of Abu Bilal Mirdas, who made it clear that he intended to fight only those who fought against him, and that he would not take anything of spoils except the pensions ('ulyat) which he was entitled to take.64 This was in fact an open rejection of the policy of 'isti'rad, which was practised by some of the Khawarij prior to Abu Bilal, who was known for their sympathy with the Muhakkimah party.65 It was also a practical execution of the policies of shira', sacrifice of one's life and qu'ud, remaining quiescent under the rule of tyrants and not going out for jihad against their rule, during the 'stage' of kitman, secrecy. In so doing, Abu Bilal did not reject qu'ud or taqiyah. In fact he himself approved of the principle of taqiyah and advised al-Bathia to hide her beliefs when he heard that 'Ubaidullah b. Ziyad had decided to punish her.66 However, Abu Bilal and his followers, after they defeated an army of two thousand, were all killed in another battle while performing their prayers.67 Ibadhi authorities reported that this revolt of Abu Bilal was planned and approved of by Jabir b. Zaid, the Imam of the Ibadhis at that time.68 It is also reported that Abu Bilal, when leaving Basrah, asked Jabir to join him,69 but Jabir stayed in Basrah and continued his policy of avoiding violence. The relation between Ibadhis and their Muslim opponents was established on the basis of the following principles:

a) Ibadhis should fight only those who fight against them and must not adopt the policy of 'isti'rad.

b) The property of Muslims should not be taken as spoils and their women and children should not be killed or taken in captivity (saby). This principle is based on the example and the proactive of the early Muslims in their fight against 'Uthman and his supporters, and on the practice of 'Ali in his war against Talhah and al-Zubair when 'Ali was the legal Caliph.70

c) Khuruj is not obligatory, and Muslims can live under the rule of tyrants

resorting to religious dissimulation, taqiyah, when necessary.

d) Shira', sacrifice of one's life, is a voluntary duty for a group of forty, and more than forty persons, when they imposed it on themselves.

These principles became the recognised policy (Sirah) of the Muslims, which should not be changed. Ibadhi authorities supported these principles with the analogy of the Sirah of the Prophet throughout his struggle to establish the Islamic community and the Islamic State according to the command of God.71 They also claimed that these principles were not violated until the revolt of Nafii' b. al-'Azraq who took actin contrary to them. Or, as Ibn Ibadh himself put it, "...But in the Name of God we dissociate ourselves from Ibn al-'Azraq and his followers, when they revolted, it seemed to us that they were on the path of Islam, but they deserted Islam afterwards and became infidels".72

The move of Ibn al-'Azraq was the first serious split in the Muhakkimah party. The doctrines introduced by Nafii b, al-Azraq created different reactions to them by the leading members of the Muhakkimah party.73 Both Jabir b. Zaid and 'Abdullah b. Ibadh opposed the views of Nafii' and defended and propagated the old principles of the Muhakkimah.

This account of the development of the Muhakkimah party shows that the leaders of the Ibadhi school did not introduce any new doctrines into the question of khuruj, coming out, or the relation between their members and the rest of the Muslims in terms of peace and war. All they did was to continue propagating the doctrines laid down before, either during the wars between 'Ali and Talhah, or by Abu Bilal afterwards. On the other hands, they rejected the views of Nafii' b. al-'Azraq and other extreme Khariji leaders such as Najdah and Dawud, for breaking those rules laid down by their predecessors. The Ibadhi attitude in this respect was expressed by the following words of Salim b. Dhakwan:

"*Our attitude follows that of the Imams of the Muslims before they were persecuted; the day they killed 'Uthman; the day of the Camel; and the day they rejected human arbitration in their religion. Our opinion today agrees with their opinion then. Our interpretation of the Qur'an today agrees with their interpretation then. We have nothing to do with those who claim that today they have gained better knowledge of Qur'an and Sunnah and achieved supremacy over them.*"74 That was how the Ibadhis understood their rule which was to them no more than the continuation of the rule of the Muhakkimah before the split of Nafii' and the extreme Kharijis. They therefore regarded the extreme Kharijis as the mariqah, those who pass out beyond religion, and they applied to them the description of a certain group mentioned in a famous Tradition of the Prophet75 which says, "from the descendants of this man there will arise people who fluently read the

book of Allah, but it will not pass beyond their throats, they will pass through religion ((يمرقونْ مـن الدّيـن as an arrow passes through a hunted animal.... Etc."76

As for the terms Khawarij and Khuruj, the Ibadhis used them meaning 'to come out' for jihad.77 Later, some Ibadhi authors confined this name to the extreme groups of the Kharijites who acted contrary to the principles of the Muhakkimah.78 But most of the early Ibadhi authorities and also some of the later 'Omani authors used the term Khuruj and Khawarij for the Ibadhis as well, and distinguished the extreme Kharijites by the term, Khawarij al-jawr,79 (Unjust Kharijites). They also used shira' and shurat to replace the terms, Khuruj and Khawarij, although the terms shira' and shurat had their own special meaning in Ibadhi doctrine.80 For the Muhakkimah, the people of al-Nahr, al-Nakhilah, and Abu Bilal and his followers the terms al-Muslimun, Jama'at al-Muslimin, were usually used. These two names together with the title, ('Ahl al-Da'wah), were employed by the Ibadhis to designate their school.

The following are the points upon which the Ibadhis disagreed with the Kharijites:

1- The question of Khuruj:

The doctrine which was introduced by Nafii' b. al-Azraq was that Khuruj or hijrah, to their camp is obligatory. He regarded the land of their Muslim opponents (al-mukhalifun) as the land of war (dar al-harb), and regarded those who took no action (al-qa'adah) as idolaters on the basis of the Qur'anic verse," If you obey them you are idolaters."81 This doctrine was contrary to the doctrine held by the Muhakkimah that their Muslim opponents were simply 'infidels-ingrate,"82 (kuffar), not polytheists, that their fellow Muslims could live among their opponents, and allowed qu'ud, so that Khuruj or hijrah is not obligatory. In fact, the early Muhakkimah were very clear about the question of qu'ud as lawful for their fellow Muslims to the extent that they elected 'Abdullah b. Wahb al-Rasibi Imam, and preferred him to Ma'dan al-'Iyadi because he said.83

Ibadhis kept to the doctrine of the early Muhakkimah and rejected the attitude of Nafii' and maintained that both parties, i.e. those who come out for jihad and those who took no action, al-qa'adah, are Muslims; those who take no action support those who come for jihad and hold belief in association with them, and the latter pardon the weakness of those who take no action.84 This doctrine was expressed later in the following statement, (La Hijra baad al-Fath), which is in fact a part of Tradition of the Prophet,85 and was used almost in all Ibadhi creeds to express their view of the question of hijrah, or Khuruj.86

2- The second point is their attitude regarding their Muslim opponents, al-

mukhalifun. The Azraqites held that their Muslim opponents were idolaters; accordingly, they regarded their land as a land of war, holding it lawful to kill their women and children or to take them captive, and to despoil them of their property. On the other hand they prohibited their followers from either inheriting from them or marrying their women fold. They also considered it lawful to keep what their Muslim opponents entrusted them with, and deny them their right to it.88

Ibadhis regarded all those doctrines about their relation with their Muslim opponents, as errors (dalalat) because they opposed the views of the Muslims and acted contrary to their Sirah. Both Ibadi leaders, Jabir bin Zaid and Abdullah bin Ibadi refuted these views of the Azraqites and renounced them.89 They took the same attitude towards the other Khariji groups such as Sufriyah, Najdat and others, though the latter differed from the Azraqites on some points.90

Ibadhis regarded the new doctrines, introduced by Nafii and the other Kharijites, as serious heresies, (bida'a), dissociated themselves from their movements, refuted their views, and even fought wars against them.91 Among the early Ibadhi documents, which discussed this problem of the extreme Kharijites and their views, is the Sirah of Salim b. Dhakwan. It may be of some value to quote here his views of the case, for it represents the contemporary view of an outstanding Ibadhi scholar, and reflects the general Ibadhi attitude towards the Kharijites.

Salim b. Dhakwan started his Sirah with a detailed account of the course of the religion of Islam from the beginningof its revelation up to the time when Ali b. Abi Talib, the fourth Caliph, accepted arbitration after which the Muhakkimah renounced him and went about establishing the rule of God on Earth in their own way, sacrificing their lived for their caused. Ibn Dhakwan gave the following account of the Muhakkimah and their successors, and described their policy, Sirah, as follows:

"T*he Muslim Kharijites revolted repeatedly, assenting to the judgement of God alone, following the example of their Muslim predecessors. They did not kill the children of their Muslim opponents, or permit their women to be taken captive, or kill those who did not fight them. They did not divide the property of their Muslim opponents, or take it for spoil, or prohibit inheritance from them. They delivered the trust to them and to others. They insured the safety of those of their people who abstained and isolated themselves, without doubting their effort in taking an intermediate position between right and evil, for "What is there, after the truth, but error."*92 They fulfilled their duties to their relatives and recognised the right of the neighbour, the friend, the orphan, the travelling stranger, and the right of their slaves. Those of them who came out in jihad loved those who stayed behind, and those who came out

have the priority, which God has granted them.93 They loved each other with the love of God, and helped each other to seek the pleasure of God and the reward of the day after. Whenever a group of them came out they left, for those of their supporters who remained behind, the established proof against their enemy with those of understanding and knowledge of the commands of God."94

Then, Ibn Dhakwan went on to explain the attitude of the Azraqites as follows: "...Then, after them revolted Nafii b. al-'Azraq and his followers; they behaved for an indefinite time which God determined, like those who revolted before them. Then afterwards, hatred made them regard their people as identical with the idolaters, and they prohibited inheritance from them, and forbade marriage with them. Their predecessors, with whom they 'associated' themselves and in alliance with whom they believed, inherited from their relatives and married their women, but they (the Azariqah) today oppose their predecessors, and dissociate themselves from them. If their predecessors were wrong in what they did, they (the Azariqah) are wrong also in taking them as friends.

They also permitted taking their Muslim opponents captive, in enslaving their women, dividing their property as spoil, and killing them and their children though their ancestors did not permit any such thing."

"*.... They refused to give protection to those of their people who sought it from them, till they heard the words of God, although they regarded them as identical with the idolaters despite what God said to His Apostle, 'And if any of the idolaters seeks of the protection, grant him protection till he hears the words of God, then do thou convey him to his place of securit*y...95"

They showed ingratitude to their kinsmen despite the fact that the Prophet showed mercy to a man from Aslam ... They renounced every Bedouin (A'rabiy) including him who believed in 'association' with them and believed in their virtue and he (the 'A'rabi) asked God grant him what He has granted them in the way of jihad against His enemies, although God said, "And some of the Bedouins believe in God and the last day, and take what they expend for offerings bringing them near to God, and the prayers of the Messenger. Surely they are an offering for them, and God will admit them in His mercy: God is all forgiving, All compassionate."96 They regarded their fellows who stayed behind at home as infidels permitting their blood to be shed and their property to be seized. They forbade taking them as 'awliya' or asking forgiveness for them. At the same time they claimed 'Walaya' with those who used to love and ask forgiveness for their fellow-Muslims who stayed at home and forbade their blood to be shed, or their property to be seized, and held it lawful to inherit from them and ask forgiveness for them."97

Then he goes on to argue against the opinion of the Azraqites concerning 'religious dissimulation', (taqiyah), as follows: "The believer of the House of Pharaoh 98 stayed for what time God willed, hiding his belief, and God did not refuse him his belief for hiding, it; God also said, "Let not the believers take the unbelievers for friends rather than the believers, for who so does that belongs not to God in anything - unless you have a fear of them." (Qur'an: III. 28) So God has ordered the believers to practice 'religious dissimulation'; and how could the believers avoid harm from the infidels unless they showed them what they (the infidels) liked, and concealed their religion? Nevertheless, when they (the Azraqites) come out, they become most secretive about their religion. So when a man comes and says, 'Describe you religion to me,' they say, 'No, if we do we shall be infidels, but you tell us about yours.' If he disagrees with some of what they have in their minds they kill him. All this, with other sins which cannot all be counted, such as seizing the trust ('amanah) which they were ordered to deliver back to its owner, telling their followers that hypocrisy does not exist any more, so no-one can be a hypocrite, and that God forgives those who commit adultery or steal when they are with them (in their camp)...."99

Ibn Dhakwan afterwards went on to present the views of Najdah and his followers, pointing out their false doctrines among which he counted:

a) Regarding their Muslim opponents as idolaters, yet at the same time permitting marrying their women and eating animals slaughtered by them (dhaba'ih). They also forbade taking protection tax (jizyah) from them, and fulfilled the obligations of their Muslim opponents to Dhimmis, although they regarded their Muslim opponents as idolaters.

b) They held that they should emigrate from the land of their Muslim opponents like the Prophet had emigrated from Mecca.

Then he pointed out that Najdah was opposed by Dawud and his followers, 'Atiyah and his followers, and Abu Fudaik and his followers. They disagreed with him about certain points through which they claimed that he had gone astray. "Although what they disagreed about with him could not be more serious than what they agreed about with him concerning taking the people of Qiblah (i.e. the Muslims who pray towards the Ka'bah in Mecca) into captivity, killing their children, enslaving their women, seizing the property, killing them without reason, and forbidding inheritance from them. They are all erroneous and negligent of the truth."100 He pointed out further erroneous doctrines which distinguish those Kharijites: Nafii', Dawud, 'Atiyah, Abu Fudaik and their followers.101

Similar accounts of the Kharijite doctrines were given in other Ibadhi sources accompanied by a strong argument againstthem, based on the Qur'an, Sunnah,

the example of the early Muslims and old Muhakkimah.102 Besides refuting the views of the extreme Kharijites, early Ibadhi Imams made their policy quite clear on those issues. When 'Abdullah b. Yahya al-Kindi consulted the Ibadhi leaders of Basrah about revolting, Abu 'Ubaidah Muslim b. Abi Karimah, the second Imam of the Ibadhi community in Basrah and his colleagues wrote to him, "When you come out (for jihad) do not exceed the proper bounds or be perfidious; follow the example of your good predecessors and adopt their way, for you have learnt that what has driven them to fight the rulers was disapproval of their deeds."103

The outlines of the Ibadhis' attitude on their relations with the rest of the Muslim community were expressed by 'Abdullah b. Ibadh in his well-known statement, "We do not regard our Muslim opponents (mukhalifun) as idolaters, for they believe in the unity of God, the Book, and the Messenger. But they are 'infidels-ingrate' (kuffar al-ni'am). We hold it lawful to inherit from them, marry from them, and live among them. The faith of Islam unites them (with us)."104 This statement was confirmed and repeated by the contemporary and subsequent Ibadhi authorities, such as Salim b. Dhakwan, 'Abdullah b. Yahya al-Kindi, and Abu Hamzah al-Mukhtar b. 'Awf.

'Abdullah b. Yahya al-Kindi, the first Ibadhi Imam of Hadramawt and Yemen, wrote in his letter of commission to his governor, 'Abd al-Rahman b. Muhammad,"We do not block people's way and murder them on sight without inviting them first to realise the truth. But we invite them to the truth. He who accepts it enjoys all the rights that the Muslims (i.e. Ibadhis) enjoy, and is subject to all their obligations. He who denies the truth and fights us we fight him and ask God to give us support against him"105

Ibadhis repeatedly expressed this attitude of inviting people and giving them a chance to understand the view of the Ibadhis, and waiting for them to decide their attitude first. They always made it clear that they would fight their opponents only when the latter attacked them first. Practical examples of this Ibadhi attitude appear continuously throughout their history, whereas the policy of murdering opponents without previous warning known as 'isti'rad, was the distinguishing mark of the Azraqis all times. It was also one of the main issues which made the Ibadhis oppose the Azraqis and other extreme Kharijites, as well as other extremist attitudes resulting from their regarding their Muslim opponents as idolaters. The attitude of the Ibadhis on those issues was expressed in different forms by 'Abdullah b. Yahya, Abu Hamzah and Salim b. Dhakwan. 'Abdullah b. Yahya wrote, ".... This is our policy (Sirah). We do not punish the innocent for the guilty, the good for the evil, the woman for the man, or the young for the old. We do not slay people on sight without calling them to the truth first, and making it clear to them."106

He also wrote in the same letter, "...he who fights us, we fight him back, and inspect his property in order to return to its owners those of people's rights of which he had taken possession, and hand back to him what belongs to him through which he caused no injustice to anyone, and we deliver it to his descendants and heirs. No booty or captives should be taken from the people of the Qiblah (i.e. Muslims), for they are not like polytheists whose property is to be despoiled and their women and children taken captive. But the people of the Qiblah are two parties of which one summons to what is right, holding fast to it, and the other summonsto injustice and persists in it."107

Abu Hamzah al-Mukhtar b. 'Awf, one of the prominent Ibadhis of Basrah, and the most important leader in the wars of 'Abdullah b. Yahya al-Kindi, said, "We give you (i.e. non-Ibadhi Muslims) the choice of three attitudes of which you may take of yourselves whichever you prefer. May God bless him who chooses for himself. It may be either that of him who assumes the same views as we do and believes in what we propagate. His proof directs him to struggle with us by himself. He will therefore receive the same reward as one of the mujahids among us, and will receive the same share in the booty as one of our best men. Or it may be that of him who acknowledges this affairs (i.e. Ibadhism) and stays at home, does not take action, but summons unto it with his heart and tongue. His position (in the eyes of God) may be better than ours. Or that of the third who dislikes our views but refrain from opposing us by hand and tongue. He is allowed to leave with safety granted for his family and property. If we gain the victory we will not shed his blood; and if we were killed he is saved the trouble of fighting us, and it may be that he will not live in his infidelity except fora short time!"108

The earliest and most detailed account of Ibadhi policies on those issues -policies which were violated by the extreme Kharijites - are given in the Sirah of Salim b. Dhakhwan,of which the following are extracts:

"We recognise the right of parents, the right of relatives, the right of the poor, the right of the travellers, the right of the friend, the right of the neighbour, and the right of the slaves we own, and hold that it is our duty to fulfil their rights, regardless of whether they were good or evil. To those who entrusted it to us we deliver back the trust of all people, our people and others. When we can we give them back all that is taken from them unjustly by our people. We give protection to those of our people and others who sought it from us, and grant safety for those who abstained during the fighting (between us and our opponents; without being in any doubt about their error in taking an intermediate position between right and evil for "There is nothing after the truth but error" When we settle our account with our opponents, and are faced with their case, we invite them to follow the Book of Allah and to gnosis of the

truth, and support of its adherents, and to dissociation from evil and enmity to its followers. To him who recognises the truth and accedes to it and supports us for it, we give our 'friendship' and support and prohibit shedding his blood. He should struggle on our side. He among them who denies the right of Allah, preferring blindness to guidance, and disagreement with Muslims to agreement with them; we dissociate ourselves from him and fight him until he accepts the precepts of Allah or dies believing in error, without regarding them as idolaters or permitting capturing them, killing their children, taking their property for spoils or prohibiting inheritance from them. We do not approve of assassinating our people (i.e. non-Ibadhi Muslims) or killing them secretly even if they were misguided (dullal), as long as we lived among them appearing to accept their government, for God did not command it in His Book. Nor did we know of any one of His friends and worshippers of the communities of the part in the same circumstances, as we are, who held any such thing lawful, so we follow their example. None of the Muslims who were at Mecca acted thus against the polytheists, so how should we act thus against the people of the Qiblah. God has ordered that covenants with those people suspected of treachery be nullified. He said, "And if thou fearest treachery anyway at the hands of a people, dissolve it (covenant) with them equally; surely God loves not the treacherous." (Qur'an=viii.58) ... It is reprehensible that any one of the Muslims, (i.e. Ibadhis) should accept an assignment to any post with kings or rulers of our people, as long as they remain in error.... He who fights with them arrives at one of two positions; either friendship with them and acceptance, or supporting them and strengthening their rules."

"We hold it lawful to marry from among our people and to inherit from them. This is not prohibited for us as long as they face our Qiblah, for the Muslims used to marry from the hypocrites and inherit from them, though they knew and saw more of their misdeeds than those seen of our people today. We disapprove of accusing any one of those who face our Qiblah of that which we have no knowledge, for great many of the Kharijites hold it lawful, in their religion, to accuse of adultery one of their people, whom they know to be innocent, out of their opposition to him. They might even never have spoken to him, nor might any one of their supporters and friends have told them that he had spoken to him, and they knew nothing of his actual conduct. God said, "O Believers, be you securers of justice, witnesses for God. Let not detestation for a people move you not to be equitable; be equitable - that is nearer to god fearing. And fear God; surely God is aware of the things you do."110 (Qur'an v: 8)

"We do not believe in killing our people on sight before inviting them to reconsider the truth and adopt it, as long as they face our Qiblah, for God loves 'summoning', (al-Da'wah), and ordered His Apostle to do so. God has said, "O

Prophet, We have sent thee as a witness, and good tidings to bear and warning, calling unto God by his leave, and as a light-giving lamp." (Qur'an: xxxiii.46); and said, call thou to the way of the Lord with wisdom and God admonition and dispute with them in the better way. Surely the Lord knows very well those who have gone astray from his way, and He knows very well those who are guided." (Qur'an:xvi. 125); and said Say: "This is my way. I call to God with sure knowledge, I and whosoever follows after me. To God be glory! And I am not among the idolaters." (Qur'an: xii.108): and said, "Let there be one community of you, calling to good, and bidding to honour, and forbidding dishonour, those are the prosperers." (Qur'an: iiii.104). Then He said, "And who speaks fairer than he, who calls unto God and does righteousness and says, 'Surely I am of the Muslims"(Qur'an: xii.33).

"We do not permit killing a child of the people of our Qiblah who has not sinned, or committed any of that about which the people of the Qiblah disputed among themselves; that is to say a sin of another older person who understood God's command and knew of the affair about which people disagreed, then chose to follow ignorance after knowledge, and blindness after the clear proof. But the state of the descendants of those who face the Qiblah today would be the same as if they were governed by a rightly-guided Imam, ruling them with obedience to God - yet some of their parents had broken away from him (i.e. the Imam) on a matter of uncertainty, so that they (the descendants) did not acknowledge either (Walaya) with the Imam, or yet (Bara'ah) from those of their parents who disagreed with the Imam. We do not hold it lawful to marry a woman married to another man in accordance with the Book of God and the Sunnah of His Apostle, unless her husband has divorced her or died, and she has waited after that for the fixed period ('iddah) for a divorced woman, or the period fixed for the widow whose husband has died.

"We declare ourselves disassociated from anyone who openly commits an act of disobedience to God, or an act for which He has threatened chastisement, and from any perpetrator of which act He has commanded excommunication and disassociation...111

"We do not take anyone for a 'waliy' except him who has openly acknowledge before us what is due to God and acted in obedience to God, in 'Walaya' with His 'awliya', and opposition to His enemies."

"We do not claim (hijrah) emigration from the land of our people like the emigration of the Prophet and his Companions from the land of their people. But those of us who come out - come out for jihad in the cause of God and obedience to Him. If he returns to the land of his people we still regard him as (waliy) if he acknowledges what is due to God with regard to himself and his

property.

"We take as 'awliya' both the woman and the slave in coming out for jihad (Khuruj), if we know of their acceptance and the acknowledgement of the truth, and that they hold belief in 'Walaya' with (followers of it) before they (the woman and the slave) come out, (and if we know) that they do only come out because of their love for Islam and inclination towards it apart from anything else; for God said, "And the Believers, men and women, are friends one of another; they bid for honour and forbid dishonour, they perform the prayer, and pay the alms, and they obey God and His Messengers. Those upon them God will have mercy; God is Almighty, All-wise."(Qur'an: ix.71)

"We do not hold that any group of Muslims should give the oath of allegiance to their Imam except for jihad in the way of God, and obedience to him in regard to what is right until they die or gain victory over their enemies. They should appoint (to the Imamate) the best and the most learned person among themselves.

"We take for 'Walaya' both those of us who come out and those who stay at home. Those of us who stay acknowledge for those who come out the priority (fadilah) that God granted them."112

These points, discussed above by Salim b. Dhakwan, presented not only the Ibadhi views on the issues with which he dealt, but also presented strong rejection of the all Khariji views on those issues.

It is clear from the above discussions and quotations from early Ibadhi literature that there is hardly any point of agreement between Ibadhis and Kharijites. In fact, Ibadhis disagreed with the Kharijites in all their doctrines, and opposed them in theory and practice. The only point they have in common with the Kharijites is their view of the Muhakkimah.

Having discussed the Ibadhi view of the Kharijites and their movement, it may be of some value to mention briefly their view of the powers of the contemporary 'Umayyads and the Shi'ites. In his sermon in Medina, Abu Hamzah al-Mukhtar b. 'Awf expressed clearly the Ibadhi opinion of both the 'Umayyads and Shi'ites. After speaking about the deeds of the 'Umayyad Caliphs one by one, starting with Mu'awiyah and ending with Yazid b. 'Abd al-Malik, Abu Hamzah spoke about the rule of the 'Umayyad dynasty in general in the following words:

"The sons of 'Umayya are a party of error, and their strength is the strength of tyrants. They punish on suspicion, according to their whims and put men to death in anger, and judge by intercession, and take the law out of context, and distribute the public moneys to those not entitled to them for God has stated

clearly these entitled to it, and appointed them eight classes of people, for He says, "The freewill offerings are for the poor and the needy, those who work to collect them, those whose hearts are to be reconciled and slaves and debtors, and those in the way of God, and travelers." (Qur'an: ix.60) They make themselves the ninth and take it all! Such are those who rule by what God has not sent down."113

About the Shi'ah party, Abu Hamzah said, "As for these factions (of 'Ali), they are a faction which has repudiated the Book of God to promulgate lies about Him. They have not left the people (of the community) because of their insight into religion (as we have), or their deep knowledge of the Qur'an; they punish crime in those who commit it, and commit it themselves when they get the chance. They have determined upon tumult and know not the way out of it. Crude in (their knowledge of) the Qur'an, following soothwayers; teaching people to hope for the resurrection of the dead, and expecting the return (of their Imams) to this world; entrusting their religion to a man who can not see them! God smite them! How perverse they are!"114

In this sermon Abu Hamzah also spoke about his party, the Ibadhis, their cause and their motives. Addressing his words to the people of Medina, Abu Hamzah said, "We call you to the Book of god, and to the Sunnah of His Prophet, and the equal sharing, and to justice for the subject peoples, and to putting the fifths of the booty in the places God ordained for them." Then he went on to describe his party, their aims and motives, and their reasons for revolt, "As for us, we have not taken up arms lightly or frivolously, for play or amusement, or for a change of government in which we hope to immerse ourselves, or for the revenge that was taken from us; but we did it when we saw the earth had grown wicked, and proofs of tyranny had appeared, and religious propagandists increased, but men did as they pleased, and laws were neglected, and the just were put to death, and speakers of truth treated violently and we heard a herald calling us to Truth and the straight Path, so we answered the summoner of God..... and by His grace we became brethren...."115

However, "It cannot be doubted," as Macdonald said, "that these men were the true representatives of the old Islam. They claimed for themselves the heirship to Abu Bakr and 'Umar, and their claim was just. Islam had been secularised; worldly ambition, fractricidal strife, luxury, and sin had destroyed the old bond of brotherhood. So they drew themselves apart and went their own way, a way which their descendants still follow in Oman, in East Africa, and in Algeria."116 It may be necessary to mention here that Professor Macdonald, when writing these words, had no clear distinction between Ibadhis and Kharijites, but it is clear that his description can be correct only if it was applied to Ibadhis.

1. Mubarrad, Kamil, III, 1054, 1051.

2. Al-Malati, al-Tanbih wa al-radd 'ala 'Ahl al-'ahwa' wa al'bida', editor Muhammad Zahid al-Kawthari, (Cairo, 1949/1368), 55.

3. Ibid. 55,56.

4. Ibn Hazm, Jamharat 'ansab al-Arab, editor B. Leve Provincial (Cairo, 1948), 207; Ibn 'Abd Rabbih, al-'Iqd al-farid, editor Ahmad Amin and others, (Cairo, 1940--), III, 346-347.

5. Al-Qutb, Muhammad b. Yusuf Atfaiyish, Risalah Shafiyah fi ba'di al-tawarikh, (Lithog. Algiers 1299 H.), 49. (I have seen a Ms. of this work under the title: al-Hirz al- Matin lil-aql wa al-din, Baruniyah, Jerba.); al-Tabari, Muh .b. Jarir, Tarikh al-Rusul wa al-Muluk. editor Muh. Abu al-Fadl Ibrahim, (Cairo, 1963), V, 566-567.

6. Al-Qutb, op. cit., 49

7. Abu 'Ammar Abd al-Kafi, Mukhtasar Tabaqat al-Masha'ikh. Ms2; Darjini, Tabaqat., Ms.205-6; Muh b. Zakariya al-Baruni. Tabaqat. Ms.3.

8. The letter of 'Abdullah b. Ibadh to 'Abd al-Malik b. Marwan in: Barradi, al-Jawahir al-Muntaqat fi ma 'akhalla bihi K. al-Tabaqat., Lithog. Baruniyah, Cairo, 1300H) 163-164.

9. Tabari, Tarikh, V. 563.

10. Ibid., V. 566.

11. al-'Ash'ari, Maqalat al-'Islamiyin., editor H. Ritter, (Istanbul, 1929), 86 ff.; Shahrastani, Milal, editor Ahmad Fahmi Muhammad, (Cairo, 1948/1369), I, 179-86; Mubarrad, Kamil., III, 1031-32.

12. Ibid, III, 1040; Ibn 'Abd Rabbih, al-'Iqd., I, 261.

13. Ibn Hazm, Jamharah, 207; al-Dhahabi, Lisan al-Mizan., III, 248; Ibn Khaldun, Tarikh., II, 656.

14. Shammakhi, Siyar., 77; al-Qutb, Risalah shafiyah., 43, quoting the Omani author Ibn Wassaf.

15. Qalhati, al-Kashf wa al-bayan., Ms.224 b; Ruqaishi, Misbah al-zatam., Ms. 74; Mus'abi, Hashiyah 'ala al-Musarrih., Ms. 147 a.

16. For the texts of the letters of 'Abdullah b. Ibadh see: Barradi, Jawahir, 156-67; Sirhan b. Sa'id, Kashf al-ghummah.

17. 'Amrus b. Fath, al-Dainunah al-safiyah., Ms.4.

18. Al-Qutb, Risalah Shafiyah., 51; Abdu Zakariya; al-Warijlani, Siyar., Ms.15 a. See also below.

19. Al-Baghdadi, al-Farq bain al-firaq, editor Kawthari, (Cairo, 1948/1367), 62.

20. Al-Kadmi, Muhammad b. Sa'id, K. al-'Istiqamah, Ms.35.

21. Al-Qazwini, Zakariya b. Muh., K. 'Athar al-bilad wa 'akhbar al-'ibad., editor Wustenfeld, I, 37.

22. Shahrastani, Milal., I, 212-213.

23. Qalhati, Kashf., 224 b; Ruqaishi, Misbah., 74

24. Tabari, Tarikh., VII, 348, 374-76, 399-402; Abu al-Faraj al-Isfahani, Aghani., editor Farraj, XXIII, 111-158.

25. Qalhati, op, cit., 230 a-b.

26. Darjini, Tabaqat., 231-232 Shammakhi, Siyar., 85 For more clearly see below.

27. Lewicki, art. "Al-Ibadiyyah", E.I., 2nd edition 649.

28. Ibn Hazm, al-Fasl fi al-milal wa al-nihal., IV, 191.

29. Loc. cit.

30. Al-Dhahabi, Lisan., III, 248.

31. Ibn Hawqal, Surat al-ard., I, 95.

32. Lewicki, op. cit., 648.

33. Al-Jannawni, K. al-Wad., editor Abu Ishaq, (Cairo n.d. 22); Amr b. Jumai', Muqaddimat al-tawhid., editor Abu Ishaq (Cairo, 1353 H.) 54.

34. Shammakhi, Siyar., 77: al-Qutb, Risalah shafiyah., 43; Jumaiyil b. Khamis, Qamus al-shari'ah., Ms. Part 88, the page related to the subject.

35. Ibn al-Nadim, al-Fihrist., 258-329.

36. Barradi, al-Bahth al-sadiq wa al-'istikshaf fi sharh K. al-'Adl wa al-'insaf., Ms. I, 29.

37. Loc. cit.

38. Wisyani, Abu al-Rabi' Sulaiman b. ;Abd al-Salam, Siyar., Ms. 15.

39. Barradi, al-Jawahir. Lithogr. Cairo,1302.

40. Almost the same information from Abu Sufyan was reported in the Siyar of Shammakhi, but it is not known whether he was using Darjini only or had access to the original work of Abu Sufyan.

41. A complete copy of this Sirah is to be found in a Omani Ms. of mixed contents which is believed to be part of Tarikh al-Bisyani or his al-Sirah al-Kabirah, (CI: Salimi, Lum'ah., 84). A Xeroxed copy of this Omani Ms., which was given to me by Omani friends, is in the possession of the Library of the Faculty of Oriental Studies, Cambridge.

42. There are complete copies of this Sirah in: Qalhati, al-Kashf wa al-Bayan., Ms 160a - 195b; The Omani Ms. mixed contents, 125-161; another Omani Ms. of mixed contents together with the Sirah of Abu al-Mu'thir al-Salt b. Khamis, the Sirah of al-Munir b. al-Nayir al-Ju'lani, and the Sirah of Shabib b. 'Atiyah al-Omani (This Ms. also was given to me by a Omani friend).

43. I am using a Ms. of this Sirah sent to me by an Omani friend. It occupies the first 70 pages of a Ms. of mixed contents. For the biography of Abu Kahlan cf. Ibn Midad, Sifat nasab al-'ulama wa mawtihim., 35.

44. For the texts of the sermons of Abu Hamzah and Abdullah b. Yahya al-Kindi cf.:

Isfahani, Aghani., Jahiz, al-Bayan wa al-tabyin.: Ibn Abi al-Hadidi, Sharh Nahj al-balaghah. cf. infra, (53 Note 115).

45. Mukhtasar Sifat 'ahdath 'Uthman (Part of a Omani Ms. 161-176) (See also, Barradi, Jawahir., 219; Motylinski, Art., "Bibliographic due Mzab." Bull de Corresp. Africa., III, 16; Rubinacci, "II 'K. al-Jawahir' di al-Baradi." A.I.U.O.N., N.S., IV, Rome, 1952, 106); For the letter of Ibn Ibad, Barradi, Jawahir, 161-167; Salim b. Dhakwan, Sirah., 195-201.

46. Barradi, op. cit., 102; Abu Qahtan, Sirah., Ms 21 IC. Salim b. Dhakwan, Sirah., Ms. 202.

47. Darjini, Tabaqat., Ms. 198; Barradi, op.cit., 105; Shammakhi, Siyar., 72; Abu Qahtan, Sirah., 23.

48. Ibid., 25 IC.; Salim b. Dhakwan, op. cit., 202.

49. Ibid., 203-204; Abu Qahtan, op. cit., 29 h.

50. Abu 'Ubaidah Muslim b. Abi Karimah, Masa'd Abi Ubaidah., Ms.25.

51. Barradi, Jawahir., 141.

52. Salim b. Dhakwan., 203-204.

53. Barradi, op. cit., 146-147; Abu Qahtan, Sirah., 32. Tabari. Tarikh., V. 165-166; Mubarrad, Kamal., III, 978.

54. Abu Qahtan, op. cit., 33.

55. Tabari, Tarikh, V. 312-314; Mubarrad, Kamil., III 991. Ibn Abu Abi al-Hadid, Sharh Nahj al-balaghah., editor Harun, V.84; Darjini, Tabaqat., 206-213.

56. Al-Jahiz, al-Bayan wa al-tabyin., editor Harun, Cairo, 1948-1367, II, 65: Mubarrad, Kamil., III, 949; Darjini, op. cit., 207.

57. Darjini, op. cit., 198; Barradi, Jawahir., 105: Shammakhi, Siyar..72.

58. See below, 75-76.

59. Warijlani, Abu Ya'qub Yusuf b. Ibrahim, al-Dalil., Ms. 150 b IC.: Jitali, Qawa'id., see Part II text No. 1, 28.; Shammakhi, Siyar., 76; al-Qutb, al-Dhahab al-Khalis., editor Abu Ishaq, Cairo, 1343 H., 48; Sharh al-Nil., editor Abu Ishaq, Cairo, 1343 H., X, 428-29.,

60. 'Aqwal Qatadah., Ms. VI. 189; Wisyani, Siyar, Ms.31.

61. Mubarrad, Kamil., III, 990.

62. Ibid., 989, 1001, 1004.

63. Ibid., III, 985, 989.

64. Ibid., III, 992; Ibn Abi al-Hadid, op. cit., 85.

65. Mubarrad, op. cit., III, 984.

66. Ibid., III, 988, 989.

67. Ibid., III, 991-97; Tabari, Tarikh, V, 470-71.

68. Ruqaishi, Misbah., 38; Jumaiyil b. Khamis, Qamus al-Shari'ah., Ms. Part 88, the page relating to the subject; al-Qutb, Risalah shafiyah., 43.

69. al-Baghturi, Maqran b. Muhammad, Siyar Masha'ikh Nufusah, Ms. 3.

70. Salim b. Dhakwan, Sirah., 204; Abu Qahtan, Sirah., 24-25.

71. See below, 402-407.

72. Barradi, Jawahir., 165; Ibn Dhakwan, Sirah., 205.

73. Mubarrad, Kamil., III, 1039-1040; Ibn 'Abd Rabbih, al-'Iqd al-farid., II, 397-98.

74. Salim b. Dhakwan, Sirah., 220-221.

75. Barradi, al-Bahth al-Sa'diq wa al-'Istikshaf., I, 35; Warijlani, al-Dalil., Ms. 13b - 14a. There is a detailed discussion of the question of the Ma-riqah in the Sirah of Shabib b. 'Atiyah where he refuted the application of the Tradition about the Mariqah to the Muhakkimah party as was largely done by the Sunnis.

76. There are different versions of this Tradition reported in the Collections of Hadith. A.J. Wensinck, Concordance el tudices de la Tradition Musulmane, Leiden, 1967, VI, 204. The Ibadhi version is reported in Musnad al-Rabi b. Habib., I, 15. See also: Salimi, Hashiyat al-Jami'i al-sahih., Cairo, 1326 H., I, 56-60. The translation of this Tradition quoted here is taken from Wensinck, A.J., Muslim Creed., 1965, 41-42.

77. Salimi, op. cit., I. 59.

78. Al-Sufi, Abu 'Amr 'Uthman b. Khalifah, Risalah fi bayan kulli firqah., Algiers. n.d., 61.

79. Salim b. Dhakwan, Sirah., 204; Abu Qahtan, Sirah., 37; al-Kadmi, K. al-'Istiqamah., 35. The term Khawarij al-jawr is used in many places in K. Bayan al-Shar'a' of Muh. b. Ibrahim al-Kindi, Ms III.

80. See below, 402-407.

81. Qur'an: VI, 121, See also: Warijlani, Dalil., 92 b.

82. This term 'infidel-ingrate' is suggested by my supervisor Professor R.B. Serjeant for the Arabic term, kafir kufr ni'mah, which is used in Ibadhi writings for the Muslims who commit grave sins. The term was used to distinguish them from kuffar (sin. kafir) which can be used also for Polytheists.

83. Mubarrad, Kamil., II, 891.

84. Salim b.Dhakwan, Sirah., 204., 225; Abu Qahtan, Sirah., 85. This Tradition is reported in most of the collections of Hadith: See A.J. Wensinck, concordance el Indices de la Tradition Musulmane, Leiden. 1969 VII, 67.

86. See below, 227, 260.

87. Shahrastani, Milal., I,186. Baghdadi, al-Farq bain al-firaq., 50-51.

88. Loc. cit.;See the argument of Nafii' for these issues in his letter to Najdah in: Mubarrad, Kamil., III, 1035-37; Ibn 'Abd Rabbih, al-'Iqd al-Farid. For more details about the views of Azariqah and the other Khariji groups, see, Elie Adib Salim, Political theory and institutions of the Khawarij., Baltimore, 1956. Although the author in this work presented a useful study of the Khawarij in general, the views given about the Ibadhi school were not satisfactory, and the Ibadhi literature was not properly used. See also about the views of the Azariqah and other Kharijites, Watt. Islamic Philosophy and Theology, Edinburg, 1967, 10 ff.

89. See below, 70-72.

90. Baghdadi, Farq., 52, 54. Shahrastani, Milal., I, 163 ff.

91. There was, for example, the wars of the Ibadhis of Oman against Shaiban, the leader of the Sufris. Salimi, Tuhfah., I, 77; and the war of Abu al-Khattab 'Abd al-'A'la the Ibadhi Imam of North Africa against the Sufris of Warfajjumah in Qairawan, Ibn 'Idhari, Bayan., 82; Ibn Khaldun, Tarikh., IV, 191; Nuwairi, Nihayah., 44; both wars were fought on religious grounds.

92. Qur'an: X.32.

93. This statements refers to the Qur'anic verse. "God has preferred in rank those who struggle with their possessions and their selves over the ones who sit at home." Qur'an: IV.95.

94. Salim b. Dhakwan, Sirah., 204.

95. Ibid., 205.

96. Qur'an: IX.99.

97. Salim b. Dhakwan, op. cit., 206.

98. See the Qur'an: XI.28 ff.

99. Salim b. Dhakwan, op. cit., 206-7.

100. Ibid., 210-11.

101. Ibid., 211-12.

102. Bisyani, Sirah., Ms. 17; Warijlani, Dalil., 13 b - 14 a: al-'Adl wa al-'insaf., Ms. 11, 310 ff.; Qalhati, Kashf., 197 a - 204 a.

103. Isfahani, 'Aghani., XIII, 112; Jumaiyil b.Khamis, Qamus al-shari'ah., Part 88, the page related to the subject.

104. Ibn 'Abd Rabbih, al-'Iqd al-farid., I, 261: Mubarrad. Kamil., III, 1041.

105. Jumaiyil b. Khamis loc. cit.

106. 107, Loc. cit.

108. Loc. cit.

109. Qur'an: X.32.

110. Ibn Dhakwan, Sirah., 221-223.

111. Ibid., 223-24.

112. Ibid., 224-25.

113. Williams, John Alden, Islam., New York, 1961, 218.

114. Ibid., 218-219.

115. Ibid., 216. For the different versions and complete texts of the sermons of Abu Hamzah see: Jahiz, Bayan., II, 121-25; 'Isfahani, Aghani., XXIII. 130-139; Ibn 'Abd Rabbih, al-'Iqd al-farid., IV, 144-47.; Ibn Abi al-Hadid, Sharh Nahj al-balaghah., V, 114 ff. Darjini, Tabaqat., 251-55; Ibn Sallam, Bad'ul-'Islam., Ms. 45-46.

116. Macdonald, Duncan B., Development of Muslim theology, Jurisprudence and

Constitutional theory., Beirut. 1956, 24.

CHAPTER II

JABIR B. ZAID AL-'AZDI

The Founder of the Ibadhi School.

Abu al-Sha'tha' Jabir b. Zaid al-'Azdi al-Jawfi of Banu 'Amr b. al-Yahmad, a branch of al-'Azd tribe. He comes from Farq, a village between Manah and Nazwa in 'Oman1 where he was probably born and where he moved with his family to settle in Darb al-Jawf in Basrah, a place which took its name from the area in which the tribe of Jabir was living in 'Oman2. Yaqut mentioned a place in Oman which was inhabited by the Azdis known as Jawf al-Hamilah.3 It is possible that Jabir's family came to Basrah with the army formed by 'Uthman b. Abi al-'As to fight against the Persians; this army included a large number of Azdis. According to Salimi, after defeating the Persians and killing their leader Shah-rak or Ibn al-Hamra', the army headed towards Fars and settled in Tawwaj, then it moved to Basrah during the rule of 'Abdullah b. Amir, who was the governor of Basrah for 'Uthman b. Affan.4 It is reported that the man who killed the Persian leader was Jabir b. Hadid al-Yahmadi,5 of the same family as Jabir b. Zaid; a fact which suggests that the members of the family of Jabir b. Zaid were among the army and they settled in Basrah during the caliphate of 'Uthman. Salimi suggests that Jabir was born in Farq in 'Oman and traveled to Basrah to acquire learning;6 but this idea can be rejected, for, if Jabir traveled to Basrah for learning only he would have returned to Oman afterwards to rejoin his family, but he lived in Basrah all his life. The following dates are given for Jabir's birth; 18 A.H. (639 A.D.)7 and 21 A.H. (639 A.D.)8. Some sources aver that Jabir was present in Medina on the day on which the first Caliph Abu Bakr was elected.9 there is no information about Jabir's childhood or early life; and nothing is known about his parents. Therefore we have to proceed in this study to discuss his learning and education.

Islamic studies had not been established yet in the time of Jabir; apart from reading and writing, there was the Qur'an which was to be memorised (by heart) by Muslim students, the Traditions of the Prophet, and the Futya, legal opinions formulated by the first Caliphs and outstanding Companions. The teachers from whom this knowledge of Islam could be obtained were the Companions of the Prophet. Jabir was fortunate enough to be a contemporary of a large number of the veteran Companions. He met seventy of the Companions who were present at the greater battle of Badr and learned from

them all the history (akhbar) and Traditions they knew.10 He also met 'A'ishah, the favourite wife of the Prophet and asked her about the private life of the Prophet,11 and discussed with her the political problems of the Muslim community in which she played a major part.12 Apart from Abdullah b. 'Umar, 'Aisha, Abdullah b. Mas'ud, and Anas b. Malik, his principal teacher was 'Abdullah b. 'Abbas,13 the most learned man among the younger Companions and known as Habr al-'Ummah (the learned man of the Muslim community and as al-Bahr (the sea) because of his vast knowledge both of the Qur'an, its interpretation, and of the Sunnah. Jabir was a close friend of Ibn 'Abbas and his favourite pupil.14

Jabir learned the Traditions of the Prophet from all the Companions he met in Basrah, Medina, and Mecca. He took advantage of the Hajj to meet the Companions who came to Mecca at that time for the Hajj from other parts of the Muslim countries. It is reported that Jabir traveled between Basrah and Mecca no less than forty times on the Hajj.15 His avidity for acquiring the Traditions of the Prophet made him go to any lengths to collect them. He traveled especially to Medina and went to the Banu 'Amr b. Hazm al-'Ansari and asked them to show him the letter which the Prophet sent with their father 'Amr b. Hazm to the people of Yemen concerning zakat, which they did.16 Jabir acquired a wide knowledge of the Qur'an, Traditions, and Futya. His teacher Ibn 'Abbas was completely satisfied with him. It is reported that Ibn 'Abbas said, "If the people of Basrah turned to the knowledge ('ilm) of Abu al-Sha'tha', he would enrich them with the knowledge of the Book of God."17 He also described Jabir as one of the learned men, and believed that Jabir had attained such a high standard of knowledge that no-one, even Ibn 'Abbas himself, need be resorted to in order to formulate legal decisions if Jabir had already expressed his opinion. When al-Rabi, a man from Basrah, asked Ibn 'Abbas for his legal decision concerning certain problems, Ibn; Abbas said, "How can you ask us when you have Jabir b. Zaid among you?"18 Other Companions, viz., 'Abdullah b 'Umar, Jabir b. 'Abdullah al-'Ansari, hold the same opinion of Jabir as Ibn 'Abbas; al-Bukhari reported from Jabir b. Zaid that he said, Ibn 'Umar came across me while I was performing the tawaf (circumambulation of Ka'bah) and said to me, 'Jabir, you are one of the learned men of Basrah, people will come to you asking for fatwas, so do not give any legal decision unless it is clearly stated in the Qur'an or a genuine Sunnah, otherwise you will go astray and lead the people astray."19 It is also reported that Zaid b. Jubair consulted the Companion Jabir b. 'Abdullah al-'Ansari about a certain case. After he had given his opinion, he said, "Why do you ask me when Abu Al-Sha'tha is among you?"20 So then Jabir was one of the outstanding learned men of Basrah - according to Muhammad b. Mahbub, Jabir had more knowledge ('ilm) than al-Hasan al-Basri.21 Jabir became the

Mufti of Basrah22 and spent his life delivering legal opinions, teaching the Traditions of the Prophet, and transmitting his vast knowledge of Islam to his students. Since Jabir was a prominent Tabi'i (follower), his contribution to the growing Muslim community can be understood within the context of the part played by the class of al-Tabi'un (followers of the Companions), heritors of the Companions' direct knowledge and practice of Islam, which they transmitted to their students. Being a student closely associated with Ibn 'Abbas, who participated in most political activities of the Muslim community from his youth, Jabir was able to learn about the conflicting attitudes in the political activities which started with the civil strife during the Caliphate of 'Uthman, and ended with the ascendancy of Mu'awiyah.

Living in Basrah, one of the major centres of political activities, and being contemporary with the events of the lively period (28-93 A.H.), Jabir was able to form a clear understanding of the complicated course of the political and religious affairs of the growing Muslim community. As a result, he chose the most effective way to attain his aims. He kept himself apart from all Political activities and followed a very careful course in his relations with the 'Umayyad rulers. On the other hand, he devoted his time to teaching people Islam and formulating legal opinions on religious problems.

With regard to his way of life, Jabir led a pious and ascetic existence. He once said, "I asked of my God three things which He granted me; a good wife, a good riding camel and my daily bread upon which to live from day to day."23 Speaking about his wealth, Jabir told his companions, "I am the richest of all of you; I possess no dirham, nor do I owe any one a dirham."24 al-Hajjaj b. 'Uyaynah said, "Jabir b. Zaid used to visit us in our mosque; one day he came wearing an old pair of shoes and said, "Sixty years of my life have passed; these shoes of mine I like more than any other thing which is past, unless it be good work I have done."25 Muhammad b. Sirin said, "Abu al-Sha'tha' was pious.26 Simplicity and piety are the main attributes of Jabir's life.

Jabir's wide knowledge of the interpretation of the Qur'an and the Sunnah made him an outstanding figure in this field of knowledge, and he is described by the Traditionalists as reliable (thiqah).27 The only exception to this was a al-'Asili, who regarded him as weak (dha'if) Traditionalist, but his view was rejected by Ibn Hajar al-'Asqalani.28 Apart from his regular students who studied Traditions and Futya with him, people used to come to him seeking his legal opinions on religious matters. Some of these opinions were written in the form of questions sent to him by friends outside Basrah. He is described as the most learned man in the field of Fatawa.29 Many of his students used to put down his legal opinions in writing, but Jabir was not in favour of recording his opinions in this way; On hearing of his students writing them down, Jabir

commented, "To God we belong (Inna lilah). They are writing down the opinions which I may change tomorrow!30 Yet not-withstanding, most of his opinions and narrations (riwayat) were recorded by his students. His knowledge was transmitted to later generations through two channels; the main one based upon what was recorded by his Ibadhi students such as Dhuman b. al-Sa'ib, Abu 'Ubaidah Muslim b. Abi Karimah, Abu Nuh Salih al-Dahhan, Hayyan al-'A'raj, and others. The second is based upon what was recorded by his non-Ibadhi students, among whom were 'Amr b. Harim, Qatadah b. Di'amah al-Sadusi, Aiyub al-Sikhtiyani, and others.31

Among the extant works in which legal opinions (Fatawa) and narrations (Riwayat) from Jabir are recorded are: -

1) Riwayat Dumam; narrated by Abu Sufrah 'Abd al-Malik b. Sufrah, from al-Rabi' b. Habib, from Dumam from Jabir b. Zaid.32

2) Musnad al-Rabi b. Habib al-Farahidi, from Abu 'Ubaidah, and Duman from Jabir b. Zaid.33

3) Jabir's correspondence (Jawabat) which contain some of his legal opinions sent in letters to some of his friends and followers.

All these were recorded by Ibadhis. There are also the following works:-

1) Kitab al-Nikah, which contains legal opinions on marriage, reported from Jabir. It is still not known by whom this book was narrated, but being included in the Ms. of K. Nikah al-shighar, by 'Abd al'-Aziz, this suggests that it was probably narrated by the same author of K. Nikah al-shighar.34

2) K. al-Salat,35 this book is narrated by Habib b. Abu Habib al-Harmi, from 'Amr b. Harim from Jabir b. Zaid.36

3) The narrations from 'Amr b. Dinar, and 'Amr b. Harim, included in parts V and VI of K. Aqwal Qatadah, contain Traditions and legal opinions mainly on the subject of marriage, zakat, and prayers, besides his other legal opinions and Traditions reported from him by Qatadah.38

It is reported that the books of Jabir were in the possession of Abu 'Ubaidah Muslim b. Abu Karimah, then they came to al-Rabi' b. Habib, then Abu Sufyan Mahbub b. al-Rahil, then his son Mohammad b. Mahbub, from whom they were transcribed in Mecca.39

Some Ibadhi historians reported that Jabir himself wrote a large book of Traditions and legal opinions (Futya) known as Diwan Jabir b. Zaid, and that a copy of the Diwan was extant in the library of the 'Abbasid Caliph Harun al-Rashid (786-809 A.D.) It is also reported that the Ibadhi scholar of Jabal Nufusah, Naffath (Faraj) b. Nasr, managed to transcribe the Diwan and

brought it to Jabal Nufusah, but being in opposition to the ruler of the Jabal and Rustumid Imamate, Naffath destroyed the copy of the Diwan so that his opponents would not get access to it.40 However, Ibadhi Jurisprudence was established mainly on the basis of the Traditions, and legal opinions handed down by Jabir to his Ibadhi students. Abu 'Ubaidah Muslim b. Abi Karimah said: "Every man of Tradition who has not an Imam in jurisprudence is fallen into error. If God Almighty had not favoured us with Jabir b. Zaid we too would have fallen into error."41

Non-Ibadhi scholars have tried to prove that Jabir had no relation with the Ibadhis, and various stories were reported to show that Jabir himself denied this sort of relationship.42 Qatadah and Dawud b. Abi Hind reported from 'Azrah that he said, "I told Jabir that the Ibadhis claim that you are one of them"43 He said, "I declare myself before God quit of them." It is also reported that Hind b. al-Muhallab said that although Jabir was a close friend of hers and her mother's, and he used to order her to do everything which might bring her nearer to God, he never invited he to Ibadhism.44

Careful examination of the above information led to its classification into three groups:

I. Information reported as from Jabir, in which he denies any sort of relation with the Ibadhis. In this category comes the information reported in non-Ibadhi sources only, and transmitted by Thabit al-Banani actually visited Jabir with al-Hasan al-Basri is also reported by Ibadhis. In all sources, the story avers that Jabir, on the brink of death, wished to see al-Hasan al-Basri who was at that time in hiding from al-Hajjaj. Thabit al-Banani told al-Hasan of the wish of Jabir and both came together secretly to Jabir's house. When they saw him al-Hasan said to Jabir, "Say that there is no god but Allah, and that Muhammad is the Messenger of Allah." Jabir replied, "O, Abu Sa'id, on the day that one of thy Lord's signs comes it shall not profit a soul to believe that never believed before, or earned some good in his belief." Then he added, "I am of it's people, and I take refuge with Allah from Hell." On hearing this, al-Hasan commented, "By God, thisis the learned faqih."

All sources reporting the story concur up to this point. The addition that al-Hasan questioned Jabir on his opinion of the people of al-Nahr and his opinion of the Ibadhis is reported by Ibn Sa'd alone on the authority of 'Azrah and Thabit al-Banani. This addition cannot be regarded as authentic for several reasons:

a) Most sources, including non-Ibadhi sources, reported the story without mentioning that Jabir spoke of his attitude towards Ibadhis conversation with al-Hasan as presented above, asserted that Jabir added no further

words to this.

b) If Jabir held such opinion, especially concerning these important issues, then these must have been known before he was dying.

c) The occasion does not seem the most appropriate time to ask Jabir such questions!

II Information reported from Sunni scholars in which they denied that Jabir had any relations with the Ibadhis.47 This information, in addition to those saying ascribed to Jabir himself, regarding the denial of any sort of relation with Ibadhism, seems to have been invented by the Sunni critics of Hadith, so that Sunni should accept the Traditions reported by Jabir and on his authority. For, according to the rules laid down by some of the Sunni Traditionalists, Traditions reported on the authority of the people of "innovations" are not acceptable. If the person was Shi'it, or Khariji, or Ibadhi, this was enough to weaken his authority.48 It is suggested, therefore, that the above mentioned information was fabricated by some of the Sunni Traditionalists in order to clear Jabir from the accusation of being an Ibadhi!

III The third class of information consists of the report from Hind b. al-Muhallab, that Jabir never invited her to Ibadhism.49 This is probably true, because Jabir was teaching her Islam and distinctive terms Ibadhis and Ibadhiyah were not used among the early Ibadhis even after the death of Jabir. Instead, they were using the terms, "al-Muslimun, and Jama'at al-Muslimin."

On the other hand, Ibn Hajar al-'Asqalani, on the authority of al-Du'afa of al-Saji, stated that Jabir b. Zaid was an Ibadhi.50 Abu al-Hasan al-'Ash'ari, speaking about the beliefs of the Kharijis, among whom he includes the Ibadhis, said, "They claim Jabir b. Zaid to be one of their predecessors, (salaf)."51 The same opinion is reported by Ibn Abi al-Hadid.52 The question here is whether there was an Ibadhi movement with this name in the time of Jabir, and what part Jabir played in the movement. To answer these questions, we must recall the state of the Muslim community at that time - which falls into three groups:

a) The Umayyads who were in power, and their supporters.

b) The Shi'is or the party of 'Ali b. Abi Talib.

c) The third party can be sub-divided into two groups;

i- Those who abstained from all political activities.

ii- Those who refused to support both the 'Umayyads and Shi'is from religious scruples and wanted their own rule - i.e. the survivors from the battle of al-Nahrawan, and the other Muhakkimah who refused to fight against 'Ali, but became strong opponents of 'Umayyad rule. Among the leading personalities who survived the battle of al-Nahrawan was Abu Bilal b. Hadir. Ibadhi authorities reported that Abu Bilal was a close friend of Jabir b. Zaid.53 According to some Ibadhi scholars, Abu Bilal revolted against the 'Umayyads with Jabir's approval.54 Others say that the revolt was Abu Bilal's idea, and that he urged Jabir b. Zaid to join him in it.55 It can be suggested that the Muhakkimah, after the death of their Imam 'Abdullah b. Wahb al-Rasibi, found their natural leader in Jabir, an Azdi of the same tribe as 'Abdullah b. Wahb, for he had vast knowledge of the Qur'an and Sunnah. In my personal opinion he was no more than a religious leader to whom his followers came to learn Islam, and to ask questions concerning religious matters. His leadership at the early stage was not effective, partly because this group did not get a chance to organize themselves into a clear religious and political movement; and partly because the 'Umayyads' would not allow any kind of leadership to manifest itself, for declaration of any such leadership could mean a proclamation of a new Caliphate, which the 'Umayyads strongly opposed. Another reason was the influence of the concept of Quraishite leadership; for it was clear that the Muslim community as a whole did not approve of any leadership on the level of the Caliphate except that of the Quraish. This could be the reason which made the outstanding leaders of this party join 'Abdullah b. al-Zubair and support him against the 'Umayyads, hoping that he would accept their views. Among these leaders was 'Abdullah b. Ibadhi. 56

The revolt of Nafii' b. al-'Azraq, the leader of the extreme Kharijite movement bearing his name al-Azariqah, was a new event which changed the course of the Muhakkimah party and the nature of Jabir's relation to it. Jabir was strongly opposed to the views and policy of Nafii' and his followers and rejected their opinion regarding their Muslim opponents, whom they considered as idolaters, holding it lawful to kill and despoil them, together with their wives and children. This Jabir rejected Ibadhi sources preserved an account of the following argument between Jabir and the Kharijis, reported by Dumam said, "Jabir used to go the Kharijites and ask them, 'Has not God forbidden the shedding of the blood of Muslims in the name of religion?' They say, 'Yes'. Jabir says, 'Has not He allowed Muslims to fight after He has prohibited that in the name of religion?' They say 'Yes'. He says, 'And has He prohibited friendship with them after commanding it by religion?' They say, 'Yes' after they admit this Jabir says, 'Has He allowed anything beyond this in the name of din?' (Referring the despoiling Muslims and killing their women and

children). To this the Kharijis has nothing to reply and they keep silent."57 It can be said that at this stage a serious division began within the Muhakkimah party on account of the move taken by Nafii' b. al-'Azraq, who regarded the adversary Muslims as idolaters, and treated them as polytheists, and made Khuruj compulsory for his fellow Muslims. All these opinions were contrary to the beliefs and the practice of the people of al-Nahrawan and the old Muhakkimah, and their followers, Abu Bilal Mirdas and his companions. So it became necessary for the outstanding leaders of this party such as Jabir b. Zaid to reject the policy of Nafii' and others who held the same opinions as he did, and to make that clear to all and sundry in order to keep their sympathy. Among the leaders who were preparing to join Nafii' was 'Abdullah b. Ibadh. While waiting in the mosque of Basrah, hearing people praying, reciting the Qur'an, and the call to prayer, he changed his mind and decided against Khuruj 58, and "held it lawful to live amongst the Muslims and mix with them on terms of mutual tolerance."59 He held the same opinions as the people of al-Nahrawan and their followers up to his time, but he rejected strongly the views of Nafii' and declared himself to be dissociated from him.60 It may be suggested, then that after the revolt of Nafii', Jabir appointed Ibn Ibadh to reject the views of Nafii' and to propagate openly the true views of the Muslims (i.e. the Ibadhis). In fact, because of the successful part played by 'Abdullah b. Ibadh at the stage, the whole movement afterwards bore his name, and was known among other Muslims as al-Ibadiyyah.61

Several events suggest that Jabir had a close and effective relationship with the Ibadhi movement at a very early stage. It is reported that Jabir used to go to Mecca in the company of another member of "Jama'at al-Muslimin" called Abu Faqqas al-'Aswad b. Qais. They both used to meet Ibn 'Abbas in Mecca. One year, Jabir came to Ibn 'Abbas alone, and the latter asked Jabir about his friend, Jabir told him that he was imprisoned by Ibn Ziyad. Ibn Abbas asked Jabir, "Is Abu Faqqas suspected?" Jabir said, "Yes." Ibn Abbas asked Jabir, "Are not you suspected as well?" Jabir said "Yes, I am".61 Shammakhi, further reports that an aged member of Jama'at al-Muslimin, Abu Sufyan Qunbur was arrested and beaten with a hundred lashes to make him give information about another member of the Jama'at al-Muslimin but he refused. Jabir b. Zaid said, I was very near to him and was expecting him to point me out, but God protected him."62 The other event which shows that Jabir had an effective connection with Ibadhi movement is his order to one of the Ibadhi youths to kill Khardalah, a former member of the movement who gave away the names of some Ibadhi members and caused their deaths at the hands of tyrants.63 This case was afterwards cited as a proof of the obligation to kill the defamer of the Ibadhis (Taain fi al-Din) in the Ibadhi jurisprudence.64

However, after the revolt of Nafii' and other Kharijites, the distinctive character

of the sect afterwards known as a "Ibadhis" or 'Ahl al-da'wah (People of the Mission) or Jama'at al-Muslimin (the community of the Muslims) revealed itself clearly, and Jabir became head or Imam of this movement.

We may now proceed to study Jabir's policy as leader of the Ibadhi movement; in his policy four main lines may be distinguished.

Firstly, to avoid any open clash with the authorities and to maintain friendly relations with the rulers.

Secondly, not to isolate the members of the movement from the Muslim community ('ummah).

Thirdly, to continue teaching people Traditions and Futya regardless of whether they were members of his movement or not.

Fourthly, since Jabir was intent on maintaining the security of the movement by carrying our part of its activities in secret, and by keeping the members of the organisation unknown to the rulers, he took a strong attitude against those who disclosed the names of the members to the "tyrants"65 Ibadhis regard Jabir as the first Imam of their school, and regard the period of Jabir's leadership as an example of the state of secrecy (kitman).66

Very little is known about the activities of Jabir during the rule of Ziyad b. Abi Sufyan and his son 'Ubaidullah b. Ziyad. Although in that period the movement faced suppression, and close friends of Jabir were killed, such as Abu Bilal, his brother 'Urwah, and others were imprisoned, such as Abu Faqqas, and Qunbur, there is no definite information that Jabir faced the same treatment. Ibadhi sources reported that Jabir said, "In that time (the time of 'Ubaidullah) we found nothing more helpful to us than bribery." 67 So Jabir went to the extent of using bribery to avoid any oppression caused by the tyrants to him and his followers.

During the rule of al-Hajjaj, Jabir maintained good relations with him through his secretary Yazid b. Muslim, who was a close friend of Jabir.68 Among the powerful families with whom Jabir established good relations was the Muhallabid family, his kinsmen; but, what was more important than kinship, Jabir was the religious teacher of this family. He used to visit them and teach them Islam and "command them to do good." 69 Among the extant correspondence of Jabir there are three letters which he sent in reply to letters from members of the Muhallabid family; two were sent to Khairah b. Damrah al-Qushairiyyah, the wife of al-Muhallab. From his other correspondence, we notice that Jabir had several contacts with people in official posts in different places. Among these persons was al-Nu'man b. Salamah, who sent a letter to Jabir asking him for his advice, so that he could collect the required amount of

money for land tax and protection tax, without doing injustice to the subject population, or acting against the teaching of Islam. The letter sent by Jabir to al-Nu'man on this matter contains interesting information about the methods used in collecting taxes, and shows how, out of three hundred dirhams, less than one hundred reached Bait al-Mal; while the rest was taken by the dihqans (Chiefs of farmers) and tax collectors.70 The other person is called Yazid b. Yasar, who sent a letter to Jabir telling him that he had been put in charge of some posts in Oman and asking him for his opinion on certain problems. 71 Among other people of Oman who had contacts with Jabir was Malik b. Asid or 'Usaid, who sent a letter to Jabir offering to buy him a she - camel from Oman, to which Jabir agreed, as he indicated in his letter to Malik b. Asid. 72

Apart from sending legal opinions to his friends in those far-off places, Jabir asks them to report to him on the situation in their countries, and tell him about anything, which happened there. 73

These wide contacts with powerful people and families, and the general respect for the knowledge of Jabir, made al-Hajjaj b. Yusuf wary of him. He tried to win over Jabir to his side, and offered him the Qadiship, but Jabir refused this offer.74 Ibadhi sources reported that Jabir, in many cases, showed his opposition to al-Hajjaj, telling him that the Prophet said, "God curses the unjust, their helpers, and those who help their helpers, even by handing them a pen."75 He also refused to agree with al-Hajjaj on the matter of rubbing over the shoes for ablution; and said, "How should I rub over the shoes while God commands us to wash the feet?" 76 Jabir himself was cautious and careful in his contacts with his friends and followers. This can be clearly noticed from his correspondence. In five of his letters he asked that they be destroyed. He gave his reasons in three of them; a) In his letter to al-Harith b. 'Amr, one of the oldest 'followers' of Kufah, 77 Jabir wrote, "Know, may God set your affairs aright, that you are in a land in which I do not wish you to mention my name, so do not transmit anything that I have written to you" 78 This could have been during the rule of Ziyad, for al-Harith died during the Caliphate of Yazid b. Mu'awiyah. b) In his letter to 'Abd al-Malik b. al-Muhallab, Jabir wrote, "Write to me of what you need, and sent it to me in secret with whoever you trust, for you know our situation and what we fear those who look for reasons to harm us, so do not run into a risk by which you may cause us to perish; may God set your affairs aright." 79

In another letter, Jabir described the affair of the rulers (al-umara') as follows, "For you know the affairs of the rulers; we are afraid of them they search for excuses against us." 80 All these items of information show that Jabir was always afraid of the rulers and was cautious in his activities.

In one of his letters to 'Abd al-Malik b. al-Muhallab, Jabir expressed his

gratitude to God for saving 'Abd al-Malik and protecting him, and prayed to God to save him and protect him, "until He shows you and shows us, in your affairs and ours what would make us happy, and crushes our enemy." 81 It is likely that Jabir was referring to al-Hajjaj in these last words.

At his clash with the Muhallabids, al-Hajjaj arrested and imprisoned them. It is possible that al-Hajjaj exiled Jabir and one of his supporters, Hubairah, to Oman82 so that he would not be of any assistance to the Muhallabids. Three of the leading personalities of the Ibadhi movement, viz., Abu 'Ubaidah, Dumam and Abu Salamah were arrested in this period and imprisoned by al-Hajjaj. 83 This was the first serious act of suppression which faced the leaders of the Ibadhi movement, including Jabir himself, under the rule of al-Hajjaj. It appears that the main reason which made al-Hajjaj change his policy towards the Ibadhis was his clash with the Muhallabids. It could be suggested that because of the strong relations between Jabir and his family, al-Hajjaj thought that Jabir might take action against him in order to help the Muhallabids. Otherwise, no other reason can be suggested to explain this change in al-Hajjaj's policy towards Jabir and the Ibadhi movement. However, the Muhallabids managed to escape from prison and flee to Sulaiman b. Abd al-Malik in Damascus, from whom they received protection. 84 According to those who say that Jabir died in 93 A.H. it is possible that he returned to Basrah, because of the friendly attitude to Sulaiman and al-Walid b. 'Abd al-Malik towards the Muhallabids.

Those were the outlines of Jabir's policy and public activities. The most important part Jabir played was in his contribution to Islamic jurisprudence, and in establishing the Ibadhi School of law.

It is an obligation for the Muslim to learn a few verses of the Qur'an, and some practical teachings of the Prophet, in order to observe the religious obligations such as prayer and other religious duties. The development of the Muslim community, and its rapid expansion, created new centres in which group of the Companions settled. One of the major centres was the city of al-Basrah which was established during the Caliphate of 'Umar b. al-Khattab as a military base, and soon became one of the intellectual capitals of Islam. In this city Jabir was brought up, and there he met a large number of the Companions who were eager to teach people the religion of Islam. A new class grew up in Islamic society composed of the students of the Companions; this class was known as al-Tabi'un (the 'followers' or 'successors'). They were the second generation who inherited the teachings of Islam as presented to them by the 'Companions,' and became the missionaries of the religion. They taught people the Qur'an, Traditions of the Prophet, and set before them the example of the true Muslims in their practical lives. Among the old 'followers' of Basrah who dedicated his

life to this task was Jabir b. Zaid. It is already mentioned that he became one of the most learned men in Basrah. As a result he became the Mufti of Basrah; According to 'Iyas b. Mu'awiyah, "Jabir was the only Mufti in Basrah." 85 This probably was for a limited period, since other sources reported that other learned personalities shared him the burden of fatwa in Basrah, among whom were al-Hassan al-Basri, 'Amr b. Salamah al-Jarmi, Abu Maryam al-Hanafi, and Ka'bb Sawd. 86 Jabir's student, 'Amr b. Dinar thought so highly of Jabir that he went so far as to say, "I have not seen any one of greater knowledge of Futya than Jabir b. Zaid". 87

A brief study of the method which Jabir followed in his deliverance of legal opinions would help to understand the nature of the Ibadhi jurisprudence. Being a Traditionalist, his wide knowledge of Tradition and the legal opinions of the Companions marked his method as a jurist. To him, the bases of any legal opinion are the Qur'an, the Sunnah, and the opinions of Companions; then comes his own judgement. The second source for his legal opinions, next to the Qur'an, is Sunnah, for as Jabir states: "Whatever affair which Sunnah opposes is demolished."88 He again says, "Nothing of people's affairs in which they oppose Sunnah can be right."89 However, Jabir in following this way, kept to the rule laid down by the Companions. His teacher 'Abdullah b. 'Umar warned him not to give any legal decision unless it was clearly stated in the Qur'an or authentic Sunnah.90 It is also reported that Jabir said, "I met a number of the Companions; most of their legal opinions (fatwa) were Traditions of the Prophet."91 After Sunnah comes juristic speculation (ra'y). Concerning this third source of jurisprudence, Jabir believed that his own judgement must come after that of the Companions, not before. He wrote, "The Juristic speculation (ra'y) of those who were before us is better than our opinions. Yet again the successor recognizes the superiority of his predecessor. The more deserving of such a right are the migrants with the Messenger of God (Muhajirun), and those who followed them in good-action; for they have witnessed and learned. It is our duty to step in their footprints and follow their traces."92 He further says, "I am only a learned person following the traces which have been well-prepared before me. I have no confidence or proof in formulating legal opinion except narrations (riwayat), about which we may differ.93 In his letter to 'Anifah, Jabir expressed the same principle as follows; "There is nothing of that (formulating legal opinions) except what people narrate formulating is concerned, it is of less value."94 The following case shows how fast Jabir held to this principle. It is a case of the woman divorced by her sick husband. According to Ibn 'Abbas, she must wait until the danger of her husband's illness is over in order to keep her-right to the dower and inheritance; if she married another husband before that, she will lose her right to the dower and inheritance. Jabir after quoting this opinion of Ibn 'Abbas,

said, "If not because of the saxing of Ibn 'Abbas in this case, it would please me, even if she married while her husband was still in the state of danger, that she deserves the whole affairs, unless her share in the inheritance has gone." 95 But Jabir would defer his own opinions to that of Ibn 'Abbas in order to fulfil the above mentioned principle, though he might think his own opinion in this particular case was better. And so it can be said that the sources from which the Ibadhi jurisprudence is derived are the Qur'an, Sunnah and Ra'y. But ra'y was used only where no Traditions are available. As a conclusion to this brief study it can be stated that the school of law established by Jabir b. Zaid was largely influenced by Traditions. 96 This method of Jabir was followed after his death by his Ibadhi students who built their jurisprudence mainly on al-'athar. It is reported that Abu 'Ubaidah Muslim, the successor of Jabir was told that the people of Oman use juristic speculation, (ra'y) in forming legal opinions. His comment was, "They will not be safe regarding cases of blood shedding and marriage." 97

The biographers who wrote Jabir's biography gave five different dates for his death. According to those who report that Jabir died on the same week as Anas b. Malik the Companion, there are two dates; the first is 91/709,as reported by Ibn Hibban,98 the second is 93/711. This date is given by al-Rabi' b. Habib, Bukhari, Ahmad b. Hanbal, al-Fallas, al-Najjar, Abu Nu'aim, al-Salimi and Ibn Hibban.99 All these are Traditionalists, who must be more accurate in giving nearly the exact date of the death of the Muhaddith (Traditionalist), for it is of great value to them, regarding the correctness of the isnad (Chain of authorities reporting a Tradition).

The Historians such as Ibn Sallam, Ibn Sa'd, Waqidi, al-Mas'udi, al-'Asma'i and Ibn Midad gave the date 103/721,100 while Shammakhi alone gave the date 96/714; 101 Ibn Hajar quoted from Ibn 'Adiy that Jabir died in the year 104/722; 102 In order to try and establish the exact date of Jabir's death the following facts must be considered:

a) Most of the sources reported that on the night of his death, Jabir wised to see al-Hasan al-Basri, who was at that time in hiding from al-Hajjaj. According to this information Jabir's death must have occurred before the death of al-Hajjaj in 95/713.

b) Most of the sources reported that Jabir died before the death of the Companion Anas b. Malik who said, on hearing of Jabir's death, "Today died the most learned man of the people of earth"103 Dates given for the death of Anas are 91 and 93.

c) During the Caliphate of 'Umar b. 'Abd al-'Aziz (99-101) Ibadhis had active contacts with him, and an Ibadhi delegation was sent to him. Ibadhi sources

mentioned only the comment of Abu 'Ubaidah about the results of that embassy and nothing is heard from Jabir concerning this event. It is hard to believe that Jabir would not have commented if he was alive, a fact which suggests that he died before 101/719, and not in 103, as reported by historians, or 104, as reported by Ibn 'Adiy. Although the precise date cannot be arrived at in a case such as this, the year 93, given by the Traditionalists and confirmed by the Ibadhi authorities, is to be considered, in my opinion, fairly close to the truth.

1 Ibn Midad, Sifat nasab al-'ulama'. Ms. 4 According to Ibn Hibban Jabir was born in a place called al-Huraqah near Oman, but this could be a mis-spelling of Farq. Cf. Ibn Hibban, K. Mashahir 'ulama' al-'amsar., editor M. Fleischhammer, (Cairo, 1959),89.

2 Bukhari, Tarikh., II/I, 203, note.

3 Yaqut, Mu'jam al-Buldan., (Cairo, 1906), III, 175. According to al-'Asma'i Jawf is in Yemen; Cf.Ibn Qutaibah, K. al-Ma'arif., editor Muh al-Sawi, (Cairo, 1934), 200.

4 Salimi, Tuhfah, 2nd edition, (Cairo, 1347 H.), 55-57

5 Ibid., 56

6 Salimi, Hashiyat al-Jami'i- al-Sahih., I, 8

7 Barradi, Jawahir., 155; al-Qutb, Sharh al-'Aqidah., 132

8 Warijlani, al-'Adl., Ms. I 197; Shammakhi, Siyar., 77

9 Anonymous, K. Nawazil Nufusah., Ms. 208 b; Mus'abi, Hashiyah 'ala al-Musarrih., Ms. 147 a.

10 Ibid., 147 b; Ibn Midad, op. cit., 4

11 Abdullah b. 'Abd al-'Aziz, K. Nikah al-shighar., Ms. This information is to be found in another Ms. Attached to this book containing Ibadhi narrations, under the title: bab fada'il Jabir b. Zaid., 22., Cf. Al-Qutb, Sharh al-Nil., IX, 233,and the note 233-34; Ibn Sallam, Bad'ul-'Islam., Ms.42.

12 Shammakhi, Siyar., 67

13 Abu Nu'aim, Hilyat al-'awliya'., III, 90; al-Dhahabi, Tadhkirat al-huffaz., I, 62; Ibn Hajar, Tahdhib., II, 38-39; Ibn Midad, op. cit.,4

14 Abu Nu'aim, Hilyah., III, 85-6; Dhahabi, Tadhkirah., I,62

15 Baghturi, Siyar Mashaikh Nufusah., Ms.3

16 Warijlani, al-Dalil., Ms. 38a; al-'Adl., Ms. I,72 . On the authority of Ibn 'Abd al-Barr.

17 Ibn Sa'd, Tabaqat., VII, 179-180; Bukhari, Tarikh., II/I, 204; Dhahabi, op. cit., I,62; Abu Nu'aim, op. cit., III,85; Ibn Hajar, op cit., II,38.

18 Loc. cit

19 Bukhari, op. cit., II/I,204; Abu Nu'aim, Hilyah., III,86; Ibn Hazm, Mulakhkhas 'iblal al-qiyas wa al-ra'y wa al-'istihsan wa al-taqlid wa al-ta'lil., editor Sa'id al-'Afghani, Damascus, 1960, 69.

20 Abu Nu'aim, op. cit., III, 86

21 Salimi, Hashiyat al-Jami'i al-sahih., I,7

22 Ibn Sa'd, Tabaqat., VII, 131; Abu Nu'aim, op. cit., III,86; Ibn Hajar, Tahdhib., 38-39.

23 Riwayat Ibadhiyah., Ms attached to K. Nikah al-shighar., 21.

24 Loc. cit.

25 Ibn Sa'd Tabaqat., VII,180; Abu Nu'aim, Hilyah., III,88.

26 Ibn Sa'd Tabaqat., VII,187; Abu Nu'aim, Hilyah., III,88.

27 Ibn Hajar, Tahdhib., II,38

28 Ibid., II,39

29 Dhahabi, Tadhkirah., I,62; Abu Nu'aim, Hilyah, III, 86

30 Ibn Sa'd, Tabaqat., VII, 181; Ibn Hazm, Mulakhkhas., 64.

31 Abu Nu'aim, Hilyah., III,90; Dhahabi, Tadhkirah., I,62

32 Cf. My "Description of new Ibadhi Mss. From North Africa," Journal of Semitic Studies, XV, I,67

33 Cf. Infra, (150 ff)

34 Cf. My "Description of new Ibadhi Mss," op. cit., 65-66

35 Cf. Infra

36 Cf. My "Description of new Ibadhi Mss," op. cit., 67

37 For the biography of Habib b. Abi Habib, Cf. Ibn Hajar, Tahdhib., II, 180.

38 Cf. Infra, (160-61)

39 Wisyani, Siyar., Ms. 120

40 Abu Zakariya', Siyar., Ms. 31a-32a;Darjini, Tabaqat., Ms. 82-42; Cf. Infra (146-47)

41 Abu 'Ubaidah Muslim b. Abi Karimah, Masa'il., Ms.37; Jitali, Sharh al-Nuniyah., Ms. I,47.

42 Ibn Sa'd, Tabaqat., VII, 181-182; Abu Nu'aim, Hilyah., III,89.

43 Ibn Sa'd, op. cit., VII,181.

44 Abu Nu'aim, op. cit., III, 89.

45 Qur'an: VI, 158

46 Riwayat Ibadhiyah., Ms. Attached to K. Nikah al-shighar., 20; Baghturi, Siyar., Ms. 4; Darjini, Tabaqat., 199.

47 Ibn Sa'd, Tabaqat., VII 181.

48 Al-Qasimi, Qawa'id al-tahdith., 192-195.

49 Abu Nu'aim, Hilyah., III 98.

50 Ibn Hajar, Tahdhib al-Tahdhib., II,39

51 Ash'ari, Maqalat.,editor Ritter, I,

52 Ibn Abi al-Hadid, Sharh Nahj al-balaghah., V,76.

53 Shammakhi, Siyar., 67 Cf. Supra, 15.

54 Jumiyil b. Khamis, Qamus al-shari'ah., Ms. Vol. 88, the page related to the subject; al-Qutb, Risalah Shafiyah., 43; Ruqaishi, Misbah., Ms. 38.

55 Baghturi, Siyar., Ms.3

56 Tabari, Tarikh., V, 563 ff.

57 Abu Sufrah 'Abd al-Malik b. Sufrah, Riwayat Dumam., Ms.8.

58 Warijlani, al-Dalil., 99b.

59 Nicholson. A Literary history of the Arabs., 211. Cf. (supra,30)

60 (Cf. Supra, 19)

61 Darjini, Tabaqat., 223-224; Shammakhi, Siyar., 96

62 Shammakhi, Siyar., 93

63 Jitali, Qawa'id., 28

64 (Cf. Supra, 19)

65 As he did in the case of Khardalah for example

66 'Amr b. Jumai', 'Aqidat al-tawhid., 54; Jannawani, 'Aqidat al-tawhid., (Lithog. 1325 H), 20

67 'Aqwal Qatadah., Ms. 189

68 Shammakhi, Siyar., 74

69 Abu Nu'aim, Hilyah., III, 89

70 Jabir b. Zaid, Jawabat Jabir., my edition, Ms.31

71 Ibid., 22

72 Ibid., 36

73 Ibid., 24

74 Shammakhi, Siyar., 74

75 Warijlani, al-Dalil., 108a

76 Ibn Khalfun, Ajwibah., 39. See also, al-Rabi' b. Habib, Musnad., IV, 15-16

77 Ibn Hibban, Mashahir 'ulama' al-'amsar., 105.

78 Jabir b. Zaid, Jawabat., 15.

79 Ibid., 40

80 Ibid., 33

81 Ibid., 37

82 Shammakhi, Siyar., 81

83 Ibid., 96; Darjini, Tabaqat., 224

84 Tabari, Tarikh., VI, 448-452

85 Ibn Sa'd, Tabaqat., VII, 131; Ibn Sallam, Bad'ul-'Islam., 42

86 Ibn al-Qalyim, 'I'lam al-muwaqqi'in., 9

87 Dhahabi, Tadhkirah., I, 62.

88 Jabir b. Zaid, Jawabat., 19.

89 Ibid., 14

90 Bukhari, Tarikh., II/I, 204

91 Al-Rabi' b. Habib, Musnad., I, 13-14

92 Jabir b. Zaid, Jawabat., 42

93 Ibid., 38

94 Ibid., 18

95 Ibid., 42

96 (Cf. Infra, (142 ff.)

97 Abu al-Mu'thir al-Salt b. Khamis, Sirah., Ms.20

98 Ibn Hibban, Mashahir 'ulama al-'amsar., 37

99 Ibid., 89; al-Rabi' b. Habib, Musnad., II, 103; Bukhari, Tarikh., II/I, 204; Ibn Hajar, Tahdhib II, 38-39; Dhahabi, Tadhkirah., I, 63;

100 Ibn Sa'd, Tabaqat., VII, 133; Ibn Sallam, Bad'ul-'Islam., 42; Mas'udi, Muruj al-Dhahab., (Cairo, 1283), II, 141; Dhahabi, Tadhkirah., I, 63; Ibn Qutaibah, K. al-Ma'arif., 200.

101 Shammakhi, Siyar., 77

102 Ibn Hajar, Tahdhib., II, 39

103 Riwayat Ibadhiyah., Ms. 20; Shammakhi, Siyar., 70.

CHAPTER III

ABU 'UBAIDAH MUSLIM B. ABI KARIMAH

Second Imam of the Ibadhi Community of Basrah.

Abu 'Ubaidah Muslim b.Abi Karimah al-Tamimi, client of b. Tamim.1 According to Jahiz, he was a mawla of 'Urwah b. 'Udayyah, brother of Abu Bilal Mirdas. 2 He lived in Basrah and studied under Jabir b. Zaid, Suhar al-'Abdi, and Ja'far b. al-Simak. 3 Some scholars suggest that Abu 'Ubaidah met the same Companions as his teacher Jabir, and narrated Traditions from the Companions, Jabir b. 'Abdullah, Anas b. Malik, Abu Hurairah, Ibn 'Abbas, Abu Sa'id al-Khudri, and 'A'ishah. 4 It is possible that he may have met some of these Companions or all of them but not for long period as did Jabir b. Zaid. His principle teachers were Ja'far b. al-Simak, Suhar al-'Abdi and Jabir b. Zaid. But he acquired most of his knowledge from Ja'far b. al-Simak and Suhar.5 He devoted his life to learning and teaching. It is reported that he spent forty years of his life in learning and another forty years in teaching. 6 The

development of the Ibadhi doctrine, the growth of their organization, and the rapid expansion of their movement in Yemen, Oman, Khurasan, and North Africa is undoubtedly due to Abu 'Ubaidah, and his gifted abilities both as a scholar and statesman. 7 He played the greatest part as the most successful leader of the Ibadhi movement during the last period of the 'Umayyad rule and the beginning of the 'Abbasid rule. Shammakhi reported that Abu 'Ubaidah died during the Caliphate of Abu Ja'far al-Mansur (136-158). 8 It is already mentioned that he lived for eighty years which he spent in learning and teaching. It can be said, therefore, that Abu 'Ubaidah lived in the period starting with the end of the first half of the first century up to the end of the first half of the second century. It is also suggested that he became the leader of the Ibadhi movement after he was released from prison in the year 95, two years after the death of Jabir b. Zaid. 9

To understand the distinctive character of Abu 'Ubaidah and the aspect which distinguished his personality, one must refer to the influence of his different teachers. First there was 'Urwah b. 'Udayyah, a strong and pious man of great experience of religious and political conflict which took place during the civil wars between 'Ali and Mu'awiyah. He was the first man to reject arbitration and fought against 'Ali in the battle of al-Nahrawan; he was later killed by 'Ubaidullah b. Ziyad. The servant of 'Urwah described him to 'Ubaidullah as follows: "I never prepared his bed for him at night, nor brought him food during the day;"10 meaning that he always fasts during the days, and spends the nights praying. Abu 'Ubaidah, being a client of 'Urwah must have been influenced by him a great deal. His other teacher Suhar al-'Abdi was a great orator (Khatib), great genealogist, and author of a book on 'Amthal,11 (proverbs), as well as a theologian.12 His teacher Jabir b. Zaid was a great Jurist, and an eminent Traditionalist; Abu 'Ubaidah, having studied under these great men, possessed all the various qualities they had. He was an ascetic, pious worshipper,13 a brilliant orator,14 an excellent teacher, and great scholar, covering fields of theology, Jurisprudence, and Traditions. And, finally, he had an excellent organizing ability.

In the field of Ibadhi doctrine, Abu 'Ubaidah kept to the same method as Jabir b. Zaid, but he contributed more theological opinion in order to face the rising problems in this field. This may also be due to the influence of his teacher Suhar al-'Abdi. In his legal opinions, Abu 'Ubaidah kept to the same line as his predecessor, Jabir b. Zaid, of whom he was very proud, as he said, "Every man of Traditions (sahib hadith) who has no Imam in jurisprudence is gone astray. If God had not favoured us with Jabir b. Zaid we too would have gone astray." 15 He also kept the same respect for the Companions and their opinions. He said, "He who has no teacher among the companions possesses nothing of the religion. God has favoured us with 'Abdullah b. 'Abbas b. 'Abd al-Muttalib,

cousin of the Prophet, 'Abdullah b. Mas'ud, and 'Abdullah b. Sallam, who were firmly rooted in knowledge. We walked in their steps, followed their sayings, relied on their conduct, and imitated their method....."16

The method followed by Abu 'Ubaidah was to keep fast to the teachings of the Companions and the followers, and not to form any line which might lead way from their way. To him, following Sunnah is a sign that the Muslim has a good soul. He related from Ibn 'Abbas that he said, "He who heard a Tradition inviting to moral excellence and did his best in following it; if the Tradition was as he heard it, he gets two rewards; the reward for memorising the Tradition, and the reward for acting according to it. If the Tradition was not as he heard it, he will get the same reward, for God will not waste the wage of good-doers. The reward for his good-doing and worship of God will not be wasted unless his work was in a heresy." 17 After quoting this opinion of Ibn 'Abbas, Abu 'Ubaidah commented, "Know that the Muslim if God granted him a good soul which is directed to obedience to God, whenever he hears what brings him nearer to God he will do his best in following it, and he will be rewarded as previously mentioned. But if the person has a bad soul he becomes weary of worshipping God and dislikes worship. All his concern will be in argument and doubt; so whenever he hears a Tradition which invites him to work, he opposes it with analogical reasoning (qiyas) and says, "This Tradition is not authentic, (Sahih), because his opinion which agrees with his desire has nothing to do with obedience to God." 18 However, Abu 'Ubaidah was a Traditionalist and was largely influenced by Traditions as a Jurist and Theologian. He was against using ra'y (personal judgement). When he was told that the people of Oman use ra'y in forming legal opinions, Abu 'Ubaidah said, "They will not be safe in the cases of blood shedding and marriage." 19 His followers were taught not to accept any opinion unless it is a narration, 'Athar, from the Shaikhs of the Ibadhi School. It is reported that 'Umm Shihab, an Ibadhi woman was visited by 'Abdullah b. 'Abd al-'Aziz and Saleh b. Kathir, students of Abu 'Ubaidah, she asked them for a legal opinion and Saleh answered her. She asked him from whom he narrated that opinion. His reply was that it was his own opinion based on his ra'y. She said, "Throw your ra'y against the wall, I do not need it." 20 During his time more attention was given to the system of al-walayah, and al-bara'ah, both in theory and practice, than the time of Jabir b. Zaid. The following two cases show the change of attitude as between the two leaders:

I It is reported that an Ibadhi called al-Hassan b. 'Abd al-Rahman proposed to 'Umm 'Affan who was an Ibadhi as her father; when her father consulted her, she would not agree to marry him. Jabir's opinion was that she must not be given in marriage against her wish. When a non-Ibadhi Muslim proposed to he and she agreed to marry him, Jabir ordered her father to give her in marriage to him. 21

II Abu 'Ubaidah took different attitude in a similar case. It is reported that he shunned an Ibadhi member for giving his daughter for marriage to a non-Ibadhi Muslim, and was very angry about it. According to his student, Abu al-Mu'arrij, "Abu 'Ubaidah disliked the marriage of an Ibadhi woman to a non-Ibadhi Muslim, although it was lawful, out of fear that he may confuse her and change her beliefs. He followed a similar attitude taken by 'Umar b. al-Khattab when he prevented the Companions from marrying women of the 'People of the Book' out of fear that the Muslims may prefer their beauty and neglect the Muslim women; although it is lawful to marry the women of the People of the Book." 22 It appears that Abu 'Ubaidah took this firm attitude to isolate Ibadhis from the other groups of Muslims, so that they will not be influenced by the different opinions arising at that time. The other reason could be that Abu;'Ubaidah in his planning to establish the Ibadhi Imamate, wanted to ensure the security of his plans and movements, so no strangers can affect them. The system of al-walayah wa al-bara'ah was of great importance in this respect. 23

The activities of Abu 'Ubaidah covered two main lines:

a) Looking after the Ibadhi organization.

b) Teaching Ibadhi doctrine to the learning students.

In his secret institution, which was no more than a deep cave somewhere in Basrah,24 he educated the men who played the most important part in the development of the Ibadhi doctrine, and its political success.

Basrah was the centre of the Ibadhi movement till the end of the second century for several reasons:

a) The religious leaders of the movement lived in Basrah and carried out all their educational activities there.

b) In Basrah the movement gained full support from the large number of Jabir's kinsmen of al-'Azd, and their leading family of the Muhallabids.

c) Basrah was one of the intellectual Capitals of Islam forming besides Kufah the cultural centre of the Islamic and Arabic studies.

d) Finally, Basrah was in the centre of the Muslim countries of Asia, a fact which made the contacts easier between the centre of the movement in Basrah and the other branches of Khurasan, Oman, Yemen, and Mecca.

In Basrah, the Ibadhi organisation with the leadership of Abu 'Ubaidah and the council of the Shaikhs, carried out the responsibility of forming the policy of the movement and preparing learned men for missionary work to be sent all over the Muslim countries to propagate the Ibadhi doctrine. One of these Ibadhi

missionaries of Basrah was Salamah b. Sa'd (Sa'id) who was sent to North Africa, towards the end of the first century and the beginning of the second century H.25 It is reported from Imam 'Abd al-Wahhab from his father 'Abd al-Rahman b. Rustam that he said, "The first man who brought the Ibadhi sect to al-Maghrib, was Salamah b. Sa'd. He came to us in Qairawan, with the company of 'Ikrimah, the client (mawla) of Ibn 'Abbas, both riding the same camel on which they carried their provisions; Salamah b. Sa'd was propagating Sufrism. 'Abd al-Rahman said, 'I heard Salamah saying, 'I wish that the Ibadhi movement manifests, even for one day from morning to night, I would not mind if my head was cut off after that."26 It appears that the mission of Salamah b. Sa'd in North Africa was of three purposes:

i) To propagate the doctrine of the Ibadhischool.

ii) To choose some leading members from the visited countries and send them for training in Basrah.

iii) And to have a close study of these countries and report to the Ibadhi leader in Basrah.

As a result of the journey of Salamah b. Sa'd to North Africa, which took place about 105-107 H., the bearers of learning (Hamalat al-'ilm) were sent to Basrah and studied with Abu 'Ubaidah for five years.27 Several missionaries have been sent to different countries for the same purposes as those of Salamah b. Sa'd; for there were bearers of learning (Hamalat al-'ilm) to Yemen, Hadramawt, Khurasan, and Oman.28

All activities of the Ibadhi movement in Basra were carried out in secrecy, the special state known in Ibadhi doctrine as the state of (Kitman), secrecy.29 The Umayyads' suppression against any opposition obliged Ibadhi to carry on with their activities in secret for safety, and this was assured by establishing special centres (majalis) in secret places where they exercised their religious and educational activities.

It appears that the idea of secret centres (majalis) was founded as early as the days of Ziyad b. Abi Sufyan, for it is reported that 'Urwah b. 'Udayyah was caught in a sarab (under ground cave), where he was worshipping.30 These secret retreats were used of meetings of the members of the movement where they used to invoke God and discuss their present situation. These kind of majalis were mentioned by Abu Bilal Mirdas as well.31 From the given information it appears that there were three types of majalis:

i) Majalis of the Shaikhs, or the leaders of the movement; in these majalis the Shaikhs discussed the plans of the organization, and meetings in such majalis usually took place during the night, and no young members were allowed to

attend the meetings unless they were fully trusted. Abu Sufyan Mahbub b. al-Rahil said, "We heard one night that a meeting was held in the house of Hajib, the Shaikhs did not allow us to attend their meetings during the night; I told one of the Omanis, 'Let us go to Hajib's house, for they may allow us in.' We went to the house and were permitted to enter. We found there al-Mukhtar b. 'Awf, and two or three Shaikhs, Hijab ordered us to inform Balj b. 'Uqbah about their place; so we told him. After we prayed 'Isha' they started speaking, each one stood and spoke for some time, then he sat down and another stood, and so on, until the light of the morning. Al-Malih said, "Shu'aib b. 'Amr, brother-in-law of Hajib, and one of the best Ibadhi youths, came to Hajib's house that night; the distance between his residence and the house of Hajib was about three miles, but Hajib refused to let him in." 32

ii) The second type of Majalis is majalis for all members to which they come to hear addresses from the Shaikhs on religious subjects in general. There was no special programme for such majalis; it depends on the persons who were in charge of them and their abilities and inclination. "If a person was seen with the impression of submissiveness on his face, that would mean that he had attended the majalis of Abu Sufyan Qunbur recently, for his majalis were for invocation of God, recital of the Qur'an, and frightening people of the Hell and the chastisement of God." 33 Some time the organiser of the majalis would ask the speakers to stress on a certain subject to bring the attention of certain members to it. 34 A large number of these majalis were formed in Basrah during this period. Ibadhi historians mentioned the majalis of Abu al-Hurr 'Ali b. al-Hussain which used to be on Monday and Thursday, 35 majalis of Abu Sufyan Qunbur, and the majalis of 'Abd al-Malik al-Tawil. 36 Women have special rooms in these majalis and were allowed to attend this type of majalis. 37 Some women offered their houses to be used for the majalis. 38

iii) The third kind of the majalis are those which were held for regular students who wanted to study Ibadhi doctrine, or to be trained for missionary work. It is reported that Abu 'Ubaidah Muslim b. Abi Karimah used to teach his students in a secret cave with someone on guard outside to inform them if he saw a stranger coming, by moving an iron chain so Abu 'Ubaidah would stop his lecture and carry on with making baskets; his covering work, from which he took the title al-qaffaf (basket maker).39 Only members of the movement were allowed to join these majalis but if they showed any sort of deviation they were to be expelled from the majalis.40 During the period of Jabir and Abu 'Ubaidah, members were very careful in their activities, on some occasions they attended their meetings wearing women's dresses or disguised as merchants and workers so no-one of their enemies would take notice of them.41 In the time of Ziyad and his son the houses which were used for holding majalis were attacked on many occasions and members were arrested,

but in spite of all the difficulties, the Ibadhi's activities at that time were carried out mainly through the majalis.42

It appears that the idea of majalis was transferred by Ibadhi students from Basrah to North Africa. It is reported that Abu Khalil al-Darkali, a student o the 'bearers of learning', told his students, "Go to the majalis, you lazy boys, for there have been who joined them between his country and Qabis, and between his country and Fazzan."43 It was said that he meant himself by that. However, the majalis were established during the stage of secrecy to ensure the safety of the Ibadhis and they became afterwards one of the essential requirements of the Ibadhis community during the periods of Kitman (secrecy).

It can be said that the Ibadhi movement with the leadership of Abu 'Ubaidah Muslim was an intellectual religious movement, its activities in Basrah were mainly educational. The policy of Abu 'Ubaidah was to educate the members and teach them the Ibadhi doctrine, and to have as many students as he could from different provinces of the Muslim countries, in order to establish a universal Imamate over the Muslim world.44 In order to carry out his activities in Basrah, Abu Ubaidah disconnected himself completely from the rulers so that he would be on the safe side. His policy in this respect was contrary to the policy of his predecessor Jabir b. Zaid. Abu 'Ubaidah's instructions to his followers were that they must not have any connections with the rulers. 'Abdullah b. 'Abd al-'Aziz a student of Abu 'Ubaidah, reported that one of the rulers ('Ummal) said to an Ibadhi member, "Let me write down your name in the register (diwan) and share with you your salary; and my brother will save you the trouble of the oath (al-bai'ah), and you take the money spontaneously." 'Abdullah said, "I went to Abu 'Ubaidah and asked him about his opinion concerning that offer, he said, 'Do not go to them or be near them there is no good for you in that."45 A similar story is reported by al-Rabi' b. Habib, another student of Abu 'Ubaidah, who succeeded him as a leader of the Ibadhi community in Basrah. He said, "An Ibadhi member wanted to accompany a newly appointed ruler and to go out with him. We asked the man who ordered you to go out with this governor? Another man said that Abu 'Ubaidah allowed him to do so. Al-Rabi' said, "I went to Abu 'Ubaidah and asked him if he had allowed that person to accompany the governor," he said, 'I did not order him with anything of that nature; it is said in the proverb: The fox said, 'I have ninety-nine tricks, no one of them is more useful to me than that the dog does not see me, and I do not see him.' It is the same with the Muslim; there is nothing better for him than not to see them (the rulers) or let them see him, by God; I am afraid for their Mu'adhin, that he will not be safe in calling for prayers, for them, so how about the others?"46 This firm attitude taken by Abu 'Ubaidah towards the rulers was the main mark of his policy, the only exception to this rule being 'Umar b. 'Abd al-'Aziz to whom a delegation was

sent on behalf of the Ibadhi movement.47

During the time of Jabir it is mentioned that a group of outstanding leaders of the Muhakkimah party, including 'Abdullah b. Ibadh, contacted 'Abdullah b. al-Zubair and offered him help in the hope that the might agree to their views.48 Abu 'Ubaidah adopted contrary policy. He always wanted a pure Ibadhi movement, which could reach its aims without any confusion. It is reported that 'Abdullah b. al-Hasan, when he wanted to revolt against the Umayyad, he sent to Abu 'Ubaidah and some other Shaikhs of the Ibadhi community in Basrah to discuss his plans with them. The Shaikhs agreed to send Salih b. Kathir to him, but Abu 'Ubaidah refused to agree with their opinion and said, "What do you expect from a man who is afraid about his life and seeking kingdom, would not he agree to all your demands? If he agreed to what you invite him to, he would say: "I agree with your views, but the people will be of more support to me and I have more right (to the Imamate),' what would you say to him, O Salih, when he is correct? If he wanted religion as he claims, let him join our man in Hadramawt, 'Abdullah b. Yahya, and fight under his leadership till he dies,"49 So they changed their minds because of Abu 'Ubaidah. This firm attitude of Abu 'Ubaidah against having any contacts with non-Ibadhi Muslims was very clear, and covered other aspects of life such as marriage50 in addition to political and religious activities. This policy was assured with the principle of al-walayah and al-bara'ah and with the system of al-majalis. In Basrah the Ibadhi community maintained the policy of secrecy under the leadership of Abu 'Ubaidah. It seems that the community of the Shaikhs in Basrah was the executive committee of the Ibadhi movement. Abu 'Ubaidah was the leader, or the Imam, who was in charge of the religious affairs and the general policy of the whole community. He was consulted by Ibadhis all over the Muslim countries about their problems and plans. In Yemen, 'Abdullah b. Yahya did not proclaim the Imamate until he got the approval of Abu 'Ubaidah. The Imamate of Abu al-Khattab in North Africa was also designed by Abu 'Ubaidah.52

There were a number of outstanding Shaikhs who took an important part beside Abu 'Ubaidah in his task. Among the leading Shaikhs was: i) Abu Mawdud Hajib al-Ta'I, of Banu Hilal, a mawla, originally from Oman, who was born in Basrah.53 He joined the Ibadhi movement after the death of Jabir b. Zaid54 and became Abu 'Ubaidah's right-hand man. He was in charge of military and financial affairs.55 His house was one of the important centres of the movement in Basrah. It was used for prayers during Ramadhan,56 and important meetings of the Shaikhs were held in it. 57 When 'Abdullah b. Yahya al-Kindi and Abu Hamzah proclaimed the Imamate, Hajib collected a large amount of money to help them and bought weapons for them.58 When he died he left a debt of fifty thousand Dirhams, and his colleague al-Fadl b.

Jundub sold his house in Suhar in order to settle that debt.59 He also was sent to Mecca during Hajj to make peace between the Ibadhis of Hadramawt during the time of 'Abdullah b. Said.60 He also used to look after the activities of the organization in Basrah and to call for the general meetings.61 Hajib died before Abu 'Ubaidah during the Caliphate of Abu Ja'far al-Mansur.62

Among the other outstanding Shaikhs of the Ibadhi community of Basrah were: ii) Hayyan al-'A'raj, a well-known Traditionalist, who lived in Basrah in the same area as his teacher Jabir b. Zaid.63 He was older than Abu 'Ubaidah,64 studied with Jabir b. Aid, and passed on Traditions from Jabir to the Ibadhi students, even to those who studied with Jabir, such as Abu Nuh Salih al-Dahhan.65 iii) Abu Nuh Salih b. Nuh al-Dahhan, from Basrah, who lived with Tayi' in Basrah,66 studied with Jabir b. Zaid67 and participated with Abu 'Ubaidah in teaching Ibadhi doctrine. It is reported that al-Rabi' b. Habib said, "I learned Jurisprudence from three men: Abu 'Ubaidah, Dumam and Abu Nuh."68 Among the extant works which were narrated from Abu 'Ubaidah and Abu Nuh is Kitab nikah al-shighar of 'Abdullah b. 'Abd al-'Aziz, their pupil.69

iv) Dumam b. al-Sa'ib, originally from al-Nadb in Oman.70 He was born in Basrah and studied with Jabir b. Zaid, and narrated Traditions mainly from him. 71 Even Abu 'Ubaidah himself learned Traditions reported by Jabir b. Zaid, from Dumam. The most important part Dumam played was teaching Ibadhi doctrine and Traditions most of which were recorded by Abu Sufrah from Abu 'Amr al-Rabi' b. Habib Dumam was imprisoned with Abu 'Ubaidah and another Ibadhi Shaikh called Abu Salim by al-Hajjaj b. Yusuf, and was released after the death of al-Hajjaj. 72 There were other Shaikhs such as Abu al-Hurr Ali b. al-Husainy, Abu Hamzah al-Mukhtar b. 'Awf, Balj or Balkh b. 'Uqbah, and others.

v) Among the young students of Abu 'Ubaidah who played a great part in the Ibadhi organization in Basrah during the life of Abu 'Ubaidah and afterwards was Abu 'Amr al-Rabi' b. Habib b. 'Amr al-Farahidi. He lived in Basrah in a place called al-Harbiyah. 73 Later he left Basrah for 'Oman and lived in Ghadafan in al-Batinah.74 He was a contemporary of Jabir b. Zaid and studied under him; he studied also under Dumam b. al-Sa'ib, Abu 'Ubaidah, and Abu Nuh Salih b. Nuh al-Dahhan.75 During the time of Abu 'Ubaidah he was, with other members, in charge of the majalis,76 and Abu 'Ubaidah appointed him as a Mufti of the Ibadhis during his life, and described him as "Our pious, reliable, and trustworthy man." 77

It was with the assistance of these men that Abu 'Ubaidah carried out his policy successfully, and managed to established two Ibadhi states which were a real threat to both 'Umayyads and 'Abbasids afterwards both in Arabia and North

Africa.

It is clear that Basrah was the main centre for Ibadhi activities in Iraq. However, there is evidence that other active Ibadhi communities existed in Kufah, Mawsil, Mecca, Medina, and some parts of Khurasan where a good number of great scholars emerged and contributed to the Ibadhi School. The opinions of those scholars were presented side by side with those of Jabir. Zaid, and Abu 'Ubaidah Muslim of Basrah as is evident in the early Ibadhi works such as the Mudawwanah of Abu Ghanim, al-Diwan al-ma'rud, and Riwayat Dumam. Apart from this fact, very little is known about these communities and their contribution to the Ibadhi movement in political and educational activities.78 However, it was a clear policy of the early Ibadhi leaders to direct their activities to the remote parts of the Islamic Empire so that they would not be easily crushed. They carefully avoided attempting any open revolution in Iraq, and concentrated on southern Arabia79 and North Africa. The following pages are aimed at throwing light on the expansion of the Ibadhi teachings in North Africa.

The expansion of the Ibadhiyah in North Africa.

It is not known precisely when the Ibadhi School started gaining followers in North Africa. At the time when the Ibadhi School was established in Basrah during the second half of the first century H., Islam itself gained a stronghold over North Africa in spite of the initial opposition it encountered from the Berbers. According to Lewicki, the people of Jabal Nufusah remained firm Christians after the Muslim conquest until they were converted directly to the Ibadhi school.80 This claim however is contradicted by other sources who claim that the people of Nufusah accepted Islam in mass without any struggle whatsoever.81 It is also a well-established fact that Islam was spread as far as Ghadamas, south-west of Jabal Nufusah, by 'Uqbah b. 'Amr, leader of the army dispatched westwards by 'Amr b. al-'As who conquered Tripoli in 23H. This will lend support to the claim that some of the Nufusis had become Muslims since then, but later adopted Ibadhi views. There is authentic information that a few Nufusi Christian families still existed in Jabal Nufusah after the Ibadhi school established itself in the Jabal.82 Moreover, there is sound evidence that certain Nufusi families remained non-Ibadhi Muslims long after the Ibadhi school predominated in this area. Among these was the family of Abu Mansur Ilyas of Tindimmirah, one of the most important families of Nufusah.83 It is difficult to reach a definite conclusion on this matter with so little and conflicting information to hand.

The name of a certain Salamah b. Sa'd al-Hadrami is connected with Basrah to North Africa to propagate the teaching of his school. No specific date is reported of the mission or the arrival of Salamah in North Africa. However, the report of reliable Ibadhi authorities that Salamah came to Qairawan together with 'Ikrimah, the client of Ibn 'Abbas,85 indicates that the mission took place before the years 105-107H., the dates given for the death of 'Ikrimah.86 Ibadhi scholars regarded the role of Salamah b. Sa'd in the Maghrib as comparable with that of 'Abdullah b. Ibadh in the Mashriq.87 They connected the expansion of the Ibadhi school with his visit to North Africa, which resulted in the mission of the students known afterwards as the bearers of learning,' (Hamalat al-'ilm), to Basrah to study Ibadhi teaching under the second Imam of the Ibadhi school, Abu 'Ubaidah Muslim b. Abi Karimah.

The fact which should not be forgotten is that when Salamah b. Sa'd came to North Africa, large Ibadhi communities had already existed in some areas of central North Africa, namely the western part of Libya. It is possible that the Ibadhi views gained followers first among the Arab settlers who came in tribal groups for the conquest of North Africa, and then settled in the new land. They found support among the native tribes of Nufusah, Hawwarah, Lawwatah, Zahanah and Zanatah who saw in the Ibadhi views the true representation of the religion of Islam which does not subject them to any tyrannical rule, and gives the justification for their struggle for self-rule within the new religion in equal terms with the Arabs. It is also believed that the local people found in Ibadhi teachings the religious incentive to oppose the tyrannical rule of both the Umayyads and the 'Abbasids. It is also clear that the most important role in the early Ibadhi struggle in North Africa was played by Arabs who were of Hadrami and Yemeni origins.

It appears that the missions of Salamah b. Sa'd was aimed at choosing local personalities to be sent to Basrah for training so that they could assume the burden of Ibadhi leadership in North Africa. Such a move would make local people regard the Ibadhi teachings as something of theirs, and bring full Berber support for the Ibadhi cause.

One of the main ambitions of Salamah b. Sa'd was to see a manifest Ibadhi Imamate in North Africa. Imam 'Abd al-Rahman b. Rustam is quoted as saying, "I wish that this affair (i.e. the Ibadhi Imamate) manifests itself even for one day from dawn to night, then I would not mind if my head is cut off."88 There is a possible indication in these words that the Ibadhi community in North Africa had existed before the arrival of Salamah b. Sa'd but was still in the stage of secrecy, (kitman), and no attempt had at that time been made to establish the open Ibadhi Imamate.

The first attempt by Ibadhis to establish their Imamate in North Africa began

when Ilyas b. Habib was appointed governor of Tripoli after 127H. It is reported that Ilyas killed 'Abdullah b. Mas'ud al-Tujibi, of the Tujib, an Arab tribe of Hadrami origin, who was one of the leaders of the Ibadhi community of Tripoli.89 It is not known why this Ibadhi leader was killed. Both 'Ali Mu'amar and Ihsan 'Abbas suggested that Ilyas wanted to intimidate the Ibadhis by this act,90 the fact which indicates that the Ibadhis were a power of a considerable weight in Tripoli and its areas at the time. However, I think that this action may have been a direct consequence of the successful revolts that the Ibadhis of Hadramawt and Yemen carried out at about the same time against the Umayyad dynasty to establish an independent Imamate. The Umayyads would have naturally been anxious to prevent any repetitions in other Ibadhi strongholds by taking pre-emptive measures. It appears that Ilyas b. Habib underestimated the power of the Ibadhis, and his action, rather than force them into submission, aroused their anger and gave them an immediate reason for their revolt. They elected al-Harith b. Talib al-Hadrami as Imam. Al-Harith, with the assistance of his Qadi, 'Abd al-Jabbar b. Qais b. Nusair b. Rashid, the client of al-'Ansar, in revenge for 'Abdullah b. Mas'ud al-Tujibi.91 Al-Harith ruled all the area between Qabis and Sirt, then both he and 'Abd al-Jabbar were killed by Shu'aib b. 'Uthman, one of the leaders appointed by 'Abd al-Rahman b. Habib to quench the Ibadhi revolt.92 The Ibadhis then elected Abu al-Zajir Ismail b. Ziyad al-Nufusi to lead them in their struggle. He gained as stronghold over the areas of Tripoli.93 According to Ibadhi sources, Abu al-Zajir was an Imam of defense, (Imam al-difa'),94 a fact which suggests that the period under his leadership was one of continous military struggle against his enemies and that he was not able to establish a stable state. The first struggle for the Imamate in North Africa took place between the years 127-132 H. After this date the Ibadhi community reverted to secrecy, (kitman), for eight years. After this Abu al-Khattab 'Abd al-'A'la b. al-Samh al-Ma'afiri, one of the 'bearers of learning', was elected for the post of Imam in Tripoli in the year 140 H. He ruled all the area between Sirt, Qairawan and Zuwailah. But this Ibadhi Imamate could not resist the of the 'Abbasid Caliphate, and Abu al-Khattab was killed with some fourteen thousand of his followers by the 'Abbasid army under the leadership of Muhammad b. al-'Ash'ath, governor of Egypt for Abu Ja'far al-Mansur, on the year 144 H. 95

The Bears of Learning (Hamalat al-'ilm)

It is essential here to give some account of the role of the 'bearers of learning', in the expansion of the Ibadhi doctrine in North Africa. It seems that their educational activities began during the early decades of the second century H. As mentioned earlier, their contact with the Ibadhi scholars of Basrah was after the visit of Salamah b. Sa'd to North Africa. They were chosen from different

areas such a way that the most important centres of central North Africa were covered so that each area would have its own religious leader of the native people. These students were: Abu Dirar Ismail b. Dirar al-Ghadamsi, or Ghadamas; Abd al-Rahman b. Rustam who was of Persian origin, from Qairawan, and 'Asim al-Sadrati of Sadratah. Abu al-Khattab 'Abd al-'A'la, originally from Yemen, joined them in Basrah96 where he was pointed out by their teacher Abu 'Ubaidah Muslim, as the first Imam of the expected Imamate of North Africa. This fact shows that the power which was still to count more on the question of leadership was that of the Arab settlers, and Abu al-Khattab was sent to North Africa to cover this need. There were no Nufusis among this mission because the Nufusi representative on a similar mission, Ibn Maghtir al-Jannawani had gone to Basrah and returned earlier.97

The training of these students was undertaken by Abu 'Ubaidah himself. They spent five years with him and he was satisfied with the standard, which they acquired. Apart from their political struggle which started on the year 140 H. under the leadership of Abu al-Khattab, and continued under the leadership of his colleague 'Abd a-Rahman b. Rustam, who managed to flee to central Algeria after the death of Abu al-Khattab, and established the Rustamid Imamate in the year 160 H. which lasted up to 296 H., the 'bearers of learning' played an important part in passing over to their fellow Ibadhis of North Africa the teachings which they had learned in Basrah. It is not known whether they had brought those teachings in a written form. In fact, the only written work ascribed to one of the 'bearers of learning' is the Tafsir of 'Abd al-Rahman b. Rustam. 98 It is reported that Ibadhi doctrine in written form by Abu 'Ubaidah Muslim was to be found in Fazzan in Libya during the middle of the second century H. In a letter to the Fazzani scholars 'Abd al-Qahhar b. Khalaf, Jannaw b. Fata al-Madyuni, of the Berber tribe of Madyunah, wrote, "And know, may God bless you together with us, that I long very much for you presence and the renewal of personal contacts with you, so that you may benefit from the Books of Abu 'Ubaidah, may God bestow his mercy on him." 99 There is no information how these books of Abu 'Ubaidah Muslim b. Abi Karimah got into the hands of his Fazzani scholar, but it may be that he himself had studied under Abu 'Ubaidah in Basrah and brought them back with him.

The point which must be asserted here is that the final form of the Ibadhi doctrine was established in Basrah and was brought over to North Africa through the missionary students, who seem to number more than the five mentioned above, and who are known in Ibadhi sources by the title (Hamalat al-'ilm). It is also clear that the contracts between the centre of the Ibadhi movement in Basrah and North Africa were established at an early stage of the latter's history.

There is no evidence of any Ibadhi scholars among Berbers existing before the time of Abu 'Ubaidah Muslim. The first Berber Ibadhi scholar mentioned in Ibadhi sources is Ibn Maghtir al-Jannawani, who studied under Abu 'Ubaidah in Basrah before the latter established his final opinions on the Ibadhi legal system.100 Ibn Maghtir was the Mufti in Jabal Nufusah before the return of the five 'bearers of learning.' Ibadhi sources also mention 'Amr b. Yimkitin as the first Ibadhi scholar of Nufusah to start teaching Qur'an in the mosque of his village, Afatman. He became afterwards one of the important leaders of Nufusah and participated in the wars of Abu al-Khattab against the 'Abbasid army.101

According to the available information, it is clear that the Ibadhis of North Africa were in firm contact with Basrah for the study of Ibadhi teaching from their start. It is also certain that such contacts existed towards the end of the first century H.

The Ibadhis of North Africa depended very much on the scholars of Basrah, especially Abu 'Ubaidah Muslim, in whatever problems they faced on legal and theological matters. Among the extant works which Abu 'Ubaidah wrote to the people of the Maghrib is his treatise on zakat which he wrote to a certain Ismail b. Sulaiman al-Maghribi.102 Jitali also reported that Abu 'Ubaidah sent responses (Jawabat) on theological questions to the people of the Maghrib,103 but these responses are still missing. These contacts were presumably very effective during the time of Abu 'Ubaidah before the return to Africa of the five students (Hamalat al-'ilm), who took over the burden of propagating Ibadhi teachings and deepening its roots amongst the Maghribis. The most important part of this task was carried out by Abu Dirar al-Ghadamsi, Abu Dawud al-Qibilli, and 'Abd al-Rahman b. Rustam. The others, namely Abu al-Khattab 'Abd al-A'la and 'Asim al-Sadrati directed their activities towards political and military struggle and they both died before they could settle down to participate in any educational activities.

The contacts between the two Ibadhi communities of the 'East', (al-Mashriq), and the 'West', (al-Maghrib), was maintained all the time. When 'Abd al-Rahman b. Rustam was elected to the Imamate in Tahert, the Ibadhis of the 'East' sent a special delegation to examine his conduct, and when they were satisfied with him, they gave him full support morally and financially. Afterwards, whenever a conflict took place among the Ibadhis of North Africa, they sought its resolution from their fellow Ibadhis of the 'East'. A number of 'letters' were written by scholars of the 'East' giving their opinions on religious and political issues which occurred among the Ibadhis of the Maghrib. 104

Ibadhi literature written by scholarsof the 'East' was presented to the Ibadhis of the Maghrib.105 During his rules, Imam 'Abd al-Wahhab b. 'Abd al-Rahman

b. Rustam, sent for books from the 'East'. His fellow Ibadhis of the 'East' transcribed and sent to the Maghrib forty camel loads of material on paper worth one thousand dinars for which Imam 'Abd al-Wahhab paid.106 It was also during the time of 'Abd al-Wahhab that Abu Ghanim Bishr b. Ghanim al-Khurasani traveled to Tahert to present his works to the Imam. Educational contacts between the two communities were firmly maintained thereafter. The annual conference of the Ibadhis took place during the time of the Hajj. They met at Mecca to exchange news and compare notes.

As a whole, the Ibadhis in North Africa played a little part in the development of the Ibadhi thoughts, but they did preserve them both in theory and practice. After the return of (Hamalat al-'ilm), a number of great scholars emerged among the Ibadhis of the Maghrib known as the students of the 'bearers of learning' among whom were: 'Abd al-Wahhab b. 'Abd al-Rahman b. Rustam, Abu Khalil al-Darkali, Muhammad b. Yanis, and others.107 After the founding the city of Tahert, which was the capital of the Ibadhi Imamate, it became one of the most important centres for propagating Ibadhi teachings. The Imams themselves took part in teaching and in writing books. There were other centres in Nufusah as well as in other places in the Maghrib. After the collapse of the Imamate of Tahert, the cultural activities of the Ibadhis moved to Warijlani and Wad Righ. Jerba Island also became one of the main educational centres as a result of the activities of the 'Azzabah council in the area. Jabal Nufusah, although its contacts with the Imamate in Tahert were weakened after the Battle of Manu against Aghlabids in the year 283 H., carried an almost independent role in preserving Ibadhi teachings. Several centres and schools were established in different areas of the Jabal for teaching the Ibadhi doctrine. A large number of great Ibadhi scholars emerged in the three communities of Jabal Nufusah, Jerba Island and central North Africa, i.e. Southern Tunisia and Algeria, and participated a great deal in Ibadhi studies. Most of the important works written by these scholars over the centuries are still extant and deserve special academic attention.

1. Shamakhi, Siyar., 83.
2. Jahiz, al-Bayan wa al-tabyin., editor Sandubi, III, 227
3. Ibn Midad, Sifah., 28
4. Salimi, Hashiyat al-Jami'i' al-sahih., I, 6
5. Loc. cit.
6. Baghturi, Siyar., 3
7. Lewicki, article 'al-Ibadiyyah', E.I., 2nd edition
8. Shammakhi, Siyar., 91
9. Cf. Supra, 68
10. Mubarrad, Kamil., III, 910
11. Ibn al-Nadim, Fihrist., 132: Ibn Sa'd Tabaqat., VII, 61: Ibn Qutaibah, Ma'arif.,
12. Shammakhi, Siyar., 81
13. Ibn Midad, Sifah., 30
14. From a statement made by his student 'Abdullah b. 'Abd al-'Aziz. Fragments from al-Baruniyah collection, Jerba.
15. Abu 'Ubaidah, Masa'il., Ms. 37: Jitali, Sharh al-Nuniyah., I,47
16. Loc. cit.,
17. Jitali, Qanatir al-khairat., My edition, Introduction, 17-18
18. Loc. cit.
19. Abu al-Mu'thir, Sirah., Ms.20
20. Shammakhi, Siyar., 120-121
21. Ibid., 113
22. Abu Ghanim al-Khurasani, Mudawwanah., Ms. 11,8
23. CF. Infra, 368 ff.
24. Darjini, Tabaqat., 12; Baghturi, Siyar., 4-5; Shammakhi, Siyar., 124
25. Darjini, op. cit., 11; Shammakhi, op. cit., 98
26. Darjini, , op. cit., 11-12; Shammakhi, op. cit., 123-124; Mus'abi, Hashiyah 'ala al-Musarrih., 150a.
27. Ibid., 150b
28. Salimi, Hashiyat al-Jami'i' al-sahih., I, 4;shammakhi, Siyar., 119.
29. Cf. Infra, 407 ff.
30. Mubarrad, Kamil., III, 909;Darjini, Tabaqat., 214; Ibn Abi al-Hadid, Sharh Nahj al-

balaghah., V, 101-102

31. Shammakhi, Siyar., 66
32. Darjini, Tabaqat., 235-236; Shammakhi, op. cit., 90-91
33. Ibid., 93
34. Ibid., 101; Darjini, op. cit., 256
35. Loc. cit.
36. Darjini, op. cit., 236; Shammakhi, op. cit., 101, 107
37. Ibid., 93
38. Ibid., 108,109; Darjini, op. cit., 21
39. Darjini, op. cit., 21; Shammakhi, op. cit., 124
40. Cf. Infra, (368) ff.
41. Shammakhi, Siyar 108; Darjini, Tabaqat. 237
42. Loc. cit.
43. Baghturi, Siyar, 84; Shammakhi, Siyar. 211-12
44. Lewicki, article 'al-Ibadiyyah'. E.I., 2nd edition
45. Riwayat Ibadiyyah., Ms.14
46. Ibid., 14-15
47. Bisyani, Sirah., Ms. 19.; Ibn Midad, Sifah., 9-10
48. Cf. Supra, (3)
49. Shammakhi, Siyar, 83-84
50. Abu Ghanim, Mudawwanah., 11, 8
51. Isfahani, 'Aghani, XXIII, 112
52. Darjini, Tabaqat., 22; Shammakhi, Siyar., 124
53. Ibn Midad, Sifah., 6, 29, 30
54. Shammakhi, Siyar., 92
55. Ibid., 92; Ibn Midad, op. cit., 6
56. Shammakhi, op. cit., 118
57. Ibid., 84, 90
58. Ibid., 92; Ibn Midad, op.cit., 6
59. Ibid., 6; Shammakhi. Op. cit. 106
60. Ibid, 92
61. Shammakhi, Siyar., 85

62. Ibid., 91
63. Yaqut, Mu'jam al-Buldan., 11, 173
64. Shammakhi, Siyar., 89
65. Ibid., 90
66. Ibn Midad, Sifah 12-13
67. Shammakhi, op. cit., 88; Darjini, Tabaqat., 241-42
68. Darjini, op. cit., 261; Shammakhi, op. cit., 104
69. Cf. Infra, 164
70. Ibn Midad, op. cit., 6,29
71. Shammakhi, Siyar., 88
72. Ibid., 87, 96; Darjini, Tabaqat., 234-35
73. Ibid., 261; Ibn Midad, Sifat nasab al-'ulama., 36-37
74. Salimi, Hashiyat al-Jami'i' al-sahih., I, 4
75. Ibn Midad, Sifah., 28; Darjini, Tabaqat., 261, Shammakhi, Siyar., 103
76. Ibid., 86
77. Darjini, Tabaqat., 261; Shammakhi, op. cit., 103
78. Cf. Lewicki, article 'al-Ibadiyyah', E.I., second edition
79. Ibid., 651.; "Les Ibadites dans I'Arabic du Sud au moyen age.", Folia Or., I, (1959), 3-17.
80. Lewicki, Etudes Ibadites., I, 54
81. Abu Ishaq, The introduction to K. al-Wad., 6
82. Al-Baghturi, Siyar Masha'ikh Nufusah., Ms. 69, 141
83. Ibid., 59; Lewicki, op. cit., 48-49
84. Darjini, Tabaqat., 11: Shammakhi, Siyar., 98
85. Darjini, op. cit., 11; Mus'abi, Hashiyah 'ala al-Musarrih., 150a
86. Ibn Hajar al-'Asqalani, Tahdhib al-Tahdhib., VII, 263-273
87. Al-Sufi, Su'alat., quoted by al-Qutb, Sharh al-Nil, X, 236
88. Darjini, Tabaqat., 11-12; Shammakhi, Siyar., 98
89. Ibn 'Abd al-Hakam, K. Futuh Afriqiyah wa al-Andalus, edition Albert Gateau, Algiers, 1947, 140.
90. 'Ali Mu'ammar, Al-Ibadhiyah fi Libya., I, 45; Ihsan 'Abbas, Tarikh Libya, 43
91. Ibn 'Abd al-Hakam, op. cit., 140
92. Al-Raqiq al-Qairawani, Tarikh Afriqiyah wa al-Maghrib., 128-129
93. Ibn 'Abd al-Hakam, op. cit., 142

94. Wisyani, Siyar., 77; Lewicki, Etudes Ibadite., I,127-128

95. Ibn 'Idhari, Bayan., I, 72; Abu Zakariya, Siyar., 10b

96. Darjini, Tabaqat., 33; Baghturi, Siyar 3-4

97. Wisyani, Siyar., 76; Lewicki, op. cit., 17

98. Cf. Infra, (141, 191 Note 10)

99. Ajwibat 'Ulama' Fazzan., Ms. 3; Shammakhi, Siyar., 191

100. Cf. Infra, (169, 196) Note 93

101. Ibn Sallam Bad'u al-Islam wa Shara'I al-din., 50

102. Cf. My "Description of New Ibadhi Mss., J.S.S., 15, 1, 67-68. It is possible that Ismail b. Sulaiman al-Maghribi mentioned in the treatise of Abu 'Ubaidah is the same Ismail b. Ziyad al-Nufusi, the Imam of 'defense' elected after the death of Al-Harith.

103. Al-Jitali, Sharh al-Nuniyah.,

104. Cf. Shammakhi, Siyar., 146, 187; Ibn Sallam, op. cit., 60-63; Darjini, Tabaqat., 51-52, 71-72.

105. Salimi, Lum'ah., 25

106. Loc. cit.

107. For the biographies of Abu Khalil and Muhammad b. Yanis, cf. Lewicki, op. cit., 27-30, 87, 101.

108. For the Ibadiyyah of Jerba Cf. 'Ali Mu'ammar, al-Ibadiyyah fi Tunis., Beirut, 1966.

CHAPTER III

IBADHI JURISPRUDENCE

In 1903 Professor Duncan Macdonald wrote: "Of the jurisprudence of the Ibadhis we know comparatively little. A full examination of Ibadhi fiqh would be of the highest interest, as the separation of its line of descent goes for back behind the formation of any of the Orthodox system." 1

The full examination of the Ibadhi fiqh has not been carried out since then as was hoped by this scholar. Instead, the Ibadhi school of law has been treated by those who studied Islamic law with little attention and was always referred to in generalised statements of little value.

Although Schacht was aware of the fact that the Ibadhi school of law was attributed to the tabi'I Jabir b. Zaid, 2 he concluded his note on the Ibadhi law by stating that the Ibadhis derived their law from the orthodox schools. 3

Contrary to what he avers, the Ibadhi School from the start took a detached

line. It had its own independent authorities, collections of Traditions and works by its own jurists. It seems that Schacht was let to formulate such a view for the following reasons: lack of information about the original sources of Ibadhi law; the general view held that the Ibadhis were a branch of the Kharijite movement. Since the Ibadhis, like Sunnis, held contradictory views to those of the Kharijites on certain points, he thought that the Ibadhis derived those opinions from the orthodox schools. Finally, he denies outright the fact that the features common to different Islamic schools of law were older than the establishment of these schools. 4

In this chapter it is undertaken to study the origins of the Ibadhi School of law, its foundation and development, and the main points of difference between Ibadhis and other main Muslim schools.

The Ibadhi School of law is one of the oldest, if not the oldest surviving school of Islamic Jurisprudence. Its foundation goes back to the 'successor' (tabi'I) Jabir b. Zaid al-'Azdi and his contemporary colleague and student, Abu 'Ubaidah Muslim b. Abi Karimah. The suggestion by Macdonald that "the Ibadhi school of law must have been codified to a greater or lesser extent by 'Abdullah b. Ibadh"5 proved to be untrue. Careful investigation has shown that 'Abdullah b. Ibadh made no contribution to Ibadhi jurisprudence. His main role was in Ibadhi theology and political doctrine.

The man actually responsible for the foundation of the Ibadhi School of law was Jabir b. Zaid. A Traditionalist and a jurist, he was able, because of his vast knowledge of Qur'an and Traditions of the Prophet, to form an independent school, and to attract a number of intellectuals as students. They later developed and transmitted his opinions.

The final shape of the Ibadhi system of law as formed by his student Abu 'Ubaidah Muslim b. Abi Karimah in his later years, and by al-Rabi' b. Habib the student of both Jabir b. Zaid and Abu 'Ubaidah. Jabir b. Zaid, however, remained the most important figure in the foundation of this school. Apart from his skill as a mufti who spent most of his life delivering legal opinions and adjusting his views by consulting the living 'Companions of the Prophet and the outstanding 'successors' tabi'un, he was also the main link between the followers of this school and those Companions who played the major part in forming and transmitting opinions on religious and legal matters.

The leading part played by Jabir in the foundation of the Ibadhi school was clearly acknowledged by the second Imam of the Ibadhis, Abu 'Ubaidah Muslim b. Abi Karimah, "Every Traditionalist who has no Imam in jurisprudence has gone astray. Had not God favoured us with Jabir b. Zaid we too would have gone astray."6 The fact that Jabir was a master of an

independent school of law was also recognised by Sunni authorities. Abu Zakariya al-Nawawi, (ob. 676 H./1277 A.D.), in his book Tahdhib al-'Asma', after speaking about Jabir b. Zaid, his teachers and students said, "....They all agreed upon regarding him a great and reliable scholar; he was considered to be one of the Imams and the learned among the 'successor' and he had a school (madhhab) of his own." 7

Accounts of Jabir's life and activity as a mufti have already been given.8 Here we are mainly concerned with his contribution and approach as a jurist. His legal opinions or fatwas were recorded by his Ibadhi students and form an important part of the basis of the Ibadhi School of law.

The sources of legal opinions known to and used by Jabir were the Qur'an, Sunnah, opinions of the Companions, ('Athar) and his own ra'y, individual reasoning.

With regard to the Qur'an, Jabir possessed full knowledge of its interpretation from his teacher Ibn 'Abbas who is considered to be the best authority in the Tafsir of the Qur'an. The two authorities from whom most information on Tafsir were reported, Mujahid and Qatadah, both had close relationship with Jabir. In fact, Qatadah was one of Jabir's students. 9 It is of interest affirm here that there were no special Ibadhi works on Tafsir during the first 150 years of the hijrah. Ibadhi sources mentioned the Tafsir of 'Abd al-Rahman b. Rustam, 10 one of the students of Abu 'Ubaidah Muslim b. Abi Karimah, and the first Imam of the Ibadhi Imamate in Tahert. The second complete Tafsir is that of Hud b. Muhkam al-Hawwari which was composed during the 3rd century H. 11 The most important and the largest Tafsir written by an Ibadhi author is the Tafsir of Abu Ya'qub Yusuf b. Ibrahim al-Warijlani, (d 570H). 12 This work is still lost. The discovery of this book would be of great value to Islamic and Ibadhi studies.

The interpretation of the Qur'anic verses dealing with legal and religious matters is reported in those works containing the fatawa, and the transmissions (riwayat), of Jabir and Abu 'Ubaidah. The verses dealing with legal matters are dealt with in a special work by the Omani Imam al-Salt b. Malik (d. Friday, 15 Dhu al-Hijjah, 275). His work is entitled Tafsir 'ayat al-'Ahkam, or Tafsir al-Khamsini'ati 'ayah. 13

As for the studies of Jabir b. Zaid, he gained his knowledge of Islam and its religious and legal system through a large number of Companions, especially Ibn 'Abbas, Ibn 'Umar, 'Abdullah b. Mas'ud and 'A'ishah. The Ibadhi Imam Abu 'Ubaidah Muslim b. Abi Karimah claims the professorship of the following Companions for the Ibadhi school; Abdullah b. 'Abbas, 'Abdullah b. Mas'ud, and Abdullah b. Sallam. He described them as being firmly rooted in

knowledge, (al-rasikhun fi al-'ilm). He further said, "We walked in their steps, followed their sayings, relied on their conduct and emulated their methods." 14

As mentioned earlier, the basic sources in formulating legal opinions used by Jabir b. Zaid were the Qur'an, Sunnah, 'Athar then individual reasoning, ra'y.

Sunnah, in the sense of the sayings of the Prophet, his deeds, and his approval of certain actions or sayings of his Companions, was familiar to the early Ibadhi authorities in its widest sense. According to Schacht, "The earliest, certainly authentic, evidence of the use of the term 'Sunnah of the Prophet' referring to its original political use which provided a doctrinal link between the 'Sunnah of the Prophet', the Sunnah of Abu Bakr, 'Umar, and the Qur'an, appeared in the letter addressed by 'Abdullah b. Ibadh to 'Abd al-Malik b. Marwan about 76 H/695 A.D. However, Ibadhi authorities used this term in its technical sense from the early period of the foundation of their school. The term is used by Jabir b. Zaid in two of his letters. In a letter to 'Uthman b. Yasar, Jabir wrote: "As go what you have written to me asking about the slave, whether he can pray though uncircumcised - circumcision for the Muslim is an obligatory Sunnah (Sunnah wajibah) and must not be neglected. We dislike (nakrahu) that you should leave a slave of yours uncircumcised, and he must not pray unless he is circumcised." 16 In another letter to al-Harith b. 'Amr, Jabir again wrote: "As for what you mentioned regarding a man who prays Maghrib, 'Isha', and Subh prayers not reciting anything of the Qur'an (in these prayers), what I prefer concerning this, is that he pray again those prayers and recite Qur'an (in them), for he has neglected the Sunnah, unless he is an illiterate person who cannot read, as God would not charge a soul except according to its capacity." 17 Jabir also mentioned the term Sunnah in his letter to Tarif b. Khulaid in the following statement: "As for what you have mentioned regarding an Imam leading people in obligatory prayers, who omitted to make the ruku', the people following him in that, I prefer that those people pray again what they have performed contrary to the Sunnah." He further added, "Nothing of people's affairs in which they oppose Sunnah can be right."18 The latter two quotations are reported also in K. Jabir b. Zaid, narrated by Habib b. Abi Habib from 'Amr b. Harim from Jabir b. Zaid. 19

Salim b. Dhakwan, a contemporary of Jabir b. Zaid, when discussing the attitude of the extreme Kharijites said, "We have nothing to do with those who claim that today they have gained better knowledge of the Qur'an and Sunnah and achieved supremacy over them (i.e. early Muslims)."20 The role of Sunnah as a second source of Ibadhi jurisprudence was clearly stated by Abu 'Ubaidah Muslim b. Abi Karimah, the successor of Jabir b. Zaid, in numerous statements:

1) The Imam (leader) of the Muslim is the Qur'an, and his guide is the

Sunnah of the Apostle of God. He likes only what god and His Apostle like. 21

2) Concerning the decision of the Imam whether it can be changed by the learned men of the community or not, Abu 'Ubaidah Muslim said, "If his decision was contrary to the 'Book' and the Sunnah, and the decision on the case is known in the Qur'an and the Sunnah, they must change what is contrary to the 'Book' and the Sunnah." 22

3) Safety lies in what came from God and His Apostle, and peril in opposing them. No one can be right except he who agrees with them. 23

The students of Abu 'Ubaidah kept to the same line. Some of his students went to the extent of rejecting the opinions of early Ibadhi authorities, such as Jabir b. Zaid and Abu 'Ubaidah, when authentic Traditions were reported on a case, even by non-Ibadhi authorities. On the question of hiyazah (acquisition of the right of possession), it was reported that Jabir b. Zaid, out of precaution, added ten years more to the ten years fixed by the Prophet as the maximum time for acquisition of the right of possession of land or property, if the original owner did not claim his right to it during those twenty years. 'Abdullah b. 'Abd al-'Aziz, a student of Abu 'Ubaidah, rejected the opinion of Jabir on the basis of the Tradition from the Prophet, reported by both Medani and Kufi authorities, that the fixed time for hiyazah was ten years only. 25 His argument concluded with the following statements, "What the Prophet said is the only truth. The Sunnah must come first, provided it is an authentic Sunnah from the Prophet. As for analogy, (qiyas), though it may be old, it still cannot supersede the Sunnah." 26

IBADHI CONTRIBUTION TO THE FIELD OF HADITH:

The eagerness of the early Ibadhi authorities to follow the Sunnah of the Prophet manifested itself in their contribution in the field of Hadith. Ibadhis considered themselves as the true followers of the Sunnah. The usage of the term 'Sunnis' as a definition of the four orthodox schools of Islamic law was usually rejected by Ibadhis on the basis that they also, if not alone, are the true followers of the Sunnah. 27 They contributed to the field of Hadith by preserving and recording their own collection of Hadith. All early authorities, who founded the Ibadhi school, were eminent Traditionalists such as Jabir b. Zaid, Abu Nuh Salih b. Nuh al-Dahhan, and Hayyan b. al-'A'raj. Their names

are well known in the Islamic collections of Hadith, and are regarded by the Traditionalists as 'reliable'. 28 As for the scholars such as Abu Sufyan Mahbub b. al-Rahil, they also were Traditionalists and were regarded by Sunni Traditionalists as 'reliable', though they were not as well known as those mentioned previously. 29 Apart from transmitting Tradition of the Prophet, Jabir b. Zaid participated in recording Traditions of the Prophet by writing down Traditions from some of his colleagues30 and allowing his students to write down Traditions on his authority.31 Ibadhi sources repeated the information given by Abu Zakariya' al-Warijlani, in his Siyar about the Diwan of Jabir b. Zaid, which he had composed, and which was available in the library of the 'Abbasid Caliph, Harun al-Rashid.32 Hajji Khalifah also mentioned Diwan Jabir b. Zaid,33 but he did not give any further information about the Diwan or the source of his information about the Diwan or the source of his information about it. As he has not mentioned any Ibadhi sources in his book, it is possible that he derived his information about the Diwan of Jabir from non-Ibadhi sources unknown to us. This however, supports the Ibadhi information about the Diwan, and creates hope for a future discovery of one of the earliest works on Hadith. 34 In support of the assertion that Jabir b. Zaid has recorded Traditions and other forms of legal opinions from the Companions and some of his colleagues, the following information should be considered, "Abu 'Amr 'Uthman b. Khalifah al-Sufi, from Shaikh Yikhliftan b. Aiyub, from Abu Muhammad said, 'The Diwan of Jabir was in the possession of Abu 'Ubaidah, then in the possession of al-Rabi' b. Habib, then in the possession of Abu Sufyan Mahbub, then in the possession of his son Mohammad b. Mahbub, from whom they (i.e. The books or the volumes of the Diwan) were transcribed in Mecca" 35 It may be of some value to mention here that the word Diwan is used in many places in Ibadhi chronicles meaning a collection of books and not a particular book. 36

Early Ibadhi sources preserved few notes regarding the rules of narrating and recording Traditions. Abu 'Ubaidah said, "It does not matter to change the position of the words of the Traditions of the Prophet or of the 'Athar by bringing them forward or putting them back if the meaning is the same." He was asked, "What about adding or omitting letters such as (,) or (i) if the meaning was not affected?" He said, "I hope that it will not matter." 37

Speaking about from whom religious knowledge ('ilm) is to be obtained, Abu 'Ubaidah said, "It must not be learned from a heretic propagating his heresy; a fool whose foolishness is well known; a liar, even if he is truthful in his futya; or from him who did not distinguish his school, (madhhab), from others." 38

It appears that knowledge of Tradition is not necessary for scholars to teach 'ilm, which means fiqh, i.e. knowledge of legal opinions. Abu 'Ubaidah was

asked about the person who did not memorise Traditions of the Prophet - is he reliable (thiqah), can he teach 'ilm? He said, "God be praised, is it that every one memorises Hadith? Nay, knowledge is to be learnt from the reliable person even if he does not know a single Tradition." 39

Concerning adoption of Traditions, there are two references, the first one reported in Masa'il Abi 'Ubaidah. He was asked whether the questioner should follow the fatwa of the reliable person if he based it on a Hadith narrated from a Companion. He said, "If you recognized the truth you must follow it, otherwise you must not." He added, "You must not submit to a man who tells of all he has heard, but you must distinguish the reliable opinions, and ask who has more knowledge than he has." 40 As for referring to books for delivering legal opinions, Abu 'Ubaidah was asked about the case when a learned man says to another man, "This is my book, take it and transmit it, and deliver fatwas from its contents." He said, "The man is not allowed to deliver a legal opinion except what he has heard from the learned man, or states that he saw in a book so and so." 41 'Abdullah b. 'Abd al-'Aziz stated that the Traditions which were current among the Companions and the 'Successors' must be adopted, but those which were not well known (shawadh) must not be taken into account. 42

However, more rules concerning hadith appeared later in the work of Abu Ya'qub al-Warijlani, al-'Adl wa al-'insaf. Most of those rules are known in Sunni books on 'ilm al-hadith. It is assumed that Abu Ya'qub may have picked up some of them from his Sunni teachers in Cordova, and a number those rules would have been handed down to him from Ibadhi authorities of earlier times, such as Muhammad b. Mahbub, and his father Abu Sufyan, for it is reported that their books came into his hands. 43 It may be of some importance to mention here the rules laid by opinions, from which legal opinions can be delivered. The rules are that the writer should be a (waliy), the man who dictates should be a (waliy), two 'awliya' should inspect the dictation, and two other 'awliya' should inspect the writing. 44

AL-JAMI AL-SAHIH:

The work which contains the Ibadhi collection of hadith, in the real technical sense of the term, is al-Jami'i al-Sahih, or Musnad al-Rabi b. Habib. The original version of the book composed by al-Rabi' b. Habib is not in common use. The current version is that rearranged by Abu Ya'qub Yusuf b. Ibrahim al-Warijlani entitled Tartib al-Musnad.45 This latter copy contains additional narrations added by Abu Ya'qub. These additions occupy parts three and four of the current editions and contain the narrations from al-Rabi' on theological questions, all of which are included in part three. In part four, there are the

narrations of Abu Sufyan Mahbub b. al-Rahil from al-Rabi', narrations of Imam 'Abd al-Wahhab b. 'Abd al-Rahman b. Rustam from Abu Ghanim Bishr b. Ghanim al-Khurasani, and the maqali of Jabir b. Zaid. In these maqali, the authority for transmission between Jabir and the Prophet is not mentioned.

As for the first two parts of the Musnad, they contain Traditions on legal and religious matters, arranged in the same manner as the Sunni collections of Hadith. The Isnad (chain of authorities) of the two first parts is as follows:

Al-Rabi' b. Habib Abu 'Ubaidah - Jabir b. Zaid a Companion - the Prophet. The Companions are mainly: Ibn 'Abbas, Abu Hurairah, Abu Sa'id al-Khudri, Anas b. Mali, A'ishah and others. According to al-Rabi', the Traditions reported from 'A'ishah were 68; Traditions from Ibn 'Abbas 150; Traditions from Anas b. Malik 40; Traditions from Abu Sa'id al-Khudri 60; Traditions from Abu Hurairah 72. The marasil Traditions of Jabir b. Zaid 180, and those of Abu 'Ubaidah 88. Traditions through the following Isnads:

(a) Al-Rabi' - Abu Aiyub al-'Ansari - the Prophet;

(b) Al-Rabi' - 'Ubaidah b. al-Samit - the Prophet, and

(c) Al-Rabi' - Ibn Mas'ud - the Prophet, number 92.

The rest of the Traditions added by Abu Ya'qub in parts three and four are 261.46 The Ibadhi collection of hadith is much less in number than the Sunni collections of hadith. Al-Rabi' himself confirmed the well-known statement that the total number of the authentic Traditions reported from the Prophet is four thousand, 900 on the 'Usul, and the rest on morals ('Adab) and history ('Akhbar). 47 The Ibadhi collection with the additions of Abu Ya'qub contains 1005 Traditions.

The material of the Musnad of al-Rabi' b. Habib is the same as the material reported by Sunnis in their collections. Most of the Traditions reported by al-Rabi' b. Habib are reported by other Sunni authorities with the same wording, or with slight differences. Al-Salimi, in his commentary on the Musnad, pointed out the Traditions reported in a unique form not found in the Sunni collections, but there are still similar Traditions expressing the same views, technically called Shawahid. On the other hand, the Ibadhi collection contained a number of Traditions, each reported with its sound Isnad of the Ibadhi authorities, which nevertheless were not accepted in the Sunni collections. Some of them have been described as being invented (mawdu'). The same is the case with a number of Traditions regarded as authentic by the Sunni authorities, but which were, to Ibadhi authorities, no more than plains lies or innovations (bida'). 48

Ibadhi jurisprudence during its long history depended only on Ibadhi material

reported by Ibadhi authorities. The other collections of Traditions by Sunnis were not used at any stage. In fact, the first Ibadhi scholar of North Africa to mention certain Sunni collections of hadith in his works was Abu Ya'qub al-Warijlani of the sixth century H.49 Up to the time of al-Barradi, Ibadhi still discouraged the use of the Sunni collections of hadith. In his treatise, al-Haqa'iq, al-Barradi advised Ibadhi students as far as possible not to read them. 50 Thus the Ibadhi legal system was derived from the material reported by Ibadhi authorities only. Throughout its history, it developed within the limits of that material. The nature of the Ibadhi jurisprudence can be understood only by the study of its original material and authorities, and the circumstance which led to the foundation of the Ibadhi movement and directed its growth and development. Ibadhis looked on the early period of the first two Caliphs as being the ideal age after which innovations and worldly desires caused the corruption on the Muslim community in religious and political life. Their aim was to keep to the example set by the Prophet, his two successors and the upright Companions, and to re-establish Muslim society on the same lines as the first Muslim community. Accordingly the Ibadhis chose their sources among the Companions and successors living at their time, and narrated Traditions and 'Athar only from those whom they regarded, from their point of view, as good Muslims.

With regard to the Companions. Ibadhis subjected some of them to criticism (al-Jarh). The Ibadhi argument for this attitude is given by al-Warijlani in al-'Adl wa al-'insaf. 51 Another special work was devoted to this subject, i.e. K. al-Takhsis of the Omani scholar, Ahmad b. 'Abdullah al-Nizwi (d.557 H). As for the successors and their successors in turn, up to the time of the establishment of the different schools of law, they were all affected by the civil war, and were either of Ali's party (Shi'ah) or supporters of Mu'awiyah and the 'Umayyad dynasty, or sympathisers with the Muhakkimah party; each party patronising only its group and avoiding the others.52 This was how the Ibadhis categorised the Muslim community, carefully selecting their authorities from whom they received information about the Sunnah of the Prophet, and the 'Athar of the Companions, on which they established their jurisprudence.

The original material of the Ibadhi jurisprudence is preserved in the following works:

1) Al-Jami'i' al-Sahih of al-Rabi' b. Habib

2) Al-Mudawwanah of Abu Ghanim Bishr b. Ghanim al-Khurasani

3) al-Diwan al-Ma'rud 'Ala 'Ulama al-Ibadhiyyah

4) Riwayat Dumam. 53 Composed by Abu Sufrah 'Abd al-Malik b. Sufrah.

5) Futya al-Rabi' b. Habib. 54

6) K. Nikah al-shighar of 'Abdullah b. 'Abd al-'Aziz

7) The books and the correspondence of the first two Imams of the Ibadhi school, Jabir b. Zaid, and Abu 'Ubaidah Muslim. 55

Almost all subsequent Ibadhi works were based mainly on the material preserved in the above mentioned works. Mss. Of these works are still extant, but not academic study of them has ever been conducted. Critical editions with a full academic examination of these works will be of great value. It may be of some use here to give brief notes on some of them, in the hope that subsequently the task of a detailed study may be undertaken.

I) Al-Mudawwanah by Abu Ghanim Bishr b. Ghanim al Khurasani:

There is certain evidence that the Ibadhi views reached the area of Khurasan during the early days of the Ibadhi movement.56 During the second century H. emerged a number of Ibadhi scholars with the title Khurasani, either by birth or residence, who participated in preserving and recording the Ibadhi doctrine from Abu 'Ubaidah Muslim.57 Among the scholars, though late in date, was Abu Ghanim, the author of the Mudawwanah. He lived during the period between the beginning of the second half of the second century H. and the early decades of the third century H. (about 765-820 A.D.). He studied in Basrah under the students of Abu 'Ubaidah, and composed the Mudawwanah towards the end of the second century H. He traveled to Tahert with a copy of the Mudawwanah and presented it to the second Rustamid Imam, 'Abd al-Wahhab b. 'Abd al-Rahman b. Rustam (d. 190/805).58 This journey to North Africa took place towards the end of the second century H., during the rule of 'Abd al-Wahhab.

The contents of the Mudawwanah. 59

The Mudawwanah contains the opinions and the narrations of the following Ibadhi scholars: al-Rabi' b. Habib; Abu al-Muhajir Hashim b. al-Muhajir; Abu al-Mu'arrij 'Amr b. Muhammad; Abu Sa'id 'Abdullah b. 'Abd al-'Aziz; Abu Ghassan Mukhallad b. al-'Amarrad; Abu Aiyub Wa'il b. Aiyub; Hatim b. Mansur; Ibn 'Abbad al-Misri; and Abu Sufyan Mahbub b. al-Rahil. All these men had studied under Abu 'Ubaidah in Basrah. They were of different origins and later settled in different places. Abu al-Mu'arrij was from Qudam in Yemen.60 Abu al-Muhajir Hashim b. al-Muhajir was from Hadramawt and settled in Kufah.61 Ibn 'Abbad al-Misri came originally from Egypt and, after completing his studies in Basrah, he went back to Egypt, and included them in the Mudawwanah. Abu Aiyub Wa'il b. Aiyub was from Hadramawt and

settled in Kufah. Ibn 'Abbad al-Misri came originally from Egypt and, after completing his studies in Basrah, he went back to Egypt and settled there.62 On his way to Tahert, Abu Ghanim recorded some opinions, related to Ibn 'Abbad, from the Ibadhis of Egypt, and included them in the Mudawwanah. 63 Abu Aiyub Wa'il b. Aiyub was from Hadramawt.64 He participated in the wars of 'Abdullah b. Yahya al-Kindi in Yemen, and in establishing the Ibadhi Imamate of Hadramawt, and was in the delegation sent to Mecca on the behalf of the Ibadhi group who opposed 'Abdullah b. Sa'id, the Imam of Hadramawt, to negotiate the split between the two Ibadhi groups of Hadhramawt with the Ibadhi Imams of Basrah.65 Later he settled in Basrah and became the head of the Ibadhi Shaikhs of Iraq, after al-Rabi' b. Habib had left for Oman. 66 As for Hatim b. Mansur, 'Abdullah b. 'Abd al-'Aziz and Abu Ghassan Mukhallad b. al-'Amarrad, nothing is known about their origins, but they lived in Basrah, studied with Abu 'Ubaidah and contributed a great deal in the development of Ibadhi jurisprudence, especially 'Abdullah b. 'Abd al-'Aziz.

Abu Ghanim recorded the Mudawwanah from those above-mentioned scholars either through hearing their opinions directly or by narrating them from someone who had heard them. 67 The Mudawwanah is divided into twelve books, (kutub), 68 each book containing a number of chapters, ('abwab). The following are the Kutub of the Mudawwanah:

(1) The book of prayer, (al-salat)

(2) The book of alms-tax, (al-zakat)

(3) The book of fasting, (al-sawm)

(4) The book of marriage, (al-nikah)

(5) The book of divorce, (al-talaq)

(6) The book of gifts and presents, (al-hibah wa al-hadiyah)

(7) The book of legacies, (al-wasaya)

(8) The book of blood-monies, (al-diyat)

(9) The book of beverages and fixed punishments,(al-'ashribah wa al-hudud)

(10) The book of testimonies, (al-shahadat)

(11) The book of sales, (al-buyu')

(12) The book of decisions and judgements, (al-'ahkam wa al-'aqdiyah)

The Ms. Which I am using for this study adds another 'book' with the title: The book of decisions and judgements (al-buyu' wa al-'aqdiyah)

The Mudawwanah covers all the subjects treated by Ibadhi scholars in the

golden age of Ibadhi jurisprudence. It may be of some interest to mention here that there is little in the Mudawwanah about the subject of pilgrimage (Hajj), which usually is given much attention in works of such nature as the Mudawwanah. However, the Mudawwanah presented Ibadhi opinions and the arguments of Ibadhi scholars, and their views concerning well-known differences in the opinions held by Sunni scholars. The Mudawwanah gives a clear account of the development of the Ibadhi jurisprudence in its early times.

Ibadhi scholars paid great attention to the Mudawwanah. Commentaries were written on it both in Berber and Arabic.69 Some Ibadhi sources mention the commentary of certain Abu al-Qasim b. Najid or Nasir.70 The last of the commentaries on the Mudawwanah was made by Muhammad b. Yusuf Atfiyish. He re-arranged the material of the book and inserted his additions into the text. According to the present day scholar of Oman, Muhammad b. 'Abdullah al-Salimi, this work of Atfiyish is known as al-Mudawwanah al-Kubra, and the original Mudawwanah of Abu Ghanim is distinguished by the name: al-Mudawwanah al-Sughra.71 It is also alluded to in Ibadhi sources as al-Ghanimiyah. 72

II) Al-Diwan al-ma'rud 'ala 'Ulama' al-Ibadhiyah:

During my search in Jerba, I discovered two copies of this work. A third copy is possessed by Dar al-kutub of Cairo.73 The Cairo copy comes originally from Jerba. It is likely that Dar al-kutub, somehow, obtained its copy from the Ibadhi collection of Mss. of Wakalat alJamus, a trust (waqf) established for the Ibadhi students who go to Egypt to study in al-'Azhar.

The work contains a number of books relating to Ibadhi authorities, and it also contains narrations from different authorities of Basrah, Kufah, and Madinah concerning different topics of jurisprudence.

The title given to this work in some parts of the Mss. is as written above. The composer of the work is not known, but it is suggested that it was composed by Abu Ghanim the author of the Mudawannah, for many of the works contained in this large Ms. Were narrated from the same authorities as the Mudawwanah.

The List of Contents:

K. Aqwal Qatadah: seven parts. The book contains mainly narrations from the 'successor' Qatadah b. Di'amah al-Sadusi, on different subjects, legal and religious.

Part i: Mainly narrations relating to ablution and prayers.

Part ii: Narrations relating to Zakat, fasting, beverages, and also narrations from al-Rabi' b. Habib concerning marriage.

Part iii: Marriage and divorce, and narrations from al-Rabi' b. Habib on different topics.

Part iv: Beverages, slaughtering of animals, hunting, etc.....

Part v: Narrations from 'Umar b. Harim from Jabir b. Zaid on the subject of marriage.

Part vi: Narrations of Qatadah dealing with sales, marriage, and pilgrimage. It also contains narrations of 'Amr b. Dinar from Jabir b. Zaid on marriage.

Part vii: Narrations from Qatadah on the subject of ablution.

After part vii, there follows K. Jabir b. Zaid on prayers, narrated by Habib b. Abi Habib.75 Some copies include K. Jabir in part vii of Aqwal Qatadah.

The order of the books included in these Mss. of al-Diwan al-Ma'rud differed from one to another. The following are the existing works included in them, or in some of them, regardless of their order in each one of the Mss:

1) Part I of 'Athar al-Rabi', (Riwayat Dumam) 76

2) Part II of Futya al-Rabi b. Habib77

3) K. Nikah al-shighar of 'Abdullah b. 'Abd al-'Aziz. 4 parts

4) K. al-Nikah of Jabir b. Zaid78

5) K. al-Siyam, (fasting). The book begins with the narrations of Abu al-Mu'arrij from his teacher Abu 'Ubaidah in form of questions and answers. Then it continues after the following title: bab 'ikhtilaf al 'Ulama fi al-Siyam, presenting opinions of different scholars on the subject, pointing out the opinions decided upon by the Ibadhi Imams, especially Abu 'Ubaidah.

6) K. al-mumtani'in min al-hudud min al-Imam. In Cairo Ms. K. al-'Ummal wa man yali 'ala al-nas. The book deals mainly with the subject of administration and the duties of the Imams and the rulers and their relations with their subjects. It seems that this book is part I of K.al-'imamah, which deal with similar subjects, but is missing in the Cairo Ms. And incomplete in the Baruniyah Mss.

7) K.Kaffarat al-'aiman, opinions ascribed to the Kufans.

8) K.al-Wasaya, narrations from Abu Ubaidah Muslim.

9) K. al-Diyat

10) K. al-Qismah wa Tafnin Usuliha, opinions ascribed to the Kufans.

11) K. al-Buyu'

12) Abwab al-Hudad

13) Al-'Ahkam

14) K. al-Shur'ah wa Tafnin 'Usuliha

15) K. al-fatwa al'ijarat, opinions ascribed to the Medinese

16) K. al-Qada' fi al-qirad, sayings ascribed to the Medinese

17) K.al-Qada' fi al-taflis wa al-'uyub

18) K. al-Diyat, opinions ascribed to the Kufans

19) K. al-Kafalat

20) K. al-Wada'i wa al-'a'riyah, sayings of the Kufans

21) K. al-'A'riyah

22) K. al-Shahadat

There is also the treatise of Abu 'Ubaidah Muslim on zakat and K. Dhikr masa'il al-haidh wa talkhisiha. The author of the latter work is not known, but it appears that it was composed at a later period than the previous works.

Apart from this last book, all the material included in this large book is reported from early Ibadhi authorities and covers all legal and religious problems which occurred during the first two centuries of Islam. The book also contained the current narrations on different subjects from Kufan and Medinise authorities, all examined and criticised by Ibadhi scholars of Basrah. A great deal of the material of these works is reported from the same authorities from which Abu Ghanim al-Khurasani recorded his Mudawwanah, a fact which supports the view that the present work discussed here was also recorded by Abu Ghanim. The final conclusion on this matter needs further evidence. The discovery of a good complete Ms. of this work would be of great help in this respect.

III) K. Nikah al-Shighar by Abu Sa'id 'Abdullah b. 'Abd al-'Aziz:

This book is part of the previous Ms. It is possible that the book was originally part of al-Diwan al-ma'rud and, being narrated from 'Abdullah b. 'Abd al-'Aziz, it was ascribed to him as in the case of K. Aqwal Qatadah. The book consists of four parts. Part three is missing in the Ms. of Cairo, and in one of the Mss., of al-Baruniyah.

The book is concerned with the subject of marriage, divorce, and the legal

problems connected with both. It concludes with the following statement:

"This is the end of K. al-Nikah of the sayings of Ibn 'Abd al-Aziz from Abi Nuh Salih al-Dahhan and Abi Ubaidah Muslim b. Abi Karimah with the 'Athar that are directed by analogy which does not leave any doubt in the minds or be dubious to the people of understanding. It is called K.al-Shighar; and al-shighar means that a man gives his daughter in marriage to another man in exchange for the other's daughter without fixing any dowry (mahr). If it is so, it is forbidden." 80

Attached to this book in the same Mss. is K.al-Nikah of Jabir b. Zaid. Both works provide the early and original Ibadhi opinions on the subject of marriage, a subject on which Jabir b. Zaid, the founder of the Ibadhi school, was described by Ibn ;Abbas as "The best authority." 81

These above-mentioned works are the backbone of Ibadhi jurisprudence in its first two centuries. They contain a clear and detailed account of the efforts made by early Ibadhi scholars in developing their school.

The present study of the nature of Ibadhi school of law and the methods adopted by its founders is based mainly on those works, so a clear account can be given of pure Ibadhi views before the possibility of any direct contact between the Ibadhi school and other Islamic schools of law founded later.

The role of Sunnah as the second source of jurisprudence has already been mentioned. Individual judgement, or ra'y is mentioned by Jabir b. Zaid on various occasions. There is much evidence that he had recourse to individuals judgement in delivering legal opinions. A number of Ibadhi and Sunni sources reported a statement of his concerning the recording of his opinions, which runs:

"To God we belong! They are writing down the opinions which I may change tomorrow." 82 Jabir also denied himself the right of individual judgement where the Companions had formulated their opinions.83 However, those quotations indicate that Jabir used his own ra'y when there was no opinions on the case reported from the Companions. The precedence of opinions delivered by the Companions was a recognised principle among the Ibadhi authorities. Jabir b. Zaid expressed this view in one of his letters as follows:

"The juristic speculation (ra'y) of those who were before us is better than the opinion we hold. Yet again the successor recognises the superiority of his ancestor. The most deserving such a right are the emigrants who accompanied the Prophet of God (al-Muhajirun) and those who followed them in good-doings: for they have witnessed and learned. It is our duty to follow in their

footsteps and follow their tracks." 84 More evidence can be quoted to justify this attitude of Jabir. 85 When the Companions differ between themselves, Jabir retains the right to choose from their opinions which ever he prefers. In such cases he usually follows the opinion of his teacher Ibn 'Abbas.86

As for Abu 'Ubaidah Muslim b. Abi Karimah, it is already mentioned that he accredited the views of his school to the Companions 'Abdullah b. Mas'ud, Abdullah b. Abbas and Abdullah b. Sallam, all of whom he described as being "firmly rooted in knowledge" 87 (al-rasikhuna fi al-'ilm). He also stated that "those who had intelligence and understanding would not be interested in views and opinions which emerged after the time of the Companions; it is the aim only of those who became lax in their worship to be interested in what happened after the Companions." 88

Although Jabir b. Zaid disliked writing down his opinions for fear that he might change them, he did not opposed using individual judgement in forming legal opinion on matters which were not dealt with by the Qur'an or Sunnah. His successor Abu Ubaidah discouraged the usage of ra'y in forming legal opinions. When he was told that the people of Oman deliver legal opinions on the basis of individual judgement, he commented, "They will never be safe with cases of marriage and blood-shed." 89

The approved method among early Ibadhi authorities on the formulation of legal opinions was that the decision in any legal case should be based in the first instance on the Qur'an; if there was no ruling to be derived from the Qur'an recourse should be to the Sunnah; if it was not dealt with in the Sunnah, it should be taken from the consensus of the Companions (ijma' al-Sahabah), and if the Companions differed among themselves in their opinions then the utmost care must be taken to choose the best of the Companions' opinions. In any case, where there was no previous decision on the question to be derived from the Qur'an, Sunnah, or opinions of the Companions, the decision on the case should then be derived from the opinions of the early authorities of the Ibadhi school, and the soundest opinions must be followed. 90

It is stated that ante-ceding opinions of Companions or early authorities should not be abandoned.91 Early Ibadhi authorities showed great concern to follow ante-ceding opinions when should. Even 'Abdullah b. Abd al-Aziz, who was known for his fondness of qiyas and individual judgement, stated on many occasions that he would not use his personal judgement where a sound opinion from his predecessors was reported. 92

After the first three decades of the second century H. Ibadhi opinions on most legal and religious questions were settled. This stage took place during the later years of Abu Ubaidah Muslim b. Abi Karimah. It is reported that the

Nufusi scholar, Ibn Maghtir al-Jannawani, who studied under Abu Ubaidah Muslim in Basrah before the five "bearers of learning," (Hamalat al-'ilm), abstained from giving legal opinions on the arrival of the latter from Basrah. His reason for his attitude was that he had studied under Abu Ubaidah, before the latter had made up his mind about the different opinions he taught him, while the "bearers of learning" studied under Abu Ubaidah after he had decided the final opinions. 93

Among the students of Abu Ubaidah, Abu al-Mu'arrij and Abdullah b. Abd al-Aziz used to oppose the opinions of their teacher on grounds of analogical reasoning.94 This attitude of the two Ibadhi scholars aroused their colleagues against them.95 Before the split of the Ibadhi school, whenever the students of Abu Ubaidah differed, the opinions of al-Rabi' b. Habib were followed.96 Later, both Abdullah b. Abd al-Aziz and Abu al-Mu'arrij found followers in the Nukkarite group, who adopted their views in jurisprudence. 97

In spite of the disagreement between early Ibadhi authorities concerning individual judgement and analogical reasoning, these principles became part of the recognized methods of Ibadhi jurisprudence or procedure. They strongly opposed reliance on the teaching of a master (taqlid). It is a duty of those who attain the required standard of knowledge to use their individual judgement. Among the earliest works of the Ibadhis of North Africa in which rules of Ijtihad were assembled and clarified is K. al-Tuhaf of Abu Rabi' Sulaiman b. Yakhlaf al-Mazati.98 Speaking of the question of Ijtihad al-ra'y, Abu al-Rabi', after indicating the different views on the opinions resulting from individual judgement, stated that the Ibadhis held that one opinion only can be right, but that if Muslims did their utmost to reach the right decision but failed, they would be rewarded for their effort, and would not be blamed for an incorrect decision. The matters in which personal judgement is allowed are those which were no dealt with the Qur'an or Sunnah, or by previous authorities. 99 The person who is allowed to use his personal judgement must possess a full knowledge of Qur'an, Sunnah, and opinions of previous authorities; such a person has the right to use personal judgement and formulate legal opinions, and whoever denies him this right is 'infidel-ingrate.'(Kafir). Unqualified persons may not use individual judgement and whoever concedes them such a right is 'infidel-ingrate.' If any person uses his individual judgement in cases dealt with in Qur'an or Sunnah, or by the consensus of the Muslims, and opposed them he had gone astray.100 Abu al-Rabi' Sulaiman b. Yakhlaf concluded his notes on this subject with the following statements:

"Individual judgement (al-ra'y) is allowed to every learned man ('Alim) at all times, and is forbidden to every ignorant man (Jahil) at all times."101

To Ibadhis the doors to individual judgement (Ijtihad) have always been wide

open; they have never been locked at any stage for qualified persons.

Regarding disagreement on opinions resulting from personal judgement in cases related to Furu', Ibadhis maintained that only one opinion can be right, but Muslims are allowed to adopt other opinions if they believe them to be right though, in fact, they are not, as long as they have done their utmost to formulate the correct opinion.102

This principle was later opposed by two Ibadhi scholars who founded groups of their own; Naffath b. Nasr, founder of Al-Naffathiyah, and Ahmad b. Hussain, founder of al-Husainiyyah. 103 Their view was that only the right opinion was to be followed, and those who followed by other opinions were sinners. 104 This view of Naffath and Ibn al-Hussain was refuted by the rest of the Ibadhi scholars on the basis that disagreement on opinions concerning cases of Furu' took place among the companions and they held it lawful for everyone to keep to his own opinion regardless of whether it was the correct opinion or not, and they, i.e. the Companions, did not condemn each other for it. 105

Analogical reasoning (qiyas) also took its place as a recognized method among Ibadhi authorities for deriving legal opinions as early as the second half of the second century H. It was largely practised by the students of Abu Ubaidah, especially 'Abdullah b. Abd al-Aziz and Abu al-Mu'arrij. Although al-Rabi' b. Habib and his party opposed qiyas and were known for their strict adherence to 'athar,106 the method of analogical reasoning was later recognized by all Ibadhis and was largely exercised.

Al-Warijlani mentioned that the Ibadhi scholars were familiar with all kinds of qiyas, including 'Istihsan (preference) which was practised by Ibadhi authorities in a number of cases. The importance of ra'y and qiyas in the Ibadhi school was pointed out by al-Warijlani in al-'Adl wa al-insaf. 108 It was a recognized principle among Ibadhis that the Sunnah judges over Qur'an, and ra'y judges over Sunnah. The application of this principle appeared in the rules and law as laid down by Ibadhi authorities for the stage of secrecy (maslak al-kitman) of their community. 109

On grounds of analogical reasoning Ibadhis regarded the stage of secrecy of their movement as identical with the corresponding stage of the Prophet's life and the Muslim community during the Meccan period. Therefore, they suspended all legal punishments (hudud) and confined their execution to the authority of the Imam of the 'manifest state'. 110

Friday services were also suspended in places other than the 'seven capitals' (al-'amsar al-sub'ah).111 There is a disagreement of opinion regarding jihad: some scholars allowed it and others prohibited it. 112

The death penalty other than by stoning (rajm) was valid during both stages of secrecy and manifestation. This punishment covered the following: a) the apostate (al-murladd); b) the defamer of Ibadhi views (al-Ta'in fi al-din); c) blood offenders (al-junah); and, d) those who rejected the authority of the shari'ah and refused to restore the rights of other people, (mani'u al-haqq); all these were to be killed either by whip or by weapon except for the blood offenders; it was up to the next of kin to the condemned (waliy al-dam) to decide how the punishment should be carried out.

The unproven allegation of a wife's adultery (li'an), and the denial of the paternity of a child, born by the wife accused of adultery (li'an) by her husband, as a result of li'an, was also suspended during kitman.

As for the duty of 'association' (walayah), both 'walayah' with individuals (walayat al-'shakhs) and 'walayah' with the people of the Capital (walayat al-baidah) were also suspended during secrecy (kitman).

All these rules and laws which suspended many laws derived from the Qur'an and Sunnah, were based only ra'y and analogical reasoning.113 According to al-Warijlani, "All or most of the laws of secrecy (ahkam al-kitman) are based on 'preference'." 114

SOME EXAMPLES FOR THE DIFFERENCES BETWEEN IBADHI SCHOOL AND OTHER ISLAMIC SCHOOLS IN LEGAL AND RELIGIOUS OPINIONS:

Professor Schacht mentioned the fact that "the variants of Muhammadan law which are recognised by the ancient sects of Islam, the Kharijis and the Shiites, do not differ from the doctrine of the Orthodox or Sunni schools of law more widely than these differ from one another."115

He also noticed that "the consequence of the ancient Khariji tenets was obviously never part of a legal system recognised by the Ibadhis...." He further added, "Whereas the political history of the Ibadhis goes back to the middle of the first century H., their law was derived from the orthodox schools at a much alter date."117

The latter conclusion was undoubtedly a hasty one. The Ibadhis did not adopt the ancient Khariji doctrine because they developed their own doctrine removed from the Khariji groups who split from the same origin of the old Muhakkimah party. They (the Ibadhis) also did not derive their law from the

orthodox Sunni schools because their law was established before the Sunni school came into existence. When Jabir bin Zaid, the founder of the Ibadhi school died Malik bin Anas was about three years of age,118 and Abu Hanifah, the Master of the Hanafi school, was about 12 years of age.119 As for the similarity of opinions of all Islamic schools, this is due to the same origins from which they all derived their legal systems; Qur'an, Sunnah, and ijma.

When speaking about the sectarian legal system, Coulson pointed out that the Kharijite law is a cohesive system with its own spirit and character.120 He also followed Schacht's view concerning the variants between the Ibadhi and Sunnite legal systems, stating that "the great bulk of the Khariji law (this including Ibadhis) - and certainly its basic tenets - can find adequate authority among the Sunni jurists.'121

As the Ibadhis have derived their legal system from the same sources as other schools, i.e. Qur'an, Sunnah, and ijma, and have used almost the same methods of juristic speculation in formulating opinions which were not dealt with in the previous sources, the differences which appeared between their legal system and those of other Islamic schools were limited to Furud. The difference occurred in cases where Ibadhis possessed Traditions narrated by their authorities which the other schools did not approve of and vice versa. It also resulted from the difference of opinion in interpreting either of the two principle sources, Qur'an or Sunnah

In the following pages a brief review of a number of outstanding features of Ibadhi law is presented in order to illustrate the nature and the extent of the divergence.

I) WIPING OVER SHOES AS PART FO "WUDU"

ii) Al-Mas`h ala al-khuffain, (wiping over the shoes instead of the washing of the feet as part of wudu). This question is discussed in detail by Schacht as a distinctive point of difference between the Shiites who rejected it and the Sunnis who, in opposition to them considered it as valid.122

The Ibadhis unanimously rejected al-mash ala al-khuffain. Jabir b. Zaid argued, concerning this matter: "How should I wipe, while God orders us to wash the very limb?"123 i.e. the feet. Ibadhi authorities held the view that the Tradition concerning al-mash ala al-khuffain was repealed by the verse on wudu in the Surah of Al-Maidah (the table): "O believers, when you stand up to pray wash your face, and your hands up to the elbows, and wipe your heads, and your feet up to the ankles."124 Among the Companions who are reported

by Ibadhis to have narrated the Tradition which acknowledges the mas`h as valid, but who also maintained that it was repealed, were: Ali b. Abi Talib, Abdullah b. Abbas, Bilal, Abu Hurairah and Aishah.125 It is also reported that Said b. Jubair, who had told al-Hajjaj to perform mas`h, renounced his view and claimed that he had said so because he was afraid of al-Hajjaj.126

On the other hand, Ibadhis narrated a number of Athar rejecting al-mash ala al-khuffain:

ii) Abu Ubaidah from Jabir b. Zaid from Ibn Abbas, "I never saw the Messenger of God wipe over his shoes."127

ii) Abu Ubaidah from Jabir b. Zaid from A'ishah that she said, "I never saw the Messenger of God wipe over his shows. I would prefer that the man should cut off his feet from the ankles or tear the shoes rather than wipe over them."128

ii) Abu Ubaidah from Jabir b. Zaid from A'ishah, that she said, "To force a knife on my feet is more desirable to me than to wipe over them."129

ii) Abu Ubaidah from Jabir b. Zaid, said, "I have been contemporary with a number of the Companions of the Prophet; I asked them whether the Messenger of God used to wipe over his shoes, they all said, "No" Jabir said, "How should a man wipe over his shoes while God orders us in His 'Book' to wash, (wudu)?" Jabir then commented, "God knows the truth about what our adversaries (mukhalifuna) narrate in their Traditions."130

On this point of al-mash ala al-khuffain, the Ibadhi opinion is completely different from that of the Sunnis who allowed mash; some duringtravelling and others during both residence and travelling. The Shiite school adopted the some opinion as the Ibadhis on this point.131

II) PRAYERS (AL-SALAT)

The main points of difference on this subject are three:

ii) The first one is concerned with the recital of Qur'an in Zuhr and Asr (midday and afternoon) prayers. Ibadhis held that only the opening chapter of the Qur'an (al-Fatihah) is to be recited in both first two raka's and the second two. This opinion is ascribed to Jabir b. Zaid.132 This attitude is supported by the fact that in all silent parts of other prayers such as the third raka'h of sun-set prayer (Maghrib), and the second two raka's of Isha prayers, only the opening chapter of the Qur'an, al-Fatihah, is to be recited in them and that every prayer, or part of prayer, in which only the opening chapter is recited is

silent whether they are night or day prayers, while in Friday prayers and Idd (festival) prayers, though they are day prayers, the recital in them should be made aloud because of the recital of other chapters in them besides the Fatihah. As both Asr and Zuhr are silent prayers, they should be subject to the same rule. So the Ibadhis followed the opinion of those who reject the recital of another surah apart from the Fatihah Zuhr and Asr prayers.133

ii) The second point of difference is Qunut (the imprecation against political enemies during the ritual prayers).134 Sunni and Shiite schools acknowledge its validity. As for Ibadhis, they reject Qunut and hold that praying with the Imams who perform Qunut is futile and those prayers should be offered agin.135 Amr b. Harim is reported to have said, "Jabir b. Zaid was asked about Qunut in the Fajr and Witr prayers; he said, 'It is an innovation invented by people; it was not known during the life of the Prophet, he did not perform Qunut in the Fajr prayers, nor did his 'successors (Khulafauhu) after him.'"136

ii) The third point of difference is about prayers during travel (Salat al-safar). There is a number of items on which Ibadhis differ from some or all other Sunni schools.

b) Shortening salat (Qasr) during journeys is considered by Ibadhis as Fard (obligatory); both Kufans and Hanafites adopted the same view. The Malikis held that Qasr on a journey is Sunnah. There are two more opinions on this matter; the first one is that qasr is a concession (rukhsah) but it is preferable to pray in full. The other opinion is that the shortening of prayers on journey is a matter of choice. Each of the above views is based on Traditions ascribed to the Prophet.137

b) The distance from which shortening of prayers begins to be operable: Ibadhis, together with some of the Kufans and Zahiris, maintained that it is two farsakhs, a distance equal to about six miles. This opinion is based on a Tradition reported from the Prophet on the authority of Anas b. Malik. The two Companions, Ali b. Abi Talib and Abdullah b. Abbas, maintained the same opinion. As for Malik, Shafii, and the Medinese, they held that the distance should be not less than four journeys (about one day travelling). Some of the Kufans and Abu Hanifah held that it should not be less than three days, and they ascribed their opinion to Ibn Masud.138

b) The time after which the 'travelers' should perform the full prayer:

The Ibadhi opinion is that the 'traveler' should pray abbreviated prayers, even if he stays forever in the place to which he has journeyed, unless she adopted it as a homeland (watan) or, according to Abu Ubaidah Muslim b. Abi Karimah, he owns a house in it. Both Malikis and Shafiis held that the 'traveler' should complete the prayer if he decided to stay for four days or more. Abu Hanifah

and Sufyan al-Thawri held that he should complete the prayer if he decides to stay for fifteen days. Ibadhi opinion is based on the practice of a number of the Companions, such as Ibn Umar who is reported to have stayed in Adharbaijan for six months, or, according to another narration, seventeen months, praying short prayers. It is also reported from Ibrahim al-Nakhai that Alqamah b. Qais, the Companion of Ibn Mas'ud, stayed in Khuwarizm for two years praying short prayers, and that the Companion Sad b. Abi Waqqas, with a number of the Prophet's Companions, stayed in al-Qadisiyah for a long time praying the shortened form of the prayers. Jitali pointed out that the cause of the difference in this matter was due to the fact that the Prophet did not fix a time limit for that.139

II) FASTING (AL-SAWM):

The main point of difference on this subject is on the major ritual purity in relation to fasting. Ibadhis held that major ritual purity is necessary for fasting as it is for praying. Their attitude is base don the Traditions reported from both Abu Hurairah and al-Fadl b. Abbas that the Prophet said, "Whosoever gets up in the morning in the state of major ritual impurity has broken his fasting."140 Ibadhis reported that their predecessors in this attitude were Abu Hurairah, Tawus, Urwah b. al-Zubair, and Ibrahim al-Nakha'i. All other Islamic schools held that avoidance of major ritual impurity is not necessary in the case of fasting, and to neglect it until morning does not affect the fasting. Their attitude is based on Traditions reported from A'ishah and Umm Salamah, that the Prophet got up in the morning in a state of major ritual impurity caused by sexual intercourse and not by a dream, and he fasted.141 Accordingly, they held that the neglect of the performance of major ritual ablution during Ramadhan up to midday prayer (zuhr) does not affect fasting, for it is necessary only for prayers and not for fasting.

Ibadhis argued in support of their view that the sayings of the Prophet overruled his actions. With regard to the traditions reported from A'ishah and Umm Salamah concerning his action in this case, it is possible that it was a special act for the Prophet, or he had forgotten, or been asleep. But the traditions reported from him, through Abu Hurairah and al-Fadl b. Abbas, show a clear decision and do not leave room for any specualtion.142

Another point which distinguishes the Ibadhi school in the matter of fasting is the effect of moral (manawi) sins on fasting. They held that all grave sins cause breaking of the fast. This view is derived by analogical reasoning based on the tradition of the Prophet that slander (ghaibah) breaks both fasting and minor ritual ablution (wudu).143 Accordingly, telling lies, calumny (namimah), perjury and similar sins break the fast.144

Another point may be added here as a point of difference between the Ibadhis and other Islamic schools. It concerns the discharge (qada) of days not fasted from the previous Ramadhan. Ibadhis held that compensatory fasting days to discharge those not fasted in Ramadhan should be kept successively. The other Islamic schools held that succeeding days are not obligatory in such a case, and the person should fast the requite number of days regardless of whether he fasts them in succession or not.145

IV) ZAKAT

With regard to Zakat there are two points:

ii) Ibadhis treated cattle in the same way as camels. The minimum (nisab) for zakat in cattle is as for camels;146 on five cows, one sheep; on ten, two sheep; on fifteen, three sheep; on thirty six, one cow of two to three years (thaniyah); on forty six, one cow five years old (rubaiyah); on sixty one, one cow six years old, etc.... As for the Sunni schools, they held that the minimum (nisab) for cattle is: On thirty cows, a year old calf, on forty, one two year old cow, etc.... The latter opinion is based on a number of Traditions reported from the Prophet concerning the minimum (nisab) of zakat of cattle.147 Abu Ghanim asked Abu al-Mu'arrij about the Tradition of Muadh reported by Sunni authorities in support of their views. His answer was, "The opinion of our authorities from whom we learned and on whom we depend is that the Sunnah in the zakat of cattle is like the Sunnah in the zakat of camels, what is taken on camels is to be taken on cattle, and what is done in the case of camels is to be done in the case of cattle... As for the Tradition of Muadh, God knows best about it. If we knew that it was right we would adopt it, but our companions, Jabir b. Zaid and Abu Ubaidah, did not take what you have mentioned into account, and they head of it."148

Jitali, attempting to explain the reason for the difference and the Ibadhi proof for their attitude, said, "They (the Ibadhi authorities) adopt this attitude either by analogical reasoning, or on the basis of some traditions unknown to us."149 However, certain Sunni collections of Hadith reported Traditions which seem to be the basis of the (Ibadhi) opinion.150

ii) The second point is concerned with the conduct of the person to whom zakat should be given. The Ibadhis stipulate that the person should be in the state of (walayah). Accordingly, zakat must be given only to (awliya); if there are no poor people among these it must be given to the poor members of the Ibadhi community, even if they are not in the state of walayah. But if these also are not available, Ibadhis are then allowed to give their zakat to the weak poor non-Ibadhi Muslims who could do no harm to the Ibadhis.151

II) MARRIAGE

The point of difference here is about the case of the two parties guilty of unlawful intercourse. Ibadhis held that such a relation constitutes a permanent impediment to marriage between the two guilty parties. According to Ibn Khalfun, this doctrine is one of those which is agreed upon by al Ibadhi authorities. Their predecessors (salaf) in this attitude are the Companions; Abdullah b. Mas'ud, A'ishah, al-Bara b. Azib, Ali b. Talib, Abu Hurairah, and Jabir b. Abdullah. The two scholars of Basrah, al-Hassan b. Abi al-Hassan and Muhammad b. Sirin held the same view.152 This attitude was also maintained by the 'Twelve" Shites.153 Other Sunni schools held it lawful for the two parties guilty of unlawful sexual intercourse to marry each other, some with the condition that they repent and lead an upright life others unconditionally.

In his treatise, Ibn Khalfun presented a detailed account of the question and the arguments of all parties.154

II) INHERITANCE

With regard to a client (mawla,), all Ibadhi scholars, with the exception of Abu Nuh al-Dahhan, held that the property of a client who had no relatives was to be inherited by his people and not by his partron.155 If there were kinsfolk of the deceased client the estate was to go to them, but if he had no heir belonging to his tribe, the estate was to go the members of his race present in his country at the day of his death, males and females receiving equal shares. If his parents were of different races, some Ibadhi scholars held that his property should go to his father's people. According to Abu al-Hawari, it should be divided into three shares, two thirds of his father's people, and one third to his mother's. The Shaikhs of Jabal Nufusah held that whoever of the client's people arrived first should take the estate.156 The other Islamic schools held that if the client had no asabah, his patron who had manumitted him was his heir; if the patron was not alive, his asabah should inherit the client's property, and if there were none of the latter to be fond his property should go to the public treasury (bait al-mal).157

II) PENAL LAW

The main distinguishing feature of the Ibadhi school, in this respect, is the suspension of the fixed punishments (hudud), with the exception of the death penalty (apart from death by stoning), during secrecy (kitman).158 Apart from this peculiarity, two other points may be mentioned here:

ii) Of all the Islamic schools, the Ibadhis alone imposed fixed measures

according to which fixed sums are to be paid as a compensation for inflicting bodily injuries less grave than al-damiyah, when no amount is prescribed in the Sunnah. The other Islamic schools left such cases to the decision of the hukumah which estimates the penalty - namely by how much the injury in question would reduce the value of a slave, which would then determine the percentage of the blood money payable.159 Ibadhi scholars, in order to avoid any unjust decisions by the hukumah, established a special measure for assessing the injuries and fixing the sum which should be paid by way of compensation for them. The unit for assessing the injuries is the rajibah, the end joint of the thumb, i.e. about one inch.160

ii) In case of qisas, if a man is to be killed in retaliation for a woman, half of the blood wit of the man should be paid back by the waliy of the woman to the relatives of the man.161 This is also the attitude of the "Twelve Shiis.162

Apart from the examples given above, the Ibadhis, in many aspects of their legal system, agree or disagree with one or more of the other Islamic school, otherwise there is not much difference between the Ibadhis fiqh and Sunni fiqh in general. Although Ibadhis in some points hold the same views as "Twelve" Shiites, they also disagree with them over others. Mutah, for example, is one of these points on which Ibadhis hold the same view as Sunnis and Zaidi branch of Shiites, while the "Twelve" Shiites consider it lawful.163

However some of those points were discussed at an early stage, in the Ibadhi sources, such as the Mudawwanah of Abu Ghanim. In a number of cases Abu Ghanim confronted his teachers with opinions of non-Ibadhi scholars, but heir answer usually was, "There is nothing in what they say. They told lies and were mistaken in narrating. We do not follow this narration. Our jurists do not acknowledge this narration, etc....."164 without adducing any arguments in support of their contentions. In certain cases, such as the case of umm al-walad and the case of the mukatab, their arguments and proofs were given in detail.165 The other Islamic scholars are referred to by the expression, "The jurists of our people." Abu Ghanim, on hearing from Abu al-Mu'arrij in person that Abu Ubaidah said, "Each prayer in which the Fatihah was not recited is incomplete," said, "O, Abu al-Mu'arrij, this is the saying of our people." Abu al-Mu'arrij said, "Your people say a great deal of truth, the Muslims (i.e. Ibadhis) did not contradict them about their correct opinions, but they contradicted them where they were mistaken and told lies.166

Ibadhis always considered themselves as the true Muslims, and their laws as the true religion of Islam, regarding their schools as the true representative of the authentic Sunnah and superior to other Islamic schools. The modern Ibadhi Shaikh Muhammad Yusuf Atfaiyish expressed this view in the following words: "Our schools is correctness bearing the possibility of error, and the schools of

our adversaries are erroneous bearing he possibility of correctness."167

However, this Ibadhi view of non-Ibadhi schools of law did not prevent one of their outstanding scholars from introducing a new principle to Ibadhi jurisprudence stating that Ibadhi muftis are allowed to borrow laws from non-Ibadhi schools in cases where there were no opinions reported from Ibadhi authorities.168

1. Macdonald, Development of Muslim theology, jurisprudence and constitutional theory, Beirut, 1965, 11.

2. Schacht J., The origins of Muhammadan jurisprudence, 261

3. Loc. cit.

4. Ibid., 260

5. Macdonald, op. cit., 116

6. Abu Ubaidah Muslim, Masa'il, 37;Jitali, Sharh al-Nuniyah, I, 47

7. Al-Nawawi, Tahdhib al-'asma, editor R. Dozy, Cairo, n.d., 140

8. See above

9. Abu Nu'aim, Hilyah, III, 90

10. Wisyani, Siyar; Ms. 44 Shammakhi, Siyar,139 Cf. Ibn al-Saghir, 17. Where he denies that Abd al-Rahman had written any known book. See also, Motylinski, "Bibliographie due Mzab", Bulletin de Corres. Afric., 1885, 23-24.

11. A critical edition of this Tafsir is under preparation by 'Addun Balhaj of Guerrara, Mzab. Cf al-Dhahabi, Muhammad Hussain, al-Tafsir wa al-mufassirun, Cairo, 1961, II.

12. Barradi, Jawahir, 220-221. Elie Adib Salemin his Political theory and institution of the Khawarij, 68, ascribed this Tafsir to al-Rabi' b. Habib, but this is wrong.

13. Barradi, Jawahir, 219. I was informed by Shaikh Bayoud Ibrahim Ben Omar of Guerrara, Mzab that Mss. of his Tafsir of al-salt b.Malik are extant in Mzab.

14. Abu 'Ubaidah, Mas'ail, 37; Jitali, Sharh al-Nuniyah, I, 47

15. Schacht, An introduction to Islamic Law, Oxford,1964,18

16. Jabir b. Zaid, Jawabat Jabir. My edition, Ms. No. 2,4

17. Ibid., No. 5, 14

18. Loc. cit

19. Jabir b. Zaid, K. al-Salat,5. See also, Bukhari, Tarikh, II, I, 204

20. Salim b. Dhakwan, Sirah, 221

21. Abu Ubaidah Muslim, Masa'il,15

22. Al-Diwan al-ma'rud: K. al-mumtani'in min al-hudud, Ms. 4

23. Abu Ubaidah, op. cit., 10. See also, Risalah fi al-zakat, Ms. II

24. Abu Ghanim, Mudawwanah, Ms. 400

25. Loc. cit.

26. Loc. cit.

27. Bisyani, Sirah, Ms. 25; Salimi, Hashiyat al-Jami' al-sahih, I, 59

28. Ibn Hajar, Tahdhib al-Tahdhib, III, 68; Lisan, III, 187

29. Al-Qutb, Sharh 'Aqidat al-tawhid, 115

30. Dhahabi,Mizan al-I'tidal, III, 93;al-Khatib al-Baghdadi, Taqrid al-'ilm, editor Y. Eche, Damascus, 1949, 109; Ibn Khalfun, Ashsbah, Azmi, Studies in early Hadith literature, Beirut, 1968, 66, 67, 77

31. Ibn Sa'd, Tabaqat, VII, I, 31

32. Abu Zakariya', Siyar, Ms. 30ff.

33. Hajji Khalifah, Kashf al-zunun, I, 781

34. It is possible that the two works of Jabir, K. al-Nikah and K. al-Salat, included in the Ms. of al-Diwan al-ma'rud, form part of Diwan Jabir mentioned here.

35. Wisyani, Siyar, 120

36. Bid., 129

37. Abu Ubaidah, Masa'il, 23-24

38. id., 24,Jitali, Sharh al-Nuniyah, I, 47

39. Loc. cit

40. Loc. cit

41. Abu Ubaidah, op. cit., 24

42. Al-Diwan al-ma'rud: K. abwab al-buyu', Ms. 5

43. Sulaiman b. Yakhlaf, Siyar, Lithog. Tunis, 1321 H., 91

44. Wisyani, Siyar, 120

45. Barradi, Jawahir, 220. Shammakhi, Siyar, 444

46. Al-Rabi' b. Habib, Musnad, II, 103-104

47. Ibid., 104, Salimi, Sharh al-Jami al-sahih, editor 'Izzuddin al-Tanukhi, Damascus, 1963, III, 620-621. Azmi, Studies in early Hadith., 304

48. See for example al-Rabi', Musnad., I, 81, about the question of qunut; and Abu Ghanim, Mudawwanah., 34, 119, 127

49. Warijlani, Dalil., 35 b.

50. Barradi, Risalah fi al-haqa'iq., Ms. 23

51. Warijlani, al-'Adl wa al-'insaf., Ms.II 85 ff.

52. Ibid., 87-88

53. Cf. My 'Description of New Ibadhi Mss.",Four, Semitic Studies, XV..I 68-69 I, 68-69.

54. Ibid., 68-69

55. Ibid., 65-66,67-68

56. Ibn Midad, Sifat 'Asma' al-'Ulama'., Ms. 28. He states that Suhar al-'Abdi, the teacher of Abu Ubaidah Muslim, was from Khurasan.

57. Abu Ghanim, Mudawwanah, Ms. 26; Ibn Midad, op. cit., 14. Ibadhi sources also mention a certain Mahmud b. Nasr al-Khurasani who recorded the Ibadhi doctrine from the students of Abu Ubaidah.

58. Wisyani, Siyar, 3; Shammakhi, Siyar, 228

59. I have seen a number of Mss. of the Mudawwanah in Jerba, Baruniyah.; Libya, Zwarah, the collection of Mustafa al-'Azzabi; and Mzab, Binyizgin, the collection of Muhammad Babanu. There is another copy in Dar al-Kutub, Cairo, Cf. Cairo Cat.The Ms. I am using for this study was presented to me by the Omani scholar Muhammad al-Salimi. He also gave me another copy of the Mudawwanah with the commentary of al-Qutb. He also provided me with a Ms. of K. al-'istiqamah and Part III of K. Bayan al-shara".

60 al-Salimi, Abdullah, notes on the Mudawwanah. Ms. I for Qudam see:al -Barki, Mu'jam., III, 1052

61.Ibn Sallam, Bad'ul-'Islam., Ms. 47; Ibn Midad., Sifah., 14

61 Sufi, Abu Uthman, Su'alat., Ms. 70.; Ibn Sallam, op. cit., 44

62. Abu Ghanim, Mudawwanah., 87

63 Ibn Midad, Sifah., 29

64. Darjini, Tabaqat., 262-263.; Shammakhi, Siyar, 92, 105

65. Al-Kindi, Bayan al-Shara"., Ms. III,the page related to the question

66. Mudawwanah., 2

68. Wisyani, Siyar., 3.Darjini, Tabaqat., 303. Shammakhi, Siyar., 228

69. Schacht, "Bibliotheque et manscrits Abadites," Rev. Alt., 100 (1956).381, not 8.;Motylinski, "Le manuscrit arabo-berbere de Zougha." 14Cong. Int. Or., 1905, II, 4 section, 68-78.

70. Al-Diwan al-ma'rud., Ms. al-Baruniyah

71. Cf. Schacht, op. cit., 381

72. Wisyani, Siyar, 3

73. Cf. Cairo Cat.

74. For the biography of Qatadah see: al-Dhahabi, Tadhkirah., I, 109

75. 76, 77, 78, 79 Cf. My "Description of New Ibadhi Mss." Jour Semitic Stud., XV, I, 66-69

80. Abdullah b. Abd al-Aziz., Nikah al-Shigar., Ms. IV, 69

81. Abdullah b. Abd al-Aziz., Nikah al-Shigar., Ms IV 69

82. Ibn Sa'd, Tabaqat., VII 181 Ibn Hazm, Mulakhas., 64.; Warijlani, al-Dalil., 58 b.

83. See above 82-83

84. Jabir b. Zaid, Jawabat., No. 17, 42

85. Ibid., No. 6 18., No. 16, 38

86. Salimi, Hashiyat al-Jami al-sahih., I, 168

87. Abu Ubaidah Muslim, Masa'il, 37

88. Ibid., 10-11

89. Abu al-Mu'thir al-salt b. Khamis, Sirah., Ms. 20

90. Al-Diwan al-Ma'rud: K. al-mumtani'in min al-hudud, (bab al-a'y ma'a Imam al-huda)., Ms.4-6

91. Ibid., 6

92. Ibid., 4, II

93. Baghturi, Siyar., Ms. 120.; Shammakhi, Siyar., 143

94. Shammakhi, op. cit., 119-120.; Ibn Sallam, Bad'ul-'Islam., Ms. 47

95. Shammakhi, op. cit., 119

96. Ibn Sallam, op. cit., 47

97. See below, 263

98. Cf. My "Description of New Ibadhi Mss.", J.S.S., XV, I, 72

99. Sulaiman b. Yakhlaf, Tuhaf., Ms. 28 a.

100. Sulaiman b. Yakhlaf, Tuhaf., Ms. 28 b.

101. Loc. cit.

102. Loc. cit.; Warijlani, al-'Adl., Ms. II, 218.; Ibn Khalfun, Ajwibah

103. For these groups see below, 272-281

104. Warijlani, op. cit., II, 218-219

105. Ibid; II, 222.; Sulaiman b. Yakhlaf, op. cit., 29 a-b. For more details on the subject see: Warijlani, Dalil., Ms. 58 a-64 b.; Salimi, Sharh Tal'at al-shams., II, 279-280; Mashariq anwar al-'uqul., Cairo, 1314 H., 71 ff.

106. Anonymous, Dhikr 'asma; ba'd Shuyukh al-Wahbiyah., Lithog with the Siyar of al-Shammakhi, 590.

107. Warijlani, 'Adl., Ms. III, 42-43

108. Ibid., III, 1-17; Dalil., 64 a

109. Warijlani, 'Adl., II, 293 ff.

110. Ibid., II,293

111. Ibid,294

112. Loc., cit.

113. Warijlani, op. cit., II, 295-297

114. Ibid., II, 295

115. Schacht, Origins of Muhammadan jurisprudence., 261

116. Loc. cit.

117. Loc. cit.

118. Jabir died on 93H. and Malik was born on the date between 90-97H. Cf, Abu Zahrah, Malik., second edition, Cairo, 1952, 24

119. Abu Hanifah was born about 81/700. Cf. Muhammad Abu Zahrah, Abu Hanifah., 2nd edition, Cairo, 1955, 12

120. Coulson, A history of Islamic law., 109

121. Loc. cit.

122. Schacht, Origins., 263-237

123. Ibn Khalfun, Ajwibah., 39.; Salimi, Hashiyat al-jami' al-sahih, I, 177-179

124. Qur'an: V.6

125. Ibn Khalfun, op. cit., 39. Abu Ghanim, Mudawwanah., 17-18; Jitali, Qawa'id, Ms. 67.

126. Ibn Khalfun, Ajwibah., 39

127. Al-Rabi' b. Habib, Musnad., I, 36

128. Loc. cit.

129. Ibid., I, 36-37

130. Ibid., I, 36

131. Schacht, The Origins., 263.; Imam Zaid b. Ali, Musnad., 80-82

132. Jabir b. Zaid, K. al-Salat., Ms.3

133. Jitali, Qawa'id., Ms. 119-120.; Ali Mu'ammar, Ajwibah wa fatawa., (Libya, Nalut, 1970), 18-23

134. Schacht, Origins., 267 ff.

135. Shammakhi, Siyar., 91-92

136. Jabir K. al-Salat., 5-6; al-Rabi' b. Habib, Musnad., I, 81., Abu Ghanim, Mudawwanah., 26

137. Jitali, Qawa'id, 111-112

138. Ibid., 112

139. Ibid., 113-114; Abu Ghanim, Mudawwanah., 26. For more details about the subject see: Ali Mu'ammar, Ahkam al-Safar fi al-'Islam., Beirut, 1966

140. Al-Rabi' b. Habib, Musnad., I, 84-85

141. Malik, Muwatta', I, 213; Bukhari, Sahih, I, 249; Muslim, Sahih, III, 137-38.

142. Abu Ghanim, Mudawwanah., 71; Jitali, Qawa'id, 196

143. Al-Rabi' b. Habib, Musnad., I, 33, 85

144. Jitali, op. cit., 198; Jannawani, al-Wad'., 156

145. Jitali, op. cit., 206

146. Ibid., 164

147. Zaila'I, Nasb al-rayah., (1938/1357), II, 346-353

148. Abu Ghanim, Mudawwanah., 68-69

149. Jitali, Qawa'id., 164

150. Zaila'I, Nasb al-rayah., II, 347-348

151. Jitali, Qawa'id., 180; Abu Sakin al-Shammakhi, 'Idah., Ms. II, 46

152. Ibn Khalfun, Ajwibah., 9

153. Schacht, The Origins., 268

154. Ibn Khalfun, Ajwibah., 9-14

155. Abu Ghanim, Mudawwanah., 337

156. Salimi, Sharh al-Jami' al-sahih., III, 441; Jitali, Fara'id., Ms. 12b, 13a.

157. Schacht, An Introduction., 170

158. Cf. Above, 172-174.; and below; 412

159. Schacht, op. cit., 186

160. For full details see: 'Abd al-Aziz al-Thamini, al-Nil., editor Bakkalli Abd al-Rahman b. Umar, Algiers 1969, III, 980-987, and the notes pp. 981-982, 987-90

161. Abu Ja'far Muhammad b. Ja'far, al-Jami', Ms. part on al-diyat., 23; Sharh al-Jami' al-sahih., III, 432

162. Shawkhani, Nail al-awtar., VII, 16-17; al-Kullini, al-Kafi., VII, 298-300; Schacht, Art., "Qisas," E.I.

163. Schacht, Origins., 264

164. Abu Ghanim, Mudawwanah., 5, 50, 93, 116, 117, 119, 127, 134,195,198,364, etc.

165. Ibid., 198, 211-212

166. Ibid.,12

167. Al-Qutb, Sharh al-Nil., X, 323.

168. Extracts from Rawdat al-'ishraq of al-Talati, Ms. 2 He stated that this opinion was given by Abu Sittah in his Hawashi of Tartib al-Musnad. (This latter work of Abu Sittah was published in Zanzibar, but I was not able to consult it either in print or in Ms.)

CHAPTER IV

IBADHI THEOLOGY

Contrary to Ibadhi jurisprudence, Ibadhi theology attracted the attention of European scholars. their attention was drawn to the study of Ibadhi theology by Masqueray in his notes on the translation he made of the Siyar of Abu Zakariya Al-Warijlani 1, and also by A. de C. Motylinski, who introduced a French translation of the Ibadhi creed of 'Amr b. Jumai to the Fourteenth Congress of the Orientalists in Algiers in the year 1905 2.

Both scholars, Goldziher and Nalline, noticed and pointed out the similarity of attitudes and views between Ibadhis and Mu'tazilites on certain matters, and suggested that the similarity was due to the Mu'tazili influence on Ibadhi theology3. When discussing some of these points, William Thomson, correctly, pointed out that they agitated Kharijite circles at a fairly early period, and that they were not of Mu'tazili origin, and he suggested that they may have arisen naturally among the Kharijites(this including Ibadhis)4.

The publication of original Ibadhi sources by al-Baruniyah lithographic press provided new material on the subject and encouraged further contributions, in the year 1936, a French translation of two chapters from K. al Dalil wa-'l'burhan of al-Warijlani was made by I.S. Allouche. later, in the year 1949, Mario Moreno tried to present a clearer account of Ibadhi theology based mainly on the works of the modern 'Omani scholar 'Abdullah b. Humaid al-Salimi (d. 1332H.) and other works published by al-Baruniyah5. Six years ago, A comparative study of the Ibadhi creed of Abu Zakariya al-Jannawani and its relation to other Sunni reeds accompanied by an Italian translation of the Aqidah of Abu Zakariya appeared6.

To evaluate the views formed by European scholars on Ibadhi theology, especially those of Goldziher and Nallino, one should start the study of Ibadhi theology from the early stage of the movement, and trace the development of its tenet in order to define and distinguish from the other schisms the stand-point of the Ibadhi school.

In the following pages, I propose to study the development of Ibadhi theology from its early stages, giving a clear account of the problems which arose then. this will be followed by a study of the sub-divisions of the Ibadhi movement which came about through differences on theological grounds and a general review of Ibadhi works on theology. Finally, a brief comparative study of Ibadhi theological views as contrasted with the views of other Islamic schisms on basic issues will be made.

The Qur'an was the fundamental source of Islamic theology7. The Companions who appointed themselves to teach the Qur'an and its interpretation to the Muslims may be taken as the first class of Muslim theologians. Their discussion of the theological problems which were dealt with in the Quern, or arose out of Quranic expressions, were based mainly on Traditions which they heard from the Prophet, or reported on an authority remounting to the Prophet.

With regard to Ibadhis, their first Imam and the founder of their school, Jabir b. Zaid, acquired his views from a large number of the Companions, especially Ibn Abbas, the Companion from whom the bulk of information on Tafsir was narrated8. This highly significant fact is an indication of the soundness of the Ibadhi views concerning theological questions connected with the Qur'an. Most of these views were recorded in the Ibadhi collection of Hadith, entitled Musnad al-Rabi b. Habib9.

Another fact is that the Ibadhi movement began as a intellectual movement. Its activities, which were carried out in secret, enabled its leaders, who were observing closely and carefully the religious and political development of the Muslim community, to develop naturally their views on different topics.

The theological problems to appear early in Ibadhi sources can be categorised into three groups:

i) Problems concerned with God.

ii) Problems concerned with the relation between Man and God.

iii) Problems concerning the relation between man and man.

i) Under the first heading comes the question of tashbih, anthropomorphism, which arose out of the Quranic expressions applying to God physical description borrowed from the human body10. This question was later studied as an item within the principle of Unity (al-Tawhid) in the Ibadhi creed. However, early Ibadhi austerities reported and maintained the interpretation of expressions of this nature from the Companions. The following are some examples of the exegesis reported on such verses:

Qabdah (handful), which figures in the following verse, "The Earth altogether shall be His 'handful' on the day of Resurrection"11; here, qabdah is explained as power and rule. Jabir b. Zaid said that Ibn Abbas declared polytheists whose who thought that the 'handful' (yaqbidu) and outspreads, "12 meaning gives and forbids. He said also in the Verse of the Shadow, "Thereafter We seize it to Ourselves, drawing it gently."13 Then Ibn Abbas cited some examples of qabdah meaning protection and ownership in Arabic14.

Al-yad (hand) is also explained as God's power and rule in verses such as: iii, 73; xlviii, 88; xxxvi, 83, etc.15 The hands of God in surah v, 64 are explained

as rizq, sustenance16. In surah xlviii, 10, the hand is interpreted also as reward and favour from God17. In surah lxvi, 45, the right hand (al-yamin) is interpreted as power, and in suras: xxxvi, 71, and xxxviii, 75, is explained as order, and power, and so on18. This method was also applied to similar terms which figure in the Qur'an, as follows:

a) The eye ('ayn), in suras xx, 39, xi, 37; xxiii, 27; lii, 48; and liv, 14, means knowledge and protection19.

b) The light (nur) in the surah xxiv, 35, means that He is the Just One ('adl) of Heavens and Earth, and the Guide of the inhabitants of heavens and earth20.

c) The face (wajh) of God means GodHimself 21.

d) The leg (al-saq)in surah lxviii, 42, means the great disaster.22 الأمر الشديد

e) The soul (al-nafs) ascribed to God in surah v, 116, means knowledge23.

f) The coming of God with the angels on the day of resurrection in surah lxxxix, 22, was explained as the coming of His order24.

g) Allah's sitting on the throne (istiwa' 'ala al-'arsh) means His rule over the Universe25.

THE VISION (AL-RU'YAH):

Under the first group of theological problems which appeared at an early stage in Ibadhi theology is the question of al-ru'yah'. This problem is closely connected with the question of anthropomorphism (tashbih). Ibadhis maintained that God is not to be seen either in this World or in the World to Come. Two Traditions traced back to the Prophet were reported in Musnad al-Rabi, asserting this new. The first Tradition is reported via Masruq from A'ishah that she said, "He who says that Muhammad has seen his Lord has committed a great forgery'26. The second Tradition is reported from Muhammad al-Shaibani, viz., that the Apostle of God was asked, "Can you see your Lord?" He said, "Glory be to Allah, how shall I see Him?"27. As for the Quranic verses which give the impression that God shall be seen, Ibadhis used the allegorical method (ta'wil) and interpreted them in a way which did not contradict with their view.

The term nazirah in surah lxxv, 23, "Upon that day faces shall be radiant, gazing upon their Lord." Here the work gazing, (nazirah), was explained as waiting the permission from their Lord to enter Paradise. This interpretation was reported from both Companions, 'Ali b. Abi Talib and Ibn 'Abbas28. The question of vision is fully discussed in Musnad al-Rabi b. Habib29.

The 'athar which are reported in the Ibadhi collection of traditions show clearly that anthropomorphism (tashbih) was strongly opposed by the Companions. It is reported that both Ibn Mas'ud and Abdullah b. Umar were shocked on hearing the Muslims of Syria saying that God climbed the heaven from Bait al-Maqdis, and He put His foot on the rock (al-sakhrah)30. It is also believed that the Jews were behind these anthropomorphic views31. Ibn Mas'ud said, "Do not ask the people of the Book about anything, for they will never guide you while they are astray"32.

Under the title, "The sunnah in glorification of God,"33 a large number of Traditions were reported, all expressing dean thropomorphic views of God. Among the Companionsfrom whom these Traditions were reported were Umar b. al-Khattab, Ali b. Abi Talib, Abdullah b. Abbas, Abdullah b. Mas'ud, and Abdullah b. Umar. Among the followers apart from Jabir b. Zaid the Ibadhi Imam, there were Mujahid, al-Hasan al-Basri, Said b. Jubair, al-Dahhak and others.

The method of allegorical interpretation of anthropomorphistic expressions in the Qur'an was also adopted by the Mu'tazilites. However, it is clear that this method was based on Traditions of the Prophet and the nature of the Arabic language, which allowed such interpretations. In many cases other verses from the Qur'an were cited to counter anthropomorphistic interpretations from Quranic contexts where the expressions in question were used in clear unequivocal senses that supported the interpretations Ibadhi theologians wished to make.

Concerning the questions of God being or not being in a place, i.e. being on the Throne or coming with the Angels on the Day of Resurrection, etc., Jabir b. Zaid reported from Ibn Abbas a detailed discussion on the question rejecting all anthropomorphic forms based on a number of Quranic verses34. Ibn Abbas concluded his argument with the following statement:

"It (the Qur'an) informed us that there is no place in the high heavens and the lowest earths vacated by Him. They must not follow parts of the Qur'an neglecting others, for each proves the correctness of each other. He is sitting on the throne, is witness over everything and encompasses everything without formation (takyif), limitation, (tahdid), resemblance (tamthil), anthropomorphism (tashbih) or imagination (tawhim)"35.

Among the early problems connected with the question of tashbih is God's friendship towards the Muslims. As this doctrine was concerned with the conduct of the Muslim who would not deserve God's friendship unless he was a good Muslim, some Ibadhi scholars held that God's friendship changes according to the state of the person. Most Ibadhi scholars, however, held that

God's friendship is immutable36.

As a result of their opposition to any sort of anthropomorphism, Ibadhis maintained that the so-called attributes of God are of His essence and there is nothing but He. 37.

The allegorical method which was used for interpreting anthropomorphic expressions in the Qur'an was also used for matters connected with the Last Day, such as 'the scale' (mizan) and 'the bridge' (sirat)38.

ii) Problems concerned with the relation between God and Man.

Under this second group come two main questions; the question of divine decree (qadar), and the question of free will and predestination. Here also the Traditions reported from the Prophet were the basis of the Ibadhis attitude to the problems. The following are some of the Traditions reported in the Ibadhi collection of Hadith concerning divine decree (qadar):

1) The Apostle of God said "I declare myself before God quit of the Qadarites, I declare myself before God quit of the Murjiites, as God and His Apostles acquitted them"39.

2) "The Qadarites are the Magians of the community. Do not visit them when they are ailing, nor pray over them when they are dead"40.

3) "Two groups of my community (ummah), will not enjoy my intercession on the day of Resurrection, God accursed them by the works of seventy Prophets before me." They said, "Who are they, O Apostle of God?" He said, "The Qadarites and the Murjiites." They said, "Who are the Murjiites?" He said, "Those who say that faith is sayings without deeds, and the Qadarites are those who commit sins and say it is a compulsion from God, for if God willed, we would not associate any thing with Him, nor would we commit sins"41.

4) "There would not be an infidelity, (Kufr), without dis-belief in the divine decree (qadar) being its key"42.

5) "The first thing God created was the Pen. He said to it, 'Write'. It said, 'What shall I write?' He said, 'Write down what is fated (al-qadar)', so it wrote all that would take place up to the Day of Judgement"43.

6) When the sperm falls into the womb, God reveals to the angel of the wombs that he should write. He says, 'O Lord, what shall I write?' He says, 'Write happy or unhappy with his deeds, and write down the trace to be made by him (atharahu), his work, his term of life, and his sustenance'"44.

7) "Jabir b. Zaid said, 'Ibn Abbas was asked about him who says that he can perform what God ordered and refrain from what God forbade him without God creating his actions. He said, 'Suraqah b. Jasham asked the Apostle of

God? Is it in a thing of fresh start or in a previously decided thing?" he said, 'Nay, but in a previously decided thing.' Suraqah again said, 'What is the work for then, O Apostle of God?' He said, 'Work, for everyone is guided to that for which he was created'"45.

The first six Traditions are reported in mursal form; they were all reported by Jabir b. Zaid from the Prophet. The Companion is missing from the isnad in the Ibadhi collection. But these Traditions were reported by uninterrupted chains in the Sunni collections.46 al-Rabi b. Habib, after reporting those Traditions, commented, "These Traditions indicate that God created the actions of man, and man does not perform them on his own apart from God. He has decided them and knows to what end man will come"47.

The view that Man creates his own actions had already appeared in Basrah. A certain Ma'bad al-Juhani was the first to institute the discussion on qadar there48. This view was also propagated by his student Ghailan al_Dimashqi. it seems that this view found its way into the Ibadhi circles in Basrah and other places. it is reported that discussions on the question took place between Ghailan and the second Ibadhi Imam, Abu Ubaidah Muslim b. Abi Karimah49. However, some Ibadhis adopted the Qadarites' views but they were strongly opposed by Abu Ubaidah. Ibadhi sources named among those who adopted the Qadarites' views, Hamzah al-Kufi, al-Harith al-Ibadhi and Atiyah, the latter from Khurasan. Abu Ubaidah refuted their views and told Hamzah that he disagreed with Ghailan for his similar views. Hamzah and his colleagues were ostracised by the Ibadhis and were prevented from attending Ibadhi sessions (majalis)50.

The question of qadar. 'divine decree' was one of the main questions on which arguments and discussions took place between Ibadhis and their opponents, first the Qadarites, and later the Mu'tazilites. Those arguments existed even before Abu Ubaidah. Abu Sufyan Mahbub b. al-Rahil said, "Suhar al-Abdi, the teacher of Abu Ubaidah, used to say 'Argue with people (Qadarites) about the knowledge of God (al-ilm). If they accede to you, they are defeated, and if they refuse to accede to you, they become infidels"51.

Abu Ubaidah himself used to discuss this question of 'decree' following the same method as was laid down by his teacher Suhar. It is reported that a man came to Abu Ubaidah and talked to him about qadar. Abu Ubaidah said to him, 'Did God know what people will do, or to what end they will come before he created them?" The man said, "How quickly you sought help from 'knowledge' O, Abu Ubaidah, these are the arguments of the weak people." Abu Ubaidah said, "Pass beyond this weakness first," and the man gave no answer and each one went his way52.

It is also reported that a Mu'tazili called Ibn al-Shaikh al-Basri, while performing the sa'y while on pilgrimage in Mecca, asked Abu Ubaidah, "Are you one who claims that God is disobeyed against His will"53.

It appears that the early Ibadhi authorities regarded the question of 'divine decree' (qadar) as of less importance compared with the attitudes of the Kharijites who brought about serious innovations regarding their relations to the Muslim community, and the tyrant rulers who administered laws other than what is revealed by God.

The Ibadhi authority, Abu Sufyan Mahbub said, "Abu Ubaidah Muslim b. Abi Karimah used to weaken the question of 'divine decree'(كان يضعف من أمر القدر), and say, 'By God, it is not like marrying a married woman (captured in wars against fellow Muslims), or regarding migration as an obligatory duty, or ruling by laws other than what is revealed by God. But it is an opinion which was brought about by people, whosoever admitted that God knew of things before they come into existence has acknowledge the 'divine decree'"54.

The other question was the problem of predestination and free will (al-Jabr wa al-ikhtiyar). Ibadhi sources preserved views ascribed to Abu Ubaidah Muslim b. Abi Karimah concerning this question. His attitude was not one of a clear acknowledgement of free will or predestination. Abu Sufyan said, "Abu Ubaidah and Ibn al-Shaikh al-Basri met at Mina. Ibn al-Shaikh asked Abu Ubaidah, 'Has God compelled anyone to obedience (ta'ah) or to disobedience (ma'siyah)?" Abu Ubaidah said, 'I do not maintain that God has compelled anyone to obedience or disobedience. If I have to say anything in this matter, I would say that God predestined that the people of piety (taqwa) by greatly frightening and intimidating them.' In another version, "with the great reward He showed to them.' Ibn al-Shaikh said, 'Is it the 'knowledge' of God that led them to act with disobedience?' Abu Ubaidah said, 'God forbid, I did not say so, but their spirits tempted them, and Satan has decked out fair their deeds to them, and so they acted according to what God knew"55.

It is also reported that Abu Ubaidah was asked whether the infidel has the capacity to become a Muslim while he is an infidel? He said, "I do not say that he who can bring a bundle of firewood from a profane territory to a sacred enclave56 cannot pray two rak'as, and I do not say that he is capable of doing so unless he is guided and helped by God'57. Abu Ubaidah's opinion on free will is expressed as follows: "God has ordered people to obedience, He liked it and decked it out. Whosoever acted according to it, that is with the knowledge of God, and He favoured him"58. This opinion of Abu Ubaidah formed the basis of the Ibadhi view of 'acquisition' (iktisab), i.e. the deeds are God's by creation and man's by acquisition59.

It seems that the opinion of the early Ibadhi scholars on this problem was not sufficiently clear and determined for there was a conflict of opinion on this matter between the Ibadhis of Jabal Nufusah and the Ibadhis of Afriqiyah, i.e. Tunisia and Algeria. The latter held that man is free in acquiring his acts' 60, while the Nufusis believed in Jabl, i.e. being created with natural disposition to do what God 'knows' of one's actions61. However, all Ibadhis of North Africa, apart from this question of jabl and ikhtiyar, acknowledged 'acquisition' (iktisab). Jitali, in Sharh al-Nuniyah, tried to explain the word jabl in a way which distinguishes it from the word jabr, which means compulsion and does not leave any way open for acquisition62. According to Nufusi scholars, no opinions were reported on this question from the early Ibadhi Imams of Basrah, or from their students, the 'bearers of learning,' or even from the Rustumid Imams63. However, the idea of jabl has disappeared from Ibadhi writings of Nufusah since the time of Abu Sakin 'Amir b. Ali al-Shammakhi, a contemporary of al-Jitali, who expressed in his 'Aqidah, al-Diyanat, the view that people 'acquire' and perform their actions and they are not compelled to them64.

iii) Problems concerning the relation between man and man

The relations between Muslims and non-Muslims was defined in the Qur'an. The Qur'an mentioned three different groups of people, the Polytheists, the People of the Book, and hypocrites. As for the two first groups, relations of the Muslims with each group in terms of war and peace were made clear in the Qur'an and were observed by the Prophet. The civil wars among Muslims brought about new problems to the Muslim community. These wars started when 'Uthman b. Affan was killed by fellow Muslims, and continued between 'Ali the fourth Caliph on one side, and Talhan and al-Zubair on the other, then between 'Ali and Mu'awiyah, as also between 'Ali and the people of al-Nahr. During these wars, each group was claiming the justification of fighting the other on religious terms, each group with its own arguments and proofs. information about this period is very confused, and a lot of it may have been so formulated later as to support the claims of each of the conflicting groups. Ibadhi authorities reported five detergent attitudes held by Companions concerning the question of Uthman.

a) Those who held that Uthman deserves to be killed by Muslims for his innovations. The Muslims tried for six years to make him change them, and keep to the path of his predecessors or resign. When he refused to agree to them they killed him. His blood was lawful for being unjust and insolent. They called him tyrant (ja'ir), profligate (fasiq), unjust (zalim), and infidelingrate' (kafir kufr ni'mah). Among this group were the Companions, Abdullah b. Mas'ud, Ammar b Yasir, Abu Dharr al-Ghifari, Abd al-Rahman b.

Awf, Amr b. Muhammad b. Maslamah, and Zaid b. Thabit, and most of the Ansar.

b) Those who held that the question of civil war (fitnah) among the Companions was a matter of personal judgement (ijtihad) he who was correct is to be rewarded, and he who was wrong is to be excused. Some even say that both sides were correct. This latter opinion is ascribed to Ali b. Abi Talib.

c) Those who say that Uthman had repented for his innovations, and that he was killed after he had repented, therefore his opponents were wrong. This was the opinion of the Companions Talhah, al-Zubair and A'ishah.

d) Those who reserved their opinion on the civil war and refused to take part in it and they were in doubt about the whole situation. Among these were Sa'd b. Abi Waqqas, Abdullah b. Umar, Muhammad b. Maslamah and others.

e) Finally, the attitude of Mu'awiyah and Amr b. al-As who held that Uthman was right all the way and claimed revenge for his death65.

However, the civil wars left their stamp on Islamic history up to our own time. The political, intellectual, and religious life of the Muslims was coloured with those early opinions formed by different groups and authorities. Apart from Ali's party which developed as the Shiite school, and the supporters of Mu'awiyah, there was the third party which refused the leadership of both men and was massacred by both men - at al-Nahrawan by Ali, and afterwards at a al-Nukhailah by Mu'awiyah. They were in Ali's Army but when he accepted arbitration they broke away from him for leaving the judgement of the Qur'an to the judgement of men. As their previous Imam Ali b. Abi Talib gave up his right to the Imamate by accepting arbitration, they decided to elect a new Imam, and for the first time a non-Qurashite leader was elected as Amir al-mu'minin. The Azdi Companion Abdullah b. Wahb al-Rasibi was elected and he led his men in the battle against Ali b. Abi Talib, and the whole Army of Abdullah b. Wahb consisting of more than two thousand pious Muslims (ahl salat wa siyam) was killed by Ali, in that battle of al-Nahrawan.

This group was known by four different names: al-Muhakkimah, Ahl al-Nahr, al-Haruriyah, and al-Khawarij. The first name was derived from their motto, "La hukma illa lillah." And or the two second names, al-Haruriyah is derived from the name of a place, Harura', where some of them gathered near Kufah, and other name, Ahl al-Nahr, is derived from the name of the place of the battlefield, al-Nahrawan. With regard to the last name Khawarij, it is suggested that the name was derived from the expression Kharaja (came out), - either out from the community as their opponents like to interpret the name, or out of their homes as emigrants to God, as their sympathisers explain the name on the basis of a Qur'anic verse. It is also suggested that this name was used

for this group by their opponents as a reference to the first work of a well-known Tradition of the Prophet which describes a group of people which will emerge from the Muslim community, "From the descendants of this man there will arise (sayakhruju) people who fluently read the Book of Allah, but it will not pass beyond their throats. They will pass through religion as an arrow passes through a hunted animal. Methinks, said the narrator, he added: If I find them, I shall kill them, as Thamud were killed"66.

This political situation gave rise to several questions on which conflicting opinions appeared. Among these questions was the attitude of the Muslims towards tyranny or unjust rulers, i.e. those rulers who do not follow the shari'ah. Kharijites in general held that their opponents were polytheists (mushrikum), then they differed regarding the principle of religious dissimulation. (taqiyah). The Azariqah, followers of Nafii b. al-Azraq held that khuruj or hijrah to their camp is an obligatory duty, and regarded the home of their opponents as dar al-harb, the land of war.

On the other hand, Ibadhis refused to regard the people of the Qiblah (Muslims) as polytheists, they called them (muwahhidun) 'monotheists", or 'infidels-ingrate', kuffar alni'mah, and held it lawful to live among them on terms of mutual tolerance67. This doctrine was clearly expressed by Abdullah b. Ibad, and for it he was opposed by the Kharijite leaders68. Abdullah b. Ibad declared Nafii al-Azraq a polytheist (mushrik) for killing Muslim women and children and for taking their property as spoils69. Jabir b. Zaid also adopted the same attitude as Abdullah b. Ibad, and used to argue with the Kharijites and refute their views concerning their attitude towards their Muslim opponents70. It is reported that Jabir b. Zaid was informed that Zaid b. al-A'sham, who was believed to be a good Muslim, regarded the Muslim opponents as polytheists. Jabir sent for him and asked his opinion on the sacrificial animals (hady) sacrificed by the Muslim opponents. His reply was, I kill them and cut their livers and humps, they have no sacrifices (la hadya lahum)." The sense of this curt statement is that Zaid b. al-A'sham refused to regard sacrificial animals dedicated by the Muslim opponents of the Khawarij as consecrated (to Allah), since he considered these men to be polytheists, and in consequence he regarded them as lawful to be slaughtered should they fall into his possession, freely, since they were not, in his eyes, Allah's consecrated property. The livers and humps are the choice parts of camel meat. So Jabir renounced him71.

During their history, Ibadhis never broke this principle; they never killed women or children of their opponents or killed the injured or followed a routed enemy of them, nor did they take their property for spoils72. One of the well known examples of this attitude is to be found in the celebrated action of Abu

Mansur Ilyas, governor of Jabal Nufusah on behalf of the fourth Rustumid Imam Muhammad b. Aflah. Abu Mansur fought al-Abbas b. Tulun who attached Tripoli in the year 267H and conquered him, but left on the battle field sixty loads of gold, not taking a single piece73. The Ibadhi scholar Abu Ya'qub al-Warijlani, reporting on this event, commented: "What a great loss!"74.

The other question was, who were true Muslims among the contending parties, and what were the others? Were they also Muslims or were they infidels? There was no denial that all those groups believed in the same God and the same Prophet. The question was about the practice of the religion. The Ibadhis' solution of this problem was based on their definition of sin. Grave sins (kabair) were divided into two groups75.

a) Grave sins falling within the category of Polytheism (kabair al-shirk). This type of sin includes:

i) Rejecting any aspect of the faith of which Muslims may not be ignorant (ما لا يسع جهله), such as Unity of God, Cognition of Allah, Prophets and Angels.

ii) To regard as permissible what is prohibited by the Qur'an such as carrion, blood, pork, slaying the soul without right, deriving profit from usury, etc. Those who commit such sins are polytheists (mushrikun).

b) Grave sins falling within the category of hypocrisy (kabair al-nifaq). This type of sins consists of:

i) Mistakenly regarding as permissible what God has forbidden (al-istihlal bi ta'wil al-khata).

ii) Committing that for which God has threatened punishment in this world and chastisement in the world to come, or for which he has punished one of the previous nations. The sinner of this nature is neither a believer (mu'min) nor a polytheist (mushrik) but a Hypocrite (munafiq) and an 'infidel-ingrate (kafir kufr ni'mah)76. This expression was used to differentiate this type of sinner from the Polytheists for whom the Arabic work kafir is also used. Ibadhi sources speak of two types of kufr:(i) kufr juhud, or kufr musawat which means to disbelieve in God or to make Him equal with others. In this sense the term kafir is synonymous with mushrik, polytheist77 (ii) Kufr ni'mah: ingratitude for the blessings of God. This term was used for those Muslims who commit hypocritical grave sins, and for those who acknowledge the faith of Islam but do not practice it78. The terms nifaq, kufr nifaq, and kufr ni'mah are used in the same sense, for Ibadhis held that hypocrisy (nifaq) is only in deeds and not in the faith79.

In his collection of hadith, al-Rabi'i b. Habib narrated 25 Traditions in support of the Ibadhi doctrine of applying the term Kufr to Muslims80. Ibadhi use of this term in this sense is based on usage in the Qur'an and traditions81. This distinction of terms (al-asma) was based on the Ibadhi view of 'faith (iman) which consists in professing the faith in words and practising the required duties. Those who fulfil the obligations of the faith in both word and deed are complete Muslims or Believers (muslimun muwaffun, or muminun muwaffun). Ibadhi creeds state two items to explain their opinion of the state of the other 'monotheists':

a) Intermediate position, i.e. the state of hypocrisy between 'faith' and 'polytheism'.

b) No position between two positions, i.e. no state between 'faith' and kufr82. This latter proposition was directed against Mu'tazilites, who held that he who commits a grave sin is in an intermediate position, neither a Believer nor a polytheist, but he is a fasiq, and they refused to call him a kafir. According to Ibadhi doctrine, fisq and kufr are one and the same.

Coming back to the Ibadhi view of the relation between their community and the rest of the Muslim community, they held that the only true Muslims are those who fulfil the obligations of the faith in work and deed. these are al-Muslimun al-muwaffun and they form the body of the 'Muslims' (jamaa'at al-Muslimin) or the 'missioners' (ahl al-da;wah), i.e. the Ibadhi community. The rest of the Muslim community is divided into three categories; tyrants, heretics (Ahl al-bida), and the general body of Muslims. they were all regarded as kuffar ni'mah, therefore Ibadhis can mix with them and live under their rule on the terms of religious dissimulation (taqiyah)83 within the Ibadhi state of secrecy (kitman). Changing the rule of tyranny, or commanding good and prohibiting evil is recommended under special rules84.

Ibadhis concurred in the principle that "There is no (hijrah) immigration after the conquest of Mecca" (لا هجرة بعد الفتح). This is directed against the Azraqites and other Kharijites who held that their camp alone is the abode of Islam (دار الإسلام), and those who took no action (qa'adah) and did not perform the hijrah to their camp are sinners and unbelievers85. In his sermon in Medina, Abu Hamzah al-Mukhtar b. Awf said, "The people are of us and we are of them, except a polytheist, worshipper of an idol, or an infidel belonging to the people of the Book, or a tyrannical ruler, or one who professes a heresy calling people to his heresy, (bidah)86.

During the time of al-Rabi b. Habib, the leaders of the Nukkar branch of the Ibadhi movement tried to convince al-Rabi to regard their Muslim opponents (al-mukhalifun) as polytheists on account of their anthropomorphic views, but

al-Rabi refused to agree with them pointing out that such views were held only by ignorant people and not by devout learned men87. The same attitude was reported from his ancestor Abu Ubaidah Muslim b. Abi Karimah. it is reported that he was told that Muqatil says that God created Adam in His shape. Abu Ubaidah said, "Muqatil lied," but he did not regard him as a polytheist88.

The other question regarding Muslim sinners who commit grave sins, was concerned with the punishment for those sinners on the Last Day. Ibadhis maintained that the committer of grave sins has to repent to enjoy the right of intercession, and to escape the punishment for persistence in grave sins which is eternal Hell.89 If the sin was connected with the obligations to God, repentance along is enough, but if it affects rights of other people, the sinner should give back the rights of those people in order to complete his repentance90.

This attitude was, in fact, the basis of the Ibadhi doctrine of al-wad wa al-wa'id, promise and threat, which was directed against the Murji'ites who maintained that the professing of Islam (shahadat) is all that is required from the faithful in order to enter Paradise. The Traditions reported from the Prophet defined the Murji'ites as those who say that faith is word only without works91. It is reported that Jabir b. Zaid said, "The Murji'ites are the Jews of the people of the Qiblah, because they promise the sinners Paradise and say, 'The Hell-fire shall not touch us save for a number of days,' as Jews and Christians have said"92.

The system of walayah and bara'ah was constructed at an early stage of the Ibadhi movement to regulate the relations between the believers and the sinners, so that Muslims will always be reminded that only practising Muslims deserve love and harmony on account of their full practice of Islamic teachings, and that those who neglect heir religious duties and persist in sinning should be disapproved and ostracised until they repent.

The doctrine of al-walayah wa al-bara'ah was one of the main topics of the Ibadhi creed. Its rulers were laid down during the time of Jabir b. Zaid the founder of the Ibadhi movement. Apart from the numerous Qur'anic verses on which this doctrine was based, there is also a large number of traditions which were considered as directions for the system. According to al-rabii b. Habib, any Tradition which speaks of a person with the expression, "He is not of us" (ليس منا), means that the person is to be considered in the state of (bara'ah)93.

the doctrine of al-walayah wa al-bara'ah is discussed in detail in a special chapter in this work94. It is mentioned here only to point out that it was one of the early doctrines which appeared in Ibadhi theology.

The Qur'an:

Among the main questions on which opinion differed so much in Islamic theology in general are the questions of creation of the Qur'an, and the work of God. Reports on the early state of Ibadhi theology show that this problem was discussed in a limited way. In fact, the only piece of information on this matter was concerned with the question of adding to the Qur'an or omitting from it. Jabir b. Zaid said, "Ibn Abbas was asked about the Qur'an whether anything could be added to, or omitted from it? He said "The Prophet said, 'God curses him who adds to the Qur'an.'" Then he said, "He who disbelieves in one letter disbelieves in the whole Qur'an"95. Jabir also reported that 'Uqbah b. Amir al-Juhani said, "The Prophet led us at the dawn prayer; he recited the two chapters (of Daybreak and Men) (al-Mua'awwadhatayn), then he said, 'O Uqbah, these two suras are the best of the suras of the Qur'an, the book of Psalms, the Bible, and the Torah.'" 'Uqbah said, "Some people say that they are not part of the Qur'an - they lied and sinned96.

It is further reported that Ibn 'Abbas said, "if anyone adds to the Qur'an or omits from it, he will be infidel to Muslims for that reason." He further described the Qur'an as God's word and proof for His worshippers, and the guide (imam) of His servants which will be the witness against them on the Day of Judgement97.

There was no mention of the question of Qur'an being created or eternal. It was described by Ibn 'Abbas as the speech of God (kalam), proof (hujjah) and guide (imam).

The question of adding or omitting from the Qur'an was dealt with to establish the Ibadhi attitude, as opposed to the Kharijite branch of al-Maymuniyah, followers of Maymun b. Imran, who maintained that the chapter containing the story of Joseph is not from the Qur'an, and denied that a love story could be a part of the Holy Book98. As for the two chapters of al-Falaq and al-Nas, it is also reported that the celebrated Companion Abdullah b. Mas'ud refused for some time to include them in his text of the Qur'an, then afterwards he did include them99. On the other hand, it is reported that Ubaiy b. Kaab maintained that the dua recited after 'witr' prayer is a part of the Qur'an100. It is possible that some people, being influenced by the attitude of Ibn Mas'ud maintained that the two last chapters of the Qur'an were just an invocation (dua). Ibadhi authorities, in order to avoid any confusion that may be caused by the views ascribed to both Ibn Mas'ud and Ubaiy b. Kaab, set forth those Traditions reported from Ibn Abbas and Uqbah b. Amir to settle the matter.

As for the question of the creation of the Qur'an, it is not known whether al-Rabi b. Habib or Wail b. Aiyub, his successor, has formed any decision about

it. As for Abdullah b Yazid al-Fazari, the Nukkarite theologian, he approached the topic in the same way as Jabir b. Zaid and discussed only the question of addition and omission to or from the Qur'an101. The discussion of the creation of the Qur'an in Ibadhi circles took place in Oman first during the early decades of the third century H. al-Fadl b. al-Hawwari, (d.278 H.) said that Ibadhi Shaikhs among whom were al-Waddah b. Uqbah, Said b. Muhriz, Muhammad b. Hashim, Muhammad b. Mahbub, and others, met in a house in Dama in Oman and discussed the Qur'an; Muhammad b. Mahbub said, "I say that Qur'an is created." On hearing this, Muhammad b. Hashim became angry and said, "I shall go out of Oman and shall never stay in it." Ibn Mahbub thought that Ibn Hashim was referring to him so he said, "It is I, who must leave Oman, for I am a stranger in it"102.

However, it is reported that the same Shaikhs assembled together afterwards and Muhammad b. Mahbub recanted from his former attitude in order to avoid the split.103

According to Abu Ya'qub al-Warijlani, this question of the creation of the Qur'an was introduced to Muslims by Abu Sakin al-Disani of Persian origin, who came to Basrah for the purpose of corrupting the Muslim community; it was he who raised this question.104 This story reported by al-Warijlani may not be true, but it shows that such arguments which lead to conflict were not welcomed, and were not expected from Muslims.

Ibadhis held different views on this question. In Oman there were three views by leading scholars of the third century A.H.:

a) Those who maintained that the Qur'an is the word of God and it is not a quality of God, either of essence or of action. This view is held by Abu Ali Musa b. Ali (d. 230 A.H.) and others.

b) Those who did not come to any conclusive attitude on the question, but held that the Qur'an is the word of God and His revelation to Muhammad, and maintained that this is an issue upon which the Muslims may properly remain uninformed (mimma yasa'u jahluhu). This was the attitude of Muhammad b. Mahbub.

c) Those who rejected the view that the Qur'an is created and took the attitude of 'reservation' (wuquf) concerning those who maintain that Qur'an is created. This was the attitude of Sulaiman b. al-Hakam, al-Waddah b. Uqbah, Muhammad b. Hashim and other.105 The question remained an issue in which there was disagreement among the Ibadhis of the 'east' until a later date. Abu Ya'qub al-Warijlani (d. 750 A.H.) said that when he asked Ahmad al-Hadrami in Mecca about the Qur'an, he replied, "The people of Oman say that it is not created, the people of Sharaf Abad say that it is created, and as for us,

the people of Hadramawt, we are in between, neither with these nor with the other."106 However, all these views were regarded as the result of personal opinion which allows disagreement and does not affect the faith.107

As for the Ibadhis of North Africa, they were all of one single opinion holding that the Qur'an is created. The earliest document dealing with this question is the treatise composed by the Rustumid Imam, Abu al-Yaqzan Muhammad b. Aflah (d. 281 H.), in which he discussed the question in detail, presenting strong argumentation to support the doctrine of the creation of the Qur'an.108

The subsequent works by authors from North Africa adopted the same attitude as Imam Muhammad b. Aflah. How did it happen that the Ibadhis of North Africa adopted one clear view on this question, while the Ibadhis of the 'East' were so confused about it? Was it because of the influence of the Mu'tazilites, as already suggested by some European scholars, and if so, why was this influence so effective in north Africa and less effective in the 'East'? In support of the view held by Nallino that the Ibadhis of North Africa were influenced by the Mu'tazilites with regard to the doctrine of the creation of the Qur'an: It is possible that this influence found its way to Ibadhi theology in north Africa through Muhammad b. Aflah, the Rustumid Iman, who composed the first work on the question. It is likely that he was convinced of this doctrine whole imprisoned for some time in Baghdad with one of the Abbasid Caliphs.109 Since no one of the Ibadhi Imams of North Africa prior to him had discussed the question, Abu al-Yaqzan was able to introduce his own opinion for the first time. Being the Imam of the whole Ibadhi state of North Africa, his followers unanimously accepted his view.

On the other hand, it is possible that the doctrine of the creation of the Qur'an was developed naturally and independently by Ibadhi scholars on the basis of their view of God and His attributes. However, the fact remains that the Ibadhis in their early stage did not deal with this question from this approach, and when they did, the Mu'tazilite view of the creation of the Qur'an had already spread widely among them.

The Imamate:

Among the subjects which were settled in the early stage of Ibadhi theology is that of the Imamate. The Traditions reported by Jabir b. Zaid on this issue are very few. The rule of the Qurashites is mentioned in one of them as follows: "This affair, meaning the rule, will continue still yet in Quraish as long as two of them remain." (He pointed with his fingers). "But woe upon those who are infatuated with kingship (mulk)."110 However, this Tradition id not state that the Qurashites have special right to the Imamate. On the other hand, there is a

number of Traditions concerning the obligation of obedience to rulers, which state clearly that such obligation depends on the obedience of the rulers to the commands of God and His Prophet.111

On the practical side, Ibadhis never acknowledged the Imamate of anyone except their own Imams, with the only exception of Umar II. Their movement was established with the motive of returning to the true Islamic Caliphate as it existed under the rule of the two rightly guided Caliphs, Abu Bakr and Umar. They directed their activities towards this objective from the start, and established special rules for such activities. These rules were discussed in a special chapter on the stages of the Muslim community (masalik al-din).112

Among the early opinions formed on the basis of Traditions from the Prophet two more need to be mentioned here:

1) Intercession (shafa'ah). Jabir b. Zaid reported that the Prophet said, "No one of you enters Paradise except through good deeds, the mercy of God, and my intercession."113 According to other Traditions reported by Jabir b. Zaid, intercession does not apply to those who commit grave sins. he reported that the Prophet said, "Intercession is not for those who commit grave sins of my community."114 Jabir thereupon swears that there will be no intercession for those who commit grave sins, for God threatened them with Hell in His Book. "As for the tradition reported from Anas b. Malik, that intercession is granted for those who commit grave sins, by God, he never meant slaying, fornication, magic and sins for which God has threatened Hell." Jabir then added, "Anas b. Mali used to say, 'You commit a sin that appears to you thinner than a hair, yet we would not have considered it anything but a grave sin in the time of the Apostle of God.'"115

Two more Traditions which support this opinion were reported:

a) The prophet said, "My intercession shall not reach a tyrant who treats people with oppression, and a man who does not fear God in regard to orphans."116

b) My intercession shall to reach him who transgresses the proper bounds of religion, nor him who has an aversion to it."117

A long Tradition describing the way in which intercession will take place on the Day of Intercession is reported in the Ibadhi collection of Hadith; the faithful, after death, when brought the glad tidings that they have passed the interrogation of the angels Munkar and Nakir and that God has forgiven them, will be allowed by God to enter Paradise through intercession, which is stored where no Prophet or Angel can reach it,till the Apostle of God, Muhammad, opens the door to it. The faithful will implore for intercession

from the Prophets Adam, Nuh, Ibrahim, Musa and Isa, but all of them will excuse themselves because ashamed of sins they have committed, and they will all recommend them to turn to the Prophet Muhammad for intercession, since God has forgiven his former and latter sins.118 The gate of paradise will be opened for him, and all the faithful will enter paradise except those who were threatened hell-Fire by the Qur'an." The statement following this Tradition shows that intercession is granted to Adam for his children, to each of the Prophets for his community (ummah), and for the faithful; so that the martyr will intercede for seventy of his kin if they were faithful and upright.119

c) The other article is the constriction and punishment of the tomb (adhab al-qabr). A number of Traditions reported by Jabir b. Zaid refer to the punishment of the tomb.120 Abu Ubaidah after narrating one of these Traditions commented, "Jabir was among those who acknowledged the punishment of the tomb."121 This attitude was accepted by the Ibadhis in general, but was denied by some Ibadhi scholars on the basis of reasoning.122 We also may mention here the interrogation of the dead by the two Angels, Munkar and Nakir, concerning which a Traditions is narrated by Jabir b. Zaid.123

THE STATUS OF THE IBADHI THEOLOGY IN RELATION TO THE MAIN ISLAMIC SCHISMS

Goldziher noticed that the Ibadhi Aqidah of Amr b. Jumai contains views of evident Mu'tazili nature. Among those views, he set forth the following:

a) The Qur'an is created

b) The impossibility of the vision of God in the Hereafter.

c) The application of the allegorical method (ta'wil) to anthropomorphic expressions in the Qur'an, especially in relation to God's sitting on the throne, and to certain matters concerning the Day of Resurrection, such as the Bridge (sirat) and the Scale (mizan).124

Later, Nallino pointed out that there are still further points in which Ibadhis maintain the same views as Mu'tazilis, as follows:

a) God does not forgive grave sins, unless the sinner repents before death.

b) Eternity of punishment for Muslims who persist in grave sins, and they have, furthermore, no right to intercession unless they repent before death.

c) Allah's attributes are not additional to his essence.125

It appears that the European scholars who discussed the subject agree that all

those views in Ibadhi theology were of Mu'tazili origin, but the question which they had not answered yet was when and where this influence made itself felt.126

Although William Thomson has suggested a new line of discussion of this question, pointing out the possibility of some of those views having arisen naturally among the Ibadhis,127 this line of investigation has not been carried out by later scholars. As it was possible to consult a later number of Ibadhi sources which were not available before, a clearer view of the development of Ibadhi theology can now be established, and the nature of its relation to other Islamic schisms better understood.

It would be difficult to decide about certain views, as to whether they were a result of natural development within a particular schism, or a result of outside influence. Most of the early discussions of theological problems by Muslim theologians were directed in one way or another by the Qur'an and Sunnah of the Prophet, and by the interpretation of one or other of those sources, and the degree of reasoning used by those theologians in their interpretation.

One fundamental difference between Ibadhis and Mu'tazilites was that the latter were well known for using rational methods in theology128 and for their little consideration of hadith,129 while Ibadhis gave no consideration to reasoning when an authentic Tradition was reported. As for their foundation, most of the Ibadhi views were settled considerably earlier than those of the Mu'tazilites.

Bearing these two facts in mind, only one point of the above mentioned six, can remain as a possibility of Mu'tazili influence on Ibadhi theology, i.e. the creation of the Qur'an. All other points were settled by Ibadhi authorities at an early stage. In fact, they were settled by the Companions on the basis of Traditions remounting to the Prophet. The role of Ibadhi authorities was only in narrating those views and adopting them.

It has already been mentioned that a larger number of Traditions recorded in the Ibadhi collection of Hadith stated clearly the impossibility of the vision of God on the Last day, and rejected all forms of anthropomorphism. As for the attributes of God not being additional, this attitude was taken in order to assure the Unity of God which is fundamental to the Islamic faith.

With regard to the two questions concerning the eternity of punishment for Muslims persistent in major sin, and the relation of intercession and God's forgiveness of those who have committed major sin, these questions were also dealt with by Jabir b. Zaid, the first Imam of the Ibadhi school, on the basis of Qur'anic verses and Traditions of the Prophet.

The question arose from the following verse: "If you avoid the heinous sins that are forbidden to you, We will acquit you of your evil deeds."131 According to Ibn Abbas, committing what is forbidden in the Qur'an is a major sin, and committing what is forbidden by the Sunnah is minor sin. Forgiveness mentioned in the above verse is concerned only with (saiyi'at) minor sins, so all major sins remain as giving a cause for 'threat', (waid).132

There are other verses concerning this question:

i) "Surely God forgives sins altogether...."133

ii) "God forgives not that aught should be with Him associated; less than that he forgives to whosoever He will."134

iii) "If you avoid the heinous sins that are forbidden to you, We will acquit you of your evil deeds."135

iv) "And who so rebels against God and His Messenger, for him there awaits the Fire of Gehannam; therein they shall dwell forever."136

In the first verse God did not stipulate any condition for forgiveness, and in verse iv He did not stipulate any condition for the abiding punishment for those who rebel against Him and His Messenger, so both verses provide a general statement on the question. But, in verse ii, and in verse iii, he imposed repentance as a condition for His forgiveness, and he also said, "Yet I am All-forgiving to him who repents."137

The difference of opinion over this problem arose with regard to the Will of God concerning forgiveness of sins lesser than polytheism (shirk). The opinion of Jabir b. Zaid was that "God has told us about His will regarding forgiveness. he said that He wills to forgive for repentance: 'Yet I am All-forgiving to him who repents.'"138 As the Qur'an states that those who rebel against God and His Messenger shall dwell forever in hell-Fire, there is no reason why they should not do so, unless they repent, as is explained above. For repentance only can save them from eternal Hell-Fire.

However, the Mu'tazilites adopted the same view and they were known for it by the title (ahl al-wad wa al-waid).

With regard to 'intercession' (shafa'ah), Jabir b. Zaid reported a number of Traditions from the Prophet concerning the people who deserve intercession. Jabir stated clearly that intercession is not for sinners who had not repented before death.139

As for the 'creation' of the Qur'an, Ibadhis, as has already been explained, held three different opinions, one of them being that the Qur'an is created. They regarded this problem as one of those on which they can differ, out of personal

judgement. Therefore, it is not one of the basic dogmas on which they should take a specific view as is the case with the Mu'tazilites. The possibility of Mu'tazili influence in this matter has already been mentioned. It appeared that this possibility cannot be denied, since the Ibadhis had not discussed the question from this angle before it was raised by the Mu'tazilites.

Although the Ibadhis and Mu'tazilites held the same views on those doctrines mentioned above, the fact remains that the Ibadhis formed their views on those questions at an earlier stage, and they were based on Traditions reported from the Prophet, or on opinions of some of the Companions regarding the tafsir of certain Qura'nic verses which dealt with some of those doctrines.

On the other hand, the Ibadhis opposed strongly some basic views of the Mu'tazilites, i.e. on Divine decree, the Divine will, and the position between two positions.

With regard to the first two views, concerning the Divine will and Divine decree, Ibadhis held that God is the creator of man and his actions, and man commits his action. As for the Divine will, Ibadhis held that everything which happens in this world, be it good or bad, is willed by God. Both views were adopted by the Ash'arites.

The Mu'tazilites evolved the doctrine of the position between two positions (al-manzilah baina al-manzilatain) for the state between faith (iman) and polytheism (shirk). They refused to regard the major sinner a believer (mu'min) as the Murji'ites did, and also refused to regard him 'infidel-ingrate' and regarded him as fasiq (evil doer) in a position between two positions, meaning that he is neither a believer nor an infidel. Ibadhis distinguished their attitude regarding this matter by the two following principles:

1) The position between two positions implies the position of hypocrisy between faith and polytheism. This attitude was in opposition to the Murji'ites who refused to regard the major sinner as anything other than a believer; and against the Kharijites who regarded all those who commit major sins as polytheists.

2) There is no position between two positions; meaning that there is no position between faith (iman) and infidelity (kufr). To them, those who do not fulfil the teachings of the religion are 'infidels-ingrate' (kuffar al-ni'am). This attitude was directed against the Mu'tazili view on this matter. For Ibadhis, the terms, fisq, nifaq and kufr al-ni'mah are all the same, and they mean hypocrisy. he who fills this category is neither a believer, nor a polytheist, but an 'infidel-ingrate', or a hypocrite like the Hypocrites of the time of the Prophet.

THE SUB-DIVISIONS OF THE IBADHI SECT

The following pages are devoted to the study of the development of the theological discussions within the Ibadhi school, the different views which appeared, and the resulting sub-divisions of the sect.

The Polish scholar, Tadeusz Lewicki, was the first scholar to treat this subject using information from Ibadhi sources. His article "Les sub-divisions de l' Ibadhiyya" 140 was the most useful study of the Ibadhi theological groups.

In this present work, it is hoped that a more detailed study of this subject will be given. It is not intended to deal with the sub-divisions of the Ibadhis of the 'East', except where they are connected with the sub-divisions of the Ibadhis of North Africa.

The available sources contain a very limited amount of information on the early theological arguments which took place in the early stage among Ibadhi scholars during the time of Abu Ubaidah Muslim b. Abi Karimah. Ibadhi chroniclers mentioned a certain Salih b. Kathir or Kuthaiyir who raised issues which made the Ibadhis shun him.141 It is not known what those issues were, but their being ascribed to a theologian suggests that they might have been theological views. it seems that his views were not of much importance, and were not taken seriously, either by him or by his Ibadhi contemporaries, for he was still respectable enough to be elected to negotiate with Abdullah b. al-Hassan on behalf of the Ibadhis.` 142 Although the negotiation did not take place, it showed that Salih was still accepted in the Ibadhi community.

The question of divine 'decree' (qadar) confused some Ibadhi scholars, and some of them adopted the same views as the Qadarites. Among these scholars were Hamzah al-Kufi, al-Harith b. Mazyad al-Ibadhi, and another scholar called 'Atiyah from Khurasan.143 They were all influenced by the Qadarite view on the creation of works, i.e. man being the author of his actions and not God. Abu Ubaidah Muslim b. Abi Karimah opposed them strongly and they were ostracized by the Ibadhis.144

The second question on which differences of opinion appeared among the Ibadhis at this stage was the doctrine of al-Walayah wa al-Baraah. It is reported that an Ibadhi youth called Abd al-Rahman b. al-Mu'sir held that all the people were in a state of walayah, except for those who plainly merited baraah. His father and other Ibadhi scholars tried to make him change his views and correct them, but he refused to alter them; they therefore expelled him from their community, and warned their people that he was not of them

any more.145

Another event of a similar nature took place during this stage. It occurred when al-Harith b. Talid, the Ibadhi Imam of Tripoli, and his Qadi Abd al-Jabbar b. Qais al-Muradi were found dead with the sword of each one thrust into the body of the other, no-one knowing whether they killed each other, and in this case, who was wrong. The question was whether they should remain in the state of (walayah) or be transferred to the states of reservation (wuquf), or (baraah).146 Conflicting opinions resulted on the matter among the Ibadhis of North Africa, and the case was presented to Abu Ubaidah in Basrah for a decision.147

Another question reported to have arisen in the course of the argument within the Ibadhi community was the question of the 'proof' (al-hujjah). The argument was about a hypothetical case of a Christian who had not heard of the Prophet of Islam, and who had converted a Magian to Christianity. Some Ibadhis youths came to Abu Ubaidah with the strange view that the Christian is a Muslim because he had not yet heard of the Prophet Muhammad, and the Magian is an infidel despite his acceptance of Christianity. Abu Ubaidah refuted their views and disassociated himself from them.148 This view was taken over afterwards by the Husayniyah.149

After the death of Abu Ubaidah there was a chance of conflict and difference of opinion. The Ibadhi movement lost with his death a strong leadership which maintained the unity of the movement and provided final decisions on the problems which arose. The movement expanded, and al-Rabi b. Habib, who succeeded Abu Ubaidah as its religious leader, failed to gain support and acceptance from all his contemporaries. It was during this period that a number of Ibadhi splinter groups started to appear.

First, we will deal with the original movement or the mainstream of the Ibadhi school which was known as al-Wahbiyah. After presenting their basic views, the divergence between the Ibadhi groups and its nature will be readily understood.

1. Al-Wahbiyah

The mainstream of the Ibadhi movement in North Africa was distinguished by the name al-Wahbiyah. There are different opinions about the origin of this name. According to Ibn al-Raqiq, they were named after 'Abd al-Wahhab, the second Rustumid Imam.150 The same opinion is reported by Ibn al-Saghir though he denied any knowledge of its origin.151

Al-Qalhati, in his book al-Kashf wa al-Bayan, used the name al-Wahbiyah for

the Ibadhis in general and stated that it is so named after Abdullah b. Wahb al-Rasibi.152 Both modern Ibadhi scholars of North Africa, Muhammad Yusuf Atfaiyish and Abdullah al-Baruni, adopted the same view and held that Wahbiyyah is named after Abdullah b. Wahb and not after Abd Al-Wahhab. Atfaiyish argued that if it was named after Abd Al-Wahhab, the form should be Wahhabi and not Wahbi.153 But this opinion also is based on the grammatical rules of Arabic only.

It is worth mentioning here that the name was largely used by Berbers in North Africa and it is possible that the correct form of the name was altered to make it easier for the Berber tongue, and it became Wahbiyah instead of the correct original form 'Wahhabiyah'. The other fact which supports the opinion that the name Wahbiyah is derived from Abd Al-Wahhab, is that the name did not appear before the opposition of the Nukkar to the Imamate of Abd Al-Wahhab, that opposition which split the Ibadhi community of North Africa into two parties, the followers of Yazid b. Fandin who were called al-Nukkar, and the followers of Abd al-Wahhab who should have been named after him "al-Wahhabiyah' then as suggested earlier, the name was changed and became Wahbiyah.

Wahbiyah represent the mainstream of the Ibadhis of North Africa. They played the most important part in both the political and intellectual fields and are the only group which managed to continue to exist until the present day. In all information about the Ibadhi communities and their activities in the past, we are indebted to this group and its literature. As this chapter is concerned mainly with the theological differences between the different Ibadhi groups, it is useful to include here a translation of the Wahbi aqidah written by Abu Sakin Amir b. Ali al-Shammakhi (d.592). For more details about the theological views of Wahbiyah, and their creeds (Aqaid) specialist works are available for consultation in both French and Italian.154

AL-DIYANAT

(AN IBADHI WAHBI CREED)

by Amir b. Ali al-Shammakhi

Translation

The divergence between Muslims arose from nine basic elements; unity, divine decree, walayah and baraah, command and prohibition , praise and threat, the intermediate position, the denial of an intermediate position, names155 and statutes.

1. Unity:

We hold that there is nothing like Allah in attribute, essence or act. We hold that Allah is not seen either in this World or in the World to come; "The eyes attain Him not, but He attains the eyes; He is the All-subtle, the All-aware."156

We hold that Allah established Himself upon the Throne and over everything in a fashion not explicable by reason; His establishing Himself is an attribute of His which continues attributed to Him.

We hold that He is in every place, preserving and omnipotent; that He is within things, and along with things, comprehending them, causing them to was and wane, and not through emanation or fixation, and being contained therein.

We hold that His Names and attributes are His. There is nothing but Him. Numbering, change and variation are not applicable to Him.

2. Justice:

We hold that Allah is Just. Injustice is not ascribed to Him in judging or act.

We hold that the people of al-Nahr were right when they disapproved of Ali in his entrusting the arbitration to two arbitrators, after the decision of Allah Almighty, "Fight against the party which doth the wrong, until they come back to the precepts of God."157

We hold that Allah "Wrongs not men anything, but themselves men wrong."158 The meaning is: He does not call them to account for that which they have not committed, nor punish them for crimes they have not committed.

We hold that (His) servants159 commit and perform their actions, and that they were not forced or obliged to do them.

3. Divine decree:

We hold that Allah is the Creator of every thing, knowing everything, and willing every thing.

We hold that decree, whether good or bad, is from Allah.

We hold that Allah is the creator of (His) servants' actions; He is who originated them and willed them.

We hold that Allah is the creator of His Word and revelation, its originator, its maker, and the revealer of it.

4. The states of walayah and enmity:

We hold that Allah sustains His 'awliya' and is the Enemy of those 'dissociated' from Him.

We hold that Allah's sustaining love and His enmity do not change with tie, or alter with circumstances.

We hold belief in 'walayah' with all Muslims, and baraah from all infidels.

We hold belief in 'walayah' with those whom Allah has mentioned in His Book as being of the people of Paradise; and in 'baraah' from those whom He mentioned in His Book as being of the people of Hell.

We hold belief in 'walayah' with each individual who fully discharges (his religious obligations), and baraah from each individual who commits major sins.

We hold belief in 'baraah' from those who oppose us, and go contrary to what we possess of the religion or our Lord.

We hold that 'walayah' cannot be removed except by baraah; and that baraah cannot be removed except by walayah.

We hold that 'walayah' cannot be removed except by baraah; and that baraah cannot be removed except by walayah.

We hold that (an attitude of) 'reservation' is an obligation prescribed (in the case of) acquaintance with a person of whom it is unknown whether he has faith or disbelief.

5. Command and prohibition:

We hold that Allah orders obedience and prohibits disobedience to Himself.

We hold that every part of obedience to Allah is faith, but not all disobedience to Allah is disbelief.

We hold that enjoining good and prohibiting evil to the best of one's ability is obligatory at all times.

We hold that the Imamate is obligatory on the people when they are able to (maintain) it.

6. Promise and threat:

We hold that Allah is true to His promise and threat.

We hold belief in eternal existence o the people of Paradise in paradise, and in eternal existence of the people ofHell in Hell.

We hold that both Paradise and Hell are everlasting and will never pass away.

We hold that God's reward to His friends in the World to come, and His punishment for His enemies in the World to Come do not resemble His reward and punishment in this World.

7. The intermediate position:

We hold that the state of hypocrisy is the intermediate position between faith and polytheism.

We hold that Hypocrites are neither Believers nor Polytheists.

We hold that Polytheists are neither believers nor Hypocrites.

We believe that the believers are neither Hypocrites nor Polytheists; and whosoever calls any one of these by the name of another is an 'infidel-ingrate.'160

8. No intermediate position:

We hold that there is no intermediate position between faith and disbelief.

We hold that he is an 'Infidel-ingrate' him who maintains that the whole of faith is monotheism, and all disbelief is polytheism.

We hold that Allah forgives the minor sins of those who avoid major sins, but He does not forgive major sins except through repentance.

We hold belief in designating as 'infidel-ingrate' the profligate woman who has sexual intercourse not per vulvam.

We hold belief in designating as 'infidels-ingrate' those who practice interpretation erring in their interpretation.

9. The names and statutes:

We hold that the names are subject to the statutes, and we hold that the statutes affecting Monotheists are not like the statutes affecting Polytheists, and that the statutes affecting Polytheists are not like those affecting Monotheists.

We hold that the statutes affecting the Monotheists in their relation with each other are one and the same, except for (walayah) and designation as Believers, for only Muslims who fully discharge their religious obligations are entitled to these.

We hold that the People of the Book; the Jews, the Christians and the Sabaeans are not hypocrites, but they are Polytheists.

We hold that he who alters the statutes of Allah or His Apostle is a Polytheist.

We hold that he who denies "individual reasoning' ra'y and the Sunnah is an 'infidel-ingrate.'

We hold that Allah's proof to His servants is the Books and Apostles.

We hold that there is no hijrah after the opening up (fat`h) of Mecca.

We hold that gnosis of God cannot be attained through reflecting or compulsion, and that it can only properly be arrived at through an instructor and admonisher.

11. AL NUKKAR:

During the time of Abu UbaidahMuslim b. Abi Karimah the seeds of the splinter Nukkar group were planted. A number of his intellectual students possessed and developed certain views on theological and juridical problems. They were Abdullah b. Abd al-Aziz, Abu al-Ma'ruf Shua'ib, Abu al-Mu'arrij Amr b. Muhammad, Hatim b. Mansur, and Abdullah b. Yazid al-Fazari. They expressed some of their views during the life of Abu Ubaidah, but he refuted them and expelled them from the majalis.161 It is reported that they recanted and repented, and were allowed to rejoin the meetings of the Ibadhis and participate in the activities of the Ibadhi community in Basrah.162 After the death of Abu Ubaidah, they again asserted their views left to the successor of Abu Ubaidah, al-Rabi b. Habib to refute their views and denounce them.163

It was these same men who founded the most important Ibadhi group beside the original and the mainstream of the Ibadhi school, al-Wahbiyah. The foundation of their movement as a political opposition to the Wahbiyah began in North Africa, but the intellectual side of the movement was started and developed by those scholars in Basrah.

This splinter group was know as al-Nukkar (deniers), for their denial of the Imamate of Abd al-Wahhab b. Abd al-Rahman b. Rustam.164 They were also known by other names: Nakithah, Nakkathah, Nukkath for the word ( ), to violate, because they violated the oath they made to Abd al-Wahhab;165 al-Najwiyyah, from the word al-Najwa, secret intrigue, which

was known of them when discussing the question of the Imamate after the death of the first Rustamid Imam and the election of his son Abd al-Wahhab.166 They were also called Mulhidah, blasphemers, because they blasphemed regarding the names of Go;167 Yazidiyah, after their theologian Abdullah b Yazid al-Fazari, or perhaps after their political leader in Tahert, Yazid b. Fandin;168 Shaghabiyah for the disturbance (shaghab) which they brought about;169 and by Maslawah, the name of one of the main Berber tribes of their adherents.170

The Nukkar branch of the Ibadhi school was, in fact, an integrated movement which tried to be independent of the mother Ibadhi movement. They developed their own views on theology and followed the opinion of heir own authorities in jurisprudence. According to Ibadhi historians, Nukkar followed Abdullah b Abd al-Aziz, Abu al-Mu'arrij, and Hatim b. Mansur in jurisprudence, and Abdullah b. Yazid al-Fazari in theology.171

Abdullah b. Yazid who laid the theological foundation of this Ibadhi group, lived in Kufah (2nd - 3rd century H.) According to al-Masu'di, he was a kharraz, shoemaker, and a specialist in leather-craft, and he was a business partner of al-Hakam b. Hisham. His followers used to come into his place in Kufah to learn from him.172 He wrote a number of books on theology. The following list is ascribed to him by Ibn al-Nadim: K. al-Tawhid, K. al-Radd ala al-Mu'tazilah, K. al-Radd ala al-Rafidah, K. al-Istila'ah.173

During the search in private collections of Ibadhi Mss. in North Africa, I came across one of the books ascribed to Abdullah b. Yazid entitled: K. al-Rudud.174 This book as far as is known, the only extant work of a Nukkarite theologian, but there is still a great chance of discovering more Mss. of their literature in Zwarah(Libya) and Jerba.

It has already been mentioned that the Nukkarite leaders started their movement with opposition to Abu Ubaidah Muslim b. Abi Karimah on certain matters. Among these were; The Muslims who maintain anthropomorphic views of God were polytheists (mushrikun).175 They also maintained that God's friendship (walayat Allah) changes according to the state of the person; if he performs good deeds he will enjoy God's friendship, and if he commits sins he will lose that state.176 They also held a different opinion on the question of al-Harith and Abd al-Jabbar and pronounced them to be in a state of 'reservation' (wuquf).177 They were strongly opposed for these views, and other juridical opinions, by Abu Ubaidah and his successor al-Rabi b. Habib.

On the death of the first Rustamid Imam in Tahert and the election of his son Abd al-Wahhab as his successor, the political aims of the Nukkar were revealed, and contacts between the Nukkar of the West (al-Maghrib) and their

sympathisers in the 'East' were established. One of the Ibadhi leaders of North Africa, Abu Qudamah Yazid b. Fandin of Banu Yifrin, a branch of the Berber tribe of Zanatah, who was also one of the six men among whom the second Imam of Tahert Abd al-Wahhab was elected, refused to give his oath to the new Imam unless he agreed to the condition that all his decisions must be with the approval of a certain group.178 This ultimatum was refused by the rest of the Ibadhi leaders of North Africa, and Abd al-Wahhab became the second Imam of the Ibadhi state there. Yazid b. Fandin and his supporters denied the Imamate of Abd al-Wahhab and some of them made an attempt of his life. As they failed, they were obliged to oppose him openly for fear that he might punish them for their abortive attempt.179 After some fighting, the two parties agreed to write to the Ibadhi scholars of the East about their conflict, and wait for their reply so as to decide who was wrong.

On their way, the envoys went to Abu al-Ma'ruf Shua'ib who was in Egypt at that time and told him about the situation in Tahert, then they went to Mecca where they met al-Rabi b. Habib, Wail b. Aiyub, Abu Ghassan Mukhallad b. al-Amarrad and others. They presented them with the letters which they had brought from North Africa, explained the situation to them and returned with their reply.180

From the reply of the Ibadhi Shaikhs of East, al-Rabi and his colleagues, it appears that he conflict between the Ibadhis of North Africa was based on two issues:

i) The conditions laid on the Imam;

ii) The Imamate of a person excelled by others

The decision of al-Rabi and his colleagues on these two points was in favour of Abd al-Wahhab and his party. It was decided that there must be no condition laid on the Imam, and that any suitable person could be elected an Imam even if there were available men of qualities superior to him.182

As for Shua'ib b. al-Mu'arraf, he went to Tahert and joined the rebels who fought Abd al-Wahhab before the arrival of the reply from the Ibadhi scholars of the 'East'. However, Yazid b Fandin was killed, his party was defeated, and Shua'ib headed back to Tripoli where he continued his literary opposition to Abd al-Wahhab.183 al-Rabi b. Habib and his colleagues, on hearing of the attitude of Shua'ib and his hostile activities against Imam Abd al-Wahhab, disavowed him.184 This attitude of al-Rabi made the remnants of Ibn Fandin's party sympathise with the opponents of al-Rabi among the Ibadhi scholars of the East of whom were; Shua'ib b. al-Mu'arraf, Abdullah b Abd al-Aziz, Abdullah b. Yazid and others. This was how the connection between the two wings of the Nukkarite movement, the eastern and the western took place.

The Nukkarite group of North Africa grew larger and formed their own communities and Azzabah councils.185 By the beginning of the fourth century H. they tried to establish their own Imamate under the leadership of Abu Yazid Mukhallad b. Kaidad, of Banu Yifrin, the same Berber tribe of Yazid b. Fandin the founder of the Nukkarite movement. Between the years 316-336 A.H. Abu Yazid conquered most of central North Africa, but was defeated and killed by the Fatimid ruler, al-Mansur b. al-Qasim, in the year 336 A.H.186

The Nukkar spread all over North Africa and found their way into Spain as well, where they were strong enough to establish their own city states.187 According to Ibn Hazm, the majority of the Kharijites of al-Andalus were of the Nukkarite branch of the Ibadhis.188

The extant literature of the Nukkar is very limited and cannot therefore cover all aspects of their views. Hence one is obliged to study their views as presented by Wahbi Ibadhis. Their views are to be found mainly in two small works devoted to the subject of the difference between the Muslim groups. The first work is a small treatise by Abu Amr Uthman b. Khalifah al-Sufi (first half of VIth century A.H.) entitled: Risalah fi bayan kull firqah189 and contains a useful account of the views of the different Muslim groups. The other work is a poem (urjuzah) of 111 verses, composed by Shaikh Salih b. Ibrahim b. Abi Salih al-Musabi,190 on the same subject as the treatise of Abu Amr. Accounts of Nukkar views are also given in the theological and historical works of the Ibadhis of North Africa.

Abu Ya'qub al-Warijlani gave the following account of al-Nukkar; "In all schools (madhahib) there is no one who is nearer to us, and at the same time more remote, than they are out of malice, haughtiness, ignorance and petulance."191 Abu Amr Uthman b. Khalifah described them as follows; "They are a group which is very far from the truth (al-haqq), of a doubtful nature, and noxious views."192

However, Wahbi Ibadhis regarded the Nukkar as 'infidels-ingrate', kuffar ni'mah, and the relation between the two parties was of a hostile nature. The following are the beliefs of the Nukkar on which they differ from Wahbi Ibadhis:

1) The Names of Allah are created.

2) The 'proof' of God is not compulsory.

3) God's friendship towards the Muslims is mutable.

4) Regarding the questionof al-Harith and Abd al-Jabbar their decision is of 'reservation' (wuquf).

5) They took the position of 'reservation' in regard to all children (minors).

6) The knowledge of obligatory commands (faraid) with the exception of tawhid, the 'Unity of God,' is not required although performing those commands is compulsory.

7) God has not ordered people to perform super-rogatory acts (nawafil).

8) Muslims who hold anthropomorphic views of God (المشبّهة), are polytheists.

9) Women who permit sexual intercourse in the prohibited areas per vulvam, and men who permit sexual relations among males of the category known as (mufakhadhah) are not kafirs.

10) He who steals less than 1/4 Dinar is not punishable and is not to be regarded as kafir since he has not stolen the amount which makes him subject to legal punishment.

11) Lustful eyeing of men or women, kissing, entering public baths naked, slapping others all these are minor sins and not major sins.

12) Friday service (صلاة الجمعة) under tyrant's rule is not lawful.

13) Gifts from tyrant rulers are not lawful.

14) The unknown prohibitions, (al-haram al-majhul), are permissible.

15) Drinking wine out of 'religious dissimulation' (taqiyah) is lawful.

16) The Imamate of the person excelled by others is not lawful.

17) Maintaining the Imamate is not obligatory.

18) The polytheists must be invited to profess the faith, shahadah, and to declare 'bara'ah' from the people of innovations (ahl al-bida).

19) The apostate woman is not to be killed.

20) With regard to matters on which jurists form different opinions, the truth lies in one opinion only and it is forbidden for people to disagree with it.193

Those were most of the points of difference between the Nukkarites and Wahbi Ibadhis as presented by the latter. it is possible that future discovery of works of the Nukkarites themselves, and more works of the Wahbis, will help to form a clearer idea about the Nukkarites and their views.

Besides the Nukkarites, Ibadhi sources mention six other dissident groups who held opinions different from the Wahbis. Two of them were also founded for political reasons the Khalafiyah, and the Naffathiyah.

III KHALAFIYAH

Khalafiyah, followers of Khalaf b. al-Samh, grandson of Abu al-Khattab Abd al-A'la al-Ma'afiri, first Imam of the Ibadhi state of North Africa.194 Al-Samh, the father of Khalaf, was the wazir of Abd al-Wahhab b. Abd Al-Rahman b. Rustam. At the request of the people of Jabal Nufusah Abd al-Wahhab appointed him governor of the Jabal.195 After the death of his father, Khalaf tried to establish an independent Imamate in Jabal Nufusah and the surrounding areas.196 His view was that the distance between the Jabal and the Capital of the Imamate in Tahert was too far, and divided by large areas ruled by Aghlabids, which made the administration ineffective.197

According to Abu Amr Uthman b. Khalifah, this was the only point of difference between the Khalafiyah and Wahbi Ibadhis, i.e. the Khalafiyah held that every area or territory (hawzah) should have an independent Imam and other Imams should not interfere with its affairs.198 Khalaf started his movement during the last years of the Imamate of Abd al-Wahhab (end of the 2nd century A.H.) he ruled the Eastern part of the Ibadhi territory between Jadu and Tripoli, and gained the support of both banu Yifrin and Zawaghah.199 He fought two major battles against the Governor of the Jabal, Abu Ubaidah Abd al-Hamid al-Jannawani, the last of which took place in the year 221 A.H./835 A.D.200 He also fought the successor of Abu Ubaidah, al-Abbas b. Aiyub.201 After his death, his followers continued their opposition to the Governor of the Jabal and the Imamate of Tahert until the powerful leader of Nufusah, Abu Mansur Ilyas defeated them and forced them to flee to Jerba Island where he surrounded their forces and captured their leader al-Taiyib b. Khalaf.202 It is reported that al-Taiyib repented and spent the rest of his life in the Jabal.203

A minority of the followers of Khalaf held to their views while yet living with other groups of Nukkarites and Husainiyah in the Eastern part of Jabal Nufusah in Yifrin, Babal, Takbal, and Kikklah204 up to the time of Abu Yahya Zakariya b. Ibrahim al-Baruni, (second half of 5th century A.H.) who gained them back for the Wahbi school.205

IV AL-NAFFATHIYAH

The other splinter group which appeared for reasons of a political nature was al-Naffathiyah, followers of Naffath,206 Faraj b. Nasr. They were also called al-Kitmaniyah.207

Naffath was of Nufusi origin. he studied in Tahert under the Rustamid Imams and other Ibadhi scholars of Tahert.208 A contemporary student of his, was Sa'd b. Abi Yunus, son of the governor of Qantrarah.209 They went together

to Tahert for studies. After the death of Abu Yunus, his son Sa'd decided to return to Qantrarah and Naffath also returned with him.210 As Naffath had attained a high standard of knowledge, he expected that Imam Aflah would appoint him governor of Qantrarah, the post which was vacated through the death of Abu Yunus. Instead, Aflah appointed Sa'd in the place of his father. Ibadhi historians suggest that this was the reason which made Naffath bear hatred towards Imam Aflah, and begin propagating accusations against him.211

The correspondence of Aflah with his governors concerning the affair of Naffath shows that he possessed views which were regarded as heresies (bida). He was described as an ignorant youth of no experience. One of his heresies (bida) was referred to in one of the letters of Imam Aflah. In his last letter to Naffath, Aflah accused him of being one of those who believed that the rulers (ummal) of the Rustamid state who were in the 'stage of secrecy' (kitman) were no more than bishops (asaqifah), and they were not to be obeyed, for they had no administrative power.212

The following is the account of his views as stated by Abu Amr al-Sufi;

1) Allah is Everlasting Time (al-Dahr al-Daim). When he was asked what that meant, he replied; I found that in the 'book' (al-Daftar).

2) The Khutbah, sermon, at the Friday prayer is an innovation (bidah).

3) The Imam who cannot protect his subjects from the oppression of tyrants has no right to exact zakat from them because he is weak and unable to fight and defend them. It seems that this was directed against Imam Aflah. It is reported that Naffath said, "To pay zakat to Aflah is like paying it to Nabar the king of the Sudan.'213 Among his other censures against Aflah, Naffath mentioned that Aflah had become fond of hunting and had neglected looking after the interests of Muslims; appointed his son to the Imamate while he was still living; and used rulers 'ummal' for collecting zakat, although it was not the custom of the Apostle of God. Naffath also claimed that Aflah embellished his physical appearance; his face was one cubit (dhira),214 his turban was one dhira, and his beard was one dhira.

With regard to the legal opinions held by Naffath, three were considered false by Wahbi Ibadhis:

i) Concerning heritage, he held that the full brother's son was more entitled to inherit than the half-brother on the father's side.214

ii) It is not lawful for the owner of a property of value to sell it through necessity of hunger, for he who owns anything of value cannot be in a state of necessity (idhtirar).

iii) Presumption of death of an absent husband can only apply in cases of travel overseas (wara al-bihar).215

It appears that the attitude taken by Naffath which most seriously disturbed the Imam of Tahert and his rulers was his opinion concerning the relation between the Ibadhis and Ibadhi rulers during the state of secrecy (kitman). It is probably because of this attitude that Nafflath and his followers were called al-Kitmaniyah.

There is no information about Naffath or any one of his followers having written any works to expound their views. The only extant work of Naffath known, a short letter preserved in a Ms., contains a number of letters exchanged between early Ibadhi authorities.216 This letter was written by Naffath to Abu al-Qasim Sadrat b. al-Hassan al-Baghturi, (163-333) A.H.), one of the leading scholars of Nufusah.217 The letter shows how Naffath pictured the Ibadhi society of Nufusah and its leaders. In the letter Naffath mentioned that most of the legal decisions (Fatwa) as delivered by the rulers, were made without proper knowledge, because the rulers had no fear of God, and all those who had knowledge were suppressed because of the ruler's conceit. He concluded his letter with the following words; "We ask God to grant us good patience, he who can be patient must be so, and he who cannot be patient must conceal his faith and detach himself from the people and their affairs."

According to some scholars,218 Naffath gave up his views and repented after his return from the East (al-Mashriq), but there is no evidence to support this suggestion. Although Naffath started his opposition to the Ibadhi state from political reasons, just like al-Nukkar and Khalafiyah, he never turned to violence in his opposition. His theological and legal opinions were refuted strongly by Amrus b. Fath and his colleague Mahdi al-Wighawi.219

These last groups were founded originally for political reasons. The Imamate in Tahert faced political opposition on different occasions, but in this chapter our study is concerned only with those groups which possessed and developed theological and legal opinions.

The following groups maintained theological and juridical opinions different from those of the original Ibadhi movement but entered into no political activities.

V, VI Husainiyah and Umairiyah

al-Husainiyah are the followers of Ahmad b. al-Husain al-Atrabulsi b. Abi Ziyad.220 According to the late Shaikh Muhammad b. Yusuf Atfiyish, Ibn al-Husain is from Tarabulus al-Sham, but there is no evidence to support this

view. On the other hand, there is strong evidence that Ibn al-Husain came from Tripoli, Libya, for his followers were no Ibadhi groups in Syria at any time. The earliest Ibadhi source which mentioned Ibn al-Husain is the book of Ibn Sallam. When speaking about the Ibadhi scholars of the West (al-Maghrib) Ibn Sallam said, "And in the city of Tripoli are Ammar and his brother al-Hasan b. Ahmad b. al-Husain al-Atrabulsi b. Abi Ziyad. I met him in Ajdabia, after the year 260 A.H. on his way back from the Hajj." he further added, "Ibn al-Husain Ahmad and his party and companions adopted analogy (qiyas)."221 In this quotation it is clear that Ibn al-Husain was of the Ibadhi scholars of Tripoli - Libya, and that he lived to the end of the third century A.H.

According to Shammakhi, Ahmad b. al-Husain and Ibn Umarah, both adopted analogy (qiyas) and followed Isa b. Umair in theology and Ibn Ulaiyah in jurisprudence.222 Shammakhi also reported that he saw a number of books written by Ibn al-Hussain, he added that the best of them are K. al-Maqalat on theology, and K. al-Mukhtasar on jurisprudence.223 Unfortunately neither of these two books is extant today. The latest author to mention their existence is al-Shammakhi in the above quotation. It is reported that the books of Ibn al-Husain were extant in Warijlan in the beginning of the fourth century A.H.224 Among the Ibadhi authors of Nufusah who quoted from K. al-Maqalat is Abu Tahir Ismail b. Musa al-Jitali, in his book Qawaid al-Islam.225 One of the early Ibadhi scholars is reported to have said, "if it had not been for Amrus b. Fath and Aflah b. Abd al-Wahhab who refuted the views of Naffath b. Nasr and Ahmad b. al-Husain, they would have won the people of the 'West (al-Maghrib) to their schools."226

Most of the sources which dealt with the subject speak about al-Husainiyah and al-Umairiyah together. Ibn al-Saghir al-Maliki regarded al-Husainiyah as a continuation of al-Umairiyah, the followers of Isa b. Umar.227 This view is also confirmed by Abu Amr Uthman b. Khalifah al-Sufi, who presented the views of the two groups together,228 and by al-Shammakhi, who stated that Ibn al-Husain adopted the theological views of Bin Umar.229 According to Abu Zakariya, Umairiyah was an independent schism from the beginning, and has no connection with the Ibadhi school, though they claim to be Ibadhis.230 he also stated that they ascribed most of their legal opinions to Abdullah b. Mas'ud, the Companion of the Prophet.231 As for Isa b. Umair himself, not much is known about him. Shammakhi mentioned that his disagreement with the Ibadhi Shaikhs took place during the time of Abu Ubaidah Muslim b. Abi Karimah at the same time as Abdullah b. Yazid.232

The following are the views on which these two groups differed from the original Ibadhi movement.233

1) He who denies everything but God is not a polytheist.

2) People are not obliged to know the Prophet Muhammad, They are only asked to know what is called so!

(يسع جهل معرفة محمد عليه السلام وليس على الناس إلا معرفة المخبَر عنه هكذا)

3) Those who maintain wrong opinions mistakenly are polytheists.

4) The 'proof' of God can be obtained by contemplation.

5) God has ordered the polytheists nothing but believing in the Unity of God, and He has not forbidden them anything except polytheism. If they believe in His Unity, they are subject to the other obligatory duties, and forbidden other sins.

6) Love, blessing, friendship, quittance, hate and anger in relation to God are all actions and not attributes.

7) Jews are hypocrites, and Muslims who maintain wrong opinions based on wrong interpretation are polytheists.

8) Each Prophet is sent by God with a special sign (alamah) by which he will be recognised and distinguished from the others, and he is not to be taken as a proof (hujjah) from God and as His messenger without such a sign.

9) Those who observe unknown prohibitions are to be punished.

10) It is permissible to observe certain prohibitions unless it is proved that they are prohibited by reason.

11) Committing adultery, and consuming the property of the other persons is permissible to those forced to do so for 'religious dissimulation (taqiyah), but they should make restitution afterwards.

Apart from the above mentioned points, there are five more developed and maintained by Ahmad b. al-Husain;

i) Superior merit as between people lies in capacity, (istita'ah), and assumption of religious obligations only and not in intelligence.

ii) The Apostles' fear of God arises out of respect for Him, and not out of apprehension of His punishment.

iii) The inhabitants of Paradise live in eternal fear and hope.

iv) Dead bodies will be consumed by the earth, except the coccyx from which they will be recreated.

v) Walayah and baraah provided certain conditions to be observed (bi al-

shariah) is lawful.

The Husainiyah group were to be found in the Eastern part of Jabal Nufusah, then they were won back to Wahbi school by Abu Yahya Zakariya b. Ibrahim al-Baruni.234

VII AL-SAKKAKIYAH

The followers of Abdullah (Abdallah) al-Sakkak, a jeweller from the Berber tribe of Lawwatah.235 he lived in Qantrarah, of South Tunisia. On seven points in his thought he differed from the rest of the Ibadhis.236

i) He denied the rule of sunnah and personal judgement, and held that the legal system is to be derived from Quran only.

ii) Prayers in congregation are an innovation (bidah).

iii) Calling to prayer (adhan) is an innovation.

iv) Praying in clothes which contain lice is not permitted.

v) In prayers, Muslims should recite only the Quranic verses the interpretation of which they know.

vi) The grain threshed on a threshing floor is unclean (najas) because it is mixed with dung, and also vegetables from gardens in which dung is used are unclean.

This group was strongly opposed by the Ibadhi scholars and its followers were regarded as polytheists (mushrikun). It is reported that the Ibadhis bury the dead of non Ibadhi Muslims in the Islamic way, but this group would drag them to pits.237 However, the views of this group did not spread outside Qantrarah, and disappeared completely by the end of the fifth century H.238

VII AL-FARTHIYAH

Like the Sakkakiyah, the disagreement between this present group and the Wahbi school is mainly on legal points. It was founded by Abu Sulaiman Ya'qub b. Muhammad b. Aflah, son of the Ibadhi Imam of Tahert. he lived in Warijlan with his father. His father used to warn the Ibadhis against his son and told them that he read the books of Ahmad b. al-Husain.239

After the death of his father, Abu Sulaiman found the way to deliver legal opinions, and formulated certain points in which he disagreed with the Ibadhi school.240

1) Dung (farth) is unclean (najais), the food which is cooked with intestines

containing (farth) is unclean. It is because of this opinion the group got its name Farthiyah.

2) Blood in the veins of the slaughtered animal is unclean, even after washing the blood of slaughtering part of the neck to which throat the butcher applies his knife (madhbah), the same is the case with the blood of the entrails.

3) The seat of the menstruating woman, and of men and women in the state of major ritual impurity, is unclean.

4) Eating the meat of the embryo (janin) of a slaughtered animal is forbidden.

5) Zakat is not to be paid except to relatives.

This group was also strongly opposed by the Wahbi scholars. its founder died after his followers had built mosques in Warijlan and Tala.241 However, by the end of the sixth century A.H. the group had vanished completely.242

From the previous study it appears that the most important Ibadhi group besides the Wahbiyah is al-Nukkar. All other groups did not last long, while the Nukkar remained in existence up to the beginning of this century in Jerba Island, and Zwarah in Libya.

The historical relation between the two groups was one of hatred and enmity, wars even occurring between them, though sometimes they tried to live together in peace.

Those were Ibadhi groups recognised by Ibadhi authors, but non Ibadhi sources mention some other groups243 which were not known to the early Ibadhi sources on North Africa. It is likely that those groups were founded at the early stage of the movement in the 'East' and also disappeared early.

IBADHI WORKS ON THEOLOGY

Theology received great attention from the Ibadhis. Although little was done in the initial stages of the movement, the early Ibadhi Imams did not oppose this kind of study.

There were no special works written on the subject during the time of Jabir b. Zaid or Abu Ubaidah Muslim. The documents surviving from early Ibadhi leaders, such as Abdullah b. Ibadh's letter to Abd al-Malik b. Marwan, and the Sirah of Salim b. Dhakwan, were concerned mainly with the political and social changes which took place in the Muslim community, and the Ibadhis attitudes regarding them. However, they both contained the seeds of Ibadhi theology on certain matters. It is also reported that Abu Ubaidah Muslim b. Abi Karimah

wrote responses to theological problems sent to him from Ibadhis of North Africa,244 but those responses have not as yet been discovered by modern scholars.

Special works on theology started to appear after conflicts on certain matters had taken place among the Ibadhis. The first in the field among Ibadhis of the East was Abdullah b. Yazid al-Fazari who wrote a number of books to express his views.245

The earliest work written by the Ibadhis of north Africa is K. al-Tawhid al-Kabir, by Isa b. Alqamah al-Misri. Information about this book is very limited, but from what is reported, it appears that it was written to refute the views of Abdullah b. Yazid al-Fazari.246 Isa b. Alqamah was described by Abu Ammar Abd al-Kafi as one of the expert Ibadhi theologians. He added that he had convincingly refuted the views of those who asserted that the names and the qualities of God were created.247

Although the Ibadhis of North Africa had faced strong opposition from other neighbouring schisms, namely the Mu'tazilites during the Imamate of Abd al-Wahhab b. Abd al-Rahman b. Rustam (168-190 A.H.) to the extent that the Imam was obliged to seek help from theologians from Jabal Nufusah to refute the Mu'tazili views in Tahert,248 there is no information about special books on theology having been written by the Ibadhis of North Africa during this period.

During the Imamate of Aflah b. Abd al-Wahhab (190-240 H.) new controversies arose among Ibadhis in this field which needed settlement. It was during this period that the Khalafiyah, Naffathiyah and Husainiyah groups, mentioned earlier, were founded, and their arguments had to be refuted.249 As these splinter groups had been formed in the areas around Jabal Nufusah, Nufusi theologians assumed the burden of discussing and disproving their arguments.250 Among the extant works which were composed during this period are two short treatises of Amrus b. Fath; (a) al-Dainunah al-Safiyah, and (b) al-Radd ala al-Nakithah wa - Ahmad b. al-Husain.251 Two other works were well know during this period; they were both on theology and written by Abd al-Khaliq al-Fazzani. Unfortunately, these two works are still lost.252

Among the theologians of other Ibadhi groups, only Ahmad b. a-Husain wrote a book on theology entitled K. al-Maqalat.253 During his Imamate 9240-281 H.), Abu al-Yaqzan Muhammad b. Aflah wrote his treatise on the creation of the Qur'an.254 It is reported that he was a great theologian, and wrote forty books on the subject of 'capacity,' (istilaah), alone, apart from a number of letters and responses.255

It is not known if any other works were written after this period up to the time

of Abu Khazr Yaghla b. Zaltaf (d.380 H.) who composed his book known as K. Abu Khazr Yaghla b. Zaltaf,256 in reply to questions sent to him from some Ibadhi scholars, after Abu Khazr had settled in Egypt.257

A contemporary and student of Abu Hazm, Abu Nuh Said b. Zanghil also made contributions in this field. His book is known in Ibadhi sources as K. Said b. Zanghil. This book is still lost,258 but from the citations by al-Barradi in his commentary on the poem o Abu Bakr Ahmad b. al-Nazr, Shifau al-haim fi sharhi badi al-Daaim, it appears that Ibn Zanghil's book dealt with the central theological problems such as "What must not remain unknown of the faith" ما لا يسع جهله من الدين The 'Vision', 'Capacity', the 'creation' of the Qur'an, the speech of God,' etc.259 Both scholars, Abu Khazr and Abu Nuh, took an active part in the last attempt at reviving the Ibadhi Imamate in North Africa.260

In later periods further contributions to this field were made. A great attention was paid to speculative theology, and a remarkable number of important works was written. This was largely due to the instigation of the Ibadhi scholar Abu Muhammad Abdullah b. Muhammad b. Bakr (d. 440 H.) originally from Farsattah in Jabal Nufusah. he moved to Ajillu in southern Algeria and formed the Halqah and Azzabah councils.261 He used to encourage his students to study theology. Although there are no complete works of theology ascribed to him, some of his views were included in K. al-Tuhaf by his student Sulaiman b. Yakhalaf. Abu al-Rabi Sulaiman b. Yakhlaf started teaching theology in Jerba where he was studying jurisprudence with Abu Muhammad Wislan. A large number of Ibadhi students, from different parts of Ibadhi countries of North Africa, gathered around him to study theology. It was after the year 450 H. that his students asked him to write a book on theology. After an initial reluctance, he agreed to their wish and allowed them to write down his lecturers, which he later edited and approved.262 This work took a form of a detailed book of two volumes, and was known as K. al-Tuhaf.263

Comparing this book with extant earlier works, it is the most comprehensive work, and contains detailed discussions on the following topics.

Part 1. What must not remain unknown of the faith; walayah and baraah; command and prohibition; the speech of God; faith and infidelity (kufr); enjoining good and prohibiting bad; knowledge and ignorance; prophethood and the Message (al-risalah); unknown prohibitions; individual judgement and when it is lawful; proofs for the existence of another world; the 'stages' of the Ibadhi community (masalik al-din); on regarding opponent Muslims as polytheists and evil-doers (fussaq); eternity in Hell; the vision; Ibadhis opinion of the people of al-Nahr; 'divine decree'; 'Names' and 'attributes' of God; God's 'friendship' and 'enmity;' having sexual intercourse in the prohibited parts not

per vulvam; on the undecided case of the two 'Muslims' suspected of killing each other; the Proof of God; the Imamate; Friday service; gifts from rulers; "help' and 'guidance' (al-awn wa-i'ismah); discussion of Ibn al-Husain's doctrine on God's command and prohibition concerning polytheists. The last eleven topics are the questions on which Wahbi Ibadhis differed from the rest of the Ibadhi groups.

In Part II the following subjects are discussed; the obligation of repentance; obligations (faraid); emigration (hijrah); the attitude towards the apostate; the testimony of the dissident Muslims; the wisdom of God; love of God; substance (jawhar) and accident (arad); the motions; the 'attributes', senses; and finally, the Unity of God and refutation of anthropomorphism and equalizing things with God.

The contents of the book show that it was designed to cover all known theological topics, and discuss contrary views of other groups such as Qadarites, Murjiites, Sufris, and Hashwiyah, as well as the views of the other Ibadhi splinter groups.

The following works were contributed by the students of Abu al-Rabi:

i) Masail al-Tawhid, by Abu al-Abbas Ahmad b. Muhammad b. Bakr 9d 504 H.).264

ii) K. usul al-din, by Tabghurin b. Dawud Isa al-Malshuti (lived during the second half of the fifth century H.).265

iii) The third work is also written by Tabghurin b. Dawud Isa and known as K. al-Jahalat. The author in this work phrases questions on different moot theological problems and answers them one by one. It is reported that the questions on man, distinction between infidelity and polytheism, and the signs (al-dalail) were added to the text by Abu Ismail Ibrahim b. Mallal,266 but the author of Sharh al-Jahalat, Abu Ammar Abd al-Kafi, says that the additions are ascribed to a number of Shaikhs, and he is not certain about who actually added them.267

After this stage, scholastic theology attracted the attention of a number of great Ibadhi scholars of North Africa. A group of theologians emerged in the Ibadhi community of Warijlan and the surrounding areas, and they all left significant works. In fact, the works written in this period attained such a degree as was never surpassed by North Africa Ibadhi scholars of any other time.

The leading scholar of this group was Abu Ammar Abd al-Kafi b. Abi Ya'qub al-Tanawuti (first half of the sixth century H.).268 He studied Ibadhi theology and jurisprudence under his teacher Abu Yahya Zakariya b. Abi Bakr in Warijlan, and went to Tunis where he studied Arabic literature and grammar

at Zaitunah University.269

He wrote three books on theology:

i) Sharh al-Jahalat;

ii) K. al-Mujaz;

iii) K. al-Istila'ah.270

The last of these is still lost. He also composed two other short works: Mukhtasar fi al-faraid, and Mukhtasar Tabaqat al-Mashaikh,271 and laid down some rules for the Halqah.272

This chapter, however, is concerned only with his theological works. The first book Sharh al-Jahalat is a commentary on K. al-Jahalat of al-Malshuti. In Sharh al-Jahalat, Abu Ammar extends the answers given by Tabghurin b. Isa in al-Jahalat with detailed discussions, ascribing opinions to their original sources, and supporting the Ibadhi views with more proof.

His second book K. al-Mujaz fi tahsil al-sual wa talkhis al-maqal fi al-raddi ala Ahli al-khilaf is a vast study of the theological views of Islamic and non-Islamic doctrines. The book, designed to vindicate the Ibadhi and refute other views, is divided into two parts; the contents of the first part deal mainly with the views of the Atheists (mulhidun) and it is arranged as follows: Section (i) al-Dahriyah, who maintain the eternity of time and matter. This section is divided into three chapters - Astrologers, Naturalists, and Aristotelians. Section (ii) The doctrine of Thanawiyah; Dualism, who teach that light and darkness are the two equal eternal creative principles.273 This section is also divided into three chapters - Manichaeans, Daisanis, and Mazdeans. Section (iii) Those who deny the Message of the Apostles. This section deals with Brahmanism, Magians, and the People of the Book. These latter were included for their denial of the message and the prophethood of Muhammad. Section (iv) The Anthropomorphists (ahl al-tashbih). The author divides the adherents of this doctrine into three groups, and discusses each group in a special chapter:

a) Those who regard anthropomorphism as a physical reality, and teach that God is a body in a real physical sense with a human shape, composed of flesh and blood, etc.

b) Those who teach anthropomorphism without applying direct physical reality to it, and hold that God is a body unlike other bodies, and is a light unlike known light, etc.

c) Those who wrongly impart anthropomorphic interpretations to Quranic expressions.

The second part of the book is devoted to the discussion of the doctrine of the 'people of the Qiblah, (i.e. Muslims)." The author refutes their erring views, i.e. views contrary to those of the Ibadhis, and justifies the stand-point of the latter. The opinions of Qadarites, Murjiites, Kharijites, Azariqah and Sufriyah, Mu'tazilites Jabriyah, Jahmiyah, and the Hashwiyah, as well as other dissident Ibadhi groups, are discussed in this book wherever they differed from the views of Wahbi Ibadhis.

The following subjects were dealt with in this section: (i) 'Divine Decree'; (ii) 'Divine Will'; (iii) 'Justice'; (iv) 'Faith'; (v) 'Promise and Threat'; (vi) Classification of the Muslims who commit grave sins; (vii) Creation of the Qur'an; (viii) The Proof of God against people; (ix) Religions other than Islam; (x) The 'Names' of Allah; (xi) Allah's friendship and enmity; (xii) The woman who permits sexual intercourse other than per vulvam; (xiii) The Imamate; (xiv) Refutation of the Mu'tazili view of the shedding of Uthman's blood; (xv) Refutation of the Zaydi view on the question of the arbitration; (xvi) Refutation of the Nukkari view on the question of the Imam who is excelled by others; (xvii) The problem of those who believe in the Qur'an, but teach wrong doctrines as a result of incorrect interpretation.

The second scholar in this group is Abu Amr Uthman b. Khalifah al-Sufi, of Wad Suf in southern Algeria. He lived during the first half other sixth century H.274 His main theological work is K. al-Sualat.275 He also wrote a short treatise on the Islamic sects, Risalah fi bayan kull firqah. In the latter work, Abu Amr dealt mainly with the Ibadhi sects and presented a brief account of their views, but he also mentioned some of the other Islamic sects.256

His K. al-Sualat is a large work on theology, with a mixture of literary explanations of theological expressions based on Qur'an, hadith, and ancient Arabic verse. It is a work rich in data on he Arabic language, together with theological opinions and expressions used among Ibadhi scholars and students. This book, though ascribed to him, is in fact a transmission of the responses given to a large number of questions. The responses were reported by Abu Amr from the students of Abu al-Rabi from their teacher Abu al-rabi Sulaiman b. Yakhalaf. The book was dictated by Abu Ya'qub Yusuf b. Muhammad, recorded by Isa b. Isa al-Nufusi, reviewed by the students of Abu Amr and checked with the Ibadhi sources and the original sources of Arabic. Then it was examined twice, first by Abu Muhammad Abdullah b. Sajmiman, al-Mu'izz b. Janawin and Abu al-Futuh, then given a final review by Abu Nuh Salih b. Ibrahim.277 The book contains detailed and elaborate answers to more than ninenty questions covering subjects such as the unity of God, Profession of the faith, walayah and baraah, command and prohibition, matters which must not remain unknown, as well as basic dogmas of religion (usual al-din), nine of

which form the items of the Ibadhi creed, were pointed out.278

The third scholar in this group is Abu Ya'qub Yusuf b. Ibrahim al-Warijlani (d. 570 H.). He studied in Cordova in Spain and became one of the outstanding scholars in different fields of knowledge.279

In scholastic theology, his main contribution was his well known book K. al-Dalil li Ahli al-uqul,280 which consists of general introduction on schisms within the Muslim community, and three parts as follows:

In part I the author set out the proofs for the rightness of his school, and discussed the Ash'ari views on the attributes, promise and threat, and the creation of the Qur'an. He included in this part his answers to a question sent from Abd al-Wahhab al-Ansari to Abu Ammar Abd al-Kafi who had died before he could deal with it.

Part II contains discussions on the subject of what must not remain unknown of the religion (ma la yasau jahluhu). The author after interpreting the opinions reported on this topic from Abu al-Rabi Sulaiman b. Yakhalaf al-Mazati, went on to discuss the distinctive views on different matters as held by ten Ibadhi Imams in the following order: Jabir b. Zaid, Azzan b. al-Saqr, Lawwab b. Sallam, al-rabi b. Habib, Aflah b. Abd al-Wahhab, Amrus b. Fath, Abu al-Qasim Yazid b. Mukhallad, Abu Khazr Yaghla b. Zaltaf, Muhammad b. Mahbub, and Massalah b. Yahya, which section he concluded with a brief study on logic, and even some notes on arithmetic and geometry.

Part III consists of six long responses to questions addressed to the author. The first response is concerned with the question of God's pleasure and wrath (al-rida wa al-sukht);

ii) Ali's acceptance of arbitration; whether it was religious or arose from mundane motives.

iii) The question of God's promise to answer prayer (dua), whether it relates to Muslims only or applies to infidels as well?.

iv) A response concerning a Tradition reported in K. zahar al-uyun of Ibn Qutaibah.

v) On the question of whether sound is a 'body' (jism).

vi) Finally, a response to people of Jabal Nufusah on the three following topics:

a) Walayah and baraah;

b) Defaming the Ibadhi faith;

c) The attributes of God.

In addition to this book, the author recorded information of theological opinions and arguments in his K. al-Adl wa al-insaf fi usul al-fiqh wa al-ikhtilaf. (three volumes).281 Although this book is devoted mainly to the study of the bases of jurisprudence (usul al-fiqh), the author also treated some theological questions. Perhaps this was because the book was written before K. al-Dalil, and he wanted to be explicit on certain theological matters, his views on which are to be found mainly in Parts I and III. In part I, there is a detailed discussion on the question of the Proof and preaching of the message of God,282 and a detailed account with a refutation of the views of al-Batiniyah, the extremist Shi'is (ghulat) and the Qarmatians.282 In Part III, there is also a detailed account of the Ibadhi views on faith and Islam,284 infidelity, hypocrisy and polytheism,285 revolt (khuruj)286 and heresies.287 Late commentaries: a bibliographical summary.

After this stage, in the period between the end of the fifth and the eighth century H., Ibadhi, theologians formulated a number of creeds (Aqaid). Four of them were written by scholars from central North Africa, i.e. Southern Algeria, southern Tunisia and Jerba Island. Two of these works have already been mentioned; the Masail al-Tawhid of Abu al-Abbas Ahmad b. Muhammad b. Bakr, and the K. Usul al-din by Tabghurin b. Dawud b. Isa al-Malshuti.288 The third Aqidah was written by Shaikh Abu Sahl Yahya b. Ibrahim b. Sulaiman of Warijlan (6th century H.).289 The fourth was translated into Arabic from Berber by Abu Hafs, Umar b. Jumai (8th century H.).290 Although this translation was made during the eighth century H., it is believed that the original text in Berber was written earlier, probably about the end of the fifth century H. It is believed that it was written by some members of the Azzabah council who also wrote the famous work on Ibadhi jurisprudence known with their name, Diwan al-Azzabah.291 (This formulation of the creed if also known as Aqidat al-Azzabah). However a decisive conclusion on this point is not possible.

There are three other similar works by scholars from Jabal Nufusah. The first of these was written by Abu Zakariya, Yahya b. al-Khair b. Abi al-Khair al-Jannawani (6th century H.). This Aqidah is known as Aqidat Nufusah.292 The second is in verse and was composed by Abu Nasr fath b. Nuh al-Malushai of Tamlushayt293 and is known as al-Qasidah al-nuniyah fi al-tawhid. The third and shortest was written by Abu Sakin Amir b. Ali al-Shammakhi (d. 792 H.) and is known as al-Diyanat.

These Aqaid were written in simple language - one of them originally in Berber - and were short so that they could be easily memorised and understood by students beginning their studies and by ordinary people as well.

The works added by subsequent Ibadhi scholars of later times were mainly commentaries on some of these creeds. The earliest and most significant is the commentary written on the poem of Abu Nasr by Abu Tahir Ismail b. Musa al-Jitali entitled Sharh al-Nuniyah.294 In his other two works, Qawaid al-Islam and Qanatir al-Khairat, al-Jitali included his own form of the Ibadhi theological views,295 but it is remarkably brief compared with his large commentary on al-Nuniyah which consists of three great volumes containing a detailed study of Islamic theology.

Before moving to later periods, another author must be mentioned here. Although his contribution to the field of theology was not great, he preserved in his works many theological opinions from earlier sources, some of which are still lost. The author was Abu al-Fadl Abu al-Qasim b. Ibrahim al-Barradi.296 Two of his works contain material on theology. The first entitled Shifa al-haim bi sharhi badi al-Daaim is his commentary of the first five poems and part of the sixth poem of the Diwan of Abu Bakr Ahmad b. al-Nazr al-Omani. The first four poems deal with the topics of unity and refutation of anthropomorphism, the proof for the cognition of God, creation of actions, and the creation of the Qur'an. He also completed the commentary on the fifth poem on ablution and thirteen verses from the sixth poem on the festival prayers (Salat al-I'dain), but he did not comment on the rest of the Diwan. His other work is a short treatise designed to give the Ibadhi definitions of a number of useful technical terms. The treatise is entitled Risalah fi al-haqa'iq.297

Towards the end of the eighth century H. Ibn Jumai translated Aqidat al-tawhid into Arabic, and in 904 H. Abu al-Abbas Ahmad b. Said al-Shammakhi (d. 928 H.) Completed his commentary on the Aqidah. The second commentary on it was written by Abu Sulaiman Dawud b. Ibrahim al-Talati (d. 967 H.)298 Among the theological works based on this Aqidah of Ibn Jumai is al-Luluah fi ilm al-tawhid, a poem (Urjuzah) by Qasim b. Sulaiman b. Muhammad al-Shammakhi (d. about 1275 H.),299 who also wrote a large commentary on his poem.300 Shaikh Abu Sittah wrote a super commentary (Hashiyah) on the commentary of al-Shammakhi mentioned earlier.301 The last commentary on Aqidat al-tawhid of Ibn Jumai was written by Shaikh Muhammad b. Yusuf Atfaiyish (d. 1336 H.) and was lithographed in Algiers 1326 H.

Regarding al-Qasidah al-Nuniyah of Abu Nasr, a number of commentaries was written on it apart from the commentary of Ismail al-Jitali already mentioned.

The first was written by Umar al-Wirani (10th - 11th century H.), and is entitled al-Musarrih. A large Hashiyah on this commentary was written by his student Yusuf al-Musabi (d. 1187 H.).302 Another commentary on al-Nuniyah was written by Abu al-Abbas Umar b. Ramadan al-Talati and summarised by Abd al-Aziz b. Ibrahim al-Musabi (d. 1223 H./1808 A.D.) bearing the title al-Nur.303

On the Diyanat of Abu Sakin Amir al-Shammakhi, two commentaries were written. One was commenced by Abu Muhammad Abdullah b. Said al-Sadwikshi (d. 1056 H.) and completed by Yusuf al-Musabi.304 The other was written by Umar al-Talati in 1179 H. and lithographed in Cairo in 1304 H.

The super commentaries written during this late period covered also some of the extensive early works. Among these super commentaries, two were written by Muhammad b. Amr Abu Sittah,305 namely: (i) Hashiyah Ala Sharh al-Jahalat; (ii) Hashiyah Ala al-Sualat. A further contribution in this line was made by al-Qutb Muhammad b. Yusuf Atfaiyish in his Tafasir on the Qur'an; Himyan al-zad ila dar al-maad, and taysir al-tafsir in which he vindicates Ibadhi views and defends their beliefs,306 and also in his large commentary on the Diwan of Abu Bakr Ahmad b. al-Nazr al-Omani.307

From the afore-going survey of the Ibadhi works in the field of theology in the period starting from first half of the eighth century up to the beginning of the present century H. it is clear that the major works written during this period were either Shuruh or Hawashi (commentaries) on earlier works. The only exception is K. Ma'alim al-din of Abd al-Aziz al-Thamini al-Musabi which does not fall into either category.308

Another line taken by later Ibadhi writings in theology was directed against Sunni attacks on the Ibadhi school. In their three communities of North Africa, Mzab, Jerba Island, and Jabal Nufusah, Ibadhis faced literary attackers on their faith and beliefs by Sunni opponents during the Ottoman rule

Where Jabal Nufusah was concerned, three rejoinders were written in reply to accusations, attacks and questions of Sunnis from Gharian and Ghadamas. The first one was written by the famous Ibadhi historian Ahmad b. Said al-Shammakhi in reply to a treatise written by Sulah b. Ibrahim al-Ghadamsi.309 In the introduction to his treatise Sulah al-Ghadamsi stated that he wrote it as a rejoinder to certain 'papers' (awraq) which reached him from some Wahbi Ibadhis containing views which he found himself constrained to refute.310 He also mentioned that the Ibadhi writer indicated fifteen points on which Ibadhis differed from Sunnis.311 However, those points were condensed to nine by Sulah, and he discussed them all giving the Sunni views on each and refuting what he considers to be the wrong views of the Ibadhis.

The following are the nine points discussed by Sulah al-Ghadamsi in his treatise:

i) The Qur'an being created.

ii) The 'vision' (al-ru'yah).

iii) Anthropomorphism; the 'sitting on the Throne,' 'face' and 'hand' of God.

iv) The truth of 'faith (haqiqat al-Iman).

v) Banishment of the punishment of grave sinners.

vi) The Sunni view that the believer who persists in grave sin will enter Paradise even after entering Hell.

vii) Sunni view on the possibility of forgiveness for people who have committed grave sins.

viii) On the committer of grave sin, whether he is still a Believer (Mu'min) or not.

ix) Intercession.

Shammakhi, in his criticism of the treatise of Sulah, defended the Ibadhi views and discussed all those points in detail presenting views of almost all different Islamic schools to prove that there are many schools besides the Ibadhis which differ from the Malikis in their views.

Another similar work was written in 1210 H. by Isa b. Abi al-Qasim al-Baruni in reply to a treatise by an anonymous author form Ghadamas. It appears that the author of this latter treatise wrote it in reply to another treatise written by some Ibadhis of Lalut (Nalut).312 Although the treatise dealt mainly with accusations against Ibadhis of a non-theological nature, concerned with such matters as Friday prayers, slaughtering etc. it also contained theological arguments. For example, it claimed that a large number of Ibadhis disbelieve in resurrection.313

Before refuting the accusations levelled by the Ghadamasi author, Isa al-Baruni began his work by out-lining the Ibadhi creed (aqidah).314

The third response was written in reply to a question sent from Gharian to the learned men of Jabal Nufusah.315 This reply was written by Abu Ishaq Ibrahim b. Ya'qub al-Jadwi. On the theological side, it dealt with two topics only; the creation of the Qur'an, and the vision.

The fourth and latest work was to refute a fatwa delivered by the Mufti of Tripoli, Muhammad b. Mustafa, in which he regarded the people of Jabal Nufusah as one of the "misguided groups.' The work was composed by Said al-

Ta'ariti of Jerba and entitled; al-Maslak al-mahmud fi ma'rifat alrudud.316

As for Mzab and Jerba Island, the first work of similar nature to appear was the Jawab of Abu Mahdi Isa b. Ismail al-Musabi (d. 971 H.),317 which he wrote on behalf of the Mizabis in reply to a Jawab by the Maliki Shaikh, Abu Ali b. Abi al-Hasan al-Bahluli. Abu Mahdi, in his Jawab, defended the Ibadhi views and refuted the accusations made against Ibadhis by the Maliki Shaikh.318 Later, the task of defending Ibadhi views was championed by Shaikh Muhammad b. Abi al-Qasim al-Musabi and his son Yusuf b. Muhammad, (ob 1187 H.).319 The former wrote many responses in reply to attacks from Sunnis. One of these was to questions raised by an anonymous Sunni author, which was found in a written form in the mihrab of the mosque of Ghardayah. From the reply of al-Musabi, it appears that the questioner regarded the Ibadhis as Mu'tazilis, and mentioned the Ibadhi views on the question of 'vision' (al-ru'yah) and eternal existence in Hell for the Muslims who did not repent for committing major sins.

In his reply, al-Musabi rejected the classification of Ibadhis as Mu'tazilis, discussed the two other points on vision and abiding in Hell, and gave his answers to the linguistic and grammatical questions by the questioner.320

The second rejoinder (Jawab) was to a letter from the city of Algiers also by an anonymous Sunni. It appears that the Sunni writer referred to Ibadhis, in his letter, variously as Mu'tazilis, Mariqah, or Rafidah. He also accused them of hating Abu Bakr, Umar, and Ali and claimed that they name their sacrificial animals with the names of Abu Bakr, Umar, and Ali then kill them!! Again, before refuting these accusations, al-Musabi outlined the Ibadhi aqidah.

His son Abu Ya'qub Yusuf b. Muhammad al-Musabi wrote a long letter to Ahmad Pasha the ruler of Tripoli, (1123 - 1158 H.),321 concerning the testimony of the Ibadhis. It is reported that this event took place in the year 1155 H. In the introduction to his letter, al-Musabi stated that the reason for writing it was that a group of Ibadhis from Jerba Island had testified in a case in the court of Ahmad Pasha, but some learned men had told him that their testimony was not to be accepted - thus creating anxiety and perplexity. Therefore he presented the Ibadhi creed, and discussed the question of testimony using Sunni and Maliki sources.323

The aqidah included in the response of Muhammad al-Musabi is the same aqidah included in the responses of his son Yusuf b. Muhammad al-Musabi. it is not known whether this creed was composed by Muhammad al-Musabi or was written earlier, but it was certainly not one of the previously mentioned creeds.324

A number of works of this nature were written by Muhammad Yusuf Atfaiyish

and other later Ibadhi scholars such as Qasim b. Said al-Shammakhi, Abdullah al-Baruni and Said b. Tarit.

1 Masqueray, E., Chronique d'Abou Zakaria, Algiers, 1898.

2 Motylinsky, L'Aqida des Abathites., Algiers, 1905.

3 Goldziher, in Revue de l'histoire des Religious., LII, (1905), 232 ff.; Nallino, "Rapporti fra la dogmatica Mutazilita e quella degli Ibaditi dell' Africa Settentrionate," in R.S.O., VII, Roma, 1916-18, 455-60. Arabic translation by Badawi, A. al-Turath al-Yunani., Cairo, 1946, 204-210.

4 Thomson, W., "Kharijism and Kharijites," The Macdonald Presentation Volume, Princeton, (1933), 386.

5 Marino, "Note di teologia ibadita," A.I.O.N., III, (1949), 299-313.

6 Roberto Rubinacci, "La professione di fede di al-Gannawuni," A.I.O.N., XIV, (1964), 552-92.

7 Tritton, Muslim Theology., London, (1947), 7.

8 Cf. supra, 57.

9 al-Rabi b. Habib, Musnad, Vols. III & IV.

10 There is a detailed discussion of the subject in K. al-Mujaz of Abu Ammar Abd al-Kafi, Ms. 1, 48-92.

11 Qur'an: II, 478.

12 Ibid., II, 245.

13 Ibid., XXV, 46.

14 al-Rabi b. Habib, Musnad., III, 42-43.

15 al-Rabi b. Habib, Musnad, III, 44.

16 Ibid., III, 45.

17 Ibid., III, 51. For more detail cf. Abu Ammar, Mujaz., I, 48-92; al-Barradi, al-Bahth al-sadiq wa al-istikshaf., Ms. II, 155b-168a.; Jitali Sharh al-Nuniyah Ms. 151-168.

18 al-Rabi b.Habib, Musnad., III, 44; Warijlani, Dalil., 14b.

19 al-rabi, op.cit., III, 50.

20 Ibid., III, 45-46.

21 Ibid., III, 49-50

22 Ibid, III, 52

23 Ibid., III, 50

24 Ibid., III,46

25 Ibid., III, 49

26 Ibid., I, 22

27 Ibid., III., 37

28 Ibid., III, 35

29 Ibid., III, 35-42. For further discussion on the subject cf. Jitali, op. cit., I, 170-181; Tabghurin b. Isa, Usul al-din., 65-69

30 al-rabi b.Habib, op. cit., III, 53

31 Loc. cit.

32 Loc. cit.

33 Ibid., III, 19-60

34 Ibid., III, 38-39

35 al-Rabi b. Habib, op. cit., III, 39

36 For further details cf. infra, 337

37 Talati, Sharh al-Diyanat., Ms. 4 ff.

38 Tabghurin b. Isa, Usul al-din., 68-69, 72

39 al-Rabi b. Habib, Musnad., IV, 25

40 Ibid., III, 13

41 Ibid., III, 15

42 Ibid., III, 13

43 Ibid., III, 13-14

44 Ibid., III,14

45 Ibid., III, 13

46 Wensinck, A.J., Concordance et indices de la Tradition Musulmane., Leiden, 1965, IV, 317-18

47 al-Rabi b. Habib, op. cit., III, 14

48 Watt, M., Free Will and Predestination in Early Islam., 1946, 40 lf.; Barradi, Shifa al-haim., Ms. 206

49 Darjini, Tabaqat., Ms. 231-32.; Shammakhi, Siyar., 85.

50 Ibid., 85

51 Darjini, Tabaqat., 222. Jitali, Sharh al-Nuniyah., II, 74

52 Jitali, op. cit.,II, 74

53 Loc. cit.; Barradi, Shifa al-haim., 224-25

54 Darjini, op. cit.; 222

55 Darjini, op. cit., 228.; Jitali, op. cit., II, 74-75

56 The origin text is (مِنْ حِلَ إلى حَرِمٍ)

57 Darjini, op. cit., 229

58 Jitali, Sharh al-Nuniyah., II, 62

59 Talati, Sharh al-Diyanat., Ms. 7-9

60 Jitali, op. cit.; II, 70

61 Loc. cit.

62 Ibid., II, 68

63 Ibadi fragments, Baruniyah, Jerba

64 Cf. infra, 256

65 Warijlani, al-Adl wa al-insaf., Ms. I, 297-307; Barradi, Jawahir., 96-97

66 Wensinck, Muslim creed., 41-42; For the Ibadi version of this Tradition cf. al-Rabi b. Habib, Musnad., I, 15

67 Nicholson, Literary history of the Arabs., 211

68 Mubarrad, Kamil., Cairo, 1364, II, 179; Cf. supra

69 The letter of Abdullah b. Ibad to Abd al-Malik b. Marwan; Barradi, Jawahir., 165

70 Cf. supra, 70-71

71 Al-Kindi, Bayan al-shar., Ms. III, 483-484

72 Baghdadi, al-Farq bain al-firaq., 86-87

73 Sulaiman al-Baruni, Azhar., 255-58

74 Warijlani, Dalil., 103 b.

75 Jitali, Sharh al-Nuniyah., II, 238-39

76 Ibid., II, 221

77 Abu Ammar, Sharh al-Jahalat., 28a, 39a-41b.; Jitali, op. cit.; II, 213

78 Ibid., II, 213-214; Abu Ammar, al-Mujaz., II, 58-65; Sharh al-Jahalat., 90a-91b

79 Jitali Qanatir al-Khairat., my edition, I, 371

80 al-Rabi b. Habib, Musnad., III, 2-6

81 Jitali, Sharh al-Nuniyah., II, 222-223

82 Tabghurin b. Isa, Usul al-din., 21-34; Cf. infra, 259

83 Jitali, Qawaid; cf.infra, the edited texts, I, 25

84 Cf. infra, 480 ff

85 Watt, M., Islamic philosophy and theology., 12

86 Abu al-Faraj al-Isfahani, Aghani., XXIII, 132

87 Warijlani, Dalil., 66a

88 Al-Kindi, Bayan al-shar., Ms. III, 485

89 al-Rabi b. Habib, Musnad, IV, 31

90 Ibid., II, 90

91 Ibid., III, 6, 15

92 Ibid., IV, 19

93 Ibid., III, 4

94 Cf. infra, 331 ff

95 al-rabi b. Habib, op. cit., III, 16

96 Ibid., III, 16

97 Ibid., III, 16-17

98 Al-Qutb, Sharh al-Nil., X, 383. Cf. also, Shahrastani,Milal., I, 176. Rubinacci in Religion in the Middle East, II, 309, ascribes this view to Ibadhis!!

99 Ibn al-Nadim, Fihrist., Cairo, 1348, 40

100 Subhi al-Salih, Mabahith fi ulum al-Qur'an., 159

101 Abdullah b. Yazid al-Fazari, K. al-rudud., Ms.33

102 Khamis b. Said, al-Minhaj., al-Baruniyah Ms. I, al-qawl al-sadis ashar.; Barradi, Shifa al-haim., Ms. 285-86, Salimin, Tuhfat al-a'yan., I, 128-129.

103 Loc. cit.

104 Warijlani, Dalil., 7a.

105 Barradi, Shifa al-haim., 285.

106 Ibid., 286; Warijlani, Dalil., 149a.

107 Loc. cit.

108 This treatise is included in K. al-Jawahir of al-Barradi, 183-201.

109 Ibn Saghir, Chronique sur les Imams Rostemides., edited and translated by Motylinski, 27-30.

110 al-Rabi b. Habib, Musnad., I, 18.

111 Ibid., I, 18-19; III, 10; For further details cf. J. Wilkinson, Oman., D. Ph. thesis, Oxford, 1969, 64-88 and Appendix F: The Imam and his Powers.

112 Cf. infra, 397ff.

113 al-Rabi, op. cit., IV, 31.

114 Ibid., IV, 31-32.

115 Ibid., IV, 31-32.

116 Loc. cit.

117 Loc. cit.

118 Cf. Qur'an: XLVIII, 2.

119 al-Rabi b. Habib, op. cit, IV, 32-34

120 Ibid., II 31-33, traditions: 483, 487, 490.

121 Ibid., II, 32

122 Jitali, Qanatir al-khairat., my edition, I, 316-490.

123 al-Rabi b. Habib, Musnad., IV, 26-27

124 Goldziher, in Revue de L'histoire des Religions, LII, 232.

125 Nallino, "Rapporti fra la dogmatica Mutazilita e quella degli Ibaditi dell Africa settentrionale, "Rivista degli studi orientali, VII, 955-60.

126 Arberry, general editor, Religion in the Middle East.; Rubinacci, "Ibadis," II, 309.

127 Thomson, "Kharijism and Kharijites," Macdonald Presentation., 386.

128 Watt, Islamic Philosophy and Theology., 61.

129 Schacht, Origins of Muhammadan jurisprudence., 258.

130 Cf. supra, 205-210.

131 Qur'an., IV, 31.

132 Warijlani, Dalil., 48b.

133 Qur'an., XXXIX, 53.

134 Qur'an., IV, 48.

135 Qur'an., IV, 31.

136 Qur'an., LXXII, 23.

137 Qur'an., XX, 82.

138 Warijlani, op. cit., 48b.

139 Cf. supra, 237-39.

140 Studia Islamica., IX, 71-82.

141 Shammakhi, Siyar., 83.

142 Loc. cit.

143 Darjini, Tabaqat., Ms. 231-32.; Shammakhi, op. cit., 85.

144 Loc. cit.

145 Shammakhi, op. cit., 116.

146 Ibid., 125. Cf. infra, 259.

147 Abu Zakariya, Siyar., Ms. 7a; Darjini, op. cit., 25-27.

148 Darjini, op. cit., 229; Shammakhi, Siyar., 86.

149 For further details cf. Tabghurin b. Isa, Usul al-din., 45-50

150 Al-Raqiq al-Qairawani, Tarikh., editor al-Ka'bi. 173.

151 Ibn Saghir., Chronique., 16.

152 Qalhati, al-Kashf wa al-bayan., Ms. 196b-197a.

153 al-Qutb, Sharh al-Nil., X, 325; Sharh al-Aqidah., 115; Abdullah b. Yahya al-Baruni, Sullam al-ammah., 12.

154 Motylinski, "L'Aqida des Abadhites," (Recueil de memoires et de textes public en honneur du XIVe Congres des Orientalistes., Algiers, 1905, 505-545; Rubinacci, R., "La professione di fede di al-Gannawuni," A.I.O.N., N.S., 14, (1964), 553-595.

155 The term "names" here refers to the names of the different groups of people with regard to their attitude, whether they are Muslims, Hypocrites, or Polytheists, etc., and not to the "Names" of God.

156 Qur'an., VI, 103. Arberry's translation.

157 Qur'an., XLIX, 9. Rodwell's translation.

158 Qur'an., X, 44. Arberry's translation.

159 The Arabic word is al-ibad, which means also people in general, regardless of whether they believe or disbelieve in God.

160 This term, "infidel-ingrate" is suggested by my supervisor Professor Serjeant for the Arabic term (kafir kufr ni'mah) which is used in Ibadhi writings for the Muslims who commit major sin.

161 Shammakhi, op. cit., 104-105.

162 Loc. cit.

163 Shammakhi, op. cit., 104-105.

164 Abu Zakariya, Siyar., 16a; Darjini, Tabaqat., 53.

165 Ibid., 53; Abu Zakariya, op. cit., 16b.

166 ibid., 16a; Darjini, op. cit., 53

167 Abu Amr al-Sufi, Firaq., 53.

168 Loc. cit.

169 Abu Zakariya, op. cit., 16a.

170 al-Qutb, Risalah shafiyah., 52.

171 Shammakhi, Siyar., 280; Sufi, Firaq., 53.

172 al-Mas'udi, Muruj al-Dhahab., II, 137; Ibn Hazm, Milal., II, 112.

173 Ibn al-Nadim, Fihrist., 258; Ibn Sallam, Bad'u l-Islam., 13.

174 The Ms. of this book is in the possession of Aiyad al-Azzabi of Zwarah, Libya. He was kind enough to lend me the Ms. for consultation for this study.

175 Warijlani, Dalil., 66a; Sufi, Firaq., Ms. 2-3.

176 Sufi, op. cit., 2.

177 Ibid., 3.

178 Abu Zakariya, op. cit., 15a; Darjini, op. cit., 50.

179 Ibid., 53-55; Abu Zakariya, op. cit., 16a-17a.

180 Darjini, op. cit., 51; Abu Zakariya, op.cit., 15a.

181 The text of the reply of the Ibadhi scholars of Basrah is quoted by Abu Zakariya, Siyar., 15b-16a; by Darjini, Tabaqat., 51-52; and by Shammakhi, Siyar., 147.

182 The Nukkarite argument on this point is preserved in al-Diwan al-ma'rud K. al-mumtani'in min al-hudud., Ms. 6-8.

183 Darjini, op. cit., 57; Shammakhi, Siyar., 135.

184 Ibid., 153; Darjini, op. cit., 57. Ibn al-Saghir al-Maliki gave different account of he war between Abd al-Wahhab and Ibn Fandin and the reason behind it, Chronique sur les Imams Rostemides., 17-20.

185 Abu Zakariya, Siyar., 40b; Lewicki, Art. "Halka" in E.I., 2nd edition.

186 For the revolution of Ibn Kaidad, cf. Ibn Idhari, al-Bayan al-Mughrib., I, 216-220; Abu Zakariya, Siyar., 38a-40b; Darjini, Tabaqat., 97-105; S.M. Sten, Art. Abu Yazid al-Nukkari", E.I., 2nd edition, 163-164.

187 For more detail cf. Lisan al-Din b. al-Khatib, Amal al-A'lam fi man buyi'a qabl al-htilam., editor E. Levi-Provencal, Beirut, 1956

188 Ibn Hazm, Milal., IV, 189. The contacts between the Nukkar and the Umayyad dynasty in Spain started in the year 333 H. after Abu Yazid conquered Qairawan, (Ibn Idhari, Bayan., II, 212-13). Later, in 381 H., the Nukkar of the Berber tribe of Zanatah were forced to cross over to Spain by their enemies the Sinhajah. Ibn Abi Amir welcomed the Nukkar and gave them shelter and straightened his army with their men. (Ibn Idhari, Bayan., II, 293-94; Ibn Haiyan al-Qurtubi, al-Muqtabas fi akhbar al-Andalus., editor al-Hijji, Beirut, 1965, 191-194).

189 This treatise was published with other Ibadi works. No place or date are shown on my copy. I am also using Mss. of the treatise in my possession.

190 Ms. in the possession of Shaikh Salim b. Ya'qub, Jerba.

191 Warijlani, Dalil., 14b-15a.

192 al-Sufi, Firaq., 56

193 The view of the Nukkar presented here was collected from he following sources: Abu Amr Uthman b. Khalifah al-Sufi, Firaq., 53-56; Sualat., Ms. 41, 53, 164, 259, 232, 302; Abu Zakariya, Siyar., 15a ff.; Abu Ammar Abd al-Kafi, al-Mujaz., Ms. II, 79 ff; Shammakhi, Siyar, 146-154; Barun Al-Azhar al-riyadiyah., 99 ff.

194 Darjini, Tabaqat., 70.

195 Ibid., 69; Abu Zakariya, Siyar., 24a.

196 Abu Zakariya, op. cit., 25a; Darjini, op. cit., 71-72.

197 loc. cit.

198 Sufi, Firaq., 57-58.

199 Shammakhi, Siyar, 183, 224; baruni, Azhar., 167.

200 Baghturi, Siyar Mashaikh Nufusah., Ms. 124-127.

201 Shammakhi, op. Cit., 196 ff.

202 Ibid., 224 – 225

203 Darjini, Tabaqat., 88

204 Shammakhi, op, cit., 546

205 Ibid., 546 – 547

206 The form of this name as shown in some old Mss. is Naflat; the modern Ibadhi scholar Sulaiman al-Baruni used the same form in his work al-Azhar al-riyadiyah. (pp. 195-210). According to some old sources, his name is Faraj and he was given the title Naffath by Imam Aflah because he inspires people with evil ideas. The form therefore should be Naffath from the word نَفَثَ (nafatha)

207 Sufi, Firaq., 5b

208 Abu Zakariya, Siyar., 29b.

209 Loc. Cit.; Darjini, Tabaqat., 79

210 Loc. Cit.

211 Abu Zakariya; op. Cit., 30a; Darjini, op. Cit., 80

212 Baruni, Azhar., 204 – 205. The correspondence of Aflah concerning Naffath is quoted on pp. 199 – 205. The term Asaqifah, (sing. Usquff), expressing a certain rank among Christian monks, was used probably because it was still in use among the Berbers of Nufusah who professed Christianity before Islam

213 Suf, Firaq, 57

214 The rule in this case, as agreed upon among the Ibadhi scholars, is that brothers and sisters on the father's side inherit where there are no full brothers or sisters to prevent them. Sons and daughters of the full brothers do not inherit with the brothers and sisters on the father's side. Cf. Al-Sufi, Mukhtasar al-faraid., 8; Jitali, Fara'id., Ms. 4b

215 For these views of Naffath, cf. Sufi, Firaq., 56-57; Abu Zakariya, op. Cit., 30a-b. Baghturi, Siyar., Ms. 97; Baruni, Azhar., 195-196

216 Cf. My "description of new Ibadhi Mss.," J.S.S., XV, 1, 65

217 Shammakhi, Siyar., 235

218 Baruni, Azhar., 210

219 Baghturi, op. Cit., 97

220 Ibn Sallam, Bad ul-Islam., Ms.60

221 Loc. Cit

222 Shammakhi, op.cit., 262

223 Loc. Cit.

224 Ibid., 366

225 Jitali, Qawaid, Ms.

226 Shammakhi, op. Cit., 262

227 Ibn Saghir, Chronique., 16

228 Sufi, Firaq., 58

229 Shammakhi, op. Cit., 262

230 Abu Zakariya, Siyar., 14b

231 Ibid., 14b; Darjini, Tabaqat., 49

232 Shammakhi, op. Cit., 105

233 Sufi, op. Cit., 58-59

234 Shammakhi, op. Cit., 546

235 Abu Zakariya, op. Cit., 46a; Darjini, op. Cit., 118

236 Loc. Cit.

237 Loc. Cit.

238 Sufi, op. Cit., 60; Abu Zakariya, op. Cit., 46a

239 Ibid., 42b; Darjini, op. Cit., 107

240 Ibid., 107-109; Sufi, Firaq, 60

241 Ibid., 60; Darjini, op. Cit., 119

242 Sufi, op. Cit., 60

243 For more information about these groups cf. Ash'ari, Maqalat al-Islamiyin., editor Ritter, 102-111; Baghdadi, Farq., 16-56; Shahrastani, Milal., 180-184; Ibn Hazm, al-Fasi., 188-192

244 Jitali, Sharh al-Nuniyah., II, 305

245 Cf. Supra, 261

246 Shammakhi, Siyar., 122

247 Abu Ammar Abd al-Kafi, al-Mujaz., II, 99

248 Abu Zakariya, Siyar., 19a; Darjini, Tabaqat, 59 ff

249 Cf. Supra, 271-281

250 Baghturi, Siyar., 97; Wisyani, Siyar., Ms. 2; Cf. Supra

251 Cf. My "description of new Ibadhi Mss.," J.S.S., XV, I, 80-81

252 Shammakhi, Siyar., 190, 229

253 Cf. Sura, 278

254 This treatise is included in K. al-Jawahir of al-Barradi. Pp. 182-201

255 Wisyani, Siyar., Ms. 20

256 Cf. My "description of new Ibadhi Mss.," op. Cit., 82

257 For the biography of Abu Khazr cf. Abu Zakariya, Siyar., 49a ff.; Darjini, Tabaqat., 119-143; Shammakhi, Siyar., 346 ff

258 Cf. Motylinski, "Bibliographie du Mzab," Bulletin de Correspondence Africaine, III, (algiers 1885), 24, no. 53

259 Barradi, Shifa al-haim., Ms. Pp. 48, 53, 181, 276, 298, 305

260 Cf. Note 257

261 For the biography of Abu Abdullah Muhammad b. Bakr cf. Abu Zakariya, op. Cit., 65a – 68a; Darjini, op. Cit., 166-188; Wisyani, Siyar., Ms. 30 – 33; Shammakhi, Siyar., 384 ff

262 Abu Zakariya, op. Cit., 68a ff.; Darjini, op. Cit., 190 – 193; Shammakhi, Siyar., 412 ff

263 Cf. my "description of new Ibadhi Mss.," op. Cit., 72-73

264 Ibid., 73. For the biography of Ahmad b. Muhammad b. Bakr, Cf. Wisyani, Siyar., 33-34; Darjini, op. Cit., 408-411; Shammakhi. Siyar., 423-25

265 Cf. infra, part II, text No. ii. This work was one of the texts edited as part of this thesis

266 Wisyani, Siyar., 27

267 Abu Ammar, Sharh al-Jahalat., 122b

268 Darjini, Tabaqat., 10; Abu Zakariya al-Baruni, Tabaqat., 15

269 Darjini, op. Cit., 442-446; Shammakhi, Siyar., 427-428, 441-443

270 Ibid., 441; Darjini, op. Cit., 50

271 Cf. my "description of new Ibadhi Mss.," op. Cit., 86

272 Abu al-Rabi Sulaiman b. Yakhlaf, Siyar, 91-105

273 Sh. E.I., 592

274 Darjini, op. Cit., 9; baruni, op. Cit., 15. For his biography, Cf. Darjini, op. Cit., 440-441; Shammakhi, op. Cit., 440-441

275 There are a number of extant Mss. Of this work in Nufusah, Mzab, and Jerba. I am using, for this study, the Ms. Of Ali Milud al-Marsawani of Ruhaibat, Nufusah

276 Cf. Note 189

277 Abu Amr Uthman b. Khalifah, Sualat., Ms. 10, 142

278 Ibid., 252 ff

279 For the biography of Abu Ya'qub al-Warijlani, cf. Darjini, Tabaqat., 447-450; Shammakhi, op. Cit., 443-445

280 This work was lithographed in Cairo, al-Baruniyah, 1306. Two chapters of the book were translated into French by I.S. Allouche, "Deux epitres de theologie abadite.," Hesp., 22 (1936), 57-88. I am using for this study the Ms. Of the book in the British Museum, No. Or. 6564

281 Cf. Schacht, "Bibliotheque et manuscrits Abadites., "Rev. Afr., 100 (1956). 380. I am using a Ms. In my possession. I am preparing a critical edition; of this work

282 Warijlani, al-Adl wa-l'insaf., Ms. I, 128

283 Ibid., I, 222, 235

284 Ibid., III, 95, 145

285 Ibid., III, 109

286 Ibid., III, 77

287 Ibid., III, 124

288 Cf. supra, 291

289 Schacht, op. Cit., 391. I have not seen this Aqidah

290 For the biography of Ibn Jumai, cf. Shammakhi, Siyar, 561-62; Abu Ishaq Ibrahim Atfaiyish, Muqaddimat al-tawhid wa Shuruhuha, Cairo, 1353, Introduction, 2-4

291 About the Diwan, Cf. K. al-Nil wa shifa al-alil; editor Bakalli Abd al-Rahman b. Umar; Algiers, 1969, III, 1080-81

292 Lithographed in Algiers, 1325 H.

293 Shammakhi, Siyar., 548-49. For Tamlushayt, Cf. Lewicki, Etudes Ibadites Nord-Africaines, I, 61

294 Cf. infra, Part II. Introduction, 9

295 Jitali, Qanatir al-khairat, my edition, I 287 ff

296 For the author and his works, Cf. Rubinacci, "II Kitab al-Gawahir di al-Barradi," A.I.O.N., IV, 1952, 97

297 This treatise (n.d.) was printed together with other works. A critical edition of it has been prepared by me

298 Ali Yahya Mu'ammar, al-Ibadiyyah fi Tunis., 157-161. The Aqidah and the two commentaries were edited by Abu Ishaq Atfaiyish and published in Cairo, 1353

299 Salim b. Ya'qub, (special interview, Ghizin, Jerba, 1968)

300 Mss. Of this work are to be fond n the collection of Salim b. Ya'qub, Jerba, and Maktabat al-Qutb, Mzab. Cf. Schacht, op. cit., 393. I am using the copy of Salim b. Ya'qub

301 Mu'ammar, op. Cit., 192

302 Ibid., 199-200

303 The summary by Abd al-Aziz al-Musabi al-Thamini was lithographed in Cairo, Baruniyah, 1306 H. Mss. Of the original commentary of al-Talati are to be found in Jerba, al-Baruniyah

304 For the biography of al-Sadwikshi, Cf. Mu'ammar, op. Cit., 183-187. Mss. Of this work are available in Jerba and Nufusah

305 For the biography of Abu Sittah, Cf. Mu'ammar, op. Cit., 189-192

306 Muhammad b. Hussain al-Dhahabi, al-Tafsir wa-almufassirun., Cairo, 1961, II, 319-336

307 This work was lithographed in Algiers, 1326 H

308 Sharh al-Nil., Cairo, 1343; the biography of the author of K. al-Nil. Abd al-Aziz al-Musabi, by Abu Ishaq, who gives a list of the author's works at the end of Volume X, (p.9)

309 In "Bibliographic du Mzab," No. 38, Motylinski mentioned the following work: (كتاب من وضع أبي إبراهيم الغدامسي في رد على من لا يقول بخلق القرآن) I suggest that he might have been confused with the work of Sulah mentioned here

310 Jawab Sulah., Ms. I

311 Ibid., 3

312 Jawab Isa l-baruni liba'di fuqaha Ghadamas., Ms. 18

313 Ibid., 38

314 Ibid., 3-14

315 Cf. My "description of new Ibadhi Mss.," op. Cit., 73

316 The work was lithographed in Tunis (1331) H) p. 265

317 Abu Zakariya al-Baruni, Tabaqat., 19; al-Qutb, Risalah shafiyah., 128

318 This Jawab was lithographed together with other Ibadhi works in Tunis, 1321 H., pp. 106-187

319 Cf. Ali Mu'ammar, op. Cit., 199-200, 391, 393, 394

320 This work was published together with other works, no place or date are shown. Mss. Of the work are also available

321 Zambaur, Manuel de genealogie et de chronologie pour l'histoire de L'Islam., 1955, 85

322 Jawab Ahl Jazirat Jirbah li-ikhwanihim al-Umaniyin., Ms. 7

323 This treatise was published with other works. No place or date are shown.

324 Cf. supra, 300.

CHAPTER V

THE SYSTEM OF AL-WALAYAH AND AL-BARAAH

The meaning of al-walayah and al-baraah:

The Arabic words formed from the root (و. ل . ي) give the following meaning:

1. waliya, to be in charge.

2.Al-walayah, guardianship, help, support, protection, association and connectedness.

3. Al-wala, succession

4. Istawla, to get a thing in one's possession

5. Al-waliyah, saddle blanket that comes next to the back of a camel, horse, mule or donkey

6. Tawalla, to turn away.1

The general sense which the first five of these words have in common is propinquity (al-qurb). As it appears in Ibadhi writings the term al-waliyah means:

a) Obligation to pray to God to bestow His mercy and forgiveness on Muslims, 2.(إيجاب الترحم والإستغفار للمسلين)

ii) Love with the heart and praise by the tongue.3

3.(الودّ بالجنان ، والثناء باللسان. الحبّ بالجنان والثناء باللسان)

c) Friendship and fraternity, 4.(المودة والمؤاخاة)

d) Religious friendship, 5.(المودة الدينية)

e) Love and harmony, 6.(المودة والمصافاة)

f) Friendship and praying for forgiveness, 7.(المودة والإستغفار)

g) Whole-hearted affection for an obedient (Muslim) for being obedient, 8.(الميل بالقلب والجوارح إلى مطيع لطاعته)

h) To like for a fellow Muslim what one likes for oneself, in this world and the World to Come. 9.(يحب للمسلم ما يحب لنفسه في الدنيا والآخرة)

i) To stand up for the right of the friend and believe in loving him, (تولّي القيام بحق الولي واعتقاد وده. 10)

The word friendship is usually used for the Arabic word al-walayah, but to my mind, the word friendship does not give the full import of the word al-walayah as used in Ibadhi writings. It is a religious duty which controls human emotions of love and hatred in accordance with Islamic teaching. Realising this fact, the term 'al-walayah' is used in this study to convey the meanings: love, fraternity, unity among the Muslimsand the duties related to these.

The other Arabic word, al-baraah, expresses the converse of al-walayah. It means to excommunicate. This term was used in Ibadhi writings to express the following:

i) The obligation to abuse and curse the infidel,

(إيجاب الشتم واللعنة للكافر .)11.

ii) Hostility and enemy, (المنابذة والعدوة)12.

iii) Hatred in the heart and abuse by the tongue,

(البغض بالقلب والشتم باللسان)13.

iv) Dissociation from the enemy and wrongful action initiated by him, and the belief in hatred towards him,

(التبرّ ي من العدو وحدثه ، واعتقاد بغضه)14.

These two terms, al-walayah and al-baraah, were used by Ibadhis scholars to indicate the attitude of the believers towards their fellow Muslims and towards the infidels.

The third term connected with al-walayah and al-baraah is al-wuquf, 'reservation.' If a believer is not certain with regard to the deeds or faith of a person, he must abstain from passing judgement on him until he becomes sure of these; he must then arrive at a definite attitude towards him, either of walayah, or of baraah.15

According to some Ibadhi scholars, walayah is agreement in religion in respect of word and works.16 The person deserving walayah from the believers is he who is fully obedient to God, and who attains all good qualities through his performance of all religious duties, and through abstention from what is forbidden.17 Other scholars believe that the verbal agreement of a person with the Muslims is enough for him to deserve walayah.

This opinion was advanced by al-Salimi on the basis of the following Quranic verse. "O Prophet, when believing women come to thee upon the terms that they will not associate with God anything and will not steal, neither commit adultery, nor slay their children, nor bring a calumny they forge between their feet, nor disobey thee in aught honourable, ask God forgiveness for them; God

is All-forgiving, All-compassionate."18 Al-Salimi argued that God ordered his Prophet to ask forgiveness for those women on account of their agreement to the above terms by word of mouth only, and that he should not wait to see their works.19

According to the Ibadhi School, to act in accordance with the three concepts discussed above constitutes the duty of the individual. He should act according to those rules from the time when he first arrives at the age of matuarity (i.e. in the case of boys approximately fifteen, and in the case of girls -–twelve years).20

The concepts of al-walayah and al-baraah, form one of the main themes of Ibadhi doctrine. Ibadhi scholars devoted great attention to this subject and many books were written to explain the system of al-walayah wa al-baraah.21

Ibadhi literature in North Africa did not treat these subjects in complete detail until the end of the IVth century H. Strictly speaking, the first work which resented a systematic study of this subject was K. al-Tuhaf al-makhzunah wa al-jawahir al-masunah,22 by Abu al-Rabi Sulaiman b. Yakhlaf al-Masati, (d. 471H./1078 A.D.). Legal opinions on the subject appeared throughout Ibadhi writings prior to Abu al-rabi. Biographical works contain scattered material on this subject in opinions recorded of Ibadhi Imams and learning scholars during the first four centuries.

THE RULES OF AL-WALAYAH

The system of al-walayah has two main aspects; the first of which goes with belief in the Unity of God, (tawhid) which, according to Ibadhis, cannot be complete without belief in the following precepts:

i) Walayah, with God; that is, to obey His orders and avoid what he has forbidden.23

ii) Walayah which all Muslims in general, (walayat al-jumlah).

c) Walayah with those who were preserved from sin. (المعصومون), and those who were mentioned in the Quran by name as being people of Paradise, (المنصوصون). Whosoever ignored or neglected this aspect of al-walayah, is a polytheist, (mushrik).24

The second aspect is that walayah, constitutes a part of the mutual rights of the believers.25 Those who ignore or neglect this obligatory duty are Hyprocrites.26

To return to the first aspect, most authors who discussed this subject speak about the following three issues:

I Walayah with God, i.e. obeying God's orders and avoiding what He has forbidden. On the other hand thee is the walayah of God with the believers, explained as His guidance, support, and protection for them.27 This was the issue on which the theological question arose, as to whether God's (walayah), with the Believers or His baraah, from the Infidels is immutable for His knowledge of their deeds is absolute.28

II Walayah with all Muslims in general, Mankind, Jinn, forbears and their posterity, up to the Day of Judgement, with no particular person in mind. This includes all the believers of peoples of the past ages, the believers of the present and the future, whether Mankind or Jinn.29

III Walayah with those preserved from sin, (masumun). This must be directed to the Angels, Prophets, Apostles of God, and to other 'awliya' of God, mentioned in the Quran by name or description,30 as also those who were commended by the Apostle of God.31 The following are the 'preserved from sin' mentioned in the Quran, commended by God, Who granted them Paradise.

a) All Prophets and Apostles of God in general, but especially Adam and Muhammad as combining the offices of Prophet and Apostle.32

b) The Priests and Monks mentioned in the following verses of the Quran; "…..And thou surely find the nearest of them in love to the believers are those who say, 'We are Christians;' that, because some of them are priests and monks, and they wax not proud, and when they hear what has been sent down to the Messenger, thou seest their eyes overflow with tears because of the truth they recognise. They say, 'Our Lord, we believe; so do thou write us down among the witnesses. Why should not we believe in God and the truth that has come to us, and be eager that our Lord should admit us with the righteous people?' And God rewards them for what they say with gardens underneath which rivers flow, therein dwelling forever, that is the recompense of the good-doers."33

c) The people of he Cave, (The Seven Sleepers of Ephesus); for being mentioned in the following verse, "… When the youths took refuge in the Cave saying, 'Our Lord, give us mercy from thee, and furnish us with rectitude in our affair."34 And, "We will relate to thee their tidings truly. They were youths who believed in their Lord, and We increased them in guidance. And We strengthened their hearts, when they stood up and said, 'Our Lord is the Lord of heavens and earth; we will not call upon any God, apart from Him.'"35

iv) The people of the Trench, (أصحاب الأخدود), about whom the Quran speaks in the surah of al-Buruj, verses 4-11.

d) The people of Jonah, for being mentioned in the following verse; "..... Except the people of Jonah; when they believed We removed from them the chastisement of degradation in this present life, and We gave unto them enjoyment for a time."36

vi) The Sorcerers of Pharaoh, who were described in the Quran as follows: "..... And the Sorcerers were cast down, bowing themselves they said, "We believe in the Lord of All being, the Lord of Moses and Aaron.'"37

d) Habib, the carpenter, who was mentioned in the following verses, 'Then came a man from the furthest part of the city running; he said, 'My people, follow the Envoys. Follow such as ask no wage of you, that are right-guided. And why should I not serve Him who originated me, and unto whom you shall be returned? What, shall I take, apart from Him who intercession, if the All merciful desires affliction for me? Surely in that case I should be in manifest error. Behold, I believe in your Lord; therefore hear me. It was said, 'Enter Paradise.' He said, 'Ah, would that my people had knowledge that my Lord has forgiven me and that He has placed me among the honoured.'"38

e) The believer of the house eof Pharaoh, who is described in the Quran as, "a believer of Pharaoh's folk that kept hidden his belief."39

The women preserved from sin, and those commended by God in the Quran are:

1) Eve, mother of mankind; for she and Adam said, "Lord, we have wronged ourselves, and if thou does not forgive us and have mercy upon us, we shall surely be among the lost."40

2) Sarah, wife of Ibrahim, (Abraham).

3) Rahmah, wife of Aiyub, (Job).

4) Hannah, mother of Mary.

5) Mennah, mother of John.

6) Asiyah, wife of Pharaoh.

7) Zulaikha, wife of Yusuf (Joseph).

8) Mary, daughter of Imran, and mother of Jesus.

9) Aishah, the wife of the Prophet Muhammad.40

The second aspect of the system of walayah, is known as walayah with individuals walayat al-ashkhas., or walayat al-makhsusin. This is regarded as a part of the mutual rights of believers.41 The following Traditions from the Prophet and Athar from his Companions, in addition to the Quranic verses

commanding Muslims to dissociate themselves from evil persons,42 are the proofs adduced by Ibadhi scholars for the obligatory nature of walayat al-ashkhas.

a) It is reported that the Prophet said, "He who gave and forbade for the sake of Allah, and loved and hated for the sake of Allah has fulfilled the faith."43

b) He also said, "Allah blesses Abu Dharr, he walks alone, he will die alone, and will be resurrected from death alone."44

c) It is reported that Umar b. al-Khattab said, "In whomsoever we saw good, and of whom we thought good, we say good of him and take him as a friend (waliy), and in whomsoever we saw evil, and thought badly of him, we speak bad of him, and dissociate ourselves from him."45

d) It is also reported that Abdullah b. Umar said, "By Allah, if I fast the whole day and pray the whole night and spend all my property in the way of Allah, then I die with no love in my heart for those who obey Allah, and no hatred for those who disobey Allah, all of that (good I have done) will be in vain for me."46 Relying on the above mentioned Traditions then, Ibadhi scholars furnish the proof that walayah with individuals, walayat al-ashkhas, is an obligatory duty.47

The individual merits, walayah, under the following conditions.48

i) If he behaves and conducts himself, even with regard to his physical appearance, in the manner befitting believers.

ii) Only satisfactory reports should be heard about him with regard to fulfilling his religious duties.

iii) A believer should be satisfied in his own heart about what is heard and seen of that individual

iv) His views should be consistent with those of the Ibadhi school.

This individual merits walayah, from the believers if it were observed that:

1. It is known through personal experience that he is in full agreement with the believers (i.e. Ibadhis) in word and deed.

2. It is widely known that he faithfully observes his religious duties.

3. It is known that he is faithful in fulfilling his religious, as testified by two persons of equity.

4. It is known that he faithfully observes his religious duties, as testified by one person of equity, even if the witness were a woman or a slave.49 Any person who is known to met the above conditions merits 'walayah' from the

believers.

There are four further sections going with this part of 'walayah':

A) 'Walayah' with the Ibadhi Imams and religious leaders who propagated the true teachings of Islam, and refuted false teachings. 'Walayah' with them is obligatory for the people of their country, and all other Muslims who hear of them. They merit 'walayah' for being widely known for activity in propagating the true religion and defending it. This 'walayah' cannot be changed even if a large number of people spoke ill of them.50 According to those scholars who say that the Imams of the 'manifest stage' must not remain unknown to the believers, 'walayah', must be directed to them as well.51 Ibadhi sources give the following list of the Imams of the 'manifest stage' (52.(مسلك الظهور:

i) Abu Bakr b. Abi Quhafah al-Taimi, the first Caliph.

ii) Umar b. al-Khattab of B. Adiy, the second Caliph.

iii) Abdullah b. Yahya al-Kindi, the founder of the first Ibadhi state in South Arabia, i.e. Yemen and Hadramawt.

iv) Abu al-Khattab Abd al-A'la b. al-Samh al-Maafiri, the first Imam of the Ibadhi state in North Africa, (Libya and Tunisia).

v) Abd al-Rahman b. Rustam al-Farisi, the founder of the Ibadhi state in Tahert, and his successors:

vi) His son, Abd al-Wahhab;

vii) Aflah b. Abd al-Wahhab;

viii)Muhammad b. Aflah;

ix) Yusuf b. Muhammad.

Some scholars add al-Julanda b. Masud, the Imam of the Ibadhi state of Uman.53

II) 'Walayah with the just ruler,' walayat al-imam al-adil or al-sultan al-adil:

This 'walayah is to be directed to the rulers, the officers who help them to rule the country, and all Muslims under their rule. This is known in Ibadhi writings technically as 'walayat al-baidah', (baidah meaning the capital).54 So, in any country which is governed by those who act according to the teachings of the Quran, follow the law of the Prophet, commend the practice of the Sunnah, refute heresy, and who are neither biased towards their kinsmen, nor fanatical against foreigners, must be taken as awliya", and their country must be called, 'land of justice and good action', dar al-adl was al-ihsan. Every individual from that country merits 'walayah'.55

III) 'Walayah with those converted to Islam from polytheism;' this 'walayah' is their due for accepting Islam and professing there is no God but Allah and that Muhammad is the Apostle of Allah. Some scholars stipulate that the converted person must declare his baraah from tyrants,56 regardless of whether he was converted to Islam by an opponent Muslim or by an Ibadhi, except in such case as when the Muslim opponent) was in error, yet the convert nevertheless adopted that same error.57

IV) 'Walayat with those who recanted their erroneous views and became Ibadhis'. This section includes two kinds of individuals:

a) Those who follow the 'ulama' in their religion, muqallidun, or 'ammah; the requirements from the muqllidun as such are to repent and say, 'I am one of you. Your 'waliy' is my 'waliy', and your enemy is my enemy.' He thereby becomes a member of the Ibadhi community.58

b) Those who are able to formulate independent decisions on legal or theological matters, mujtahidun; the mujtahid must repent of all his erroneous views, recounting them one by one, publicly declaring his recantation, and affirming the true doctrines.59

The heretic, mubtadi, who had propagated his heresies, bida, must contact those who had followed him in his heresies and tell them of his repentance wherever they should be; after so doing, he will be accepted as a member of the Ibadhi community and a 'waliy.'60

V) The last section on this subject is 'walayah' with minors', walayat al-atfal,:

Conflicting opinions are reported about this matter; the Murjites held the view that all minors have the right to 'walayah'. This is also the opinion of Muadh b. Jabal, the Companion of the Prophet.61 The Sufris, a branch of the Kharijites, held that minors are to be treated like their parents; i.e., the children of infidels are infidels and the believers must dissociate themselves from them.62 The common view of the Nukkar and Ahmad b. al-Husain is 'reservation,' wuquf, in respect of all minors until they reach majority. The view of the rest of the Ibadhis is belief in 'walayah' with minors of the believers, and 'reservation' for those of the infidels and polytheists.63 The arguments and proofs adduced by each group on this question were discussed in detail in Ibadhi sources.64

The minors of believers are entitled to 'walayah' when:65

1) The child's paternity is established, i.e. when it is known to be the child of an Ibadhi.

2) The father says, 'This is my child', the child being present. Some scholars say the father's assertion of paternity is not enough, and it must be supported

by the testimony of a man of equity.

3) It is known that he child is born of a 'waliy' through the testimony of trustworthy persons.

· In the case of children of slaves owned by 'awliya', and slaves freed by 'awliya', there are two opinions, one of 'walayah', and the other 'reservation.

· A child of a woman in 'walayah' inherits walayah as a result of the mother's status. Some scholars oppose this view and argued that the status of walayah may be inherited from the father only.

· A mother converted to Islam from polytheism leads her children to Islam, and the children follow their mother in entitlement to 'walayah'. The same applies to the children of free women in the state of 'walayah' married to slaves.

· In the case of child freed by two men, a 'waily' and a Muslim opponent (mukhalif), the child must be taken in 'walayah' in accordance with the status of the Ibadhi owner.

· If one of the child's parents was a (waliy) and the other was not, the Believers must abstain from taking up any attitude towards the child until he reaches majority.

· If a father who was a waliy apostatises after the birth of his child, the privilege of 'walayah' for the child is not affected. But if the father turns Hypocrite, the Believers' attitude towards his children must be one of 'abstention,' 'kaff'.

· When the children of Muslim opponents reach the age of matuarity they must be transferred to the state of 'reservation'. If afterwards, they prove themselves to be upright, they are to be taken back to the state of 'walayah', and if not, the believers must dissociate themselves from them.

· An insane person who loses his sanity during childhood continues to enjoy the status of 'walayah'. 66

THE RULES OF AL-BARRAH:

The tenet that baraah is obligatory in Islam, in the same way as walayah, is an integral part of Ibadhi doctrine. The believers must act according to the rules of baraah from the very inception of the age of matuarity.67 it also has two main aspects; the first of which goes with the belief in the Unity of God, and consists of:

I) 'Baraah' from infidels in general – known or unknown, living or dead, Man and Jinn. This is known in Ibadhi writings as barat al-jumla.67

II) Unequivocal baraah, barrat al-haqiqah; or barrat ahl al-waid;68 the latter meaning ibaraah from the people under threat, (ahl al-waid), whom the Quran declares to be destined for Hell. The believers must dissociate themselves from the people under threat, in the belief and knowledge that they are among the denizons of Hell.69 The following are the people under threat:

1) Haman, the supporter of Pharaoh, for God says, "Therefore We seized him and his hosts, and cast them into the sea."70 And, "..... and there encompassed the folk of Pharaoh the evil chastisement, the Fire to which they shall be exposed morning and evening....."71

2) Qarun, about whom God says, "so We made earth to swallow him and his dwelling and there was no host to help him, apart from God, and he was helpless."72

3) Pharaoh, of whom God says, "Go to Pharaoh; he has waxed insolent."73

4) Al-Numrudh, mentioned in the following verses of the Quran, "... who disputed with Abraham, concerning his Lord, that God had given him the kingship? When Abraham said 'My Lord is He who gives life and make to die, he said, "I give life and make to die.' Said Abraham, 'God brings the sun from the east; so bring thou it from the west.' The believer was confounded. God guides not the people of the evildoers."74

5) Noah's and Lot's wives; for God says, "God has struck similitude for the unbelievers – the wife of Noah and the wife of Lot; for they were under two of Our righteous servants, but they betrayed them, so they availed them nothing whatsoever against God; so it was said, 'Enter you two the Fire with those who enter.'75

These Qura'nic personalities were the people under threat distinguished by Amr b. Jumai in Aqidat al-tawhid;76 more were added by Shaikh Muhammad b. Yusuf Atfaiyish.77

1) Baraah from every individual whose misdeeds are known to the believers; these fall into two categories:

a) Those who commit major sins (kabair). A major sin is what incurs (hadd) punishment in this World, and chastisement (adhab) in the World to Come. Stealing, committing adultery, drinking wine, deserting in the face of the enemy, are some of the major sins.78

b) Baraah from those who persistently commit minor sins; e.g. prevarication of a harmless nature, lustful eyeing of foreign women, taking away something from a friend without his permission, etc.79 Maghribi Ibadhis held that minor sins are not distinguished, while only certain major sins are specified in the Qura'n and Traditions. So believers must be wary of every sin in order to avoid

major sins.80 Minor sins become major by constant repetition,81 which fact makes it obligatory for the believers to declare baraah from the sinner

Baraah from individuals takes place in one of the following circumstances:

i) When a person confesses that he has committed a major sin or persisted in committing minor sin,82 and when a person regards his erroneous opinions as the true religion of God, considering those Muslims who disagree with him as Polytheists.83

ii) When a believer sees a person actually committing a major sin or persisting in minor sins.

iii) The testimony of two persons of equity that a certain individual merits baraah obliges the believers to declare baraah from him. This principle was established and put into practice by Jabir b. Zaid, the first Imam of the Ibadhis.84

The testimony of one person is not enough to necessitate baraah from the believer. On the contrary, it leads believers to dissociate themselves from that person if he cannot support his accusation of the believer by the testimony of another person of equity.85 So if one (waliy), along reports that another 'waliy' has committed a major sin, the believers must declare baraah from the accuser. It is the same with non-Ibadhi Muslims, if one, or even a group of these, ascribes a major sin to a 'waliy', the believers should reject the accusation and dissociate themselves from the.86

iv) The believers must declare baraah from the activities of a malefactor.87

2) Baraah from the tyrant, (al-sultan al-jair): Believers must declare baraah from him and from all who support his rule; but this should not include everyone under his rule because true believers may be under a tyrant's rule, yet not oppose him out of religious dissimulation, (taqiyah). Any country governed by tyrants and unjust rulers must be declared land of tyranny and injustice, (dar al-jawr wa al-zulm). The believers, in addition to declaring baraah from such rulers and their followers, must not take any one of them as a 'waliy.'88

3) Baraah from apostates, (murtaddun): for God says, "….. And whosoever of you turns from his religion and dies disbelieving – their works have failed in this world and the next; those are the inhabitants of the Fire; therein they shall dwell forever."89 The Prophet also said, "Whosoever changed his religion, you must kill him."90 It is agreed among all Muslim scholars that the Prophet, in this tradition, was referring to the apostate.91 In accordance with this Tradition, the Ibadhis held that the person who abjures Islam and adopts polytheism deserves 'baraah' and execution, (al-baraah wa al-saif).92 But it is reported that the second Caliph, Umar b. Khattab, gave the apostates three

days in which to repent. So if they refuse to do so they must be killed and all their rights as Muslims such as ''walayah', marriage, Muslim burial, and inheritance, are to be abolished.

4) Baraah from those who recant their Ibadhi views and adopt those of other schools, taking the leaders of those schools as their "awliya" and declaring 'baraah' from the Ibadhi Imams. The believers must dissociate themselves from such defaulters until they repent. Those who relinquish Ibadhism and malign the Ibadhis are to be killed or assassinated by any means possible.93

A 'waliy' who commits a major sin, the believers must ask to repent. If he refuses, they must declare 'baraah From him. Some scholars say that the believers declare 'baraah' from him first, then ask him to repent. In such cases, repentance may be sought up to three times, then the believer is not further obliged to ask the sinner to repent. According to the second Imam of the Ibadhis Abu Ubaidah Muslim b. Abi Karimah, this rule must be carried out "till the devil become the loser."

94. (حتّى يكونَ الشيطانُ هو الخاسر)

RESERVATION (AL-WUQUF)

Reservation is another obligatory duty connected with 'assocation' and 'dissociation' (al-walaya and al-bara`ah). If the person was not qualified for association or dissocation, his state must be of 'reservation'. 'Reservation' is an obligation as long as the persom`s case is not clear. This attitude is eatablished on the basis of the following verses of the Qur`an:(حتى يكونَ الشيطانُ هو الخاسر)

1. "And pursue not that thou hast no knowledge of; hearing, the sight, the heart- all those shall be questioned of"95

2. "O Believers, if an ungodly man come to you with a tiding, make clear, lest you afflict a people unwittingly, and then repent of what you have done"96

The following Traditions of the Prophet are produced to strengthen this view:- It is reported that the Prophet said:

1. Human affairs are of three types: One whose rightness is obvious to you; you must follow it. And one whose error is clear to you; you must avoid it. And one which is dubious; you must leave this affair to God".97

2. The Prophet also said: "The beliver is cosiderate, and the hyprocrite is hot-headed".98

Al-Salimi pointed out five sections of 'reservation'99 the first of which is

'reigious reservation' (wuquf al-din) or, as some call it, 'safety reservation' (wuquf al-salamah). This is the reservation about a legally capable person whose case is unknown to the believers.

All Ibadhi scholars agreed on this section, but did not agree on the others. The second is reservation about an 'associate' (waliy) involved in action which the believers were not sufficiently aware of to form judgement; some scholars say that the believers attitude in this case must be of 'reservation'.

The third section of 'reservation' is the 'reservation' of questioning (wuquf al sual). It resembles the second section with the additional stipulation that the believer should ask learned people about the unknown action.100

The fourth section is the 'reservation' about dubious matters (wuquf al-ishkal). It is applied in the case of two 'associates' (awliya) who curse or kill each other, leaving the fact of the real wrong doer unknown to the believers. The ibadhi sources cite the case of al-Harith and 'Abd al-Jabbar; who were found dead with the sword of each thrust into the body of the other. Both of them were in the state of 'assocaition' (walaya) but their death left doubt in the minds of believers about the real offender.

Sime scholars, including Nukkar, say that it islegal to have a reserved attitude about them; while others (i.e. Maghribi Wahbi scholars) held the view that they should be left in their former state of 'association'.101

The fifth section according to al-Salimi is the 'reservation' out of doubt (wuquf al-shakk). This is to have a reserved attitude about all people, and to take as 'associates' only those who held the same attitude of 'reservation'. This kind of 'reservation' is considered to be illegal, because it implies the neglect of obligatory association for those who deserve it.102

THE ORIGINS OF THE SYSTEM OF AL-WALAYAH AND AL-BARAAH

In the Pre-Islamic period, the family ('ashirah'), and the tribe were the most important units in the pagan society of Arabia. In this society an individual Arab was brought up with the sense of complete loyalty to his family and tribe. This loyalty was not more than "Faithful devotion to his equals; and it was closely connected with the idea of kinship. The family and the tribe, which included strangers living in the tribe under a convenant of protection- to defend these, individually and collectively was a sacred duty". 103

It was also required that the man must support his people even if they were wrong. This was why the Arab poet considered friendship with his kinsmen a matter of supreme importance:

"Take for thy brother whom thou wilt in the days of peace, but know that when fighting comes thy kinsman, but kow that when fighting comes thy kinsman alone is near. Thy true friend thy kinsman is who answers thy call for aid with good will, when deeply drenched in blooshed are sword and spear".104

The new teachings of Islam, although it recognised the tribal system, it shook the age old pagan Arab ideal of ethnic loyalty to one`s tribe and family to its foundation. The loyalty is transferred to God and his Prophet; its duties are religious obligations rather than traditional duties required by honour. And, "Islam, rather than tribal affiliation, is to be the unifying principle of society."105 The system of 'walayah' and 'baraah' was established don these basic principles from the very beginning of the new Muslim community in Mecca.

On the other hand, the tribe sometimes cannot have complete control over its members who involve themselves in actions which create intra-tribal and intra-family problems affecting the whole tribe or family. To avoid the troubles caused by such irresponsible members, the family or the tribe forsakes them. The custom in this case as reported by al-Zawzani is that the man brings his son to the tribal gatherings in markets and centres of pilgrimage, and declares in public that he has repudiated his son; so he would not be responsible for any crime committed by the repudiated son; and also he would not claim for revenge if a crime is committed against that son.106

The repudiated person is known as al-khali, or al-lain, or al-tarid.107 The first two terms were recorded in poems from al-Shammakh b. Dirar and Imru'ulqais.108 Among the offences that make the tribe or family forsake its member are continuos addiction to wine, and extravagant wastage of money, as it is recorded in the ode of Tarafa b. al-Abd.109

وما زال تشرابي الخمور ولذتي ويعي وإنفاقي طريقي ومتلدي

إلى أنْ تحامتني العشيرة كلها وأفردت إفراد البعير المعبد

This treatment of the bad or guilty member of the tribe in pre-Islamic period seems to be the root of the system, which came to be known afterwards as (baraah). The Qurashites used this sort of treatment against B. Hashim and B. Muttalib in Mecca because of their protection of the Prophet. The document (sahifah) written by the polytheists for this purpose states that those who agreed on that document should neither marry the women folk of B. Hashim and B. Muttalib, nor give women to them to marry, and they should neither buy from them nor sell to them.110 This boycott of the Muslims and their protectors lasted more than two or three years. Islam afterwards made a useful weapon out of this system. The first use of this principle was made to create a sense of homogeneity among the members of the newly-emerging Muslim

community, and to keep them in isolation from the surrounding communities of the pagans and the People of the Book. Then the system was altered to deal with those who did not fulfil the duties of the new religion and obligations to the new community.

The first event, which brought this system of 'baraah' into operation of the Muslim community against some members, of the Muslim community was the attitude of those who did not immigrate to Medina in spite of the clear order of the Prophet. The following verse was revealed to end the discussion, which arose among Muslims in Medina concerning their fellow Muslims who did not join them after immigration;111 "And those who believe but have not emigrated – you have no duty of friendship towards them till they emigrate."112

The other event concerned the three men who abstained from the raid of Tabuk, viz., Ka'b b. Malik, Murarah b. al-Rabi, and Hilal b. Abi Umayyah. The Prophet forbade all Muslims to speak to them; then, after a lapse of a fortnight, he ordered them to separate from their wives. This went on for fifty nights until God sent his word concerning them that, "God has turned towards the Prophet and the 'Emigrants' and the 'Helpers' who followed him in the hour of difficulty, after the hearts of a part of them well-nigh swerved aside; then He turned towards them; surely He is Gentle to them, and All-Compassionate. And to the three who were left behind, until, when the earth became strait for them, for all its breadth, and their souls became strait for the, and they thought that there was no shelter from God except in Him, then He turned towards them, that they might also turn; surely God turns, and is All-Compassionate."114

It is not the concern of this work to study the system of 'walayah' and 'baraah' during the Prophet's life, but just to show the origins of this system as it led to its foundation in the Ibadhi doctrine afterwards. The study of this system by Ibadhis was established on the basis of the Qur'an, Sunnah, and Ijma. Although these were the primary sources of jurisprudence followed by other Muslim schools, only the Ibadhis have developed this system of walayah and baraah and have given it great importance in theory and practice. This was due to the nature of the Ibadhi movement and the conditions in which it was founded.

The Ibadhi movement was founded in the early days of Umayyad rule. It had to deepen its roots throughout the Muslim countries at that time, avoiding the suppression of the Umayyad governors. It happened that Basrah was the centre of this growing movement, a fact which made the Ibadhis face many trials under the most "cruel rulers of their times" – viz., Ziad b. Abihi, his son Ubadidullah, and al-Hajjaj b. Yusuf. The religious stage of the Ibadhi

movement at that period was secrecy, (kitman). According to the requirements of this stage, an underground organisation was formed to pass on the true teachings of Islam out of sight of the "tyrants." Several centres (majalis) were established for meetings of the Ibadhi scholars, and also for religious instruction for the members of the sect in order to fulfil requirements of the organisation.

The system of walayah and baraah served a great deal in securing the growth of the movement in the right direction. It was one of the basic rules for the new member who wanted to join the Ibadhis to declare 'baraah' from the enemies of God and the Prophet, (i.e. the opponents of the Ibadhi movement) and to believe in 'walayah' for the 'awliya' of God and His Prophet, (i.e. the upright members of the Ibadhi community).

It is reported that Ibadhis invited Bistam Abu al-Nazr who was a Sufri, to join their movement; Bistam said, "When they invited me, they said, "We call you to (walayah) for those whom you know to declare the truth and follow it; and to (baraah) from those whom you know to say contrary to the truth and follow it; and we call you to 'reservation' for what you are not sure about till you become certain.' He said, 'This was in the time of secrecy (Kitman).'115 This appears to be one of the basic principles of the Ibadhi movement, for the first Imam of the Ibadhi state in Yemen, Abdullah b. Yahya al-Kindi, after conquering Yemen, said in his address to the people, "We call to the Unity of God, ……, and to 'walayah' for God's friends, and to enmity for the enemies of Go."116 The members who did not follow the teachings of Islam were to be treated in different ways in regard to the gravity and nature of their mistakes. It is reported from Jabir b. Zaid, "If one of you sees a fault of his brother, he must forbid him to do it again, and this must be between the two of them only; if he refuses to abandon his fault, he must ask help from another member, until he has two witnesses with him. If the sinner refrains from committing the sin, they must conceal his fault; but if he persists in his sin, they must then declare baraah from him."117 A similar opinion is reported from Hajib al-Tai, one of the early Ibadhi leaders.118 Hajib divides such defections into two kinds:

a) That which is related to the duties of man to God; Muslims must conceal such faults and give their fellow believer the advice and let him attend their meetings (majalis), for God may relent towards him.

b) But if the defection is related to the faith by holding contrary views to what the Ibadhis believe, in such a case, they must declare baraah from him, forbid him to attend their (majalis), and inform all the members about him so that they can be wary of him.119 In order to explain this doctrine, we may cite the following cases:

Abu Sufyan Mahbub b. al-Rahil said, "Hamzah al-Kufi came to Abu Ubaidah

to discuss with him the matter of divine decree (al-qadar). They went to the house of Hajib and spent a long time in the discussion. The last words heard from Abu Ubaidah in that discussion were, 'Oh, Hamzah, about this I disagreed with Ghailan.' Then Hajib talked to Hamzah, for his respect for Hajib was greater than his respect for Abu Ubaidah. Hamzah said, 'I narrated this opinion from the Muslims (i.e. Ibadhis).' Hajib said, 'You did not meet anyone whom I did not meet, except Jabir b. Zaid; so, from whom did you learn this view?' 'From you', said Hamzah. Hajib said, 'I give up this view, so do as I did.' Hamzah said, 'Treat me gently and accept what I say; Whatever good visits you, it is of God, and whatever evil visits you is of yourself. So good (hasanah) is of God, and evil (sayiah) is of Man; and I say, "God charges no soul beyond its capacity." Hajib did not accept this from him, and Hamzah left the place. When Hajib did not accept this from him, and Hamzah left the place. When Hajib was asked about him he said, 'treat Hamzah gently.' Then, afterwards, they heard that Hamzah contacted the women and men of little knowledge to teach them his views, Abu Ubaidah ordered Hajib to call the members of the movement for a general meeting in which they were informed about the heresies of Hamzah. Hajib concluded the speeches in that meeting and said, 'Hamzah, Atiyyah, and al-Harith brought about heresies to us, so whomsoever offered them shelter, or received them, or sat with them, is suspected of disloyalty to us.' Abu Ubaidah declared baraah from them, and ordered that they must be in the state of baraah and they were expelled from the (majalis).120 Hamzah used to visit Halabiyah Umm Sa'idah; when she heard that the Ibadhis had forsaken him, she refused to receive him any more; so he left Basrah for al-Mawsil and Abu Mahfuz went out after him from one village to another warning the Muslims of him.121 The other case n the time of Abu Ubaidah was that of the youths who came to Abu Ubaidah and asked him about the case of a Christian who had not heard of the Prophet of Islam, and invited a Majian to Christianity. Abu Ubaidah asked them their opinion. Their reply was that the Christian who had not heard of the Prophet of Islam was a Muslim, and the Majian who agreed to follow him was an infidel;. Abu Ubaidah rejected their opinion but they insisted on it; so he declared 'baraah' from them. The youths came to Hajib with broken hearts asking him to save them, for Abu Ubaidah hastened to declare 'baraah' from them though they were just asking him about his opinion. Hajib told Abu Ubaidah that they repented, and arrangements were made for them to rejoin the (majalis).122

These rules were followed throughout the Ibadhi history so much that contrary opinions could not grow in the Ibadhi community. But consequently, a number of the adherents of this sect broke away from the original movement and formed their own groups.123

If the defection consisted of breaking away from the organisation and defaming

the Ibadhi views or giving away their secrets, their attitude towards these persons is not to forsake them only, but to kill them by any means.124 It is reported that an Ibadhi youth came to Jabir b. Zaid and asked him about the best form of Jihad. Jabir said, 'Killing Khardalah,' and the youth asked another man to show him Khardalah and he stabbed him with a poisoned dagger inside the mosque. According to a al-Jitali, Khardalah was a member of the Ibadhi movement but he relinquished Ibadhism and gave away the names of the members of the Ibadhi community to their enemies, and disclosed the locations of the places in which the Ibadhis held their meetings.125

Secrecy (kitman), Manifestation (zuhur), Defence (difa), and Life Sacrifice (shira).127

The course of Islamic history as presented by the Ibadhis shows that the true Muslim community, for which they stood in their struggle, existed in one of the above mentioned four stages. The 'manifest state' of Islam, which was established by the Prophet in Medinah, prevailed during the caliphate of Abu Bakr and Umar, the first six years of the caliphate of Uthman and under the rule of Ali until he accepted the arbitration. After that the Muslim community was divided into three main groups: "those who extolled the cause of Uthman, those who extolled the cause of Ali, and the Muslims who kept to the right guidance.128

The Ibadhis stood for the cause of the revival of the 'manifest state' when the 'rightly guided' Muslims failed to revive it and were massacred in the battle of al-Nahrawan. They started a secret organisation in which they taught their members the true religion. It was essential for he members of the movement to know about the error which led to the corruption of the teachings of the Qur'an as explained and practised by the Prophet and his first two successors; as for the people who were responsible for the errors, the Ibadhis declared (baraah) from them. This principle freed the Ibadhis from the personal influence of the Companions of the Prophet who played the most important part in the civil wars among the Muslims. They judged these people according to the measure of piety and goodness as enunciated by the Qur'an and the Sunnah. Their faults were presented clearly in the early literature of the Ibadhis. In his letter to the Umayyad caliph, Abd al-Malik b. Marwan, Abdullah b. Ibad pointed out the faults of Uthman which caused the rising of the Muslims against his rule;129 he said, "When the believers saw the faults of Uthman, they renounced him; for the believers are the witnesses to God."130 He further commented, "Whosoever took Uthman and those who wee with him as hi =s friends, we declare our estrangement from them, and for this we beg witness of God and His Angels. We are enemies of them with our hands, tongues and hearts. With this belief we live and with it we die……..."131

Among the Companions who were treated according to the principle of (baraah) were Talhah b. Ubaidullah and al-Zubair b. al-Awwam. They merited baraah for breaking the pledge of allegiance, and fighting against the legal caliph, Ali b. Abi Talib.132 A'ishah, the Prophet's wife, although she took part in that strife and was present in the battle of the Camel, was exempted from (baraah) as she repented for her fault and thereby maintained the state of (walayah).133 It has been reported by Jabir b. Zaid the first Imam of the Ibadhis, and one of the pupils of A'ishah, that being admonished by him and his friend Abu Bilal Mirdas for her activities in the battle of the Camel, she repented and begged forgiveness of God.134 Ali b. Abi Talib was also treated with (baraah) for accepting the arbitration of men in a matter pre-decided by the Qur'an. The Qur'an clearly says: "If two bodies of the faithful were at war, then make ye peace between them; and if the one of them wrong the other, fight against the party which doth the wrong until they come back to the precepts of God."135 According to the Ibadhis, Mu'awiyah and his supporters were the rebellious party and Ali had to fight them till they reverted to God's commandment, i.e. the rule of the legal caliph. The acceptance of arbitration by Ali meant his deposition from the caliphate – a fact which displeased a group of Muslims and obliged them to choose a new Imam, Abdullah b. Wahb al-Rasibi. The Ibadhis hold that Abdullah b. Wahb and the people of al-Nahrawan were right, ad Ali b. Abi Talib was wrong for accepting arbitration in the first place, and secondly for fighting the people of al-Nahrawan.136

As regards Mu'awiyah b. Abu Sufyan, and Amr b. al-As, they were treated with (baraah) throughout for their rebellion against Ali the legal caliph.137 The former was described by Abdullah b. Ibad in the following words: "We do not know anyone of the peoples who was more callous to the distribution of wealth according to the laws laid down by God than he, nor anyone more indifferent towards the commandment of God than he, nor anyone more blood-shedding than he."138

Needless to say, this baraah of the Ibadhis from such Companions concerned only their political activities and not their knowledge of the religion. Ibadhi jurists as is evident from the Ibadhi sources presenting legal and theological opinions from Ali b. Abi Talib, Uthman b. Affan and others accept their legal opinions. Even Mu'awiyah, of whom the Ibadhis strongly disapprove, was one of the persons from whom the Ibadhis strongly disapprove, was one of the persons from whom Jabir b. Zaid narrated Traditions of the Prophet.139

Concerning the Companions who reserved their opinions about the civil strife (fitnah) and refused to fight with Ali, such as Sad b. Abi Waqqas, Abdullah b. Umar, Mohammad b. Maslamah and Zaid b. Thabit, the Ibadhis have two opinions; one is baraah from them, and the other is of 'reservation' about

them.140 All Caliphs and their governors starting from Mu'awiyah were regarded as tyrants (Salatin al-Jawr). Ibadhis declared baraah from them with exception of Umar b. Abd al-Aziz the Umayyad caliph. Some Ibadhi scholars state that he was legal Imam because of the unanimous resolution of Muslims (ijma al-ummah) to accept his Imamate.141 Some scholars report that Abu Ubaidah Muslim b. Abi Karimah asked God to bestow His mercy upon Umar b. Abd al-Aziz, which meant that Umar deserved (walayah).142 It is further reported that Abu Ubaidah sent delegation to Umar to invite him to accept the Ibadhi doctrine. After a long discussion Umar agreed with them on almost everything, but he refused to renounce Uthman and said, "God made our hands clean of that blood so let our tongues also be clean of it."143 They refused to accept his opinion and the head of the Ibadhi delegation, Abu al-Hurr Ali b., al-Husain told Umar: "Know that we are not going to take you for a friend."144 "I wish they accepted the opinion of Umar.145 It is further reported by al-Fadl b. al-Hawwari that Umar b. Abd al-Aziz acceded to the Ibadhi doctrine, and baraah from the 'tyrants' and agreed to accept Ibadhis as "awliya." The delegation asked him to declare this openly, as, according to Ibadhis, religious dissimulation (taqiyah) does not behove the just ruler. Umar could not agree with them and promised them to revive a Sunnah and abolish a heresy every day, but they refused his proposal.146 Maghribi Ibadhis held that Umar b. Abd al-Aziz was nearer to 'baraah.' Abd al-Wahhab b. Abd al-Rahman b. Rustam, the second Imam of the Ibadhi state in Tahert, was asked about his opinion of Umar b Abd al-Aziz and he replied, "He was not commended among the Muslims (i.e. Ibadhis). They did not take him as a 'waliy', and he was nearer to 'baraah'."147

To begin with, the Ibadhi sources discussed in detail the problem of tyranny and the tyrants; and the attitude that was maintained by the Ibadhis under their rule. The following is the description of the tyrants given by Abu Ya'qub Yusuf b. Ibrahim al-Warijlani, "Tyrants are those who rule the people by force and do not comply with the laws of the shari'ah. They neither call others to shari'ah nor they follow it. They neglect Zakat, alms- giving, tithes and land tax. They do not care about the shari'ah or fulfilling (hadd) punishments. They devise for themselves special ways to administer their own creed; build high palaces and houses, protect them with guards and servants. They have raids on towns and take all property as fines and bails; and use guards and servants. They drink wine and wear silk; enjoy music and use screens; and show injustice in every thing."148 Ibadhi sources point out for example, Ziyad b. Abi Sufyan, and al-Hajjaj b. Yusuf as tyrant's Salatin al-jawr). A list of names of the tyrants of Maghrib and al-Andalus is given by Abu Ya'qub al-Warijlani in his book al-Dalil wa al-Burhan.149 All Ibadhi scholars agree that such rulers have no right of (walayah); they and their supporters must be in the

state of bara'ah.

It appears that all Muslims in general in the first half of the first century knew the principle of al-walayah and al-baraah. Ali, Mu'awiyah and their supporters have practised it. Ibadhi sources report that the Muslims gave Ali b. Abi Talib the pledge of allegiance on the oath given to Abu Bakr and Umar, and on bara'ah from 'Uthman and his party. 150 Jahiz also reported that Mu'awiyah sat in Kufah receiving the oath of allegiance from the people on the condition of bara'ah from 'Ali b. Abi Talib; then a man from b. Tamim came and Mu'awiyah asked him to give his oath on that condition, the man said, O, Commander of the faithful, we obey your living, i.e. the Companions, and will not declare bara'ah from your dead." 151 It is also reported that Hujr b. 'Adiy and his followers ('Ali's party) used to curse Mu'awiyah gave orders for them to be arrested, and sent his messenger to the min prison to call them to bara'ah from 'Ali if they wanted to be set free; and if they refused, they would be killed. Eight out of fourteen, among whom was Hujr, refused to declare baraah from Ali, and they were killed.153 Kharijites were also among those who advocated the principle of al-walayah wa al-baraah.154 In his letter to Simak b. Ubaid, al-Mustawred b. Ullafah wrote, "….. We call you to the book of God, the Sunnah of the Prophet, and to (walayah) for Abu Bakr and Umar, blessing of God unto them, and to (baraah) from Uthman and Ali b. Abi Talib because of their innovations in religion, and their abandonment of the judgement of the Qur'an."155 It is also reported that the Muhakkimah leaders who joined Abdullah. Al-Zubair to protect Mecca from the attack of the Umayyad army, asked Abdullah b. Al-Zubair to renounce Uthman, al-Zubair and Talhah.156 The same is reported about Urwah b. Udaiyah who was asked by Ubaidullah b. Ziyad about his opinion of Uthman and Ali, his reply was that he took Uthman as a (waliy) for the first six years of his rule, then he declared 'baraah' from him for the rest; and he took Ali for a waliy up to the time he accepted arbitration.157

Ibadhi followed the doctrine of (al-walayah wa al-baraah) as a religious obligation more than a political attitude afterwards. Its rules and regulations appeared in Ibadhi jurisprudence from the very beginning, and were practised within the Ibadhi community as explained before, while we find no more of this principle among non-Ibadhi Muslims in the same form as it exists among the Ibadhis.

Examples of the influence of the system of al-walayah and al-baraah on Ibadhi jurisprudence:

Apart from what has already been explained, the system of al-walayah and al-baraah influenced Ibadhi jurisprudence in many ways. We may point out the following examples an evidence of this influence:

I. With regard to zakat, some Ibadhi scholars held that it must be given only to (ahl al-walayah). This opinion is reported from Aflah b. Abd al-Wahhab, the third Imam of the Rustamid Imamate.158 According to Dhumam b. al-Saib, an Ibadhi can give part of his zakat to his relatives although they are non – Ibadhi Muslims.159 Abdullah b. Abd al-Aziz and Shu'aib held the view that all Muslims, Ibadhis or non Ibadhis, have a right to zakat.160 Certain Ibadhi scholars state that zakat must be taken only from (awliya) as it must be given only to the "awliya".161 Abu Amr al-Rabi b. Habib and Dumam b. al-Sib held it lawful for the Ibadhi person to take zakat from the Muslim opponents if they knew about his opposition to their wrong beliefs.162 al-Rabi reported that Abu Ubaidah strongly disliked taking zakat from non-Ibadhis if they did not know that the person to whom they gave their zakat possessed contrary views to theirs.163 al-Jitali reported that Abu Ubaidah said, "We neither take zakat from them (non-Ibadhi Muslims) nor do we give it to them."164 Jitali further quotes from the response (Jawabat) of Abu al-Mu'thir that he said, "The poor godless Ibadhi (Fasiq) is entitled to zakat before the upright learned non-Ibadhi Muslim; because those who believe in baraah for the Ibadhis and believe in loving and respecting them are not like those who think that the Ibadhis are wrong and believe in 'baraah' from them; the latter do not deserve zakat from Ibadhis."165 During secrecy (kitman) zakat must be given only to (al-awliya). If there are no "awliya" to whom zakat can be given, it must be given to the poor Ibadhis; if these two categories are not available, then Ibadhis should give their zakat to the poor weak non-Ibadhi Muslims who cannot do them any harm.166

II In the matter of performing Hajj on behalf of another person, some Ibadhi scholars held that the Ibadhi must not perform Hajj for another person unless he is a (waliy). Others made it lawful with the condition that he should not make dua (pray) for him.167 It is reported that the mother of Abu Maymun al-Nufusi was asked before her death about her will and who was going to carry it out for her. She pointed to her son Abu Maymun and said, "I leave it to that one in the cradle." When Abu Maymun grew up, he wanted to perform Hajj for his mother, for she could not be considered as a 'waliy' with the testimony of one woman. But Ibn Abbad al-Misri made it lawful for him to perform Hajj for her and said that the testimony of one pious woman in this case was sufficient.168 A similar story is reported about Amrus b. Fath.169

III On the question of Adalah (The quality of religious probity and moral integrity which a witness must possess for his testimony to be admissible),170 only a (waliy) is Adl, and his testimony is admissible in all cases. The person in the state of baraah is not Adl and his testimony is unreliable. The person in the state of 'reservation' (wuquf) is regarded as one of the Muslims in general (ahl al-Jumlah). The testimony of this group is admissible in all cases except those

concerned with (al-walayah wa al-baraah), cases of (hadd) punishments, cases in which they believe that the Ibadhis are infidels,171 and cases connected with the property of Muslims which they believe is lawful to be taken as spoils during wars between Muslims.172 It is reported from Abu al-Mu'thir that he said, "If they (non-Ibadhi Muslims) are in power, their testimony is admissible, but if we are in power their testimony must not be accepted."173

IV It is agreed among most of the Muslim scholars that the person who sees the new moon of the first of Ramadhan alone must fast. But if he saw the moon of the first of Shawaal alone, according to Malik b. Anas and Abu Hanifah, he must not break his fast. Ibadhi scholars, Shafi'i and Abu Bakr b. al-Mundhir held the opinion that he should break his fast, but Ibadhis stated that he must do that in secret, so that the Muslims will not be obliged to declare (baraah) from him.174

Careful examination of Ibadhi Jurisprudence may lead to further examples of this nature.

I. Jitali, Sharh al-Nuniyah., Ms II, 2; Ibn Manzur, Lisan al-Arab, Bulaq, 1307 H., XX, 287-97

2. Abu al-Rabi Sulaiman b. Yakhlaf, Tuhaf., 4b; Malshuti, Jahalat., Ms. 41; Abu Ammar Abd al-Kafi, Sharh al-Jahalat., Ms. 58b; al-Sufi, Uthman b. Khalifah, Sualat., Ms. 108; Ahmad b. Bakr, Masail al-tawhid., Ms. 4; Jitali, op. Cit., II, 2.

3. Amr b. Jumai, Aqidat al-tawhid., Cairo, 1353 H., 69.

4. Shammakhi, Sharh Aqidat al-tawhid., Cairo 1353 H. 64.

5. Ibid., 83.

6. Ibid., 48; Imam Aflah b. Abd al-Wahhab, Jawabat., Ms. 2.

7. Ibid, 2.

8. Talati, Nukhbat al-matin., Ms. 10; Shammakhi, op. Cit.,69

9. Talati, Sharh Aqidat al-tawhid., Cairo, 1353 H., 69.

10. Ahmad b. Abdullah al-Kindi, K. al-Takhsis, Ms.5.

11. Abu Ammar, Sharh al-Jahalat., 58b; Jitali, op. Cit., II, I.

12. Shammakhi, op. Cit., 48.

13. Sulaiman b. Yakhlaf, Tuhaf, 5b.

14. Al-Kindi, op. Cit., 5.

15. Jitali, Qawaid., 47.

16. Abu Ammar, op. Cit., 58b; al-Kindi, op. Cit., 7; Warijlani, al-Dalil., Ms.

17. Al-Kindi, op. cit., 7; Salimi, Mashariq., 347.

18. Qur'an: LX, 12.

19. Salimi, op. cit., 347.

20. Al-Jannawani, al-Wad., 32; Shammakhi, Sharh Aqidat al-tawhid., 74.

21. There is for example K. al-istiqamah of Abu Said Ahmad b. Said al-Kadmi, and K. al-Takhsis of Ahmad b. Abdullah al-Kindi. There is hardly any work on Ibadhi doctrine, which did not discuss the subject in one way or another. The system is regarded as one of the main items of (tawhid) and Ibadhi authors who contributed to this field of study always dealt it with.

22. Cf. my "Description of new Ibadhi Mss.," J.S.S., XV, I, 72-3.

23. Jitali Qawaid., 40; Salimi, Mashariq., 337-338.

24. Jitali, op. cit., 5; Shammakhi, op. cit., 64-65.

25. Aflah b Abd al-Wahhab, Ajwibah., 2-3

26. Amr b. Jumai, Aqidat al-tawhid., 72.

27. Jitali, Qawaid., 39; Salimi,, op. cit., 337-338.

28. Abu Ammar, al-Mujaz., Ms. 191-97; Jitali, Sharh al-Nuniyah., II, 42.

29. Jitali, Qawaid., 39; Salimi, op. cit., 337-338.

30. Ibid., 64; Jitali, Qawaid., 5.

31. Loc. Cit,; Sharh al-nuniyah., II, 3 ff.

32. Jitali, Qawaid., 5.

33. Qur'an: V, 82-85.

34. Qur'an: XVIII, 10.

35. Qur'an: XVIII, 13-14

36. Qur'an: X, 98.

37. Qur'an: VII, 120 – 122

38. Qur'an: XXXVI, 20-27

39. Qur'an: XL, 28

40. Qur'an: VII, 23. For more detail cf. Jitali, Sharh al-Nuniyah., II, 3-4.

41. Salimi, Mashariq., 343.

42. Qur'an: IX, 114; XI, 46; LX 4, 13.

43. Abu Dawud, Sunan, II, 523; Tirmidhi, Sunan., IX, 223; Ahmad b. Hanbal, Musnad, I, 430, 439, 440.

44. Cf. Guillaume A. The life of Muhammad., 1967, 606; Ibn Hisham, al-Sirah al-Nabawiyah., editor al-Saqqa and others, II, 524.

45. Al-Rabi b. Habib, Musnad., II, 92.

46. Al-Qutb, Sharh al-Nil., IX, 407.

47. Jitali, Sharh al-Nuniyah., II, 12 ff.; Qawaid., 11-12.

48. Shammakhi, Sharh Aqidat al-tawhid., 72; Jitali, Qawaid., 17; al-Kindi, K. al-Takhsis., 7-8.

49. shammakhi, op. cit., 72; Siyar, 228, 232; Wisyani, Siyar., 4.

50. Jitali, Qawaid., 19; Sharh al-Nuniyah., II, 35.

51. Ibid., II, 35-36

52. Ibid., II, 36; Sufi, Sualat., 201.

53. Jitali, Qawaid., 18-19.

54. Ibid., 6; Amr b. Jumai, Aqidat al-tawhid., 72.

55. Jitali, op. cit., 6-7; Sharh al-Nuniyah., II, 8

56. Ibn Jumai, Aqidah., 73; Shammakhi, Sharh al-aqidah., 73; Jitali, Qawaid., 9

57. Shammakhi, op. cit., 73; Jitali, Qawaid., 9.

58. Ibid., 10

59. Jitali, Sharh al-Nuniyah., II, 11-12; Qawaid., 9; Sufi, Sualat., 68-70

60. Jitali, Qawaid., 10

61. Jitali, Sharh al-Nuniyah., II, 24-26; Qawaid

62. Ibn Hazm, al-Fisal., IV 191

63. Amrus b. Fath, al-Radd ala al-Nakithah., Ms. 19-20

64. al-Sufi, Sualat., 301-310; Jitali, Sharh al-Nuniyah., II, 24-26

65. Ibid., 26-27; Qawaid., 15-16.

66. Jitali, Qawaid., 16

67. Jitali, Sharh al-Nuniyah., II, 8; Qawaid., 23.

68. Al-Kindi, al-Takhsis., 9; Salimi, Mashariq., 341; Jitali, Sharh al-Nuniyah., II, 9; Shammakhi, Sharh al-Aqidah., 75.

69. Ibn Jumai, Aqidat al-tawhid., 75

70. Qur'an: XXVIII, 40

71. Qur'an: XL, 47

72. Qur'an: XXVIII, 82 (77-83)

73. Qur'an: XX, 24, 43

74. Qur'an: II, 258

75. Qur'an: LXVI, 10-11

76. Amr b. Jumai, Aqidat al-tawhid., 75-76

77. Al-Qutb, Sharh Aqidat al-tawhid., 269-278

78. Salimi, Mashariq., 269-278

79. Ibid, 379

80. Abu Ammar, Sharh al-Jahalat, 64a-65b; Barradi, haqa'iq., Ms. 12

81. Salimi, op. cit., 380

82. Jitali, Sharh al-Nuniyah., 33-34; Qawaid., 33

83. Loc cit.

84. It is reported that Jabir heard two of his followers cursing a man who was unknown to him, so he also cursed him. The two men asked him, 'How can you curse a man without clear evidence of his error?' Jabir replied, 'What clearer proof shall I need than the agreement of two of you on cursing him?'; Jitali, Sharh al-Nuniyah, II, 39; Darjini, Tabaqat., 205; Shammakhi, Siyar., 73.

85. It is reported that Dumam b. al-Saib, one of the early leading scholars of the Ibadhi school, was sitting with a (waliy) believer when a certain man was mentioned, and Dhumam's companion spoke ill of him. Dumam said, 'Hush, do not do that.' The man said, 'May God be dissociated from him.' ( ) So Dumam said, 'May God be dissociated from you'. ( ). Then the man repented of what he had said and Dumam asked God forgiveness for him." Ibid., 87-88; Darjini, Tabaqat., 235

86. Jitali, Qawaid., 19

87. Al-Kindi, Takhsis., 8; Jitali, Qawaid., 33

88. Ibid., 25-26; Shammakhi, Sharh al-Aqidah., 76

89. Qur'an: II, 217

90. Jitali, Qawaid., 27

91. Loc. cit.

92. Loc cit.

93. Ibid., 28; Ahmad b. Bakr, Tabyin af'al al-ibad., (Ms.), III, 42, 48; Warijlani, Dalil., 150a ff.; al-Qutb, Sharh al-Nil., X, 428-29

94. Jitali, Sharh al-Nuniyah., II, 30; Qawaid., 35

95. Qur'an: XVII, 37

96. Qur'an: XLIX, 6

97. Jitali, Qawaid., 46

98. Salimi, Mashariq., 372

99. Loc. cit.

100. Loc. cit.

101. Shammakhi, Siyar., 125; Darjini, Tabaqat., 25-27; Barradi, Jawahir., 170-171

102. Al-Salimi, op. cit., 373

103. Nicholson, a Literary history of the Arabs., 1962, 83

104. Ibid., 84

105. Goldziher, Muslim Studies, (English translation), (1967), I, 55

106. Zawzani, Sharh al-Muallaqat., editor Muhammad Ali Hamadallah, Damascus, 1963, 110-111

107. Ibn Manzur, Lisan., (Beirut, 1956), IV, 374, IX, 490, XX, 261; Jawad Ali, Tarikh al-Arab, Baghdad, 1950, I, 366

108. Mahmud Shukri al-Alusi, Bulugh al-Arab fi ma'rifat ahwal al-Arab., 2nd edition, Cairo, 1924, III, 27-29

109. The translation o these two lines is given by Professor Arberry as follows: "Unceasingly I tippled the wine and took my joy, unceasingly I sold and squandered my hoard and my patrimony till all my family deserted me, every one of them, and I sat alone like a lonely camel scabby with mange." The seven odes., 1957, 86

110. Ibn Hisham, Sirah., 2nd edition, Mustafa al-Saqqa and others, Cairo, 1955, I 350; Cf. Guillaume, The life of Muhammad, 159ff.

111. Al-Kindi, Takhsis., 29

112. Qur'an: VIII, 72; Also IV, 89

113. Qur'an: X, 117-118

114. Ibn Hisham., Op. cit

115. Darjini, Tabaqat., 272; Shammakhi, Siyar, 111-12

116. Isfahani, Aghani, XXIII, 115

117. Anonymous, Majmu Ajwibah, Ms. 38

118. Jitali, Qanatir al-Khairat., My edition, Cairo, 1965, I, 164

119. Jitali, op. cit, 165; Darjini, Tabaqat., 239

120. Shammakhi, Siyar, 85; Darjini, op. cit., 231-32

121. Shammakhi, op. cit., 120; Darjini, op. cit., 231; Wisyani, Siyar, 62

122. Shammakhi, op. cit., 86; Darjini, op. cit., 229-230

123. Cf. supra, 249 ff

124. Cf. supra, 256

125. Jitali, Qawaid., 28; Shammakhi, op. cit., 76; Warijlani, al-Dalil., 150a ff. According to him, Jabir gave orders for the killer of Khardalah to be killed. He says that Khardalah was an Ibadhi, and his killer killed him for that reason

126. For more details see below, 397 ff

127. Cf. infra, 406 ff

128. Shammakhi, Siyar., 89

129. Barradi, Jawahir., 158 ff

130. Ibid., 161. The expression "renounced him," (tabarrau minh) is given only in the text of

the letter of Ibn Ibad in Sharh Aqidat al-tawhid of al-Qutb, 245. It is not given in al-Jawahir of al-Barradi (Mss. Of al-Jawahir were also consulted), nor is it given in the text contained in the Umani Ms.

131. Barradi, op. cit., 164

132. Abu Qahtan, Sirah., Ms. 18-22

133. Ibid., 23

134. Darjini, Tabaqat., 198

135. Qur'an: XLIX, 10. The translation quoted here is from Rodwell, The Koran., 1968, 469

136. Muhammad b. Mahbub, Sirah., Ms. (part of Ms. Of mixed contents), 199

137. Abu Qahtan, Sirah., 26

138. Barradi, Jawahir., 163; Cf. al-Ruqaishi, Misbah., Ms. 14-28

139. Al-Rabi b. Habib, Musnad., I, 12-13

140. Warijlani, al-Adl., II, 270-307; Abu Qahtan, Sirah., Ms. 26; Barradi, Jawahir., 97

141. Bisyani, Sirah., 24

142. Ibid., 24

143. Muqaddimat al-tawhid wa Shuruhuha., editor Abu Ishaq, Cairo, 1353, 52-53

144. Ibn Midad, Sifat Nasab al-Ulama., Ms.9

145. Bisyani, Sirah., 24

146. Ibid., 19

147. Imam Abd al-Wahhab, Jawabat., Ms. 27

148. Warijlani, Dalil, 99b-100a

149. Loc. Cit

150. Abu Qahtan, Sirah., 18

151. Jahiz, Bayan., II, 105

152. Tabari, Tarikh., V, 256

153. Tabari, Tarikh, V, 257

154. For the views of the Khawarij on this issue see: Al-Shahrastani, Milal., I, 166, 169, 173; al-Baghdadi, al-Farq bain al-firaq., ed. Kawthari, 45-67

155. Tabari, Tarikh, V, 191

156. Ibid., V, 566

157. Mubarrad, Kamil., III, 909-10. Shahrastani, Milal., 181

158. Aflah, Jawabat., I, 31; Ibn Khalfun, Ajwibah, 28 (Infra II, text no. 3)

159. Ibid, V, 566

160. Ibid, 180; Ibn Khalfun, Ajwibah., 28

161. Jitali, op. cit, 180; Abu Sakin, Amir b. Ali al-Shammakhi, Idah., II, 46

162. Loc. cit

163. Jitali, op. cit., 180; Abu Sakin, Idah, II, 64

164. Loc. Cit

165. Jitali, op. cit., 180

166. Loc. Cit

167. Abu Sakin, Idah., Ms. II, 100

168. Shammakhi, Siyar., 122, 232

169. Ibid., 228; Wisyani, Siyar., 4

170. Coulson, A history of Islamic law., 235

171. Diwan al-ashyakh: K. al-ahkam., Ms. 48b. Jannawani, Ahkam., Ms. 7

172. Diwan: Ahkam., 48b; Musabi, Hashiyah ala al-Musarrih., Ms. 101b

173. Loc. Cit., Diwan: Ahkam., 48b. For the question of the testimony (shahadah) Cf. Sulaiman b. Yakhlaf, Tuhaf., 52a; Warijlani, al-Adl., III, 87 ff., al-Qutb, Sharh al-Nil., Ms. 44a ff

174. Jitali, Qawaid., 19

CHAPTER VI

THE STAGES OF THE IBADHI COMMUNITY

(Masalik al-din)

Ibadhi scholars use the term (masalik al-din), literally, the ways of religion, as referring to the stages of their community in which the laws of shari'ah are to be carried out. They mention the following four states:

Manifestation (zuhur);

Defence (difa);

Sacrifice of one's life (shira);

The stage of Secrecy (kitman).1

Each stage has its rules and regulations, and all of them were experienced by Ibadhis throughout their history. All Ibadhi scholars agree that there are no stages other than these four. It is reported that Abu Bakr al-Zawaghi used to say at the sessions (majalis) which he held, 'We are not in a stage of

manifestation (zuhur), or defence (difa), neither in a state of the sacrifice of one's life (shira), nor in secrecy (kitman), but our time is undefined."2. On hearing this, his colleague Abu Zakariya Fasil b. Abi Miswar commented, "The stages of the Muslim community are four, whosoever increases or decreases them is in error."3 These stages (masalik) were defined very early by Ibadhi scholars. Ibadhi interpretation of Islamic history in its first fifty years demonstrates that the Muslim community went through the four stages, whether during the Prophet's lifetime or afterwards. The cycle of these stages was completed when the Umayyads took over and subjected the Muslim community to their rule. Under Umayyad rule, there was no chance for the true Muslims to propagate their views or to command well and prohibit evil,; for any such attempt usually led to imprisonment or death. The alternative for true Muslims was to practise their activities in secret. The Ibadhi movement intended to revive the true religion, and had to start in secrecy (kitman) with the aim of going through the same experience as the first Muslim community towards the stage of manifestation (zuhur).

In the following pages a brief study of the stages of the Muslim community (masalik al-din) is undertaken.

Manifestations (zuhur):

Zuhur means the proclamation of the independent Imamate. During the state of manifestation Ibadhis elect their own Imam, who should rule them according to the Qur'an, sunnah, and the example of the rightly guided Imams.4 This is the principle stage which must be maintained by Muslims. The Prophet died leaving the Muslims in the stage of manifestation (zuhur).5 It is obligatory for Muslims to maintain this state in order to execute the commands of God. Hadd punishments, the Friday prayers, the collection of zakat and protection tax (jizyah), fighting such enemies as Polytheists and rebels (al-bughat) the proper division of spoils and zakat, none of these obligations can be carried out without the authority of the Imam.6 Ibadhi scholars cite the Caliphates of Abu Bakr and Umar as examples of the stage of manifestation in early Islam.

Whenever Muslims attain satisfactory conditions of proper, wealth, and knowledge of religion, so that they can execute the commands of God, and when they number about half of the enemy around them, they must proclaim the Imamate and elect their own Imam from among their outstanding men.8 The Imam had to implement the orders of God as long as his followers numbered more than forty. If their number becomes less, he must proclaim the dissolution of the Imamate.9

The stage of defence (difa):

Defence becomes the obligatory duty in the absence of manifestation (zuhur).10 When under attack, or suspecting a sudden attack, the Muslims must elect a leader to lead them in fighting their enemy. Such a leader is called Imam al-difa, Imam of defence. He must be a learned man of high military capability.11 He has the same full authority as the Imam of zuhur until the end of the war.12 At the end of the war his Imamate dissolves automatically, so the Muslims would have no difficulty in removing him from his office. The Muslims must then elect their new Imam as required by the resultant state, either of 'manifestation' or 'secrecy'.13 The first Imaam of defence given in Ibadhi sources is Abdullah b. Wahb al-Rasibi who was elected before the battle of al-Nahrawan.14 The other Imams of defence of North Africa included Abu Hatim al-Malzuzi, who tried to revive the Imamate of 'manifestation' which was established by Abu al-Khattab Abd al-Ala b. al-Samh al-Ma'afiri,15 and Abu Khazr Yaghla b. Zaltaf, who tried to revive the Rustamid Imamate and fought the Fatimids for this purpose.16

Defence, (difa), can be regarded as a general revolution against the unjust rule of tyrants or external enemies. If the general revolution fails to achieve its aim and is suppressed, the Ibadhi community enters a new stage known as the stage of secrecy, (kitman).

Both secrecy (kitman) and the sacrifice of one's life, (shira), can operate at the same time; for shira is not more than a voluntary action of sacrificing one's life; taken by a group of not less than forty men who sacrifice their lives in the way of God in order to encourage the rest of their community to change the unjust rule of the enemies of God.17

Shira, the sacrifice of one's life:

The Arabic word shira means buying and selling. This term is used in Ibadhi writings for the action of sacrificing one's life in the cause of God to attain Paradise. Shurat (pl.) are "those who have sold their souls for the cause of God."18 The term al-shira is derived from the following verses of the Qur'an;

"God has bought from the believers their selves and their possessions against the gift of Paradise; they fight in the way of God; they kill, and are killed; that is a promise binding upon God in the Torah, and the Gospel, and the Koran; and who fulfil his covenant truer than God? So rejoice in the bargain you have made Him…..,"19 and, "So let them fight in the way of God who sell the present life for the world to come, and whosoever fights in the way of God and

is slain, or conquers, We shall bring him a mighty wage….,"20 and this verse, "But other men there are that sell themselves desiring God's pleasure."21

The first person who practised Shira was Abu Bilal Mirdas b. Hudair. The idea of Shira or Khuruj (coming out) occurred to him when he saw the harm caused by Ubaidullah b. Ziyad to his fellow-Muslims.22 His comment on the situation was, "Surely, being content with tyranny is an offence, and drawing the sword and frightening the people is grave, but we come out and fight no-one but those who do us wrong."23 Abu Bilal used to elect among the Muslims, the most trustworthy and outstanding men for the task of Shira. He explained the conditions of Shira in the following words in which he used to address every person who wished to join him; "You go out to fight in the way of God desiring His pleasure, not wanting anything of the goods of the present World, nor have you any desire of it, nor will you return to it. You are the abstemious and the hater of this life, the desirous for the World to Come, trying all in your power to obtain it. Going out to be killed and for nothing else. So know that you are going to be killed and have no return to this life; You are going forward and will not turn away from righteousness till you come to God. If such is your concern, go back and wind up you needs and wishes of this life, pay you debts, purchase yourself, take leave of your family and tell them that you will never return to them. When you have done so I will accept your pledge."24

Some scholars suggest that the state of Shira was practised first during the Meccan period of the Prophet's life. They point out that the Prophet declared Islam openly when the number of his followers reached forty,25 and was directed by the Qur'an to leave the house of al-Arqam b. Abi al-Arqam which was "the centre of his preaching activities."26 When he had passed the stage of secrecy, God revealed to him, "O Prophet, God suffices thee, and the believers who follow thee."27 According to Shaikh Muhammad Yusuf Atfaiyish, this verse was revealed in Mecca and was included afterwards in the chapter of the spoils (al-Anfal) which was revealed in Madina.28 However, it is difficult to agree with the suggestion that the stage of Shira in Ibadhi doctrine was derived from the above-mentioned event in the Prophet's life. Even if the circumstances were similar, which they were not, there is still a great difference, which lies in the fact that the timing of such actions in the Prophet's life was directly determined by revelation. The other thing is that all Muslims had to follow in any action the Prophet had to take, especially if the Qur'an commanded it, but the Ibadhis did not consider Shira as an individual obligation; it was a voluntary duty only. This was one of the main principles about which they differed from the Azraqites who considered Khuruj as an individual obligation.29

The following are the regulations of Shira as explained by Abu al-Abbas Ahmad b. Muhammad b. Bakr; "…. They, i.e. the Shurat, agree that they sell themselves desiring God's pleasure, and show no claim for ruling, but to end tyranny and revive righteousness. They must not revolt with less than forty men; they can complete the number with a woman. If their intention was not to return before ending falsity, batil), they, therefore, must not return to their homes unless they ended falsehood or died. If they went out with the intention to return if they wanted, they can return at any time. Their homes are their swords, so if they return to their original homes for any purpose, they must pray short prayers qasr and pray complete prayers during their revolt even though they were far away from their original homes."30

Shira the most commendable sort of Jihad in the absence of manifest Imam. In fact, Ibadhis used shira in some cases as a bridge for establishing the Manifest Imamate."31

The following are the main principles of Shira:

i. Shira is a voluntary duty for Ibadhis in general, and an obligation for those who imposed it on themselves.

ii. The minimum number of forty persons must carry it out.

iii.They must elect their leader among themselves. The authority of their leader is binding on his followers only.32

iv.Religious dissimulation, Taqiyah, does not behove the Shurat, they have to fight till they bring tyranny to an end or are killed.33 Some scholars say that they can return if only three of them were left.34

v. They have no home except the places where they gather to fight their enemies; if they return to their original homes to get supplies, or information, or for any other purpose, they must consider themselves travellers and pray short prayers (qasr) while in their original homes.

vi. They must not fight anyone except those who fight them, must not follow the defeated or kill the injured, must not kill old men, women, or children, and must not take any spoils or property unless they have a right to it.35 For instance, it is reported that Abu Bilal Mirdas and his followers, in their revolt, came across a caravan bringing spoils to the governor of Basrah, Ubaidullah b. Ziyad; Abu Bilal stopped the caravan, took the emolument for himself and his companions, and gave receipts for that.36

The stage of Secrecy (kitman):

Kitman means hiding one's beliefs. In this state the believers keep their beliefs

in secret to avoid suppression by their enemies who will not allow the Ibadhis to profess their beliefs if they discovered them. In this sense, hiding one's beliefs is the best way to preserve them. So 'secrecy' becomes an obligation in such a case.37 Ibadhis started their movement in secrecy to avoid suppression by the Umayyad rulers. Both Ibadhi leaders Jabir b. Zaid and his successor Abu Ubaidah Muslim b. Abi Karimah acted in the stage of secrecy (kitman). All their activities were carried out in secret. During this time, secrecy was recommended almost in everything; it is reported that Dhuman b. al-Saib, a pupil of Jabir and one of the leading Shaikhs of the Ibadhis community of Basrah, said, "Why is it that one of you hides his money and shows his religion; perhaps he will come across someone who will wrest it from him?!"38 Ibadhi scholars claim that the stage of secrecy (kitman) in their doctrine is derived from the life of the Prophet; but they differ in fixing the exact period of secrecy in the life of the Prophet. According to Shaikh Muhammad Yusuf Atfaiyish, it is the period between the beginning of the revelation up to the time when the number of the Muslims reached forty by Umar b. al-Khattab declaring his acceptance of Islam.39 Abu Sulaiman Dawud b. Ibrahim al-Talati regards all the period before the Prophet's immigration to Madina as a stage of secrecy,40 while Abu Ammar Abd al-Kafi says, "The Prophet stayed in Mecca for some time after the revelation, in secrecy."41 It seems that he meant the period of three years of the prophethood before the revelation of this verse:

"Proclaim what you have been ordered and turn aside from the polytheists."42 However, this was the basis on which Ibadhi scholars furnished the proof for the obligation of secrecy (kitman) as a religious duty ordered in the Qur'an.

After the collapse of the Rustamid Imamate in Tahert in 909 A.D. Ibadhis of North Africa tried to revive their Imamate under the leadership of Abu Khazr Yaghla b. Zaltaf, but they lost the battle of Baghy which they fought against the Fatimids on the year 358 A.H.43 After this the Ibadhis entered the stage of secrecy up to our times. No attempt was made afterwards by the Ibadhis of North Africa to establish a new Imamate. The regulations for the stage of secrecy as explained by Abu al-Abbas Ahmad b. Bakr are that, "the Ibadhis must gather and appoint a leader to whom they pay their zakat and alms-giving (huquq).44 He takes it from the pious among them and distributes it among the pious ones. They must visit each other and form the 'majalis' for teaching their doctrine and worshipping God. They must also hold collective prayers and carry out all that they can of the duty of enjoining good and prohibiting evil".45 Ibadhi communities during the time of secrecy become underground organisations which work in secret to keep the unity of the community and the teachings of the Ibadhi school.

The stage of secrecy which began in North Africa after the defeat of the Ibadhis

in Baghy, produced the system of the Azzabah. This system is, in many aspects, similar to the organisation of the Ibadhi Shaikhs of Basrah in the times of Jabir b. Zaid and Abu Ubaidah Muslim b. Abi Karimah.46 In every Ibadhi gathering Azzabah councils were formed to look after the affairs of the people. The councils had to be formed of the best people in the community, of special qualities and for special tasks. During secrecy, the Azzabah councils exercise the full authority of the Imam in ruling the Ibadhi society in religious and social affairs. Since they were established, these councils are still in action in Wad Mzab, but in both Ibadhi communities of Jabal Nufusah and Jerba Island they were dissolved during the Ottoman rule. A detailed study of the Azzabah system, its rules and regulations, and the role it played in the Ibadhi communities and education will be an interesting one, and of great value.47

In the following few pages it is aimed to pinpoint the laws resulting from the former division of the stages of the Ibadhi community (masalik al-din) in the Ibadhi jurisprudence.

There is not much to be said about the stages of difa and Zuhur here, except that religious dissimulation (taqiyah) does not behove the Imams of Difa and zuhur;48 this rule applies to the Shurat as well.49 Among modern Ibadhi scholars, Shaikh Muhammad Yusuf Atfaiyish objected to this opinion regarding the Imam of Zuhur, 'for," as he argues, "if religious dissimulation is lawful for individuals to save their lives, the question of the Imamate must be of greater importance."50

Concerning the stage of difa, it is already mentioned that the Imamate of defence (Imamat al-difa) dissolves automatically after the end of the war, but some scholars hold that the Imamate of defence can remain after the end of the war as well.51

Regarding the stage of shira, it has already been mentioned that it is a voluntary duty for more than forty persons, and that they must pray full prayer during their revolt though they are far from their original homes. In case the Shurat wanted to take over during the Imamate of defence, they have all the right to do so, for the Imam of the Shurat, for his intention of sacrificing his life for the cause of the Ibadhi community, is more entitled to the right of leadership than the Imam of difa.52 Apart from this, all the laws of the Shurat are the same as those of the Ibadhi community during kitman.53

Among the four stages, secrecy (kitman) was of great influence on Ibadhi jurisprudence in North Africa. Abu Ya'qub al-Warijlani, discussed in details the laws of kitman in his two books, al-Dalil, and al-Adl wa al-insaf. The most important aspect is the suspension of the hadd punishment during kitman. According to Warijlani, Ibadhis regarded the stage of kitman of their

community of the same conditions as the corresponding stage in the life of the Prophet in Mecca before hijrah when no hadd punishments were revealed yet.54 However, some Ibadhi scholars acted contrary to this rule on certain occasions on the basis that secrecy (kitman) takes the laws of zuhur whenever it is possible, though that zuhur must not take the laws of kitman.55 The only exception to the decision of the suspension of the hudud is killing those who defame the Ibadhis. Such people are to be killed by any means at any time during the four stages.56

During kitman Ibadhis have to live under the rule of tyrants. Special rules were laid down for Ibadhis regarding their relationship with 'tyrants' in the time of kitman. The main principle is that the Ibadhis must not be of any help to tyrants in their rule, so they must not hold any posts for them.57 The exception to this rule is that those members of the Ibadhi community who are known for their opposition to the 'tyrants' and were capable of commanding them to good and forbidding them from evil, such members can hold posts in the rule of 'tyrants'; they can lead their troops in jihad, be in charge of the spoils (ghanaim), Qadiship, or futya (delivering legal opinions on religious questions). Ibadhis, in this attitude, follow the example of Ibn Abbas, Jabir b. Zaid, al-Hasan al-Basri and Shuraih al-Qadi. All these great scholars were known for their opposition to the rule of 'tyrants' and held posts under them. The condition for such an attitude is to run the posts according to the shari'ah and not fear anybody in practising justice.58

If the members did not have the same qualities as those mentioned they must not be in charge of any post which is related to the public interest and might harm people, such as being in charge of the market, or shurtah (police), or hisbah, etc., but there are certain jobs which they can hold such as calling for prayers (adhan, leading the prayers, lecturing in mosques, and teaching in the schools.59

There are certain occasions on which the 'tyrants' force Ibadhis to act or speak contrary to their beliefs. In such circumstances, Ibadhi school allows its followers to use a special dispensation (rukhsah) under the principle of religious dissimulation (taqiyah) to avoid the punishment of death. They can, for example, say that there is more than one God, or claim walayah for the enemies of God, and baraah from the true believers, or give false testimony, or tell lies, all these with the tongue only without believing it. They also can eat during the day in Ramadhan, or eat carrion, blood, or pork, all this to avoid the punishment of death. If the punishment is, for instance, imprisonment, and they know that they will not die in prison of hunger or thirst, or some other cruel punishment, they must not then take the advantage of the special dispensation to avoid imprisonment, for it is lawful only for avoiding death.60

However, there are certain actions that they must not do even if that should cause them the loss of their lives, such as slaying the innocent, or seizing people's property or wasting it, or giving up their weapons to the enemies, or drinking wine, committing adultery, or eating and drinking the unclean (najas).61

Although the Ibadhis held it lawful to live under the rule of 'tyrants' during kitman, the most commendable attitude for members of the Ibadhi community is to keep away from tyrants and to be of any help to them.62

On the other hand, Ibadhis must pray Friday prayers with the tyrants, and join them in the daily prayers in order to keep collective prayers.63

It is also lawful for the Ibadhis to take gifts from the 'tyrants' if they give them, nut they must not ask the 'tyrants' for them.64 The Nukkar, however, objected to this, and this was one of the topics on which they differed from the other Ibadhi scholars.65 Besides, Ibadhis, although living under the rule of 'tyrants', must have their own organisation to look after their affairs, and to plan for the safety of their community and to preserve the teachings of their schools; in other words, to prevent the Ibadhis from melting into the large body of their opponents, and to prepare for 'manifestation'.

1. Abu Zakariya al-Jannawani, al-Wad., 29; Aqidat al-tawhid, 17ff; Amr b. Jumai, Aqidat al-tawhid, 50-54, Ahmad b. Bakr, Masail al-tawhid, My edition, 24

2. Shammakh, Siyar, 372; Darjini, Tabaqat, 340

3. Loc. Cit; Ahmad b. Bakr, op. cit, 24; Abu al-Rabi Sulaiman b. Yakhlaf, Tuhaf, 32

4. Darjini, Tabaqat, 5, Ahmad b. Bakr, op. cit., 25

5. Shammakhi, Sharh Aqidat al-tawhid, 50

6. Loc. Cit.,

7. Loc. Cit; al-Qutb, Sharh Aqidat al-tawhid., 113-114

8. Abu Ammar Abd al-Kafi, al-Mujaz, Ms. 213-214

9. Ajwibat Ulama Fazzan., Ms. 98; Shammakhi, op cit., 54; Abu Amir Musa b. Amir, al-Luqat, Ms. 3, 8. For more details about the Ibadhi administration during the stage of manifestation, Cf. Warijlani, al-Dalil., Ms. 103a ff. Of the modern scholars, Dr. J. Wilkinson treated the subject sufficiently in appendix F of his thesis on Uman. "The Imam and his powers," Volume II, Appendix F, 1-12

10. Shammakhi, op. cit, 52

11. Ahmad b. Bakr, Masail al-tawhid, 25

12. Shammakhi, op cit., 53

13. Ali Mu'ammar, Nash'at al-madhhab al-Ibadi, 94

14. Shammakhi, Siyar, 372; Sharh Aqidat al-tawhid, 53. And the note by Abu Ishaq, 54-55

15. Ibn Sallam, Bad'ul-Islam; 56-59. Both Shammakhi and Abu Ishaq rejected the opinion that Abu Hatim was Imam of defence, and suggested that he was a manifest Imam (imam zuhur). Sharh Aqidat al-tawhid; editor Abu Ishaq, 53

16. Darjini, Tabaqat, 129; Abu Zakariya, Siyar; 49a ff. Shammakhi, Siyar, 350

17. Ali Mu'ammar, Nash'at al-madhhab al-Ibadi, 9495

18. Della Vida, article "Kharidjites," Sh. I.E., 246

19. Qur'an: IX, III

20. Qur'an: IV, 74

21. Qur'an: II, 207

22. Cf. supra, 16-17

23. Baghturi, Siyar., 3; Cf. supra, 17

24. Munir b. al-Nai'yir al-Ju'lani, Sirah., Ms. 9

25. Al-Qutb, Sharh Aqidat al-tawhid, 114.

26. Watt, Muhammad, Prophet and statesman., (1967), 57

27. Qur'an: VIII, 64

28. Al-Qutb, op. cit., 114

29. Cf supra, 21-23

30. Ahmad b. Bakr, Masail al-tawhid., 25; al-Jami, (Abu mas'alah), 26

31. Salimi, Tuhfah., I, 91

32. Abu Zakariya al-Jannawani, Aqidah, 19; Ahmad b. Bakr, Masail al-tawhid., 25; Warijlan., Dalil., 149b; Abu Ammar, Mujaz., II, 126

33. Ahmad b. Bakr, op. cit, 25

34. Abu Zakariya al-Jannawani, Aqidah, 17; Musa b. Amir, Luqat, Ms. 3, 8

35. Al-Harithi, Salih b. Ali Ayn al-masalih fi Jawabat al-Shaikh Salih, editor al-Tanukhi, Damascus, n.d. 412

36. Warijlani, Dalil., 99b

37. Al-Qutb, Sharh Aqidat al-tawhid, 113

38. Shammakhi, Siyar., 88

39. Al-Qutb, op. cit. 115

40. Talati, Sharh Aqidat al-tawhid., 54

41. Abu Ammar, Mujaz., Ms. In the possession of Muh. al-Aiyubi,224 Al-Aiyubi, 224

42. Qur'an: XV, 94. Cf. Guillaume, The life of Muhammad. Oxford 1967, 117

43. Darjini, Tabaqat., 129

44. Cf. Jitali, Qawaid., Ms. 184

45. Ahmad b. Bakr, Masail al-tawhid., 24

46. Cf. Lewicki, article "Halkah," E.I. 2nd edition

47. Cf. Rubinacci, "Un antico documento di vita cenabitica musulmana." A.I.O.N., Vol. X, 37-78

48. Abu Ammar, Mujaz., Ms. II, 124. Cf. supra, 377

49. Cf. Shammakhi, Qasim b. Sulaiman, Sharh al-lu'lu'ah., Ms. 420

50. Al-Qutb, Jawabat., Ms. (fragments in my collection); al-Harithi, Isa b. Salih, Khulasat al-wasa'il fi tartib al-masa'ii., II, 466

51. Al-Qutb, Sharh Aqidat al-tawhid., 113

52. Shammakhi, Siyar, 92; Darjini, Tabaqat, 238-39

53. Warijlani, Dalil, 149b-150a

54. Warijlani, al-Adl, Ms. II, 292-93

55. Wisyani, Siyar., 106; Darjini, op. cit., 378

56. Warijlani, al-Adl., Ms. II, 296

57. Salim b. Dhakwan, Sirah., Ms. 222

58. Warijlani, Dalil, 108a-b; al-Adl., II, 314-322

59. Loc. Cit.

60. Ahmad b. Muhammad b. Bakr, al-Jami., (Abu mas'alah), 108

61. Ibid., 109; For more details about the Ibadhis concept of religious dissimulation (taqiyah) and the laws related to it, Cf. Ibn Barakah, al-Jami (Ms.), 61-65; Musabi, Hashiyah ala al-Musarrih., (Ms.), 109b-111a; and Salimi, Mashariq anwar al-uqul., Cairo, 1314, 456-461.

62. Cf. supra, 413-14

63. Ahmad b. Muhammad b. Bakr, Masail al-tawhid., 25

64. Abu al-Rabi Sulaiman b. Yakhlaf, Tuhaf., (Ms.), 39a

Cf. supra. 269

RECAPITULATION

During its history, the religion of Islam passed through various stages which left their mark, one way or another, on the structure of this religion, its laws and civilisation. The original features of the religion as it first appeared in the early Muslim community underwent certain changes (in different ways) which affected its primitive form. This, however, does not apply in every instance. There are still a few cases of Islamic communities close to the oldest form of Islam which exist today, and which struggled hard throughout history to preserve that distinctive early character. This is evident in one of the oldest sects in Islam, the Ibadhis.

Contrary to what is generally held, they (the Ibadhis) were not a branch of the Kharijite movement, moderate or otherwise, but, as appears to me through the study of Sunni as well as sectarian Islam, the Ibadhis seem to represent the pristine spirit of the religion of Islam struggling in the face of the political and social changes caused by the rapid expansion of the Islamic empire.

The building of the new empire made it imperative that the role of power in its material forms should occupy the first place. The pre-Islamic measures for obtaining power started to re-appear and replace the new values established by the new religion of Islam. It was through the office of the third Caliph, Uthman b. Affan that the Umayyads made their way to the important positions in the government. Marwan b. al-Hakam, who had been exiled by the Prophet and remained in exile during the Caliphateof Abu Bakr and Umar, was brought back to Medina by Uthman and became one of the closest and most influential figures in Uthman's court. So also Abdullah b. Sad b. Abi Sarh, who was ordered by the Prophet to be execute don the day of the conquest of Mecca, but was protected and given refuge by Uthman, became his governor of Egypt. This way of controlling affairs during the last six years of Uthman put more power in the hands of his kinsmen, and to some extent aroused the anger and resentment of Muslims in various places. They gathered from far and wide and came to Medina, the capitalof the Caliphate at that time to change what they regarded as erroneous policy. This move brought about the death of Uthman, and soon Ali b. Abi Talib was elected fourth Caliph in Medina. At this point commenced the endless civil wars among Muslims. Although the parties which arose immediately follow the path of Uthman tried to justify their struggle for power by religious arguments, it soon became clear that the issue was a straight fight for the Office of the Caliphate as the highest post in the new empire, or, according to the satirical expression of Malik b. Anas, "By God, they fought for nothing nut a dust coloured mess of tharid, (al-tharid al-a'far)"1

After Ali had settled his account with Talhah and al-Zubair, he had to face

Mu'awiyah b. Abi Sufyan who was demanding vengeance for the death of Uthman. At the beginning it seemed clear to the supporters of Ali that the claim of Mu'awiyah was nothing but an excuse for opposing the new Caliph, and therefore Ali should fight Mu'awiyah and his supporters until they accepted his authority. When Ali accepted arbitration, a large number of his supporters abandoned him and elected as their new Amir, Abdullah b. Wahb al-Rasibi, and renounced Ali as Caliph. Nevertheless, these people, most of whom were killed by Ali in al-Nahrawan and were known by the name Ahl al-Nahr or al-Muhakkimah, were the first party to try to establish a leading role in the new Islamic community outside Quraish, who were respected by the rest of the Arab tribes before Islam as guardians of the Holy House in Mecca, and who kept the means of power after Islam within their own hands. After the death of Ali, his son al-Hasan was ready to compromise for a settlement with the Umayyads after receiving an assurance that he would be the Caliph on the death of Mu'awiyah. The Umayyads established their strong rule over the Muslim world and were able to suppress their Qurashite opposition led by the Shiites, i.e. the party of Ali, or by Ibn al-Zubair. The struggle for the power among the Quraish was confined to the two houses of Bin Umayyah and Bin Hashim. When the power of the Umayyads declined in the vastly expanding empire, the Abbasids took over, and so the struggle for power continued with scant respect for the principles of Islam and by using all means for obtaining power.

The Muhakkimah set the first practical example for non-Qurashites to take their share in the struggle for the new values of Islam and in implementing them in political life. But when Mu'awiyah proved his firm control over the Islam territories through powerful leaders, it was impossible to launch a successful attack, which could change the whole situation. Some military moves were made as a reaction to contemporary events; these manifested themselves in the wars fought mainly by Kharijites. Meanwhile, the Ibadhi movement was founded in Basrah, and underwent careful and conscious planning – to imitate the policy of the Prophet in Mecca surrounded by powerful enemies – with the aim of restoring the just Islamic Imamate and the true Muslim community on a religious basis. This movement was founded by Jabir b. Zaid, an outstanding tabi'i who studied under a large number of celebrated Companions of the Prophet, and as a result, the Ibadhi community was the product of an educational intellectual movement which had to deepen its roots and gain support in the contemporary Muslim world, through a training based on strict adaptation of the Islamic teachings as preserved by the leaders of the movement n theory and practice. This position of the Ibadhis enabled them not only to form a clear view of politico-religious situation of early Islam, but also to oppose what they regarded as erroneous views of the

Kharijites, and to refute them at the very beginning of their movement. So the Ibadhis continued to preserve the closest practical version of Islam in a living community. For various reasons the Ibadhis gained large support among the Azdis and the Arab tribes of Hadramawt and Yemen, as well as some major Berber tribes of North Africa, and by the early decades of the second century H., they (Ibadhis) were able to establish their own states in Southern Arabia and in North Africa.

After the death of Jabir b. Zaid in 93 H., Ibadhis withdrew from the surrounding population into a secret organisation which had developed and kept to its own doctrine. Since then the Ibadhi school has retained its independent features which present the old Islamic teachings in the Traditions and the Athar reported through certain tabi'un from the Companions of the Prophet, Professor Sergeant, speaking about the Zaydis, said, "The Zaydis appear to represent in the early stages of their development a form of Islam closest to the original primitive theocratic shape of the faith."2 The Ibadhis would fit this description perhaps more than the Zaydis since their system of law and their doctrines were formulated earlier. Ibadhi authorities also confirm this view and admit that the Zaydis, of all Islamic schools, are the closest to them. Abu Ammar Abd al-Kafi points out only three issues of difference between the two schools: the question of the Imamate; their approval of Ali's acceptance of arbitration; and the regarding as Polytheists of those who held that God is to be seen on the Last Day.3

The foundation of the Ibadhi school by Jabir b. Zaid, an eminent Traditionalist, and its growth through the efforts of Abu Ubaidah Muslim b. Karimah and his colleagues as an educational institution prevented its leadership from falling into the hands of anyone other than the most upright and learned members, whether during the time of 'secrecy' or 'manifestation.' Ibadhi jurisprudence although based on material reported by Ibadhi authorities alone used the same methods as the rest of the Muslim schools in forming opinions. However, the Ibadhi school can be easily distinguished by the fact that its legal system was very much concerned with the moral conduct of its followers. In other words, observing the spirit of the law as well as the letter of the law. An example of this appears in the acts which causes the breaking of fasting and ablution, among which only the Ibadhis include all immoral acts such as telling lies, slander an suchlike, listening to slander or music etc. and looking into others' houses or eyeing foreign women etc. In this respect, the system of 'walayah' and 'baraah' developed by Ibadhis was mainly based on full observation of the religious obligations in order that the person might be taken as a 'waliy' and accordingly receive all rights due to him from fellow Ibadhis. This attitude regarding moral conduct of the person covered other aspects of faith such as excluding grave sinners from the right to intercession by the Prophet on the

Last Day, and the belief that grave sinners are to abide in Hell unless they repent before death. There are some other distinctive features of the Ibadhi school, such as the suspension of the (hadd) punishments during the stage of 'secrecy.' And the laws laid down for this politico – religious stage. In the legal and religious system there is a number of points on which the Ibadhi school differs from the rest of the Islamic schools or from some of them. This was due in fact to the texts on which those points were based. In some cases Sunni or Shi'i authorities and vice-versa do not know the material used by Ibadhis.

The other main feature is that Ibadhis always have understood religion to be one unit in its political, spiritual and legal aspects which should be carried out in life simultaneously. When one of these aspects is suspended in certain stages of the Ibadhi community, it is not out of negligence, but as a deliberate action required by the current stage through which the community is passing, based on the example of the Prophet's practical life, and which should lead to the next step of carrying out all teachings of the religion in suitable conditions. This seems to be the reason why Ibadhis, for example, never accepted Sufism, because it directs the activities of the Muslim mainly to the spiritual side and does not care much for other aspects of religion. One of the early comments on this point was made by Muhammad b. Mahbub (ob.260 H.) in his Sirah to the Ibadhis of Hadramawt, "We learnt that certain people existed in your country who made it their worship to wear wool during summer, and have doubts about fighting the enemies of God by the sword."4

(يتعبدونْ بلباسْ الصوفـ في الصيفـ ويتشكككونْ في قتال أهل البغي بالسيفـ)

As Ibadhis have always lived in simple remote communities their laws were not affected by changes of environment or time, and remained in their original form. Ibadhis always tried to live according to the divine law, and to adapt it wherever they were and at all time. Special rules for the different stages of politico – religious situations were formed at an early stage according to which the Ibadhi community had to maintain its existence.

There remains a great deal to be done to form a clearer picture of the Ibadhi communities and their development in different fields of activity. Very little is known about the present situation in the various Ibadhi countries and these Ibadhi communities need close study. There is still also a large body of original Ibadhi works on Hadith, law, theology, history and to their files of knowledge which deserves attention, and an extensive amount of new material awaits patient examination and thorough inspection in order to have a more complete view of the Ibadhi school.

1 Mubarrad, al-Kamil, III

2 Arberry (general editor), Religion in the Middle East., Art. "Zaydis", II, 285

3 Abu Ammar Abd al-Kafi, Mu'az (Ms.) II, 124

4 Muhammad b. Mahbub, Sirah, (Ms.) 279

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