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INTRODUCTION

Various circumstances have led to the Ibāḍiyya being one of the least known of all Islamic sects. However, ‘they certainly preserve a considerable number of works said to have been written before *c.* 800, when the sources of the mainstream tradition begin to flow freely’, as Crone and Zimmermann neatly put it.¹

Access to this tradition was for long difficult, as those Western scholars who were interested in it were to find out. However, a dramatic change was to follow the accession of the present ruler of Oman, Sultan Qaboos bin Said in 1970. The Sultanate was prudently modernized, and among many developments, emphasis was placed on the editing and publication of the major works that have long lain hidden in libraries, not only in Oman but also in North Africa and in Cairo. These publications were intended primarily for the Ibāḍiyya themselves, but copies are now beginning to trickle through to Western libraries, and it is to be hoped that Western scholars will soon have wider knowledge of what is available and easier access to the works they are interested in. However, bringing these works into the public domain remains a huge task, because of the large amount of material still to be edited. This study is a modest attempt to help in this task. It offers an annotated edition of what appears to be the oldest extant work devoted to Ibāḍī *fiqh*, the *Āthār al-Rabī‘ b. Ḥabīb*.

The origins of the Ibāḍiyya are clear in general terms but not in any detail. Their roots are always confused with the so called Khārijite groups that came into existence in the First Civil War (36/656–41/661). There appear to have been widely differing attitudes among these groups, the majority preferring the policy of confrontation with the *ahl al-qibla* who opposed their views, whilst a minority opted for a quietist, peaceful, isolationist, live-and-let-live stance. In the early stages of the Second Civil War (65/688–73/692) Muslims split into distinctive political groups, and it was one of these, holding the quietist view and based mainly in Basra, that became the Ibāḍiyya. The name traditionally derives from ‘Abd Allāh b. Ibāḍ al-Tamīmī,

1 *The epistle of Sālim ibn Dhakwān*, Oxford 2001, p. 1.

about whose dates and views there is much uncertainty and disagreement. Apart from the central point about quietism, it may be futile to try to sift the evidence for his views. These may well have been superseded during the development of Ibādī *kalām* and *fiqh* and lost. Equally it may well have been that he was much more important politically, as a member of Tamīm, than as thinker, where he was almost certainly overshadowed by the figure of Jābir b. Zayd. Thus it may be that the view that ‘Abd Allāh b. Ibād was the founder and Jābir b. Zayd the first *imām* of the Ibāḍiyya reflects a basic reality, with their mutual strengths providing the basic impetus for the new movement to cohere. For a time the movement looked set to carve a niche for itself in the central heartland of the Empire, most particularly in Basra. Any hopes of this were seriously diminished when al-Ḥajjāj turned against the movement and imprisoned or exiled its leaders.

In my opinion Jābir b. Zayd died in 93/711 whilst al-Ḥajjāj was still governor.² His position as leader of the Ibāḍiyya was assumed by Abū ‘Ubayda at some time after the latter’s release from prison on the death of al-Ḥajjāj. During the brief reign of ‘Umar b. ‘Abd al-‘Azīz (99/717–101/719) things seemed promising for the Ibāḍiyya, but thereafter their position in Iraq deteriorated. To mitigate this, Abū ‘Ubayda, who showed himself to be an excellent organizer and leader, began to send out missionaries (*ḥamalāt al-‘ilm*) to outlying countries to win Muslims over to the Ibāḍiyya way of thinking. They gained many adherents, and took over in some areas, but eventually there were clashes with the governors appointed by the central authorities and there were rebellions in Tripolitania in 128/745–131/749; in South West Arabia in 127/744–130/748; and in Oman in 132/750–134/752. In all of these, despite initial defeats, the Ibādī communities survived. It is not clear when al-Rabī‘ took over from Abū ‘Ubayda.³ Al-Rabī‘ remained leader until his death sometime between 175/791–180/796. It is against this brief historical background that the *Āthār al-Rabī‘ b. Ḥabīb* is set.

The doctrinal issues both in regard to the Sunnīs and also to the Azāriqa and the Najdiyya are dealt with in satisfying detail in Crone and Zimmermann’s *Epistle* and need not be dealt with extensively in this study.⁴ In short, the Ibādīs differed strongly from the Azāriqa and the Najdiyya in their attitude towards their opponents. The quietist views of the Ibāḍiyya ensured their survival in a way that was honourable to them. What was honourable to the Azāriqa and the Najdiyya led to savage fighting and their eventual destruction.

2 See below pp. 146–148.

3 See below p. 142.

4 *The epistle of Sālim ibn Dhakwān*, Oxford 2001, pp. 186–250.

When we turn to Ibādī *fiqh* it has hitherto been impossible to say anything very certain about the early period. However, the *Āthār al-Rabī' b. Ḥabīb* begins to open up the subject for us. It is not unfair to say that it provides a first insight into the legal views of early influential Ibādī authorities. It presents the views of Jābir b. Zayd and, not less important, it points to an actual system of Islamic law that was growing up and prevailing in a time that can be described as a pre-formative time of Islamic schools of law.

I have attempted, where ever possible, to take a closer look at the way of thinking of early Ibādī authorities, how they expounded their arguments and what devices they used to proclaim certain judgements. On the premise that this work antedates most, or apparently all, known Islamic literature on *fiqh*, I believe that it shows that they did so in a very cohesive thoughtful manner, which contemporary scholars need to take into account when studying the formation of Muslim schools of law and the development of their legal theories.

It can be perceived from the *Āthār al-Rabī' b. Ḥabīb* that this thoughtful manner followed by early Ibādīs earned them genuine respect from their contemporaries on matters of religious performance. Jābir was questioned on various occasions by non-Ibādīs about religious matters, his opinions were transmitted by non-Ibādīs, and, on the other hand, his Ibādī students seemed to have no strict reservations on referring to other authorities in the community. This is a mutual relation that is rarely observable in later Muslim times. However, the beginnings of early division between Muslim authorities on *fiqh* principles, and consequently on legal views, are also traceable in this book. These divisions are noticeable but not yet distinctive. This is apparently due to the early date of the work on the one hand, but also to the broader perspective early Ibādī authorities followed to consolidate the position of their movement (in Basra in particular).

For those who have interest in the anthropology of early Islamic societies, the book of *Āthār al-Rabī' b. Ḥabīb* will be useful as well. It illustrates, in many of its traditions, a picture of real early Islamic society affairs. There are traces of the day-to-day activities of the community, signs of the clothing people used to wear, and natural images of the social and economical aspects of the society at that time.

It is, therefore, a fact rather than a suggestion that the *fiqh* dealt with in this work of al-Rabī' b. Ḥabīb opens further the doors for detailed studies and for revising our understanding of many theories regarding the formation of Islamic schools. Most significantly among these theories are: the labelling of certain sects and authorities, the mutual relationships of early authorities, take the example of Anas b. Mālik, al-Ḥasan al-Baṣrī, Jābir b. Zayd, their students, etc., and not least of all the characteristic features that led to the

development of different Muslim schools of law. The findings of such studies could be of great value for the world of Islamic scholarship, not just at the intellectual level but also in terms of the general Islamic heritage. This, I believe, is a crucial task that should not be played down on the notion that a minor Muslim school of law is fairly similar to the orthodox Islamic schools, nor should it be affected by the other distracting notion, that a particular school, as in the case of Ibādī *madhhab*, is the closest *fiqh* example to that of the Sunnīs. The reality, as revealed in the *Āthār al-Rabī' b. Ḥabīb*, is that the development of Ibādī *fiqh* is closer to the time of the Prophet and his Companions than that of the Sunnī schools (which therefore cannot be normative).

In addition, the *Āthār al-Rabī' b. Ḥabīb* is to be credited with enabling us to elucidate useful biographical information of some early authorities and transmitters. This will be appreciated by researchers who have been, or are still, doing studies about the Ibādīyya. Looking, hand in hand, at historical and at *fiqh* sources, such as the work under current study, can indeed contribute substantially to the establishment of better prosopographical information.

I do not claim that it is possible at this stage to give a full account of all these grounds. The crucial emphasis has had to be on making the text available and giving it the necessary background notes. To go beyond what I have done would have been to embark on a major undertaking that is beyond the scope of any thesis. Nevertheless, it is hoped that this study was able to outline these accounts and to cast light on new areas.