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Edition and Study

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CONTENTS

INTRODUCTION ........................................................................................................ VII

CHAPTER ONE
ABOUT THE ĀTHĀR AL-RABI’ B. HABI’B ................................................... 1
   The Book: Its Identification and the Authorities Who Mention It ...... 1
   The Copies of the Manuscripts ............................................................ 4
      A. The Egyptian Copy (E) ............................................................... 4
      B. The First Tunisian Copy (T1) ..................................................... 7
      C. The Second Tunisian Copy (T2) ............................................... 9
   The Significance of the Book ............................................................... 10

CHAPTER TWO
ĀTHĀR AL-RABI’ B. HABI’B: ARABIC TEXT ........................................ 23
   Sigla ..................................................................................................... 23
   Edited Text ........................................................................................... 24

CHAPTER THREE
NOTES ON THE EDITED TEXT ............................................................. 71
   I. Table of Topics of Āthār al-Rabi’ b. Ḥabīb .................................. 71
   II. Notes on Individual Sections of the Arabic Text ......................... 74

CHAPTER FOUR
DATE OF THE ĀTHĀR AL-RABI’ B. HABI’B,
AUTHORITIES TRANSMITTING, AND
EVALUATION OF IBĀDI FIQH MATERIAL IN THE WORK ........... 127
   I. Date of Āthār al-Rabi’ b. Ḥabīb .................................................... 127
      1) The Author of Āthār al-Rabi’ b. Ḥabīb .................................. 127
      2) The Language Used in the Work and Its Legal Peculiarities ..... 129
      3) The Historical Events Mentioned in the Work ....................... 135
   II. Authorities Transmitting the Āthār al-Rabi’ b. Ḥabīb .............. 137
      1) ‘Abbās b. al-Ḥārith ................................................................. 138
      2) Abū al-Ashhab Ja’far b. Ḥayyān ............................................... 138
      3) Abū Ayyūb Wā’il b. Ayyūb al-Ḥadramī .............................. 138
      4) Abū Bakr b. Na’ama ............................................................... 139
      5) Abū Nūḥ Sāliḥ al-Dahhān ................................................... 140
      6) Abū al-Ruḥayl Maḥbūb b. al-Ruḥayl ................................. 140
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7) Abū Ṣufra `Abd al-Malik b. Ṣufra ...........................................</td>
<td>140</td>
</tr>
<tr>
<td>8) Abū `Ubayda Muslim b. Abī Karīma ........................................</td>
<td>142</td>
</tr>
<tr>
<td>9) Amāra b. Ḥabīb ........................................................................</td>
<td>142</td>
</tr>
<tr>
<td>10) ‘Amāra b. Ḥayyān .....................................................................</td>
<td>142</td>
</tr>
<tr>
<td>11) Ḏumām b. al-Sā`īb ...................................................................</td>
<td>143</td>
</tr>
<tr>
<td>12) Hammām b. Yahyā .......................................................................</td>
<td>144</td>
</tr>
<tr>
<td>13) al-Haytham ...............................................................................</td>
<td>144</td>
</tr>
<tr>
<td>14) Ḥayyān al-Araj al-Āmīr ..........................................................</td>
<td>145</td>
</tr>
<tr>
<td>15) Ḥāzim (or al-Ḥāzim) b. ‘Umar ...............................................</td>
<td>145</td>
</tr>
<tr>
<td>16) Jābir b. Zayd ...........................................................................</td>
<td>146</td>
</tr>
<tr>
<td>17) Jamīl al-Khawārizmī ...............................................................</td>
<td>148</td>
</tr>
<tr>
<td>18) al-Rabi` b. Ḥabīb ....................................................................</td>
<td>148</td>
</tr>
<tr>
<td>19) Salīm b. ‘Ubayd ........................................................................</td>
<td>150</td>
</tr>
<tr>
<td>20) Tamīm b. Ḥuwayṣ ......................................................................</td>
<td>150</td>
</tr>
<tr>
<td>21) al-Walīd b. Yahyā ....................................................................</td>
<td>150</td>
</tr>
<tr>
<td>22) Yahyā b. Qurra ...........................................................................</td>
<td>151</td>
</tr>
<tr>
<td>A Step Towards a Chronology ................................................................</td>
<td>151</td>
</tr>
<tr>
<td>III. Evaluation of Ibadī Fiqh Material in Āthār al-Rabi` b. Ḥabīb ......</td>
<td>152</td>
</tr>
<tr>
<td>CONCLUSION .........................................................................................</td>
<td>161</td>
</tr>
<tr>
<td>BIBLIOGRAPHY ....................................................................................</td>
<td>165</td>
</tr>
</tbody>
</table>
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 ĠlhƗr al-Rabî b. ḤAbîb.

The origins of the Ibāḍiyya are clear in general terms but not in any detail. Their roots are always confused with the so called Khârijite 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 ḤAbîb Allâh b. Ibâd al-Tâmînî, ²

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¹ The epistle of SƗlim ibn DhakwƗn, 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 Ibāḍī kalâm 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 ʿAbd Allāh b. Ibāḍ was the founder and Jābir b. Zayd the first imâm 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 ʿUbayda at some time after the latter’s release from prison on the death of al-Ḥajjāj. During the brief reign of ʿUmar b. ʿAbd al-ʿAzīz (99/717–101/719) things seemed promising for the Ibāḍiyya, but thereafter their position in Iraq deteriorated. To mitigate this, Abū ʿUbayda, who showed himself to be an excellent organizer and leader, began to send out missionaries (hamalat al-ʿilm) 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 Ibāḍi communities survived. It is not clear when al-Rabīʿ took over from Abū ʿUbayda.3 Al-Rabīʿ remained leader until his death sometime between 175/791–180/796. It is against this brief historical background that the Āthīr al-Rabīʿ 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 Ibāḍīs 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.
When we turn to Ibāḍī 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 Ibāḍī 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 Ibāḍī 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 Ibāḍīs earned them genuine respect from their contemporaries on matters of religious performance. Jābir was questioned on various occasions by non-Ibāḍīs about religious matters, his opinions were transmitted by non-Ibāḍīs, and, on the other hand, his Ibāḍī 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 Ibāḍī 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 distractive notion, that a particular school, as in the case of Ibāḍi madhhab, is the closest fiqh example to that of the Sunnīs. The reality, as revealed in the Āthār al-Rabīʿ b. Ḥabīb, is that the development of Ibāḍī 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-Rabīʿ 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 Ibāḍiyya. 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.