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# THE IBĀDĪ IMĀMA

By J. C. WILKINSON

Any attempt to write about the Ibādī *imāma* is faced with the same kind of problem which besets all efforts to provide a generalized account of an Islamic institution: how far to concentrate on the abstract theory and how far to describe the actual practices observed in different places at various times. In this paper the writer has tried to strike a balance between these two approaches by taking as his theme an aspect of the Ibādī imāmate that involves basic principles about the nature of the contract which the Ibādī community enters into when it elects an Imām, and to study it specifically from the Omani point of view, through the writings of the local 'ulamā' and the way elections have been conducted in that country from the second/eighth down to the fourteenth/twentieth centuries. No attempts will be made to compare this material with the parallel sources from the Maghrib, nor to contrast the Ibādī concepts of the *imāma* with those of other Islamic systems.

The article is divided into two main parts. In the first certain general principles are presented in the form of a summary of the answers given to the questions posed in the *bāb al-imāma* which forms folios 82r-99v of Sālim b. Sa'īd b. 'Alī al-Ṣā'ighī's *Kanz al-ad'rb wa sulāfat al-labīb* (a work probably of the second half of the twelfth/eighteenth century).<sup>1</sup> In this the present writer has attempted to keep to the spirit, if not the actual wording of the original document and will only comment on relevant points of particular importance. The second part develops the theme of how an Imām is elected by citations from Omani historical works.

## I. GENERAL PRINCIPLES

### *The nature of the contract*

Al-Ṣā'ighī starts his *bāb al-imāma* with some general statements which express the essential nature of the *imāma*.

The *Qur'ān*, the *sunna*, and *ijmā'* declare that the Imām is one of God's ordinances; it is a collective obligation on all the Muslims. No army is assembled, no judgement or legal opinion is held nor legal punishment imposed, except through the Imām. Whilst election is the normal device (*wasāila*) for his selection, this is not essential and the positive support/authority (*wilāya*) through which he rules his subjects (*ra'īyya*) stems from satisfaction and acceptance in the eyes of the community's leaders as a result of his showing himself a man of religion, prohibiting the disallowed and compelling the corrupt and rebellious to return to the way of God: without such *wilāya*, legalistic arguments are irrelevant.

There can only be one Imām in a *miṣr*. The only exception is when the *miṣr* is split by a tyrannical ruler; when such a tyrant has been removed then a single Imām must be elected either from the regional Imāms or some other candidate.

Revolt against the just Imām is the worst of crimes and obedience to

him is compulsory. His followers must render aid against the enemies of the *ahl al-qibla*, specifically the *ahl al-shirk*, Jews, Christians, Hind, Zanj, and 'Ajam. There is, however, discretion to be used in fighting such people, as also tyrannical rulers (*jabābira*), for there are three aspects of prudence (*taqiyya*), religious obligation, capacity, and non-capacity: whilst there is no excuse for an Imām not to do what he is capable of doing, *jihād* is discretionary when his power is inadequate (if his forces are equal to at least half those of the enemy then *jihād* is obligatory).

The first thing to notice from this opening statement is that the *imāma* is a state which is obligatory by divine obligations and takes the form of a 'contract' between the Imām and his community whose terms are ordained by the *sharī'a*. Hence the term '*aqd*' which is used for the 'election' of an Imām and hence also two other key terms in Ibādī doctrine *wilāya* and *barā'a*. These may be roughly translated as respectively the positive association or dissociation of the Muslim community and its Imām. One or other condition is obligatory<sup>2</sup> on Muslims (although under the pragmatic rules of prudence this position need not be openly declared) and it is through this positive relationship that the Imām himself acquires *wilāya* 'authority' over his followers. A passage in the *Kitāb al-kifāya*<sup>3</sup> illustrates the fundamental meaning of these words. Abū Bakr and 'Umar *humā 'inda 'l-muslimīn fī 'l-wilāya*, but 'Uthmān was *fī manzilat al-barā'a 'inda 'l-muslimīn . . . qad taqaddamat wilāyatuhu wa ṣahha 'aqduhu . . . al-wilāya wa 'l-barā'a humā fardān fī kitāb Allāh lā 'udhr lil-'abbād fī jahlihimā*.

The laws of this contract protect both the members of the community and the Imām. So on the one hand the Muslim can in effect declare, as did the early Khawārij, 'I give you allegiance on the conditions prescribed in God's book and the *sunna* of His Prophet',<sup>4</sup> but on the other may impose absolutely no condition on the Imām beyond obedience to the *sharī'a* (*lā shurūt 'alā 'l-Imām* principle).

The second point of interest concerns the all-important matter of the military organization of the state. The principle is quite simple. Since it is the absolute obligation of every true Muslim to support the just Imām and render aid against the community's enemies, the Imām has no need for a standing army; indeed he may not have such a force under his command for that way lies the slippery path to despotic power (*sultān al-jawr*).<sup>5</sup>

This danger was perceived early on in the Ibādī history of Oman and the real founder of the imāmate there, Mūsā b. Abī Jābir al-Sāmī (c. 97–181/715–97) was adamant that after the battle of Majāza (Ramaḍān 177/December 793)<sup>6</sup> the *shurūt* (see below) must first be dispersed and military authority decentralized before leadership of the state could be entrusted to any one man: until this was done he would only accept a provisional Imām.<sup>7</sup> Half a century later precisely such an attempt to build up centralized military power by the Imām Muhannā b. Jayfar al-Yaḥmadī (226–37/841–51) did initiate a crisis in the 'first imāmate' and when his successor was elected the '*ulamā*', some of whom had (secretly?) dissociated themselves from Muhannā,<sup>8</sup> made very sure

that the situation could not be repeated. From that time onwards the principle of no standing army seems to have been firmly established and is one of the peculiar features of imāmate (and indeed of much non-imāmate) government in Oman to which early European travellers often draw attention.

The next point in al-Ṣā'ighī's opening statement that requires further development is the modifications permitted by the three aspects of prudence to the general principle that there can only be one Imām in a *miṣr*; the resulting flexibility of doctrine in part explains how it is that the *imāma* has been able to survive, off and on, for over 1,200 years in Oman.

Now whilst the formal enunciation of the *taqīyya* doctrine probably post-dates the period of the first Baṣran so-called Imāms, it is clear that from the start the Ibādī movement exhibited a pragmatism that was absent amongst other Khārijī groupings. Thus the first 'Imām', Abū Sha'thā' Jābir b. Zayd (c. 21/642—end of first/early eighth century) would strongly deny his true views to outsiders and during the whole first century of Islam no overt move was made against the Caliphate (cf. the term *qa'ada*). And even when the movement began to enter its politically active phase after the death of 'Umar II in 101/720 the Baṣran 'Imāms' remained extremely cautious and propagated their doctrine in complete secrecy.<sup>9</sup>

Such periods when the *imāma* is concealed (*kitmān*) and when prudence can even counsel true Muslims to deny their beliefs and loyalties contrasts with the period when it is in *ẓuhūr*, that is, when the community is living openly, triumphantly, as a properly constituted state. According to Ibādī rationalization this situation existed only during the time of the Prophet and his successors Abū Bakr and 'Umar but started to go wrong under 'Uthmān. But while the Ibādī ideal was to restore this true *imāma* which 'Uthmān betrayed (hence his deposition and, incidentally, death) they rejected extremist measures to obtain this goal. So the solution adopted was to approach the problem piecemeal by taking groups with an inherent 'national' sense (the Berbers, the Omanis, the Ḥaḍramīs, etc.) and to direct their revolutionary potential towards establishing an Ibādī state in their homelands when the moment proved propitious.

Initially therefore, a number of states were established and in each it was the duty of the Imām and his *shurāt* to expand the *miṣr* (by which term may be understood the territorial expression of the community) through *jihād* against tyrannical rulers (*jabābira*): in this way the oecumenical ideal might eventually be achieved. But this duty was nevertheless governed by the three aspects of prudence of which al-Ṣā'ighī speaks and so it was only when the community had the 'capacity' that it elected a *shārī* Imām (once again it will be noted it is the community through its electors which may determine this capacity). Viewed in historical perspective therefore, *shārī* Imāms belong to the expansionist period of the Ibādī movement, the period when the zealots 'bought' their salvation in the after-life by selling their lives for the faith in this world: <sup>10</sup> 'I am the *shārī* man who has made a contract for his soul; he wakes in the morning hoping for death in the fight after the model of Mirdās <sup>11</sup>'.

But throughout most of Ibādī history the imāmate has been on the defensive, for once such central organization as might have existed in Baṣra disappeared and the surviving communities became even more isolated from each other the primary duty of the Imām became that of fulfilling the 'defensive' obligations of *jihād*, that is to defend the community from its assailants. Such an Imām may therefore be referred to as a *mudāfi'i/difā'i Imām* or an *Imām 'alā'l-difā'*<sup>12</sup>: but this term, it should be noticed, simply indicates that the Imām has not been specifically charged with *shārī* duties; it in no way precludes his expanding or defending the community within the local context as he sees fit.

The final matter arising from al-Ṣā'ighī's opening statement which will be commented upon here, is the problem of what happens when there are in fact rival Imāms claiming authority in the *miṣr*. The most reasonable answer is proffered by Abū Sa'īd Muḥammad b. Sa'īd al-Kudamī (mid fifth/eleventh century) whose moderate Nizwā party views (written in rebuttal of the quasi-official extremist Rustāq school)<sup>13</sup> led al-Sālimī to write of his *Istiḳāma* (from which these quotations come)<sup>14</sup> 'despite its length . . . there is benefit in every single letter of it'.

'If there are two Imāms in a single *miṣr* opposed to and fighting one another there is no doubt that one, and probably both, are false . . . Now according to our understanding of Abū 'Abdullāh Muḥammad b. Maḥbūb's<sup>15</sup> views; in a case in which there are opposed groups/Imāms (*fī 'l-mutadāddayn, wa 'l-mutalā'inayn wa 'l-mutahāribayn*) and the rights and wrongs of the situation are not known then there are three dicta to be considered, *wilāya*, *barā'a*, and *wuqūf*. And as we understand him, *barā'a* is anomalous in just the same way as *wilāya* must be. So where *wilāya* has previously been given to both, then in the view of worthy jurists the best ruling is *wuqūf* from them . . . for *wuqūf* (suspended judgement) is applicable only where there is equivocation, legal doubt, or doubts . . . On the other hand where no *wilāya* has been enjoyed either by one or both of them then the behaviour of both is equivocal and there is no question of *wilāya* and we know of no dispute over such a situation.'

### *The selection of the Imām*

#### *Personal qualities*

The Imām (as too his *wālī*) must be a mature male of outstanding intelligence, not blind, deaf, senile, nor lacking limbs which would prevent him from taking part in the obligation of *jihād*, nor should he be a eunuch or emasculated. He must not be mad, nor feeble-minded, nor should he be envious, cowardly, mean, a liar, nor a man who fails to keep promises and agreements, nor possess any other characteristic that causes concern. He must be a man of great learning for without learning and perception how can he carry out his duties and interpret the laws aright and ensure that his subordinates do so?

Specifically this list of qualifications excludes children and females<sup>16</sup> as candidates and states that the candidate must be *compos mentis* and suffer no major bodily defects at the time of his election. The rest of the list is really little more than a counsel of excellence whose value depends on the electors

rather than the elected. This in turn presupposes a proper election and it is to the form of this that al-Ṣā'ighī now turns.

*Ceremony of the installation of the Imām and his oath*

Upon the election to the *imāma* of an Imām, at which ceremony are present the leading '*ulamā*' ('*ulama*' *al-thiqāb*), the most esteemed takes the Imām's right hand and says: ' We set you forward as Imām over ourselves and the Muslims provided you judge by God's Book and the *sunna* of His Prophet, peace be upon Him, and provided you order by what is universally recognized (*al-ma'rūf*), prohibiting the disallowed and making evident the religion of God whom you worship, demanding what you find necessary for that purpose '. If the Imām assents, the oath of allegiance (*bay'a*) is then required whereupon the election is confirmed. This declaration is for a *difā'i Imām*; if he is to be a *shārī Imām* the clause ' provided you (wage) *jihād* for the cause of God ' is added. Then all present, one by one, swear allegiance and they place the *kimma* on his head and the seal (of the imāmate) in his hand.<sup>17</sup> The *khātib* then pronounces the validity of the oath of allegiance and after the prescribed prayers, the *takbīr* and *tahmīd*, says ' No judgement/government except God's and no judgement by him who judges other than [by] what God has revealed; no obedience to him who revolts against God; there is no judgement except God's without reserve and no disobedience to God '.

At this stage no comments will be made on the form of the election, except to draw attention to the repetition of the famous Khārijī slogan *lā ḥukm illā lillāh* in the *khutba*, while al-Ṣā'ighī's own qualifying remarks will be incorporated elsewhere.<sup>18</sup> Instead we will move straight on to consider the next major set of rulings he gives, those that in effect define the constitutional powers of the Imām. These represent certain important Ibādī interpretations of the *sharī'a* and form what were termed *al-ma'rūf* in the conditions of election: but because this corpus of law is extensive and analysis would require lengthy treatment the main principles will simply be presented without any detailed discussion.<sup>19</sup>

*The constitutional powers of the Imām*

*Ex officio* the Imām is custodian (*amīn*) of the Muslim commonwealth (*bayt māl al-muslimīn wa dawlatihim*) and is fully empowered in its administration so long as his acts are not injurious to its members. For example, if he considers it advantageous to purchase slaves from the *bayt al-māl* for the purposes of fighting the enemy (i.e. to reinforce the Ibādī army raised for *jihād*) then he is acting within his power and should not be restrained from so doing. Nevertheless there are certain general and specific limitations on his powers and obligations which are interpretative and therefore of importance.

He enjoys no more privileged position than any other Muslim. He must at all times be accessible and must not seclude himself. Consultation is a duty (verb *wajab*) and this may be imposed as an absolute obligation (*farḍ wājib*), a condition of his tenure of office; <sup>20</sup> if he fails in this then his *imāma* ceases and obedience from his flock is no longer obligatory.

There is no personal liability in his capacity as Imām; if a person dies

under the infliction of the *ḥadd* (unalterable penalties prescribed by the law) there is no *ḍiyya* (bloodwite)—he is *qatīl Allāh*; if the punishment is inflicted by decision (*taqrīr*, i.e. discretionary) then the *ḍiyya* is paid from the *bayt al-māl*. Only if the punishment is illegal is the liability for *ḍiyya* personally on the Imām.

The Imām may deputize (*walā*), even the *bayt al-māl*,<sup>21</sup> but he must retain over-all control over the reins of government. He is responsible that his deputies are suitable people as also are his *qādīs* and he should not confirm their position until he is satisfied of this; <sup>22</sup> this is one of the reasons that he must be a man of perspicacity and learning. He must withdraw his *wālis* if there is justified complaint and he must safeguard the right of his followers to complain against his deputies or himself. He, or his deputies, may not employ a non-Muslim or any corrupt person in any advisory or official capacity; transgression of this calls for a formal repentance (*tawba*) and if he persists then he must be deposed. This same principle is extended by Nāṣir b. Muṣṣid <sup>23</sup> to the Imām's army and principles of waging war; thus he may not make common cause with unbelievers against his enemies unless he has first subdued them so that they have no say in the affairs of the Muslims. Similarly he must not employ unworthy people in the army for fear of corrupting the Muslims.

The Imām is not the ultimate authority in matters of interpreting the law. He may be overruled by someone whose interpretation is better. There appears, however, to be dispute over what happens if ultimate agreement is not reached.<sup>24</sup>

Al-Ṣā'ighī now continues with certain principles concerning the Imām's powers over *bayt māl al-muslimīn*, the main lines of which are as follows.<sup>25</sup>

It is absolutely forbidden for any form of tax to be imposed on the Muslim except the obligatory *zakāt*. A third of the *zakāt* is for distribution to the poor unless the needs of the state overrule.<sup>26</sup>

The Imām administers (*qabaḍ*) property whose owner is unknown in the same way as he does *zakāt*, the *kuffārāt* (i.e. the *jizya* or poll-tax and other payments by non-Muslims), the *amwāl mawqūfāt* ('restrained' property, not just *waqf*), residual estates (i.e. *mawāriṭh ḥashriyya*), and specified bequests (Muslim and non-Muslim alike) for such purposes as mosques, education, roads, resting places for travellers (*masābila*) and the dead (*ḥashriyya*); he is also responsible for administering the *ḍiyya* (bloodwite).

The terms under which he holds this property are as follows. Bequests are inviolate and must be spent as purposed; it is said that the Imām is automatically a *wakīl* of a (public) bequest. The *ḍiyya* is to be used as intended; it is only when this is not possible that it becomes disputed property in which case it is treated in the same way as property whose owners cannot be traced (*ghawāyib*); it may then be used for the general benefit of the state ('*izz al-dawla*). *Ṣawāfī* property is governed by the same rules as the *zakāt*.

The Imām and his deputies may distrain and sell the property of a debtor to the *bayt al-māl* but it must be made clear that this is being done for the purposes of the state and not for personal reasons.

The Imām and his administrators (*ḥukkām*) are entitled to their emoluments ('*uḡr*) from the *bayt al-māl*. Although this appears to be payment for compulsory obedience to God's ordinances He has specified that the

'*āmils* are entitled to a proportion of God's property and this is a liability on it.<sup>27</sup> '*Atā*' are also a liability on the *bayt al-māl* but there shall be no favouritism in their '*atāya*.'<sup>28</sup>

There now follow some rulings concerning the Imām's responsibilities with regard to security.

Aside from general considerations concerning the defence of the community and the *jihād*, the Imām and his governors have certain specific rights and obligations concerning the internal security of the state. They should forbid the Bedouin (*a'rāb*) weapons (swords, spears, guns, daggers, bows, etc., although sticks and stones are not normally classed as weapons) should there be a risk of their fighting causing general damage; similar action should be taken with the people of the villages if there is a fear of violent conflict. Such action must be enforced even if the people concerned oppose this measure or use it as an excuse to reject (*barā'a*) his rule.

In principle, a man must not be prevented from moving about to visit members of the community or outsiders unless it is certain in the view of the Imām, after consultation, that the man concerned is intending rebellion, or is clearly a security risk to the state or intends what is forbidden; to do so would be forbidding the permitted.

#### *Deposing/resignation of an Imām*<sup>29</sup>

Al-Šā'ighī concludes his *bāb al-imāma* with the principles that concern the abdication and deposing of an Imām.

The fundamental principle involved is that since the *imāma* is a divine obligation the Imām may not be deposed or abdicate without good reason ('*udhr*'). There are many viewpoints on what constitutes an '*udhr*', and exactly when an Imām may resign or be deposed. Basically, however, there should always be an exchange of views between the two parties before either side moves to action: all agree that the *difā'i* Imām may resign or be removed once such discussion has occurred but there are differing opinions about whether either party is permitted to act without it. In the case of a *shār'i* Imām there is a strong weight of opinion that such consultation is requisite.

There are three general categories of pretext for resigning or removal from office. The first of these is for reasons of physical defects; old age in itself is no cause but associated mental or physical incapacity is,<sup>30</sup> *a fortiori* in a *shār'i* Imām. The second of these might be termed the sins of commission, that is the breach by an Imām of the powers vested in him. On the other hand, when an Imām commits a major sin (*makfira*), except for one incurring the *ḥadd*,<sup>31</sup> his followers should not immediately actively dissociate themselves from him (*bara'* '*anhu*) but call on him to formal repentance (*tauba*). If he does so, and does not continue in his errors, then he is still in his imāmate and has *wilāya*; if he does not, then it is the duty of his followers actively to dissociate from him and, if necessary, fight against him.<sup>32</sup> If there is an uprising against an Imām and he goes out against it, having done what he can to settle things peacefully, he is still in his imāmate, but if he is deserted by a large body of his (true) followers, then he should be deposed. If, on the other hand, his followers fail to give him the obedience which is his due, this may be a pretext for his resigning.

The third category (comprising *'udhr*) might be termed sins of omission. These are not readily definable, although an obvious example of neglect is the failure of a *shārī* Imām to heed the call to *jihād* or a case when an Imām fails to act against insurrection through cowardice.

## II. THE CONDUCT OF AN ELECTION

Having outlined the principles of the Ibādī constitution and the nature of the contract between the Imām and his community, it now remains to discuss two major flaws in it; first that formal election is not an absolute prerequisite, and second that it is not laid down precisely who has the power to select or depose an Imām (*arbāb al-hall wa 'l-'aqd*).

Now the former problem is somewhat less important than might at first be supposed, for in fact the non-election provision for acquiring *wilāya* is really only a clause that has been inserted to cover the uncertainties of how the first Imāms of the Muslim community (i.e. the Orthodox Caliphs) were selected. Constitutionally, election seems to have been accepted as standard practice in Oman and the writer has only come across one example of an Imām specifically claiming authority through pre-acquired *wilāya*: that is the case of Ḥafṣ b. Rāshid (mid-fifth/eleventh century) who directly succeeded his father (probably the last official *shārī* Imām in Oman) without even nominal election procedures. According to this dangerous precedent, Ḥafṣ's supporters claimed that an election was not necessary provided the community accepted the Imām and were satisfied with him and that in any case the oath of allegiance was not to the man but to the *haqq*. In other words they were relying on al-Ṣā'ighī's premise that if an Imām already has *wilāya* there is no need of an election. But the dangers of this argument are obvious and the fact that Ḥafṣ was not prepared to submit to formal election indicates what in fact was happening at the time, the decline of imāmate into dynastic rule.<sup>33</sup>

But while it seems to be an established principle that an Imām should be elected, Omani history is all too full of controversial elections and arguments about the validity of the electors.

Here for example is what al-Sālimī<sup>34</sup> reports about the election of the first Āl Bū Sa'īdī Imām, Aḥmad b. Sa'īd.

'His (chief) electors were Ḥabīb b. Sālim al-Umbū Sa'īdī al-'Aqrī al-Nizwī, and Ibn 'Urayq; that was in 1167 (1753-4). Abū Nabhān and his son Nāṣir and others of the most esteemed did not consider his imāmate valid (a) because the oath of allegiance to him did not stem from consultation amongst the Muslims, (b) because the election was dubious for it came after the overthrow of their (the Muslims') state (*mulkuhum*), (c) because Ḥabīb and Ibn 'Urayq were not from those who should make his election, and (d) because it was an election arising from a conquest in disordered conditions. The man who pronounced his *khutba* as Imām was al-Shaykh Sa'īd b. Aḥmad al-Kindī and the general populace called him by it (i.e. Imām). However, says Abū Nabhān, the pronouncing of the (title) Imām is merely a superficial expression (*al-khitāb bi 'l-imāma yuhtamal wujūh<sup>an</sup>*).'

Now what al-Sālimī, or rather Abū Nabhān and his supporters, fail to point

out is that Aḥmad had clearly acquired *wilāya* because of his leadership at a period of major crisis,<sup>35</sup> that this was acknowledged in a formal election, and that he continued to rule Oman for another 30 years to the then satisfaction even of the critical Abū Nabhān. Thus his right to the *wilāya* of an Imām was covered by the following clause in al-Ṣā'ighī's *bāb al-imāma* :

Where there is some question over the validity of an Imām's election or the worthiness of the electors or their candidate the principle should be to suspend taking a position (*wuqūf*) until one can see whether his behaviour merits regard and obedience. Those moving towards him tend to confirm his position and vice versa.

In this case the Muslims quite clearly did move towards him. Furthermore the arguments are patently artificial for in documents issued by the most zealous Ibādī 'ulamā' in 'Azzān b. Qays's imāmate (1285-7/1868-71) Aḥmad is referred to as Imām. In fact this whole dispute over his election arises from retrospective argument by Abū Nabhān Jā'id b. Khamīs al-Kharūṣī (1147-c. 1237/1734-5-c. 1822) when, as leader in a revival of Ibādī 'puritanism' during the early nineteenth century, he determined to prove that even the founder of the Āl Bū Sa'id line had no right to the title of Imām : such *ex post facto* changes of position by the 'ulamā' are all too frequent in the records of the imāmate.<sup>36</sup>

Nevertheless what Abū Nabhān has to say does involve some principles which are very pertinent to the election process and these may be profitably pursued from further case studies.

One of these is prior consultation over the choice of candidate. We have an idea of how this works in an account of a failure to elect an Imām in the mid-thirteenth/nineteenth century.<sup>37</sup>

One group 'wanted to appoint the *wālī* Sayf b. Muḥammad al-Sa'idī as their Imām but he was declined; then they consulted over al-Shaykh Khamīs b. Jā'id al-Kharūṣī but they could not come to agreement over him. Then it was made known to the Muslims from all parts to meet at Rustāq'. Two sessions at the Bayāḍa mosque on 4 and 24 *Sha'bān* 1262/27 July and 16 August 1846 were held 'and when their assembly was shown to be correct, they consulted over the *imāma* for al-Sayyid Ḥumūd b. 'Azzān (of the Āl Bū Sa'id) but his conditions were not acceptable and they declined to give him allegiance on both occasions. So he withdrew to his house at al-Quṣayr whilst the Muslims continued to debate and seek a solution to the problem but without success. Conciliation of the community is from God and in God'.

But the major argument in Abū Nabhān's strictures on Aḥmad's election, and the one that inevitably lies at the root of any dispute over an election/deposing of an Imām, is whether those who acted are 'from those who should make his election' and 'whether the assembly is correct'. Nowhere is this better illustrated than in the arguments concerning the deposing of al-Ṣalt b. Mālik al-Kharūṣī (in 227/886) and the election of Rāshid b. al-Naẓr (variant Naḍr), the event which was to lead to civil war, the eventual overthrow of the 'first imāmate', and an acrimonious debate that continued to divide the 'ulamā' for some 500 years. Here are extracts from the respective cases of two

of the 'ulamā' involved (these arguments are, of course, purely theoretical and in no way reflect the political realities of the situation). First, al-Faḍl b. al-Ḥawārī<sup>38</sup> in a letter to the Imām Rāshid b. al-Naẓr.

'We understand that they are protesting against you because they had not met together on the *imāma*. This is no pretext against you or those with you, for the *imāma* is not something in which all the Muslims participate but is for those of them who assist at the election; it is only invalid if the Muslims stay away or if they oppose it and its supporters. . . . The presentation and election is decided by those who attend so long as they are from the people of knowledge and precedence in Islam and are from the most learned Muslims.'

Al-Faḍl then goes on to say that Rāshid was put forward properly by Mūsā b. Mūsā<sup>39</sup> and those with him, and there was no dispute amongst them: thus, he argues, Rāshid is a properly elected Imām for if there is a sufficient body from those qualified present at the election then the election is valid; those who opposed Rāshid should have attended.

The other side of the affair is presented in the account of Abū 'l-Mu'thir.<sup>40</sup>

'Did the Muslims meet in conclave and consult mutually in the matter? Did they take account of what al-Ṣalt (the deposed Imām) had to say or what the pretexts were against him? If he had sinned they would have suspended judgement (*wuqūf*), they would have asked whether he was resigning or reneging the *imāma*; whether he was weak, whether he persisted in his sin; they would have gone around from place to place seeking the views of the Muslims about him. Mūsā b. Mūsā did not do anything of the sort. He sent for Rāshid b. al-Naẓr and swore him allegiance without consulting the Muslims. None of those who are entrusted with giving legal judgements, except those whom God willed, attended Mūsā on that day and (even) some of those, as we understand it, abhorred his act, counselling a different course, but the mass prevailed.'

Abū 'l-Mu'thir then proceeds to accuse each of Mūsā's main supporters of sins so as to show they were not pious people or were unversed in religious matters. He then goes on to say,

'Furthermore they did not give the oath of allegiance to Rāshid in the right place for the *bay'a* (i.e. Nizwā),<sup>41</sup> they did not elect him in the right place for electing the Imām, and God alone knows what sort of allegiance they gave him. . . . Then they went with him till they brought him to the *dār al-imāma* (Nizwā) and laid hold of the treasure-house of the Muslims (the *bayt al-māl*) and proceeded to spend its wealth . . . then they made pretexts for deposing al-Ṣalt without giving him a chance to speak. Then they sent for the seal of the imāmate and took it from him . . .'

### *The imāma and tribal power*

The question thus arises, why is the form of the electoral college not clearly laid down in the Ibādī constitution? The answer, of course, lies essentially in the fact that by definition the *imāma* is a religious institution and so it is impossible to specify precisely how far *taqīyya* permits accommodation with the realities of temporal power.

Now in Oman, at any rate, the institution of the *imāma* clearly represents a partial transformation of the local tribal concepts of social organization into religious terms and the suitability of its organization to that society basically lies in the fact that theoretically the Imām, like the tribal *shaykh*, is *primus inter pares* and his authority stems from 'democratic' selection. In reality these 'democratic' principles remain only partially fulfilled, for leaders are normally elected from a limited number of families which enjoy a degree of élitist power. Even so any Omani may break through these social clan constraints by acquiring 'ilm (which is an individual quality that cannot be transmitted by inheritance) and by so doing moves into the class that elects the Imām, i.e. the 'ulamā'. But even if the individual 'ālim may himself rise above the vested interests of that part of society from which he originates he nevertheless continues to represent his 'constituents' (as should be clear from the footnotes to this article) through awareness of tribal attitudes to various candidates (prior consultation), in the advice he offers the Imām, and the fact that his judgements may even overrule the head of state. Thus sectional interests are blended into the imāmate organization even if its basic structure remains religious.

So it can be seen that the whole concept of *wilāya* is geared to produce the government which the community deserves. When the latter is imbued with religious fervour then it is ruled by an Imām and 'ulamā' drawn from its most worthy members. But because the institutions of the *imāma* do not challenge the authority of the tribal *shaykhs* and the loyalties of the ordinary tribesmen remain first and foremost to their clan, sectional interests inevitably begin to undermine the religious element in the state organization once the economic benefits resulting from unity begin to enter the political system. Then the imāmate begins to degenerate into the rule of dynasts (*mulūk*) and the *shurāt* become vulgar tribal raiders. And once the electors and the elected cease to represent the whole community, temporal interests become translated into the kinds of dispute about the worthiness of the 'ulamā' and of the validity of elections described above.

So the Ibādī *imāma* is a transitory institution. It is based on dogma which originated as a theory of opposition to established authority and its fundamental principles are far too idealistic to provide a permanent basis for satisfactory government, despite a certain flexibility in interpretation. Yet because this ideology is also rooted in a tribal concept of how the Muslim community should be politically organized, it does provide a suitable vehicle for rallying Omani society when it is threatened by outsiders and it does incorporate rudimentary rules for the conduct of government which can give temporary 'state' expression to the vague 'national' sense that exists amongst the long-established tribal settlers in the isolated mountain core of the geographical region called Oman.

This identification of a 'national' Omani sense with the ancient 'state' organization of the Ibādī imāmate is clearly brought out by the Imām Muḥam-

mad b. ‘Abdullāh al-Khalīlī when he wrote to the heads of the community apropos of events in 1358/1939 ‘if the Sultān attacks with the help of the English then we must attack as the *sharī‘a* prescribes, for that is defence of the *miṣr* and Oman is one piece and not to be subdivided’. Such a geographical identification of the Ibādī *miṣr* may also perhaps help to explain why the UN emissary de Ribbing rather bemusedly opened his report to the United Nations on the ‘Oman Question’ with the words ‘The name Oman has been used in different ways depending on who is referring to it and in which context it has been used’!

In concluding this study, therefore, let us see just how tribal and religious authority may be judiciously blended through the institution of the *imāma* by examining an account<sup>42</sup> of how the last great Imām of Oman was elected, Muḥammad b. ‘Abdullāh, a man whose *nisbas* al-Khalīlī, al-Kharūṣī, al-Yahmādī, al-Azdī are redolent of the association of tribal history with the Ibādī imāmate in Oman.

‘Assembly of the Omanis at Nizwā to contract allegiance to al-Khalīlī . . . . The ‘*ulamā*’, the *qāḍīs*, and the chiefs held a conference on 12 Dhū ‘l-Qa‘da 1338 [29 July 1920] to thrash out the interests of the Omani state and the right course for it so as to lead it to prosperity. They compelled al-Shaykh Muḥammad b. ‘Abdullāh al-Khalīlī to accept the *imāma* and assigned him to it’, for he had persistently attempted to refuse it; ‘after much pleading they saw nothing possible except that he accept their orders. Then the people made their way to the mosque of Nizwā early in the morning of the 13th . . . then the ‘*ulamā*’, the *a’yān*, and the *arbāb al-hall wa ‘l-‘aqd* assembled at the Nizwā mosque to give the oath of allegiance to Muḥammad b. ‘Abdullāh al-Khalīlī and to apprise the populace that he was the most suitable and learned to be found at that time in Oman . . . that he had refused to accept their order and insistence (to the *imāma*) until they compelled him [i.e. due modesty]. They placed no terms or conditions on him as is done with a weak (*da‘īf*) Imām [e.g. ‘Azzān b. Qays] . . . for he was the most learned of those with him including his electors.’

Then follows the list giving the order of those who swore the oath of allegiance. This list is not without interest. The first of the 10 specified names was the chief *qāḍī* who had been one of the electors of the previous Imām, Sālim b. Rāshid al-Kharūṣī (1331–8/1913–20); then comes the name of a *shaykh al-‘allāma* who had served both under the previous Imām and ‘Azzān b. Qays (1285–7/1868–71), then another great ascetic *shaykh al-‘allāma* who had been an elector of the previous Imām, then ‘Isā b. Sāliḥ al-Ḥārithī, the leader of the Sharqiyya Hināwīs, whose titles *al-Shaykh al-Amīr al-‘Ālim* indicate his position as both a great temporal and spiritual leader, then the names of other major leaders whose respective titles *al-shaykh*, *al-shaykh al-‘ālim* and *shaykh al-‘allāma* indicate their respective spiritual and temporal roles. ‘Then came the rest of the ‘*ulamā*’ and the *qāḍīs* then the (temporal) chiefs and heads, then particular individuals, then the general public.’ The conspicuous absentee was the young Sulaymān b. Ḥimyār al-Nabhānī, who had recently succeeded his father as head of the Banī Riyām and leader of the

so-called Ghāfirī tribal faction and whose own candidate for the *imāma* had been rejected. He was, however, represented by two deputies, the one a Riyāmī *shaykh al-'allāma* and the other the *shaykh* of the Janaba tribe who was also governor of Maṣīra island. A propitiating vote of thanks seems to have been passed to Sulaymān so that later on he did come and give his oath of allegiance.

Following this ceremony the chief *qāḍī* gave the election sermon to the people and, significantly, Sulaymān's Riyāmī deputy preached to the soldiers (a major part of whom were Sulaymān's followers recruited for the war against the Sulṭān). After these two sermons the *majlis* was terminated, the doors of the Imām's official residence were opened, and he entered into it, 'the cannons proclaimed the good news and singing and chanting spread it abroad'.<sup>43</sup>

<sup>1</sup> Cambridge University Library Add. 2896. The MS contains the first 32 of the complete 63 *bābs*. The author may well be the al-Ṣā'ighī/Ṣā'yighī referred to in Ibn Ruzayq (*History of the Imāms and Seyyids of 'Omān* (Works issued by the Hakluyt Society, 44), London, 1871, 189) as a prominent figure in Aḥmad b. Sa'īd's reign (for another al-Ṣā'ighī cf. *ibid.*, 172). Schacht ('Bibliothèques et manuscrits abadites', *Revue Africaine*, c, 1956, pp. 375-98, item 35) lists another work by him and points out that he is not the author of the work attributed to him in Brockelmann (*GAL*, Suppl., II, 349). He is sometimes quoted by the late twelfth/eighteenth-century Jumayyil b. Khamis al-Sa'dī in his *Qāmūs al-sharī'a* where references (Zanzibar ed., 1297-9/1880-2, I, 18, II, 146) show he originated from Maḥ in the Jawf, a few miles from Nizwā. Al-Ṣā'ighī does not normally quote sources for his opinions and it is clear that he is writing about contemporary views of the imāmate and not just the views of early jurists.

<sup>2</sup> A prominent *qāḍī* of Ya'āriba times (1034/1624 to mid-twelfth/eighteenth century), Darwish b. Jum'a b. 'Umar al-Maḥrūqī al-Adamī, states in his *Kitāb al-dalā'il* (BM Or. 2085, fol. 19v) that *barā'a* and *wilāya* are two obligations (*fardān*) on a par with *ṣalāt* and the other pillars of Islam.

<sup>3</sup> Quoted in ch. 27 of the *Kashf al-ghumma* (attr. Sirḥān b. Sa'īd of Izki: quotation is from al-Zāhiriyya, Damascus, MS *Tārīkh* 346, p. 114). Its author was Muhammad b. Mūsā, a member of an extremely learned family from the Banī al-Sayyār b. al-Ḥārith al-Aṣghar (Kinda descent) who lived in Upper Nizwā (also known as Samad al-Nizwā, cf. Salma b. Muslim al-'Awtabī, *Kitāb ansāb al-'Arab*, BN MSS arabes 5019, fols. 173v-9r). Their scholarship was such that al-Siyābī remarks of them (Sālim b. Ḥumūd al-Siyābī, *Is'āf al-a'yān fī ansāb ahl 'Umān*, Beirut, 1965, 137), 'whilst the Kharūs are the *aṣl* of the *imāma*, the Kinda are the *aṣl* of *fiqh*'. Three closely related members (popularly held to be grandsons and great-grandsons of Sulaymān b. Muḥammad, a belief not supported by a variant genealogy) wrote particularly famous works (in the Rustāq school cf. p. 548, n. 13) the *Bayān al-shar'* of Muḥammad b. Ibrāhīm; the *Kifāya*; and the *Muṣannaf* by Abū Bakr Aḥmad b. 'Abdullāh. These works were written in that order ('Abdullāh b. Ḥummayid al-Sālimī, *al-Lam'a al-murḍiqiya min ashi'at al-ibādīyya*, Tunis, n.d. (written 1905), 78-9) but there are variations in dating which make it impossible to be more precise than to say that they were written between the second half of the fifth/eleventh century and the middle of the sixth/twelfth (cf. in particular 'Abdullāh b. Ḥummayid al-Sālimī, *Tuhfat al-a'yān bi sīrat ahl 'Umān*, ed. Cairo, 1380/1961, I, 333-5, and *Kashf al-ghumma*, ch. 39, Damascus MS, pp. 530-1). The originals of two of these works formed part of a huge library of 9,370 manuscripts destroyed by fire in the civil war in the early twelfth/eighteenth century (Muḥammad b. 'Abdullāh b. Ḥummayid al-Sālimī, *Nahḍat al-a'yān bi hurriyyat 'Umān*, Cairo, n.d., 45; al-Sālimī, *Tuhfa*, I, 117-18; cf. also Abū Sulaymān Muḥammad al-Ma'wālī, *Qiṣaṣ wa akhbār jarat bi 'Umān*, al-Zāhiriyya, Damascus MS *Tārīkh* 386, p. 377; *Kashf al-ghumma*, Damascus MS, p. 510) but a complete copy of all 72 volumes of the *Bayān* is extant in Mzāb (Schacht, art. cit., item 22) and there is a partial copy of the 41-volume *Muṣannaf* there too

(the present writer has seen parts of this work in Oman). Of the history and survival of the 51-volume *Kifāya* the writer is less certain. It does not appear in Schacht's list and al-Siyābī (op. cit., p. 136, n.) says he has been unable to find it in Oman today.

<sup>4</sup> Ibn Ḥazm al-Andalusī (ed. Lévi-Provençal), *Jamharat ansāb al-'Arab*, 401.

<sup>5</sup> The association of these two words in Ibādī doctrine explains why the Āl Bū Sa'īd sultans were reluctant to adopt this title by which the British designated them in official correspondence.

<sup>6</sup> The events leading to the establishment of the imāmate are described by the writer in 'The Julandā of Oman', *Journal of Omani Studies*, I, 1976, 97-108.

<sup>7</sup> Al-Sālimī, *Tuhfa*, I, 102-21, coupled to *Kashf al-ghumma* ch. 33, ed. H. Klein, Hamburg, 1938, 18, where Mūsā's ambivalent attitude to Ibn Abi 'Affān is clearly brought out.

<sup>8</sup> According to 'Abū 'l-Ḥawārī' (cf. p. 551, n. 38), Muḥammad b. Maḥbūb (cf. p. 549, n. 15) and Bashir b. al-Mundhir (a grandson of one of the leading Ibādī missionaries to Oman in the previous century) both renounced Muhannā (al-Sālimī, *Tuhfa*, I, 158-61) but according to Abū Qaḥṭān Khālīd b. Qaḥṭān, a contemporary of Abū 'l-Ḥawārī, this was done secretly (cf. *Kashf al-ghumma*, ed. Klein, 26 and Anon., untitled history of Oman, BM Add. 23343, part I, fol. 81r).

<sup>9</sup> Detailed references will not be given for the early history of the Ibādī movement in Baṣra as the writer intends to publish an account of the Omani aspects of it shortly: the reader may be referred to the standard article 'al-Ibādīyya', by T. Lewicki, *EI*, second ed.

<sup>10</sup> Abū Ishāq Ibrāhīm b. Qays al-Hamdānī al-Ḥaḍramī, *Diwān al-Sayf al-Naqqād*, Kuwait, n.d., 119. Abū Ishāq, like his father before him, was the leader of the Ḥaḍramī Ibādī community. When the imāmate in Oman was restored under the Imām al-Khalīl b. Shādhān al-Kharūṣī (c. 407/1016-c. 420/1029) Abū Ishāq recognized him as Imām and with Omani support was able within a fortnight to bring back the Ḥaḍramawt into the Ibādī fold: he subsequently pursued his campaign against the Ṣulayḥīd ruler of Yemen who was only saved by Fāṭimīd support from Egypt. Abū Ishāq continued to act as governor in Ḥaḍramawt under the Imām al-Khalīl's successor Rāshīd b. Sa'īd but the development of the extremist Rustāq school doctrine (cf. below, n. 13) and the manner in which Rāshīd's son Ḥaḥṣ acceded to the imāmate (described in the text) eventually led to his breaking away from the Omanis. Although for a while he was successful in leading the separatist community the Ibādīs in Ḥaḍramawt could not for long survive without the active support of the Omanis and their final demise must have followed soon after. Apart from the *Diwān*, which tells most of the story related above (cf. also J. C. Wilkinson, 'Bayāsīrah and Bayādīr', *Arabian Studies*, I, 1974, p. 84, n. 10), Abū Ishāq also wrote a work much quoted in Ibādī literature the *Mukhtaṣar al-khiṣāl*. A copy of this exists in the Mzāb (Schacht, art. cit., item 23) and a part probably also in the British Museum (cf. the early untitled MS apparently of South Arabian origin BM Or. 3744, fols. 1-17, described in C. Rieu, *Supplement to the Catalogue of the Arabic MSS in the BM*, London, 1894, p. 762; a rhymed summary of this work has been made by 'Abdullāh b. Ḥummayd al-Sālimī under the title *Madārij al-kamāl*, Cairo, n.d.

<sup>11</sup> Abū Bilāl, Mirdās b. (Ḥudayr) b. 'Udayya whose 'martyrdom' in 61/680-1 profoundly stirred the Khārījī quietists who had failed to respond to his appeal to action.

<sup>12</sup> The full phrase is 'alā 'l-jihād fī sabīl al-dīfā' (cf. oath to Rāshīd b. Walīd and 'Azzān b. Qays (al-Sālimī, *Tuhfa*, I, 281, and II, 247)).

<sup>13</sup> The dogma of the so-called Rustāq and Nizwā schools originate in the dispute over the deposing of the aged Imām al-Ṣalt b. Mālik al-Kharūṣī al-Yaḥmadī in 272/886 by the Banī Sāma 'ulamā', and their supporters in the Jawf (capital Nizwā) and their election of Rāshīd b. al-Naẓr of the Faḥḥ section of the Yaḥmad as Imām, an act which raised the fury of the rest of the Yaḥmad tribes (who for the most part lived in the Rustāq region) who had more or less established a *de facto* right to provide the Imām. The conflict eventually led to full-scale civil war, invasion by Caliphate forces, and the end of Oman's golden age of the 'first imāmate'. When the imāmate was eventually restored under the main Yaḥmad line in the fifth/eleventh century the Rustāq school of thought, by now fully developed in the writings of Abū 'l-Ḥasan al-Bisyānī (variant Bisyawī), became official doctrine (cf. the letter of the Imām Rāshīd b. Sa'īd al-Yaḥmadī of Shaw, 443/1052 cited in al-Sālimī, *Tuhfa*, I, 312-13) and Oman once again became divided. Despite their remarkable scholarship their extremism eventually led to the collapse of the imāmate in Oman for several centuries and al-Sālimī is constrained to remark of them (*Tuhfa*, I, 112) 'The people of Truth renounce their treatises and reject their extremism'.

<sup>14</sup> At least this is the writer's presumption although the *Kashf al-ghumma*, ch. 34 (Damascus MS, pp. 470-1), which is the actual source of the citation, does not give the name of the work.

It could therefore also derive from the less important *Mu'tabar*, the *Jawābāt*, or the *Kitāb ziyāda al-ashrāf*. This whole passage is extremely complex and whilst an attempt has been to keep as close as possible to the original in translating, certain liberties have been taken and in places the sense, in so far as it can be determined, has been condensed.

<sup>15</sup> An elector of al-Ṣalt b. Mālik and his *qāḍī* in Ṣuḥār (the family's home town and the then commercial capital of Oman): there he died in 260/873. One section at least of his 70-volume work was still extant in al-Barrādī's time (second half of the eighth/fourteenth century). He was from an extremely distinguished Ibādī family for his great-grandfather was exiled with Abū Shā'thā' to Oman, his father was one of the Baṣran 'Imāms', and his grandson was an Imām in Oman. It is worth noting that while this family (the Āl Raḥīl) is the only one in Oman to claim relationship with Quraysh they were leading supporters of a system which rejected all Qurashī claims to head the Muslim state. All Omani sources give them as Ka'b b. Lu'ay and a forbear was reputed to be a horseman of the Prophet cf. sixth/twelfth century commentary on Ibn al-Naṣār's *Dīwān*, BM Or. 2434, fol. 108. On the other hand Lewicki, *Revue d'Études Islamiques*, VIII, 1, 1934, 71, n. 4, basing himself on the seventh/thirteenth century Maghribī al-Darjīnī, gives them as of 'Abd al-Qays origin.

<sup>16</sup> Although there are no examples of attempts to make a woman Imām in Oman (other Khārijī groups had done so, notably the Ṣufriyya), the 'election' of a minor c. 1133/1719 was a major contributory cause of the civil war which marked the end of the Ya'āribā imāmate (see R. D. Bathurst, *The Ya'rubi dynasty of Oman*, unpublished D.Phil. thesis, Oxford, 1967).

<sup>17</sup> The Imām's head-dress, the seal of the imāmate, and the keys to the treasury are the three symbols of the Imām's investiture (cf. al-Sālimī, *Tuhfa*, I, 200-1 plus the above-cited passage).

<sup>18</sup> Except to notice here the timing of the election which should take place immediately after, but never before, the death of the old Imām. This means that the dying Imām has no say in the selection of his successor although his views will doubtless be known. The first duty of the Imām, according to al-Ṣā'ighī, is to officiate at the burial of his predecessor (i.e. the election should occur within a few hours of his death) but if the Imām has not been elected then the *qāḍī 'l-miṣr/al-Imām* (cf. below, n. 20), failing whom the old Imām's deputy in his town, says the burial prayers. If corruption, opposition, and disorder break out upon the death of the Imām then his successor is confirmed at the first opportunity on which the 'people of justice' can assemble.

<sup>19</sup> Some aspects are discussed in the writer's forthcoming book *Water and tribal settlement in south-east Arabia: a study of the Aflāj of Oman* (Clarendon Press).

<sup>20</sup> Because the Imām has no formal advisory body consultation is essential if he is to remain in touch with the views of his followers. More specifically it is with the leading '*ulamā*' that he must consult, notably with the *qāḍī 'l-Imām*. Now this actual title seems to have been used only during the first imāmate and a footnote by the editor of the *Tuhfa*, I, 151, explains his role thus: 'the *qāḍī 'l-Imām* is the equivalent of the *Shaykh al-Islām* of the present day and is the authority for the *fatwā* in the imāmate. He is the head of the *ahl al-ḥall wa 'l-'aqd* and it is therefore to him that the people of position and religious responsibility turn in the Islamic matter of allegiance and renunciation. Similarly, as I understand it, in the Rustamid imāmate of the Maghrib the *qāḍī 'l-Imām* was *Shaykh of the Muslims*'. But although in later periods the actual title seems to have fallen into disuse (the only man who officially bears a title in the imāmate is *Imām al-Muslimīn*), the position none the less existed and may be equated with that of the chief elector. (N.B. *qāḍī 'l-Imām* should not be confused with *qāḍī 'l-quḍāt* who is the chief *qāḍī* in an important centre.)

Consultation may be made an absolute condition of *wilāya* in the case of a *da'if* (weak) Imām, that is an Imām who has been selected as a *pis aller* in a particular political situation. The only Imām specifically so-designated in Omani history is 'Azzān b. Qays of the Āl Bū Sa'id, and at his election in 1285/1868 the conditions in the oath of allegiance were 'the conditions the Muslims impose on the weak Imām so that he should not intervene in matters that he is not qualified to intervene in': the tell-tale phrase in the oath, which otherwise contains little more than the usual formulation made at all elections, is the addition of the words 'on condition that you do not hold a (legal) opinion, effect a judgement, nor judge an affair except as the Muslims opine and you consult them' (al-Sālimī, *Tuhfa*, II, 247).

According to some opinions these conditions mean that the *da'if* Imām may not himself even appoint *wālīs* and *qāḍīs* (al-Ṣā'ighī, fol. 91r). Of course such conditions are perilously close to a breach of the basic principle of 'no *shurūt* on the Imām except God's'.

<sup>21</sup> An example of the Imām deputizing his control of the *bayt al-māl* took place in 1370/1950 when the Imām placed Ṭālib b. ‘Alī, brother of the Imām-to-be, Ghālib b. ‘Alī al-Hinā‘ī, in charge of financial affairs to the consternation of a number of prominent Omanis (Muḥammad al-Sālimī, *Nahḍa*, 423).

<sup>22</sup> A *wālī*’s position, however, does not automatically cease with the death of his Imām. One should note that the distinction between the offices of *qādī* and *wālī* represents in some measure the division between ‘church and state’. During the ‘first imāmate’ the Imām’s ‘deputy’ in the main centres was always a *qādī* but in the desert borderlands he might be referred to as *wālī* (cf. *Kashf al-ghumma*, ed. Klein, 24).

<sup>23</sup> The first Ya‘rabi Imām, 1034–50/1624–5–49.

<sup>24</sup> Suitability to the position of Imām does not necessarily mean that the candidate is the most learned religious authority: this as we have seen in p. 549, n. 20, is the *qādī* ‘l-Imām. In the case where a dispute arises the practice appears to be for the ‘*ulamā*’ to meet in conclave and announce the general consensus of opinion. If certain of them persist in dissenting, this fact is appended to the *fatwā* or other issued document. For an example of an Imām dissenting from a written decision see Muḥammad al-Sālimī, *Nahḍa*, 408.

<sup>25</sup> Certain aspects of these precepts are discussed more fully in another section of his work; here al-Ṣā‘ighī is only concerned with *bayt māl al-muslimīn* ‘the commonwealth of the Muslims’ in so far as it affects the Imām as its custodian.

<sup>26</sup> This is a somewhat simplified view of a complex issue discussed in the writer’s forthcoming book.

<sup>27</sup> Whatever the legal entitlement, no pious Imām or official would take from the *bayt al-māl* anything but the minimum for his ascetic life (Omani biographies of worthies often start with examples of their frugality). On the other hand, the tribal chiefs who are frequently appointed as imāmate officials for political expediency, rarely show such abstinence so that in effect a large part of the state’s budget is given out as subsidies to them.

<sup>28</sup> *‘aṭā*’ probably means allowances for those who render special services for the state; historically it was the allowances for the *shurāt*, its precedent being the *‘aṭā*’ paid from the *dīwān* to the *muqātila* in the military organization of the early Islamic state.

<sup>29</sup> Two roots are used ‘*azal* and *khala*’: the former tends to signify ‘removal’ from office by the community whilst the latter implies a forcible removal or ‘deposing’. In their reflexive form *‘itazal* and *khala*’ *nafahu* it is the Imām who removes himself from office and they might therefore be translated as ‘resign’ and ‘abdicate’ respectively; but in so doing the sense of reneging may be lost. Since none of these English terms corresponds exactly with the internal view of Ibāḍī law they have been translated with no great attention to consistency.

<sup>30</sup> It is interesting to note that the history of senile Imāms has been an important contributing factor to two great tragedies in Oman’s history: the collapse of the ‘first imāmate’ stemmed from the deposing by one faction of the aged Imām who was proving incapable of firm and just government, whilst the recent unhappy history of the country in part derives from the fact that the Imām Muḥammad b. ‘Abdullāh al-Khalīlī (d. 1373/1954) was allowed to retain the imāmate ‘until he reached the brink of senility, his body weakened, and his sight failed’ (quotation only—Muḥammad al-Sālimī, *Nahḍa*, 431) and was unable to adapt to changing circumstances or retain control over the forces threatening his state.

<sup>31</sup> Of necessity a personal crime; the writer has been unable to find any quoted example of this in Omani history.

<sup>32</sup> For further discussion of the principles of a *taṭba* see Jumayyil b. Khamis, *Qāmūs al-sharī‘a*, VIII, 95 f. For a fifth/eleventh century example and the reply of the chief *qādī* see al-Sālimī, *Tuḥfa*, I, 329 f.

<sup>33</sup> It should be noted that there does appear to have been some sort of retrospective election but in the eyes of most this was no more than a constitutional cover-up (al-Sālimī, *Tuḥfa*, I, 315 f.).

<sup>34</sup> *Tuḥfa*, II, 169.

<sup>35</sup> Aḥmad’s election took place in the aftermath of the Ya‘ārība civil war and the Persian occupation of Oman. The sequence of events seems to have been that after ejecting the Persians from their strongholds on the Bāṭīna coast Aḥmad b. Sa‘īd moved against the last Ya‘rabi claimant to the imāmate, most of whose followers had in any case deposed or deserted him, and in the battle at Nizwā Bal‘arab was killed whereupon Aḥmad was elected to the imāmate. It should be noted that the Umbū Sa‘īdī who was his main supporter belonged to the then dominant clan of Nizwā: this had nothing to do with the Āl Bū Sa‘īd.

<sup>36</sup> And consequently make disentangling actual attitudes at the time of the event extremely difficult. Nowhere is this more apparent than in the crisis at the end of the 'first imāmate' when the tragedy which ensued from the initial act of deposing a senile Imām caused many retrospective changes of opinion. Furthermore, just as in the case of Aḥmad b. Sa'īd, many of the figures whose names are quoted as dissociating from an Imām are frequently found to be people who were not even alive in his time (Abū Nabhān was certainly a young man when Aḥmad was elected and so in any event would not have been consulted, whilst his son Nāṣir must only have been a child when Aḥmad died).

<sup>37</sup> al-Sālīmī, *Tuhfa*, II, 218-19.

<sup>38</sup> Al-Faḍl b. al-Ḥawārī of the Banī Sāma and his contemporary 'Azzān b. al-Ṣaqr of 'Aqr Nizwā were two of the most distinguished 'ulamā' of their time 'like two eyes in a face'. 'Azzān, however, died before al-Ṣalt's deposition. Al-Faḍl was an important transmitter from the early 'ulamā'.

<sup>39</sup> Mūsā b. Mūsā b. 'Alī b.(?) Mūsā b. Abī Jābir, the leading 'ālim of the Banī Sāma family of Izki who had in effect become chief electors. His father was qāḍī 'l-Imām and the most powerful figure in the state until his death in 230/844, while his great-grandfather was the Ibādī missionary who actually founded the imāmate in Oman.

<sup>40</sup> Abū 'l-Mu'thir al-Ṣalt b. Khamīs al-Kharūṣī of the Yaḥmad was an elector of his kinsman the Imām al-Ṣalt in 237/851 and lived through to the time of the eviction of the Qarāmiṭa: at his death he must therefore have been getting on for 100 years old. Following the civil war at the end of the third/ninth century it is said that the politics of the state of Oman revolved around three figures, the blind Abū 'l-Mu'thir, the lame Abū 'Abdullāh Nabhān b. 'Uthmān from Samad Nizwā, and the deaf Abū Jābir Muḥammad b. Ja'far of Izki (author of a particularly important *jāmi'*), three bigots whose diatribes illustrate the sad state the imāmate had fallen into. Abū 'l-Mu'thir may be considered the leader of what became known as the Rustāq school.

<sup>41</sup> Nizwā developed as the 'capital' of the imāmate because it represented suitable neutral ground from a tribal point of view (see J. C. Wilkinson, 'The origins of the Omani state' in D. Hopwood (ed.), *The Arabian Peninsula*, London, 1972).

<sup>42</sup> Muḥammad b. 'Abdullāh al-Sālīmī, *Nahḍa*, 322, 338-9.

<sup>43</sup> Since completing this study, the author has written an article 'Bio-bibliographical background of the crisis period in the Ibādī imāmate of Oman (end of ninth to end of fourteenth century)', *Arabian Studies* (Cambridge), III, 1976; this enlarges on some of the material contained in the preceding footnotes.