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Political Theory
and
Institutions
of the
Khawārij

ELIE ADIB SALEM



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THE JOHNS HOPKINS UNIVERSITY STUDIES IN
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NUMBER 2

POLITICAL THEORY AND INSTITUTIONS
OF THE KHAWĀRIJ

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PREFACE

KHĀRIJI SOURCES

The Khawārij are, perhaps next to the Murji'a, the least known and the least studied among the significant sects of early Islam. The ignorance of the modern student is justified by the pitiful dearth of material on the theoretical and institutional phases of the subject. The fact that it was the first sect in Islam is partly responsible for the vagueness with which the subject is surrounded. During the First Century after the Hijrah (622) hardly any books were written; all the ideas of this period—the wealth of knowledge—continued to be handed down orally. We are, therefore, driven for information to the later Sunni historiography which was prejudiced against the Khawārij. Abu Mikhnāf, Abu 'Ubaida and al-Madā'ini wrote extensively on the Khāriji movement, but their works were lost, and only fragments of them are preserved in forms of quotations by succeeding historians. It is much to be regretted that the Arabic sources of the Umayyad period, meagre as they were, perished in their entirety. The works of al-Haitham b. 'Adi, on the Khawārij, highly recommended by Ibn Kathīr, have completely disappeared. Ibn al-Athīr refers to a certain 'Abdul-'Azīz al-Qāri who was in Medina with Abu Ḥamza, engaged in the writing of the Khāriji doctrine,¹ but unfortunately, none of his work was left to us.

The *Fibrist* preserves the record of few works written by Khāriji authors. Needless to say, none of them has survived to the present. A few of them will be mentioned to give an idea of the kind of work they were interested in:

Al-Yamān b. Rabāb, author of *Kitāb at-Tawḥīd*, and *Kitāb ar-Radd 'ala al-Mu'tazila*.

Ḥafṣ b. Athīm, *Kitāb al-Firaq war-Radd 'alaihim*.

¹ Ibn al-Athīr, *al-Kāmil* (Cairo, A. H. 1290), Vol. 5, p. 158.

Ibrāhīm b. Ishāq, *Kitāb-ul-Imāmab.*

'Abd-ul-Lah b. Yazīd, *Kitāb-ul-Istiḥā'ab* and *Kitāb ar-Radd 'ala ar-Rāfiḍab.*²

Of Ibāḍī works we have an extensive list. The Khārijī historian al-Barrādi, refers to some 30,000 works existing in the Diwān of Jabal Nefusa only, all of them dealing with the Khārijī doctrine.³ In Ibāḍī 'Umān the two most important works are *Bayān ash-Shar'* of more than twenty volumes, by Muḥammad b. Sulaymān in the latter part of the Eleventh Century A. D., and *al-Muṣannaḥ* of some forty volumes, written by Aḥmad b. Mūsa around the same period, perhaps a few years later.

Motyliniski has collected a bibliography of the Khārijī books that exist at the present in the libraries of the Ibāḍī community in North Africa. The bibliography is published in the "Bulletin de Correspondence Africaine, 1885 Issue." It includes mostly books on theology and law.

It is unfortunate that these works are not available for the student; and it was with the most tireless energy that French scholars were finally successful in uncovering a meagre fraction of what the rich libraries of this esoteric community contained. The availability of research material on the Khārijī sect is still very much in its embryonic stages.

² See *Fihrist*, Vol. I, p. 183; on the works of Khārijī writers see articles by Professor Flügel, "Muhammad b. Ishak, Fihrist al-'Ulüm" in *Z. D. M. G.*, Vol. 13 (1859), p. 605.

³ *Bulletin de Correspondence Africaine*, 1883, p. 22.

ACKNOWLEDGMENT

In the preparation of this work I am particularly indebted to Dr. Majīd Khaddūri who has carefully guided and advised me throughout my research. Dr. Edwin Calverley read the manuscript and suggested certain modifications that were wholly adopted. None of these distinguished scholars, however, is responsible for errors or opinions in this study.

I am grateful to Dr. Ogden and Miss Lattūf of the Library of Congress for their help in collecting and locating manuscripts and other research material, and to Mr. Franck Schorck, the librarian of the School of Advanced International Studies, who exhibited remarkable skill in securing books through inter-library loan.

E. A. S.

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CHAPTER ONE

INTRODUCTION

The early history of Islam was the life of Muḥammad; and even after his death (632) the history of Islam continued to be the logical unfolding of what the Prophet had already put in motion. Born about 571 in Mecca to a Qurayshi family Muḥammad had excellent opportunities. Trade was flourishing, travels were frequent, Mecca was the center of exchange of many a Near Eastern commodity including religion. Christians, Jews and Pagan Arabs met in every day business and ideas were rapidly exchanged.

From the beginning Muḥammad showed two divergent interests. He was a merchant, a man of the world and an adventurer. At twenty-five he married a wealthy widow and acquired a fortune. Now Muḥammad had the necessary leisure to embark on a new adventure that was soon to revolutionize the civilized world and to shape for all time the destiny of the Near East. The merchant, without losing sight of the stubborn realities of the world, became a dreamer, a mystic, a secluded thinker, a prophet who spoke with the angels, a worshipper who yearned and prayed for the mercy of the one Lord Allah, an indefatigable preacher who called upon the pagan Arabs to relinquish their idols and to submit to the will of Allah.

Arabia was a political vacuum. Muḥammad had a religion simple enough to be understood, and sufficiently colorful to attract the Arabs. He had a moral law, an ideal. The opportunity that was needed to entrust Muḥammad with authority, and therefore the means of action, was provided by the invitation that a group of Yathribites offered him about 620, to make Yathrib (now Al-Medina) his home. This culminated in the Hijrah (Emigration) of September 24, 622 when Muḥammad and his followers stepped into the light of history and laid the foundations of the Islamic State. The law which Muḥammad applied was an integral part of the religion, and

it is believed to have descended upon him in Surah (chapter) form. All the Surahs, put together constitute the Qur'an.

In Islam the state, laws and institutions are fully incorporated. The early Muslims were simple, and God-fearing. The word of God through His Apostle was enough to explain everything. A feeling of community developed, and a form of allegiance to the head of the community rather than to the tribal chieftain gradually gained ground. Under central leadership the Muslims converted Western Arabia. After the death of the Prophet, Northern and Eastern Arabia were conquered. Damascus surrendered in 635. By 640 all Syria from South to North was subdued. By the end of the 7th Century the Islamic Empire extended from the deserts of Africa to the heart of Asia.

The Muslim community however was not free of divergence, schisms, parties and differences of opinion. Indeed these elements accompanied the rise of Islam and continued to grow and develop until they became serious and at times suicidal. The Sunnis (Orthodox) stood by the Orthodox Caliphs, and supported for the caliphate any Qurayshi who was agreeable to the Muslims. The Shi'a claimed that the caliphate was hereditary in the House of Muḥammad and traced it therefore in the descendants of 'Ali (the cousin and son-in-law of Muḥammad). To them the caliph is designated by God, and cannot be elected by the people. The Khawārij, at first dominantly Bedouin, pious and good Muslims, believed that any Muslim regardless of his race or descent could be elected to the caliphate. They were fanatic and sincere, yet too dogmatic to be reconciled with the other Muslims.

Khārijī ideas can be traced to the time of the prophet. In Muḥammad's company there were men who in the extent of their piety, self-restraint and enthusiasm were embarrassing even to the prophet himself. Some of them had the courage to remind Muḥammad to be just when he was distributing the spoils of a certain battle.¹ It is to extremely pious Muslims like these that the Khārijī appellation was first given.

Under the first two caliphs (632-644), Islam was under a leadership which followed the highest moral precepts of the

¹ Muslim, *Ṣaḥīḥ* (Cairo, 1929), Vol. 7, pp. 165-166; *Kanz-al-'Ummāl* (Hyderabad, A. H. 1312-1314), Vol. 6, pp. 33-34, 48-50 and 70 ff.

religion. This period was, therefore, satisfactory to the puritanical elements such as the Khawārij. 'Uthmān, the third Orthodox Caliph (644-655) a companion of the Prophet and his son-in-law, was humble and pious, but weak. He dismissed the Anṣār (the believers of Medina who received and assisted the Prophet after his hijrah) from their offices and replaced them by his kinsmen. Nepotism and corruption grew beyond control, thus inducing feelings of dissatisfaction in the community and leading to a revolt that culminated in his death in (655). Eminent in this revolt was 'Ali, the cousin of the Prophet, who after the death of 'Uthmān became the fourth Orthodox Caliph.

The Governor of Syria, Mu'awiya, belonged to the house of Umayyah, the house of 'Uthmān, the murdered caliph. In addition to the issues of politics and personal interest, Mu'awiya was inclined to avenge the blood of his relative and challenge the leadership of 'Ali. The Muslim state was consequently reduced to two opposing camps; the one preparing for the liquidation of the other. The decisive moment finally came around 658 when the two opposing armies confronted each other at Ṣiffīn² (a plain of the Euphrates lying roughly between Damascus and Baghdad). Mu'awiya was certain of defeat, but he was saved by the genius of 'Amr b. al-ʿĀṣ, a Qurayshi and a contemporary of the Prophet. He held various important positions in the state and was undoubtedly the most wily politician of his time. 'Amr advised Mu'awiya to invoke the Qur'an as arbiter between the two contending parties. This trick had its appeal to the Muslims, who, knowing nothing of the trickery involved thought that everything could be settled by the Qur'an. When 'Ali's followers saw the exemplars of the Qur'an raised by the followers of Mu'awiya, they were awe-stricken, and many of them thought that the Syrian plea for arbitration was sensible. Some tribal groups in 'Ali's army were not convinced of the rightness of such a policy. In dissenting from their brethren they uttered the well-known exhor-

² 'Ali and Mu'awiya commanded some 85,000 each. The numbers vary with different historians. See Mas'ūdi, *Murūj-ul-Dhahab* (Cairo, A. H. 1346), Vol. 2, p. 17; Ibn 'Abd Rabbihi, *Al-'Iqd-ul-Farīd* (Cairo, A. H. 1293), Vol. 2, pp. 286-289.

tation, "Judgment belongs to none save God; no arbitration in the religion of God." This became the slogan of the Khawārij.

Khārijī historians claim that 'Ali desired arbitration in spite of Khārijī pleas to the contrary.³ Sunni historians, on the other hand, exonerate 'Ali and accuse the Khawārij of having forced arbitration upon him.⁴ At this time the Khawārij consisted of Bedouin and Qurrā' (readers). The Qurrā' were highly respected; since only a few Muslims could read, the Qurrā' used to read the Qur'an in prayers, chant its verses and explain it to the people. It is possible that these Qurrā' asked for peace when the exemplars of the Qur'an were presented, but they later changed their mind when they realized that this was the wrong thing to do. "There is no doubt that we originally acquiesced in the arbitration, but we have repented of it; if now thou wilt confess thine infidelity and reject the arbitration, we will return with thee."⁵

The Sunni record is obviously untenable and highly contradictory, for 'Ali's arguments with the Khawārij were focused upon proving the advantages of arbitration, and invoking in this respect traditions from the Prophet.⁶ This contradicts statements regarding his refusal to arbitrate at Ṣiffīn. The position of the Khawārij is more consistent. They had good reasons for refusing arbitration; first, matters of such magnitude cannot be arbitrated, they can only be resolved in the battlefield; second, the Qur'an cannot be made judge in this particular dispute, for it is subject to diverse interpretations.

'Ali was prevailed upon by his followers to appoint Abu Mūsa al-Ash'ari as his arbiter. Abu Mūsa came originally from Yemen. He served under 'Uthmān as governor of Kufa in Iraq. He was an unfortunate choice, and was later accused of being cool to 'Ali's cause.⁷ The Khawārij refused to take part in the arbitration. After long debates the two arbiters decided to depose both 'Ali and Mu'awiya, but could not agree on any

³ Shimākhi, *Siyar*, in the Appendix of "Chronique d'Abou Zakaria," edited by Emile Masqueray (Alger, 1878), p. 339.

⁴ Mubarrad, *Al-Kāmil* (Cairo, A. H. 1329), Vol. 3, pp. 103-104.

⁵ Ibn Qutaibah, *Al-Imāmah was-Siyāsah* (Cairo, 1904), p. 236.

⁶ Mubarrad, *op. cit.*, Vol. 3, pp. 103-104.

⁷ See Ṭabari, *Tārikh-ul-Rusul wa-l-Mulūk* (Leiden, E. J. Brill, 1879-1901). Edited by M. J. de Goeje, 1, 3333 ff.

candidate. Their meeting dissolved in confused disagreement with no provision reached for the future of the caliphate.⁸ This strengthened the position of the Khawārij and attracted many to their ranks.

Before the arbitration and immediately after the truce at Ṣiffīn, some 12,000 men withdrew from 'Ali's armies and encamped in Ḥarūra (a village two miles from Kufa). Some of the Khawārij thought that 'Ali had repented and followed him to Kufa, but they soon rejoined their brethren in Ḥarūra after 'Ali reaffirmed his trust in the arbitration.⁹ 'Ali recognized the valor of these warriors and made an untiring effort pleading for their return.

The frantic and militant Khawārij became the terror of all Muslims who did not share their beliefs. The discord they caused delayed 'Ali's plans against Syria, because his troops refused to move, before the Khārijī problem was settled at home. 'Ali was then forced to fight them at Nahrawān (between Wāsiṭ and Baghdad) where about 6,000 of them were encamped while 'Ali had some 60,000 under his command. The Khawārij fought bravely and desperately and they cried, when they rushed with their lances, "On to paradise."¹⁰ We may assume that the battle was fierce and that losses on both sides were heavy, because after the battle, 'Ali's soldiers begged, "O, Commander of the Faithful, our swords are blunt, our arrows exhausted and we are tired of war. Give us a respite to put out affairs in order and then we will proceed."¹¹ This battle was a victory for 'Ali, but furnished a desire for revenge for the future Khawārij.¹² Nahrawān showed that the Khawārij were men of such principle and determination that they would

⁸ Had the version of the Sunnis been correct, 'Ali would have referred to it in his speeches. He always confessed that the arbiters did not reach an agreement (Ibn Qutaibah, *Al-Imāmah*, pp. 227 and 235).

⁹ Ibn 'Abd Rabbihi, *op. cit.*, Vol. 1, p. 260.

¹⁰ Sunni historians report that only 9 were killed from 'Ali's armies and only 9 Khawārij escaped massacre. This story has too much color in it to be exact. Ibn 'Abd Rabbihi, *op. cit.*, Vol. 1, p. 26, says that about 2,800 of the Khawārij were killed.

¹¹ Ibn Tiqtiqa, *Al-Fakhri*, Eng. Tr. by G. E. Whittling (London, Luzac and Company, Ltd.), p. 93.

¹² Ibn Khallikān calls it, "The battle of the Kharijites," *Biographical Dictionary*, Eng. Tr. by MacGuckin de Slane (Paris, 1842), Vol. 4, p. 558.

go even to death for their beliefs; eventually the Khawārij, in their desire for revenge against 'Ali, caused revolts that led to his death at the hands of a Khārijī on January 24, 661.¹³

The opinion advanced by Goldziher and habitually accepted by modern historians, that the Khawārij were originally a political movement,¹⁴ is a little misleading. The original argument of the Khawārij concerning the arbitration was more religious than political. It was primarily a question of interpreting the Qur'an to cope with the issue of the day. "Muslim history and historiography," in Professor Thomson's words, "leads to the conclusion that the rise of the Khawārij should be sought in religious beliefs and loyalties rather than in political reason."¹⁵ Professor Nallino affirms that the argument of the Khawārij in Ṣiffīn was theological and that it was the Qurrā' rather than the Bedouins who took the lead in this controversy.¹⁶ There was, to be sure, a large number of these Qurrā' among the Khawārij; Ibn Kathīr says that there were 8,000 of them, an obviously exaggerated estimate.¹⁷

The Khārijī movement was characterized by two major tendencies; the Qurrā' with their theological sophistication, and the Bedouin with their primitive simplicity and military zeal. The early Khawārij were full-blooded Arabs drawn from the Bedouin soldiery encamped in Baṣra and Kufa, the heroes of many a hard-fought battle. Gibb refers to them as mainly nomads and semi-nomads.¹⁸ Arab historians refer to them as Bedouins (A'ārīb).¹⁹

Professor Macdonald writes: "It is probable, but as yet unproved, that mingled with the political reasons for their existence as a sect went tribal jealousies and frictions."²⁰ Though

¹³ *Ibid.*

¹⁴ *Vorlesungen Über den Islam*, Arabic Tr. (Cairo, 1946), p. 168; Amin, Ahmad *Fajr-ul-Islam* (Cairo, An-Nahḍa Press, 1945), p. 259.

¹⁵ *The Muslim World*, Vol. 39, pp. 209-210.

¹⁶ Nallino, Carlo-Alfonso, *La Littérature Arabe*, French Tr. by Charles Pellat (Paris, Ed. G. P. Maisonneuve, 1950), p. 182.

¹⁷ *Kitāb-ul-Bidāyat wa-n-Nihāyat* (Cairo, A. H. 1358), Vol. 7, p. 279.

¹⁸ *Mohammedanism* (London: Geoffrey Cambridge, Oxford University Press, 1949), p. 120.

¹⁹ Ṭabari, 2, p. 908.

²⁰ *Development of Muslim Theology, Jurisprudence and Constitutional Theory* (New York, Charles Scribner's Sons, 1903), pp. 24-25.

this is a reasonable conjecture, it can be refuted by historical evidence, for the Khārijī's strong sense of party and religion led him to exhibit more tribal indifference than is commonly noted in Islamic history.²¹ The Khawārij became a dogmatic party, that had in the process of growth attracted all kinds of elements, sincere as well as opportunists.

A large number of *mawālī* (clients or slaves) was soon absorbed.²² They were mostly Persians, who after their defeat by the Muslims, joined the Arab ranks and encamped in Kufa.²³ It is probable that the *mawālī* joined the Khārijī ranks after the Umayyad Caliph, 'Abd-al-Malik (685-705) had launched his policy of arabizing the Empire. Among the later Khawārij, we find thieves, Kurds, and unbelieving Persians, whose purpose was to escape taxation, and to pillage in war against the Government.²⁴ But these elements were never strong enough to dominate the movement or conceal the virtues of piety and devotion that for so long characterized the mass of the adherents to this doctrine.

Many Khārijī insurrections were due to the oppressive measures of the Umayyads and their irreligious attitudes in matters of state as well as personal discipline.²⁵ Such ungodliness "exhausts our patience," declared the Khawārij.²⁶ They measured the Caliphs by those strict religious principles that had been exhibited by the Prophet, by the purest and oldest traditions—by those standards the Umayyad Caliphs were unbelievers. The Khawārij recognized the Caliphates of Abu Bakr and of 'Umar, of 'Uthmān in the first six years and of 'Ali until he consented to arbitrate.²⁷ The only Caliphs they recognized from then on were their own.

From the outset, the Khawārij and the Shi'a (followers of 'Ali) were two distinct groups; it was only sheer accident that once brought them together. The Khawārij fought against the

²¹ This argument shall be further developed in Chapter Four.

²² Ibn-al-Athīr, *Al-Kāmil* (Cairo, A. H. 1290), Vol. 3, p. 179.

²³ Browne, Edward G., *A Literary History of Persia* (New York: Charles Scribner's Sons, 1902), Vol. 1, pp. 202-203.

²⁴ Ibn Abi-l-Ḥadīd, *Sharḥ Nuhaj al-Balāghah* (Cairo, A. H. 1329), Vol. 1, p. 268; Ibn Kathīr, *op. cit.*, Vol. 7, p. 317; Ibn-al-Athīr, *op. cit.*, Vol. 7, p. 61.

²⁵ Iṣbahānī, *Al-Aghānī* (Cairo, A. H. 1285), Vol. 20, p. 97.

²⁶ Mubarrad, *op. cit.*, Vol. 3, p. 148; Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 81.

²⁷ Ṭabari 2, pp. 39-40.

Shi'a as they did against the Sunni and other Muslim sects. In their battles they exhibited a strong sense of mission, and everywhere they went they were likely to make extensive conversions.²⁸ The forces of Hassan, the son of 'Ali, were soon filled with Khārijī elements who once threatened him with death for his faltering against Mu'awiya.²⁹ They also succeeded in penetrating secretly into the center of the Umayyad Government where their activity was perhaps most effective.³⁰

Their early revolts were in Iraq and Persia. In these areas existed a large number of Arameans and Jews, while the Christians and the Zoroastrians remained practically intact after the Muslim invasion. The ground was, therefore, fertile for outbreaks against the Umayyad Government. The Khawārij attacked Kufa in 661, but this attack was repelled by the timely interference of Mu'awiya.³¹ Stronger measures were soon taken by the Government, and in Baṣra the Governor was ordered to imprison every Khārijī, a command which was forcibly executed.³² Ziyād, the Umayyad viceroy of Iraq, attempted a more moderate approach and tried to conciliate some of their leaders by offering them high positions, but met with little success.³³ His policy contributed to their power and expedited their revolutions. After his death around 674, the Khawārij were fiercely subdued, and it was then that the Khawārij of Iraq began to develop the martyr stories of the Party.³⁴

In Mecca Ibn-al-Zubair (the son of al-Zubair the cousin of Muhammad and one of the early converts to his faith) started his drive for the caliphate. He was immediately at war with the Umayyads, the established government in Syria. The Khawārij joined him in the beginning under the assumption that they could influence him and use him for their ends. Failing in this objective, the Khawārij soon dissociated themselves from him and made their way to Iraq and Western Persia.

²⁸ Tabari 2, pp. 39-40.

²⁹ Dināwari, *Kitāb-ul-Akbbār at-Ṭiwāl* (Leiden, Published by Ignace Kratchkovsky, E. J. Brill, 1912), p. 230.

³⁰ Mubarrad, *op. cit.*, Vol. 3, p. 126.

³¹ Tabari 2, 39-40; Ibn Khaldūn, *al-'Ibar* (Cairo, Bulāq, 1867), Vol. 3, p. 143.

³² Mubarrad, *op. cit.*, Vol. 3, p. 154.

³³ *Ibid.*, p. 156.

³⁴ Tabari 2, p. 185; Ibn Khaldūn, *op. cit.*, Vol. 3, pp. 144 ff.

Between Iraq and Persia they were able from time to time to establish a state and defend it for a decade before it collapsed. When such a state was adequately defended, currency was introduced carrying the inscription of the Khārijī Imām, taxes were collected, and other forms of governmental administration were instituted.³⁵

From 683 to 692 the Khawārij were fighting the lieutenants of Ibn al-Zubair because the Umayyads were blocked in Syria. It took these tireless lieutenants some fourteen years to silence the Khawārij. The forces of Iraq were fully mobilized against them, and the Khawārij saw their leaders fall one after the other in battle. The death of Nafi' b. al-Azraq, one of the greatest leaders of the early Khawārij, and perhaps the most courageous of them all, caused the appearance of other Khārijī leaders; Al-Maḥūz and Ibn al-Fujā'a of whom very little is known in the annals of Islamic history.

Under the Umayyad Caliph, 'Abd-al-Malik (685-705) and his cruel but energetic governor, al-Hajjāj, who administered Iraq for twenty years, the Khawārij instigated serious revolts. At this time the Khārijī leaders constituted a worthy challenge to the Umayyads and their generals.

At the end of the 8th Century, the Khārijī movement seemed to be militarily crushed. But in the following centuries occasional Khārijī uprisings took place throughout the Muslim lands. The most serious of these insurrections occurred in 744 under the reign of the last Umayyad Caliph. For the first time the Khawārij were successful in overrunning all of Iraq and threatening Syria, but the victory did not last. In 746 the Khawārij were defeated and Iraq recovered.

By the end of the 7th Century, the Khārijī party was broken up into independent groups, hostile to each other. Very specific questions constituted the basis of the dogmatic views which alienated one group from the other. Certainly the non-Arabs who joined the Khawārij after their expulsion from Arab lands to which they were native contributed enormously to the schismatic tendency that now began to characterize the Khārijī movement in general.

³⁵ Ibn al-Athīr, *op. cit.*, Vol. 4, p. 85.

The Khāriji dynasty of Ibādī³⁶ persuasion dominated 'Umān from the middle of the 8th Century.³⁷ As navigators and colonizers, the Khawārij of 'Umān spread their religion to East Africa and Zanzibar.

Persecuted in the East by the Umayyads and the 'Abbāsids, the Khawārij found their haven in the deserts of Africa. The democratic institutions of the Khawārij and their belief in the right of revolt against corrupt rulers appealed to the Berbers. They established colonies in Tripoli (Libya), but they soon had to defend them against the onslaught of the Fātimid Dynasty.³⁸

The continuous pressure of the Fatimids forced the Khawārij to southern Algeria where they founded cities and maintained a sort of confederation among them. In 1882 this confederation was annexed to Algeria.

Today the Khawārij constitute an insignificant minority in Islam. Spread in little colonies in Libya, Algeria, Zanzibar and 'Umān, they have no political power, nor do they enjoy the lively intellectual enquiry that once characterized their movement.

The proper understanding of the history of Islam, however, and the question of Islam's future, demands a thorough knowledge of the motives and issues raised by the Khawārij. For more important than the political turmoil they have caused, are the political and social questions that they have raised and analyzed in the greatest detail. Then as now the conflict existed between two viewpoints: strict conformity to the Sunna of Muḥammad and literal application of the injunctions of the Qur'an on one side, and evolutionary adaptation based on reason and the spirit of Islam on the other. The Khawārij subscribed to the former. Their strong conviction that they and they alone were on the right path, and that all the other sects were unbelievers worthy of destruction, led them to fanaticism, negativism and political death.

³⁶ See Chapter Two.

³⁷ For a clear picture of the Khāriji activity in 'Umān, see Ibn Razik, *History of the Imams and Sayyids of Oman*, Eng. Tr. by George Badger (London, 1871), pp. 7 ff.

³⁸ Ibn Saghīr, *Chronique sur les Imams Rostemides en Tabert*, published by A. De E. Motylinski, Actes du XIV Congrès International des Orientalistes, Alger, 1905, Vol. IV in passim.

The response of the Khawārij to the corruption of the old Islamic State is manifested today in the Wahhābi³⁹ sect, which is performing a more or less similar role. The Khawārij and the Wahhābis were motivated by the same purpose, and both have reacted similarly.

The Wahhābis claim to be inspired by the teachings of the famous Sunni theologian, Ibn Taimiyya (1263-1328). Though he attacked the Khawārij, Ibn Taimiyya was greatly influenced by them, and can be considered the link between these two movements. He admired their strong attachment to the Qur'an and their ideals of purity; he was enchanted by the moral character of these puritans "who did not know how to lie."

Ibn Taimiyya, like the Khawārij, sought to purify Islam. The Wahhābis are a continuation of this trend. The Khawārij and the Wahhābis have so much in common that some writers would not hesitate to rely on one sect to support the argument of the other. Gibb maintains that the Wahhābis are like the Khawārij "puritan fanatics in the same degree."⁴⁰ Morand asserts that Wahhābism is merely the Khārijī doctrine renewed.⁴¹

The Wahhābis, like the Khawārij, are extreme unitarians (Muwahhidūn); they refuse to mention the name of a saint or angel in prayer. Both maintain that intercession can only come from Allah. It invokes unbelief to interpret the Qur'an by a *ta'wīl*. They concur with the Khawārij that the mere utterance of the Islamic creed is not enough to make a man a believer. Both are equally opposed to the cult of saints.

In their cultural life, the Khawārij and the Wahhābis abide by the same puritanical beliefs. Their houses, like their mosques, are built with the greatest simplicity and no ornaments are permitted.

The Wahhābis and the Khawārij differ on several points,

³⁹ Wahhābism received its name from its founder, Muhammad b. 'Abd-al-Wahhāb (1703-1787). Originally they called themselves *al-Muwahhidūn* (Unitarians). They considered themselves Sunnis, and followed al-Ḥanbali as interpreted by Ibn Taimiyya. It is interesting to note that the founder of Wahhābism was of Banu Sinan, a branch of Tamīm, a tribe originally connected with the Khārijī movement.

⁴⁰ *Mohammedanism, op. cit.*, p. 120.

⁴¹ Morand, Marcel, *Introduction a L'Etude du Droit Musulman Algerien* (Alger, Jules Carlonel, 1921), p. 97.

the most important of which is anthropomorphism, which the Wahhābis as followers of Ibn Taimiyya accept. This doctrine is altogether rejected by the Khawārij.

The Wahhābis resent any affinity to the Khawārij. Historically speaking, this attitude is justified, for the Wahhābi movement grew independently of any direct Khāriji influence. Both, however, have the same significance in Islamic history. They are equally the response to the same challenge. Both groups are fanatic, intolerant and strict traditionalists, and they agree on major issues in their respective doctrines. With certain reservations, it is safe to assume that Wahhābism is the latest manifestation of the old Khāriji philosophy.

CHAPTER TWO

THE SECTS

Ibn Ḥazm defines as Khāriji any person who believes in the following: a) rejection of the arbitration, b) damnation of sinners, c) revolt against wrongful Imams, d) the possibility of the Caliphate outside of Quraish, and, e) that those who commit grave sins suffer eternal fire.¹ The Khawārij are, therefore, a distinct group of recusants who maintain a definite set of ideas distinguishing them from the Sunni Community. The latter call the Khawārij in the negative sense, those who dissent from the community, the "Goers-out."² Shahrastāni says: "Anyone who revolts against the rightful Imam is a Khāriji."³

The Khawārij should be understood as those who departed from (*kharaja min*) 'Ali's ranks to serve the cause of God,⁴ and not, as habitually believed, because they revolted against 'Ali (*kharaja 'ala 'Ali*).⁵ The word "Khāriji" was proudly used by the poets of this sect.⁶ To them the term had Qur'anic significance, in allegation to Qur'an 4, 101: "Whoever flieth (*yuhājiru*) his country for the cause of God, will find in the earth many under like compulsion, and abundant resources; and if any one shall quit (*yakhruju*) his home and fly to God and his apostle, and then death overtakes him; his reward from God is sure." Another appellation by which the Khawārij proudly called themselves is *shurāt*, of Qur'anic connotation also, referring to Qur'an 9, 110: "Verily the faithful hath God bought (*ishtara*) their persons and their substance on condition of paradise for them in return; on the path of God shall

¹ *al-Faṣl Fi-l-Milal Wa-l-Abwā' Wa-n-Niḥal* (Cairo, A. H. 1317), Vol. 2, p. 113.

² St. Paul warns: "God judgeth those who are (outside)." Corinthians, 1, 5, 13.

³ *Al-Milal Wan-Niḥal* (Cairo, A. H. 1317), Vol. I, p. 155.

⁴ Ṭabari, 2, p. 567; Nallino, *op. cit.*, p. 179.

⁵ Ash'ari, *Maqālāt*, p. 64; Nawawi, *Sharḥ Ṣaḥīḥ Muslim*, Vol. 7, p. 164.

⁶ Dināwari, *op. cit.*, p. 279.

they fight, and slay, and be slain; a promise for this is pledged in the Law. . . . Rejoice, therefore, in the contract that ye have contracted: for this shall be the great bliss."

The Khawārij have been called *al-Muḥakkima* because of their slogan, *lā ḥukma illa li-llāh* (judgment belongs to none save God).⁷ The Sunnis usually refer to them as *Ḥarūriyya* because they first met in Ḥarūra.⁸ This is not an accurate appellation; it is true, every Ḥarūri was a Khārijī, but not every Khārijī was a Ḥarūri. All these names were accepted by the Khawārij, but they have consistently refused to be called *al-Māriqa* (dissenters), because they meant to be reformers not merely schismatics.⁹ Nevertheless they were considered by the Orthodox to be among the condemned heretics.

The Prophet Muḥammad is reported to have said: "My people will be divided into seventy-three sects, of which only one will be saved."¹⁰ For this reason the heresiologists condemned all schismatic tendencies in Islam, and by methods of false expansion and contraction, they have often succeeded in molding all kinds of schisms and schools into the matrix of this number.¹¹

The Orthodox regarded themselves as the only true community of Muḥammad and condemned all others as the "people of fancies." Ibrāhim an-Nakhā'i (d. 714) considered the Murji'a as a greater danger than the Khawārij. Abu Kilāba, (d. 721) answered a man who had knocked at his door by saying: "Come in, if you are not a Ḥarūri."¹² Certainly, every sect thought of itself as possessing the religion that corresponded with the

⁷ Ash'ari, *Maqālāt*, p. 191.

⁸ Mubarrad, *op. cit.*, Vol. 3, p. 104.

⁹ Ṭabari, 2, p. 907.

¹⁰ For a discussion of this point refer to Baghdādi, *Al-Farq Bayn-al-Firaq* (Cairo, no date given), pp. 19-20.

¹¹ Massé explains that No. 70, the multiple of 7 has a sacred significance perhaps of astronomical origin. "Seventy is one-fifth of the lunar year, and 73, one-fifth of the solar year. This conception, probably coming from ancient Persia, passed to the Jews; for instance, the 70 weeks mentioned in the Book of Daniel; and from the Jews it passed to the Christians and Muslims. Applied comparatively to the different religions, it gave birth to a tradition in Islam that the religion which had the greatest number of sects would be final." *Op. cit.*, p. 175.

¹² Tritton, Arthur, *Muslim Theology* (Bristol, Luzac and Co. Ltd., 1947), pp. 51-52.

authoritative text (The Mother of the Book). The Khawārij referred to themselves as the Orthodox Muslims,¹³ and always referred to others as *al-Aḥzāb* (the Parties). Referring to 'Ali, they said: "Had he fought the *Aḥzāb* he would not have erred."¹⁴

The *Aḥzāb* were the result of a natural growth, a consequent part of the questions posed by the mind, not only about its nature, but also about its function in this world and the next. That such questioning was here to stay was to be realized later by the Orthodox community. By the Eleventh Century of the Christian era, the sectarian was "allowed to be buried in a Muslim cemetery, he was to receive his share of the booty in war, and he was allowed to pray in a mosque. On the other hand, no prayer was to be said over him or behind him; food slaughtered by him was to be unlawful; nor was there to be any *jus connubii* between him and the Orthodox."¹⁵ The Sunnis unanimously agree that the Khawārij constitute a party within Islam; *jus connubii*, food slaughtered by them and their testimony are all valid and permissible.¹⁶ 'Ali recognized their right to the *fa'i* (annuity of the state), and Ibn Sallām adds, "for it is allotted for those who defend Islam."¹⁷ The Khawārij, therefore, are a genuine Islamic party.

The Khawārij developed their own divergent schools of thought within the general framework of Khārijism. Heresiologists have listed various sub-sects ranging from fourteen to twenty-one.¹⁸ It is impossible to completely understand the development of these schisms. Our heresiologists lacked historical insight; they have presented them to us without chronological sequence as readymade theological schools.

The first Khārijī sect we find mentioned was the Azāriqa,

¹³ Ibn Razik, *op. cit.*, p. 85.

¹⁴ Ibn Abi-l-Hadīd, *op. cit.*, Vol. I, p. 192.

¹⁵ Margoliouth, David, *The Early Development of Mohammedanism* (New York, Charles Scribner's Sons, 1914), pp. 211-212.

¹⁶ *Miftāh al-Hāja Fi-Sharḥ Ibn Mājah*. On the margin of Ibn Mājah, *Sunan* (no date given), p. 15.

¹⁷ Ibn Sallām, *Kitāb-ul-Amwāl* (Cairo, A. H. 1353), p. 233.

¹⁸ Most of these schisms were insignificant and the differences were not important. For example, the Rushaidiyya separated themselves when they said that the tithes on land which did not need irrigation was 1/20th. When shown that they were wrong, they kept their own custom, but did not excommunicate others. See Ash'ari, *Maqālāt*, p. 168.

after its founder Nafi' b. al-Azraq (d. 686). It appeared at a time when the Arab element was still strong in the movement; the occasion was the marriage of an Arab woman to a *mawla*, both being Khārijī. Her family objected, presumably because he was not an Arab, though this is nowhere mentioned. Under pressure, her husband divorced her. Nafi's *fatwa* was that both were wrong, because though they were Khawārij, they were not in his group; only his group could possess legal competence.¹⁹ Muslims who disagreed with them were called polytheists, to the early Khawārij they were unbelievers. Thus, those who agreed with them and yet did not join their ranks were considered polytheists. However, the early Khawārij did not condemn those who shared their opinions.²⁰ They were extreme and literal in their interpretation of the Qur'an, and, therefore, strict and most intolerant.

It is not clear whether the Najdiyya, followers of Najda b. 'Āmir, developed independently of the Azāriqa. We know that Najda and Nafi' met in Mecca in the days of Ibn al-Zubair, but after their return to Baṣra we learn of conflicts between these two leaders. The argument was on the extreme position taken by Nafi' against the qa'da (the stay-at-homes) and the children of unbelievers. Najda, on the other hand, did not go so far as to declare the former unbelievers, nor to permit the massacre of the latter.²¹ In other matters, the Najdiyya were almost as extreme and insistent as the Azāriqa. Two subdivisions issued from this sect; the 'Aṭawiyya and the Fudai-kiyya.²² The former appeared in Sijistān under Najda's emissary, 'Aṭiyya b. al-Aswad,²³ and the latter in Yamamah as a result of a conflict between Najda and Abu Fudaik over matters of state and interpretation of the law.²⁴ In theological matters, the Najdiyya seems to have followed consistently the usual Khārijī line.²⁵

¹⁹ *Ibid.*, pp. 161-162.

²⁰ Baghdādi, *Al-Farq*, p. 63.

²¹ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 87; Shahrastāni, *op. cit.*, Vol. I, p. 168; Baghdādi, *Al-Farq*, pp. 66 ff.

²² Ash'ari, *Maqālāt*, p. 164; Shahrastāni, *op. cit.*, Vol. I, p. 168.

²³ Baghdādi, *Al-Farq*, p. 164; Ḥimyarī, *op. cit.*, p. 170.

²⁴ Ash'ari, *Maqālāt*, p. 169; Baghdādi, *Al-Farq*, pp. 67-68.

²⁵ See Qalqashandī, *Ṣubḥ-ul-A'sha* (Cairo, 1918), Vol. 13, p. 224.

Of all the Khāriji sects, only two have survived to the present; the Ṣufriyya and the Ibāḍiyya. The Ṣufriyya, now predominate in the province of Oran and in part of Morocco,²⁶ were founded by Ziyad b. al-Aṣfar,²⁷ and have occupied a middle position in the Khāriji doctrine. The fact that they claimed Abu Milāl Mirdās, the moderate Khāriji leader, shows their leniency towards women, children and the *qa'da*.²⁸ The famous Khāriji poet, 'Imrān b. Ḥaṭṭān, and the head of the *qa'da* of the Khawārij, was once Imām of the Ṣufriyya sect.²⁹ Maqrīzi says that the Ṣufriyya agreed with the Azāriqa on everything except the slaying of children in war.³⁰ But obviously this is not true; the differences are deeper and more extensive. More moderate and closer to the Sunni are the Ibāḍiyya, the followers of 'Abd-allah b. Ibād.³¹ Their emphasis is on *tawḥīd* and the Qur'an. The Ibāḍiyya split into numerous schisms, the most important of which are the Ḥafṣiyya, the Ḥarithiyya and the Yazīdiyya. The Ibāḍiyya is a pure Khāriji sect and should not be confused with the Qarāmiṭa or others.³²

Another group which seems to have had purely theological interests are the 'Ajārīda, the followers of 'Abd-al-Karīm b. 'Ajrād, a disciple of 'Aṭiyya b. al-Aswad.³³ They seem to have flourished under the last Umayyad Caliph, and very little is known about them after that. They possessed a keen theological insight and an exuberant interest in matters of detail which are altogether confounding and perplexing to the modern student. These theological points led to infinite subdivisions in

²⁶ Masqueray, Emile, *Formations des Cites chez les Populations Sedentaires de l'Algerie*. (Paris, Ernest Leroux, Editeur, 1886), p. 186.

²⁷ Baghdādi, *Al-Farq*, p. 70; Asfarāyini, *op. cit.*, p. 31.

²⁸ Shahrastāni, *op. cit.*, Vol. I, pp. 183-185.

²⁹ Baghdādi, *Al-Farq*, p. 72.

³⁰ *Al-Khiṭaṭ* (Cairo, A. H. 1270), Vol. 2, p. 354.

³¹ It is reported that he died around 750, but according to reliable statements he died in the reign of 'Abd-al-Malik.

³² Palgrave contends that it is related to the Sabaeans, the Qarāmiṭa and the Bāṭiniyya (Palgrave, *Central and Eastern Arabia*, Vol. 2, pp. 261-265, quoted in Badger's *Ibn Razik*, p. 388). This contention is completely unfounded. The Ibāḍiyya appeared at least one century before the Qarāmiṭa. In theory they have nothing in common. The Ibāḍi writer condemnation of the Qarāmiṭa is enough proof of the distinct differences between the two sects. See *Ibn Razik, op. cit.*, p. 28.

³³ Baghdādi, *Al-Farq*, p. 72.

this sect. Of their schisms, reference should be made to the Maimuniyya (the patrons of free will),³⁴ the Khalafiyya (the staunch defenders of predestination),³⁵ the Ḥamziyya (who share the same fundamental convictions with the Maimūniyya),³⁶ the Shu'aibiyya (who maintain that God is the exclusive regulator of man's thoughts and acts)³⁷ the Ṣilṭiyya,³⁸ the Tha'āliba (who are neutral towards children),³⁹ the Akhnasiyya (who refused to establish relations with any Muslim unless they were certain of his faith),⁴⁰ and others of lesser importance such as the Khāzimiyya,⁴¹ al-Ma'lumiyya,⁴² al-Majhuliyya,⁴³ al-Ma'badiyya,⁴⁴ ash-Shaibaniyya,⁴⁵ ar-Rushaidiyya,⁴⁶ and al-Makramiyya.⁴⁷

³⁴ Ash'ari, *Maqālāt*, pp. 164-165.

³⁵ *Ibid.*, p. 165.

³⁶ *Ibid.*

³⁷ Baghdādi, *Al-Farq*, p. 74.

³⁸ Himyari, *Al-Ḥūr al-'Ain* (Cairo, 1948), pp. 171-172.

³⁹ Ash'ari, *Maqālāt*, p. 167.

⁴⁰ *Ibid.*; Himyari, *op. cit.*, p. 172; Baghdādi, *Al-Farq*, p. 81.

⁴¹ Ash'ari, *Maqālāt*, p. 166.

⁴² Baghdādi, *Al-Farq*, p. 76.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Ash'ari, *Maqālāt*, p. 168.

⁴⁶ Baghdādi, *Al-Farq*, p. 82.

⁴⁷ Ash'ari, *Maqālāt*, pp. 168-169; Shahrastāni, *op. cit.*, Vol. I, pp. 179-180.

CHAPTER THREE

THE CREED

The Khawārij sought their inspiration, in matters of religious and social life, in the example of Muḥammad in his early years, before he began his political career. They were so absorbed in the study of the Qur'an and the early traditions, that they ended in being unfit to interpret the present in any other way but as a pattern of the past. As a result they have been branded fanatic, romantic and reactionary, all at the same time. They refused all interpretation contradicting the principles of early Islam. The questions they were primarily involved in were, therefore, of pure doctrinal character, questions dealing with the meaning of Islam, of belief, of God, and similar matters. Their differences with the Sunnis are not as much on fundamentals as on the matter of interpreting the Qur'an and the Sunna.

To the Sunnis, Islam is a wider notion than *imān* (belief). In the Qur'an (49, 14) it is stated, "The Arabs of the desert say: 'We profess Islam'," but Muḥammad adds that they do not have belief. Except for this verse the terms "Islam" and "Imān" are used synonymously throughout the Qur'an. 'Ali defined "Islam" as confession, and "Imān" as confession and knowledge.¹ Ash'ari thought of belief as including both words and works. Ghazzālī says: "The foundations of *imān* are three: the belief in God, in his Apostle, and in the Last Day."² To become a Muslim it is enough to accept the *Shahāda*; (to testify that there is no God but Allah and that Muḥammad is His Prophet), and, as the Prophet put it, you cannot "split open his heart" to know whether he was really faithful.³ To the Sunnis, faith is sufficient for salvation, and faith remains in spite of neglect of works.

¹ Nu'mān, *Da'aim-ul-Islām* (Cairo, 1951), Vol. I, p. 16.

² Ghazzālī, *Fayṣal-ut-Tafriqah* (Cairo, 1901), p. 56.

³ See Wensinck, Arent Jan., *The Muslim Creed* (Cambridge, The University Press, 1932), pp. 30 and 41.

The Khawārij regarded *Islam* and *Imān* as one and inseparable, the one who deviates from *Imān*, *ipso facto*, deviates from *Islam* and becomes an unbeliever.⁴ To them, belief is an element of faith. It should be accompanied by confession with the tongue and by works performed by the other limbs. They are thus in agreement with the Christian maxim, "Faith, if it hath not works, is dead."⁵ It implies the performance of *all* that God and His Prophet have ordained,⁶ truthful obedience to the precepts of the religion. According to the pure Khārijī doctrine, *Imān* demands the absolute avoidance of any transgression,⁷ a higher and rather impractical moral standard.

The Baihasiyya of the Khawārij define *Imān* as the confession in and the knowledge of God and of what His Prophet has introduced. The one who does not know whether he is doing the right or the wrong is an infidel until he knows for certain that he is following the right path.⁸ It is not excusable if you do not know. It is one's duty to know God, to know the teachings of the Prophet and follow them to the letter.⁹ In his "works," man knows and can know everything that God has forbidden, God ordains nothing without prior warning.¹⁰

To the Khawārij, then, all good works are part of faith, but they reject the doctrine of justification by faith without works. They regard "works" as the major criterion of faith.¹¹ The Mu'tazila stress the responsibility of the Believer as against the emphasis of the Murji'a on the sufficiency of faith, irrespective of works.

The Sunni position in this matter is more inclined to the Murji'a, but certainly the Khārijī element of understanding faith as a rule of life has survived in the Orthodox schools of law.

⁴ For a discussion of this point refer to Ibn Taimiyya, *Al-Imān* (Cairo, A. H. 1325), p. 96.

⁵ St. James, Epistle II, 17.

⁶ Ibn Taimiyya, *Al-Imān*, p. 89.

⁷ Maqrizi, *Al-Khiṭāṭ*, Vol. 2, p. 350.

⁸ Ijī, *Sharb-ul-Mawāqif* (Cairo, A. H. 1311), Vol. 3, p. 291.

⁹ See Shahrastāni, *op. cit.*, Vol. I, pp. 169-170.

¹⁰ Himyari, *op. cit.*, p. 176.

¹¹ Wensinck reports the story of some Khawārij who came to Abu Ḥanīfa with unsheathed swords asking whether a woman who committed fornication and had killed the child born from the forbidden union could be called faithful. Abu Ḥanīfa answered in the affirmative. Cf. Wensinck, *op. cit.*, p. 140.

The Khāriji insistence on the absolute integration of the ideal with the practical is undoubtedly their greatest contribution to Muslim theology. In their actual life they attempted to practice this principle. The mere identity of a person as Muslim meant little to them. Before being accepted as a Muslim and admitted into their ranks, he was required to pass the *Mihna* (test), and he was considered an infidel until he had done so.¹² The Azāriqa gave a thorough theological examination to everyone who sought their camp.¹³ The Ṣiltīyya of the Khawārij accepted as a Muslim he who was initiated into their *Madhhab* (doctrine).¹⁴ Others said that the one who accepted Islam, all the laws and precepts of the religion applied to him even if he were not aware of them.¹⁵

But Islam is not merely acquired by reciting the *Shahāda*, as is the case among the Sunnis;¹⁶ it demands all the requisites of faith (obedience, knowledge and works) for, to them, "Islam" and "Imān" are synonymous terms.

A strict knowledge of the religion was universally required by the Khawārij. The Baihasiyya call an unbeliever, he who possesses no full knowledge of God and of the details of the Shari'a.¹⁷ The Ḥafsiyya maintained that between *shirk* (polytheism) and *imān* there is the knowledge of God only. He who knows God and accepts Him and yet condemns the Prophet is *kāfir* (infidel), but not *musbrik* (polytheist). To possess no knowledge of God and to refuse Him is *shirk*.¹⁸ At this point Baghdādi found a contradiction in the Khāriji theology; for on the one hand they asserted the belief in His Books and Prophets as an integral part of *tawhīd* (believing in the unity of) Allah, and, on the other, they said that the modicum between belief and polytheism was the knowledge of God only.¹⁹ In fact, this discrepancy is more apparent than real,

¹² See Mubarrad, *op. cit.*, Vol. 3, p. 222.

¹³ Baghdādi, *Al-Farq*, p. 63.

¹⁴ Rāzi, *l'Tiqādāt* (Cairo, 1938), p. 40.

¹⁵ Ash'ari, *Maqālāt*, p. 173.

¹⁶ The Orthodox justify their position by a *hadith* of the Prophet, "He who witnesses that there is no God but Allah and that Muḥammad is His Slave and Messenger, is safe (from the fire of hell)," implying that he has become a Muslim. See Muslim, *Ṣaḥīḥ*, Vol. I, p. 240.

¹⁷ Rāzi, *l'Tiqādāt*, p. 47.

¹⁸ Ḥimiyari, *op. cit.*, p. 175; Baghdādi, *Al-Farq*, p. 83.

¹⁹ Baghdādi, *Al-Farq*, p. 84.

for the knowledge of God, in the Khāriji sense, is inclusive and evidently accepts the sequences which from Qur'anic injunction combines "His Book and Prophets."

According to the Khāriji creed, "Allah is our God, Muḥammad our Prophet, Islam our religion, the *ka'ba* our *qibla*, and the Qur'an our *imām*. We exhort what it commands and outlaw what it prevents."²⁰ They also affirmed that: "Religion is what has been given, Islam, what has been decreed, the Book, what has been revealed, the Word, what has been transmitted, and that God is the Absolute Truth."²¹ The adequate knowledge of these precepts and their strict application is an intrinsic part of the religion; and, to most of them, all non-Khāriji Muslims are ignorant of these values and, therefore, infidels.

He who commits a grave sin is absolutely ignorant of God and Islam and is, therefore, an unbeliever, and to some of them he is a *mushrik*.²² The Ṣufriyya regarded grave sins as transgressions, the punishments of which are not provided for in the Qur'an (such as the neglect of prayer and fasting) and the result of such faltering is infidelity.²³ A famous *Khāriji* leader used to say, "If I were offered the whole world in exchange for one sin, I would not accept."²⁴ The Ibāḍiyya even argued that *nifāq* (deceit) constituted *shirk*.²⁵

The Khawārij not only condemned the grave sinner with *kufr*, but they also insisted that he was eternally damned in the next world; he shall suffer eternal fire.²⁶ On the fate of the *kāfir*, the Khawārij and the Mu'tazila are in complete agreement; to them the cause for an individual's eternal punishment

²⁰ Ibn Saghīr, *op. cit.*, p. 62.

²¹ See Code in Motylinski, *Guerera, depuis sa Fondation* (Alger, Adolphe Jourdan, 1885), p. 28; for an extensive creed of the Khawārij written by Ṣālih b. Musarrih, See Ṭabari, II, pp. 882 ff.

²² Maqrīzī, *Al-Khīṭaṭ*, Vol. II, p. 350. The Najdāt deviate from the Khāriji line by branding such a sinner as *kāfir ni'mat* (ungrateful to the gifts of God), not as *kāfir dīn*. See Baghdādi, *Al-Farq*, p. 56.

²³ Ijī, *op. cit.*, Vol. 3, p. 292.

²⁴ Mirṣafi, *Ragħbat ul-Amal* (Cairo, 1927-1929), Vol. 7, p. 178; Great sins include theft, murder, usury, perjury, fornication, drinking, forgery, robbing orphans of their property. Obstinacy in a little sin makes it a great sin.

²⁵ Shahrastāni, *op. cit.*, Vol. I, p. 182.

²⁶ Ibn Taimiyya, *Al-Imān*, p. 89; Ash'ari, *Maqālāt*, p. 159; Shahrastāni, *op. cit.*, Vol. I, p. 164.

is rational, for if he is an evildoer he deserves punishment, the only alternative would be reward. The answer is, therefore, clear.²⁷

The Mu'tazila disagree with the Khawārij on whether great sins constitute unbelief. They hold that he who commits a great sin "is neither a believer nor an unbeliever, but he is in an intermediate position."²⁸ The Sunnis continue to call him a believer; to them he is only an evildoer (*fāsiq*).²⁹ Ghazzālī says "there can be no (*takfīr*) damnation in positive law."³⁰

The Khawārij, in their understanding of "unbelief" and its loose application on every doubt, disobedience and transgression,³¹ go beyond the general provisions of Qur'anic injunctions. In the Qur'an the term "believer" applies to the disobedient, as, "O Believers; turn to God with the turning of true penitence, haply your Lord will cancel your evil deeds . . ." ³² and also, "If two bodies of the faithful are at war . . ." ³³ and in this respect they are, therefore, less consistent with the spirit of the Qur'an than the Sunnis. They are, it is true, closer to the Christian position when they deny the title of "true believer" to those who are guilty of such grave sins as mortal and venial. The distinction between the two, though common to Othodox theology in Islam, is nonetheless peculiar to the Khārijī. In the Qur'an we find such distinction as "heinous things of crimes, and filthiness" (*kabā'ir ul-ithm wal-fawāḥish*).³⁴ To the Sunni, it is polytheism that constitutes a "mortal sin," while with the Khawārij the distinction covers a broader category of sins that are punishable by eternal damnation.

²⁷ On this point see Ijī, *op. cit.*, Vol. 3, p. 233; Unlike the Khawārij, the Murji'a believe that all have hope for salvation. It is possible that the Murji'a school was a reaction against the Khārijī movement.

²⁸ Taftazānī, *On the Creed of Najm ad-Din an-Nasafi*, Elder, Tr. (Columbia University Press, New York, 1950), p. 9.

²⁹ *Ibid.*, p. 109. On the Sunni view as to what constitutes unbelief see *ibid.*, pp. 161 ff.

³⁰ *Faysal-ut-Tafriqa*, *op. cit.*, p. 56.

³¹ For examples of this nature see Ṭabari, II, 2011; Iṣbahānī, *op. cit.*, Vol. 20, p. 105.

³² Qur'an 66: 8.

³³ Qur'an 49: 9.

³⁴ Qur'an 42: 35.

To be able to comprehend the good and the evil, and, therefore, avoid sins, one should be well acquainted with the source of all knowledge, the Qur'an, and in this task the Khawārij excelled. To them it was not only a text to study, but a complete way of life, they chanted its verses by day and by night. It was in fact as well as in theory the basis of their life. Most of them insisted that the Qur'an should be the only source for judgment or conviction. It has not been ascertained, however, which version of the Qur'an they adopted—it may have been that of Abu Bakr, since they resented 'Uthmān especially after he ordered all copies of the Qur'an destroyed in order that his copy should remain unchallenged.

The majority of the Khawārij were against interpretation (*ta'wīl*) of the Qur'an.³⁵ They accepted all Qur'anic verses as written literally;³⁶ they were, therefore, faithful to the old tradition, taking the Qur'an and the Sunna as written, doing by the *Zāhir* without interpretation.³⁷ It was this strict and literal understanding of the Qur'an that convinced them to refuse the *qiyās* that would have legalized arbitration at Ṣiffīn, which had as its basis a Qur'anic inscription that arbitration is advised in case of conflict between husband and wife. To them this verse applied only to the specific case, that is, to the conflict between husband and wife, and was not to be given other interpretations. God does not say, "arbitrate in war."³⁸

³⁵ Qalqashandi, *op. cit.*, Vol. 13, p. 222.

³⁶ Ash'ari, *Maqālāt*, p. 190.

³⁷ *Yaqūt, Mu'jam-ul-Udabā'*, Published by D. S. Margoliouth (Cairo, 1936), Vol. 19, p. 159; The Maimūniyya could not accept the *Surah* of Joseph (12) as an original part of the Qur'an. To them, a love story of such a nature is below the dignity of God. (Baghdādi, *Al-Farq*, pp. 264-265; Shahrastāni, *op. cit.*, Vol. I, p. 173. They believe that this *Surah* was added and was not originally a part of it.

The doubt of the Maimūniyya in this respect is absolutely unfounded, for the *Surah* of Joseph is in complete harmony with the style and language of the rest of the Qur'an. We know that the Mu'tazila and the Shi'a have also criticized the "Corpus" of the Qur'an, the former on rational grounds, the latter for dynastic reasons. (The Shi'a believe that passages referring to 'Ali and his family were suppressed by 'Uthmān's orders. They believe that the authentic copy is handed over in secret by each Imām to his successor. The Mu'tazila doubt the authenticity of the sections of the Qur'an in which the Prophet curses his enemies, i. e., Abu Lahab (Qur'an 3). The majority of the Khawārij accepted the Qur'an as final and its authority as supreme, they criticized the Shi'a for belittling the Book of God and amusing themselves with unfounded traditions.

³⁸ Ibn al-Athīr, *op. cit.*, Vol. 3, p. 142.

Unlike the Sunnis and in agreement with the Mu'tazila, the Khawārij hold the doctrine of the creation of the Qur'an; on this point there is no disagreement.³⁹ It is difficult to prove that such a conclusion was the result of rational thinking, for it need not have been. Two theories may explain this position, either the Khawārij fell under the influence of the Mu'tazila and accepted their interpretation in this respect, or their primitive and pious unitarianism could not admit such a sophisticated theory as the uncreatedness of the Qur'an.⁴⁰

The Khawārij were fully occupied in reading the Qur'an and prostrating in prayer. Before reading the Book, a short prayer was usually delivered to chase evil spirits: "O God, I take refuge with Thee to purify me from all evil spirits. Glory is to God the most powerful; peace be on the Prophets. May God the Master of the Universe be always exalted."⁴¹ The Khārijī love for prayer is unequalled in Islam. After returning from an argument with them, Ibn 'Abbās reported that their hands and foreheads were stiffened from prostration in prayer.⁴² It is suggested that the Ṣufriyya received their name from the word *asfar* (yellow) for they were exhausted by prayers.⁴³ Speaking of his followers, the Khārijī leader, Abu Ḥamza said: "The earth has eaten their knees and their foreheads. With yellow faces and feeble bodies they have linked the day with the night in prayer."⁴⁴ In wars they often left the battle to perform their prayers at the risk of complete annihilation.⁴⁵ It is also said that their prayers were long and tiring.⁴⁶ Ibn Muljam, the murderer of 'Ali, cried when 'Ali's men were cutting his tongue; when asked why did he not cry when his legs, ears and nose were cut off, he answered: "I praise God with my tongue, it is not easy for me to lose it!"⁴⁷

³⁹ Ash'ari, *Maqālāt*, pp. 174 and 189.

⁴⁰ It may be that the Sunnis developed their theory of the "uncreated Qur'an" in the light of the Jewish law which had been "created" before the world was, or of the Christian "logos" which existed eternally with God.

⁴¹ Code in Motylinski, *Guerara*, *op. cit.*, p. 28.

⁴² Mubarrad, *op. cit.*, Vol. 3, p. 123.

⁴³ *Ibid.*, Vol. 3, p. 164.

⁴⁴ Iṣbahāni, *op. cit.*, Vol. 20, p. 107; Jāhīz, *Al-Bayān-Wat-Tabyīn* (Cairo, A. H. 1311-1313), Vol. I, p. 196.

⁴⁵ Mubarrad, *op. cit.*, Vol. 3, pp. 150-151.

⁴⁶ Iṣbahāni, *op. cit.*, Vol. 16, p. 154; Mubarrad, *op. cit.*, Vol. 3, p. 96.

⁴⁷ Ibn Quṭaibah, *Al-Imāmah*, pp. 256-257.

Ibn Ḥanbal agrees with the Khawārij that the neglect of prayer causes infidelity.⁴⁸ The Makramiyya of the Kharwārij believe that the one who abstains from prayer is *kāfir*, not for his abstention from prayer *per se*, but for his ignorance of God.⁴⁹ The Prophet said: "Between faith and unbelief lies the neglect of prayer."⁵⁰ Certainly the Khawārij keep more to the spirit of this *ḥadīth* than the Sunnis who make preposterous interpretations to reduce personal responsibility. In contrast to the Sunnis, they did not tolerate prayer except behind a virtuous *Imām*.⁵¹ In ablutions they were more particular than the Sunnis. Together with the Shi'a, they rejected the wiping of overshoes as a substitute for the washing of feet. Qur'an (5, 8) ordered that feet should be washed, no mention being made of overshoes. In one of their books it is stated as follows: "In like manner, the state of purification is cancelled by whatever issues from the mouth, of lying or evil report, through which a fellow-being may come to grief, or whatsoever one would be ashamed to mention in his presence, furthermore, by tale-bearing which stirs up hatred and enmity among mankind; furthermore, if any one has scorned or uttered curses or ugly words against man or beast without deserving it, then he has departed from the state of purification and must complete the ritualistic cleansing before he can perform the prayer."⁵² To this specific list may also be added, "Contact with a woman's hand."⁵³ Ablution is not only a physical act, but a moral one also; one's mind should be purged of all evil and impurities.

Some of the Khawārij went far back into early Islam and said that only two prayers were necessary; one at noontime, and the other in the evening,⁵⁴ for it should be noted that the primitive organization established by Muḥammad did not ordain

⁴⁸ Baghdādi, *Uṣūl ad-Dīn* (Istanbul, 1928), p. 266.

⁴⁹ Ash'ari, *Maqālāt*, pp. 168-169; Baghdādi, *Al-Farq*, p. 28; Iji, *op. cit.*, Vol. 3, p. 293.

⁵⁰ Muslim, *Ṣaḥīḥ*, Vol. 2, p. 70.

⁵¹ See Ibn Ḥazm, *Milal*, Vol. 4, p. 176; To the Orthodox, a son of a prostitute may lead in prayer; Hindi, *Kanz-ul-'Ummāl*, Vol. 4, p. 125.

⁵² Quoted in Goldziher, *Mohammed and Islam*, *op. cit.*, p. 219.

⁵³ Heggoy, W. N., *The Moslem World*, Vol. 37, p. 201.

⁵⁴ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 189.

more than two daily prayers.⁵⁵ The few Khawārij who maintained this practice invoked the Qur'an, "And observe (thou) the prayer at the two ends of the day and the neighbouring parts of the night."⁵⁶ To these two prayers thus instituted by Muhammad, he later added a third *Ṣalāt* (prayer), the middle one, *al-Wuṣṭa* (al-Aṭrafiya of the Khawārij rejected any other prayers). It is possible that the requirement of three prayers was affected by the example of Judaism. The five prayers now prevalent in Islam may have been borrowed from the Persians, the five *Gab* (times) of the Zoroastrians, "By whom the early Muslims would scarcely have liked to be surpassed."⁵⁷ However, Ibn Baṭṭūṭah travelling in 'Umān reports that the Ibāḍīs repeat the Friday prayer four times,⁵⁸ a practice which is well in keeping with the Khārijī desire for constant communion with the God of the Universe.

The interest in preserving the authentic and spiritual character of this institution led some of them to reject the call to prayer by the Mu'adhhdhin, as an innovation.⁵⁹ Others went even so far as to say that prayer in assembly was also an innovation.⁶⁰ Indeed all the Khawārij were opposed to any form of innovation, though they differed among themselves as to what might constitute one, beyond the adoption of any institution not introduced by the Prophet.

To them Prophets are infallible in all matters of importance. Their infallibility should precede the revelation. It is because they have been infallible that revelation descended upon them. They argue, however, that Prophets may commit personal faults (*dhunūb*).⁶¹ Except for the Ḥashawiyya, who maintain that Prophets may commit grave faults, the Khawārij follow the

⁵⁵ Z. D. M. G., Vol. 53, p. 386.

⁵⁶ Qur'an, 11, 116; Bell's Tr., 1937; See Ḥimyari, *op. cit.*, p. 178.

⁵⁷ Cf. Z. D. M. G., Vol. 53, pp. 385-386.

⁵⁸ *Voyages*, Edited by Defremery et B. R. Sanguinetti (Paris, L'imprimerie Nationale, 1874), Vol. 2, pp. 227-228.

⁵⁹ Abu Zakaria, *op. cit.*, p. 286.

⁶⁰ *Ibid.*

⁶¹ See Abu Zakaria, *op. cit.*, p. 1; refer to Laoust, Henri, *Essai sur les Doctrines Sociales et Politiques de Taki-D-Din Abamad B. Taimiya* (Le Caire, L'imprimerie de L'Institut Français D'Archéologie Orientale, 1939), p. 193; Ash'ari held that Prophets might commit venial sins through carelessness; Māturidi held that they were without sin. Tritton, *op. cit.*, p. 176.

Prophet blindly in both Qur'an and tradition, though in the latter they are relatively reserved.

Notwithstanding the Shu'ubiyya character that has permeated the Khārijī movement, there is reason to believe that some of the Khawārij rejected the universality of the message of Muḥammad and insisted on his early years of preaching in Mecca.⁶² This may explain the relative tolerance of the Khawārij towards the *dhimmis* and their exaggerated zeal against non-conforming Arabs. Some of them held a Christian or a Jew would remain faithful to Almighty God if he witnesses as follows: "Muḥammad is the Prophet of God to the Arabs, not to us."⁶³ The Yazidiyya (originally of the Ibādiyya) used to take into their favor all people of the Book who recognized the prophecy of Muḥammad; and they accepted them as faithful even though they were not Muslims.⁶⁴

Nor was this all. They speculated about free will, God, and deep eschatological questions, exhibiting at the same time marked differences of opinion. Most of the Khawārij acknowledge predestination; and in the Qur'an they found enough to support their position; for it is God who "is the witness of everything" (Qur'an 85, 9), who "bestoweth full supplies on whom He pleaseth and giveth sparingly to whom He pleaseth" (Qur'an 85, 13), by whom "from state to state shall ye be carried" (Qur'an 84, 19), since "no mischance chanceth but by God's permission" (Qur'an 64, 11); other quotations of this nature can be numerous listed. They believed that all actions, good or evil, are predestined and willed by Allah. The Shu'aibiyya say, "No one acts except in the manner God wills";⁶⁵ The 'Ajārida, in agreement with the Sunnis, argue that there is no creator (Khāliq) except God, that nothing happens unless He wills it, and that the capacity is with the act, i. e., man's freedom is reduced to the power of decision which God creates in him at the moment of the act.⁶⁶

⁶² Qur'an 7: 157, "Say, O Ye people. I am the Messenger of Allah to you all." Qur'an 34: 27, "We sent thee but inclusively to (all) the people . . ."; These Surahs are, to be sure, Medinese.

⁶³ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 188.

⁶⁴ Baghdādi, *Al-Farq*, p. 263.

⁶⁵ Ash'ari, *Maqālāt*, p. 165.

⁶⁶ Asfarāyini, *op. cit.*, p. 32.

This decision is called "acquisition" (*iktisāb*). The Ḥamziyya and the Ibāḍiyya concur that both Good and Evil are created by God.⁶⁷

An example of early theological debate among the Khawārij is preserved for us, and it is significant enough to quote in full as follows:

The root of the separation of the Shu'aibiyya and the Maimūniyya was that Shu'aib had some money belonging to Maimūn, the repayment of which he demanded. Shu'aib said to him, "I shall give it to you, if God wills." Maimūn replied, "God has willed that you should give it to me now." Shu'aib replied, "If God had willed it, I could not have done otherwise than give it to you." Maimūn said, "Verily, God has willed what He commanded; what He did not command, He did not will, and what He did not will He did not command." (They quarrelled and referred the argument to 'Abd al-Karīm b. 'Ajrād). 'Abd al-Karīm wrote, "Our doctrine is that what God willed came about and what He did not will did not come about; and we do not fix evil upon God . . ." Maimūn claimed that his view had been approved in that it was said, "We do not fix evil upon God," while Shu'aib claimed that 'Abd al-Karīm had rather approved of his view in so far as he said, "What God willed came about, and what He did not will did not come about."⁶⁸

Both Maimūn and Shu'aib have, in fact, recognized the omnipotence of God, but the former has associated His will with His command, to do the good, while Shu'aib exploited God's omnipotence to invoke the inability of man to act. The Maimūniyya inclined to the Mu'tazila because they relegated the acts to man; and taught that capacity is before the act and that God wills the good only.⁶⁹

The doctrine of free will grew in certain circles among the Khawārij. Aṣḥāb as-Su'āl and the Baihasiyya believed that God gave men the power to direct their own acts, i. e., God does not interfere in the affairs of men.⁷⁰ The Ḥamziyya accepted

⁶⁷ Shahrastāni, *op. cit.*, Vol. I, p. 174; on predestination among the Khawārij, see Baghdādi, *Al-Farq*, p. 73; Maqrīzi, *Al-Khiṭaṭ*, Vol. 2, p. 355; Iji, *op. cit.*, Vol. 3, p. 292.

⁶⁸ Ash'ari, *Maqālāt*, pp. 165-166; Baghdādi, *Al-Farq*, p. 74; The above translation is by William M. Watt, *The Moslem World*, Vol. 36, pp. 133-134.

⁶⁹ Iji, *op. cit.*, Vol. 3, p. 292; Rāzi, *I'Tiqādāt*, p. 48; Maqrīzi, *Al-Khiṭaṭ*, Vol. 2, p. 355; Plato says, "God is not the author of all things . . . but of good only." (*Republic*, 380).

⁷⁰ Shahrastāni, *op. cit.*, Vol. I, p. 171; Iji, *op. cit.*, Vol. 3, p. 291; Ash'ari, *Maqālāt*, p. 180.

the Mu'tazilī position concerning free will and were hereafter condemned by the Abūḥaḍī. The Ibāḍiyya dissociated themselves from the Mūʾtazilīyya when the latter expounded the theory that the capacity to act exists in man before the actual initiation of the act.⁷¹

It is difficult to ascertain how indebted is the element of free will among the Khawārij to the doctrine of free will taught by the Eastern Church. Professor Thomson notes that Shabīb b. Yazīd al-Shaibānī al-Nahḍī, founder of the Khārijī sect, was a *za-Sūfī*, comes from *Nahḍān*, a Christian land prior to 637. His thesis is that the doctrine of free will in Islam was introduced by Christian countries such as Syria and Iraq.⁷²

The power entrusted to man to do or to direct his own acts, to give the *Khawārij* call *at-tafīḍ* (delegation); it is essentially the same as the doctrine of *autoexousios* (self-direction), held by the Eastern Church in its defense of free will. It is also possible that the Khawārij, who believed in free will might have developed the theory on purely Islamic grounds. The Qurʾān may be their doctrine of the goodness and the righteousness of God and its interesting relationship to man's ability to act. Maimūn thought that Shu'aib may act and, therefore, compete with God's command to do the good. This is all centered around the righteousness of God which the Maimūniyya seem have so consciously accepted and so philosophically exploited. If the latter argument is true then one may suppose that among some of the Khawārij the doctrine of free will appeared on authentic Muslim ground, though Christianity may have contributed in its final elaboration.

In the Khārijī concept of God, one may only wonder whether John of Damascus and his disciple, Theodore Abucara, had any direct influence. The doctrine of *at-taḥīl* for the Greek Kenosis, i. e., the stripping of the conception of God from all human attributes, was developed by Arab theologians most probably under the influence of this Christian School of Damascus. The Khawārij were opposed to anthropomorphism.

⁷¹ Maqrīzī, *Al-Khiṭaṭ*, *op. cit.* (not dated), Vol. 2, p. 355.

⁷² Sim'ānī, *Al-Ansāb*, MSS, p. 16; Asfarāyīnī, *op. cit.*, p. 35.

⁷³ *The Muslim World*, Vol. 40, p. 209.

⁷⁴ Cf. the argument between Shu'aib and Maimūn above.

They interpreted God's words, "The Merciful is seated on the Throne" to mean that He has the mastery and reigns and exercises power, and that God is in every place and, unlike the Sunnis, they denied that God is on His Throne. They held the opinion, regarding God's being seated, that it is God's power.⁷⁵ God's throne is not supported by columns that can be seen.⁷⁶ The Khawārij and the Mu'tazila believe that Allah is "rich, mighty, great, majestic, grand, master, overpowering, seeing, Lord, possessor, constraining, high, but not on account of might, greatness, majesty, grandness, mastery, lordship and constraint."⁷⁷ This means that God can exercise all these functions without eternally possessing them as attributes. God "sees" and "hears," but He need not possess the faculties of "hearing" and "sight" in the same manner as man does.⁷⁸ This is ultimately the Christian and the Mu'tazili position that God "sees" and "hears," meaning that He knows.

The Shi'a maintain that Allah is powerful by His essence and deny to Him attributes that consist of ideas (*ma'āni*) and states of being (*aḥwāl*). The Karramiyya assert that Allah has attributes, but that those attributes must be originated (while the Orthodox believe that they are from all eternity), inasmuch as it is impossible for things which are originated to subsist in His essence.⁷⁹

The Khawārij maintain that the "word" of God is an accident (*ḥadath*), i. e., has a beginning in time.⁸⁰ It was not co-existent with Him, but brought into existence by His will which is His essence.

Thus with the Khawārij we have the same unitarian concept as with the Mu'tazila, only the Ibāḍiyya differ on minor matters of detail, holding substantially to the position taken by the

⁷⁵ Ash'ari, *Al-Ibānah 'An Uṣūl Ad-Diyānah*, tr. by Walter C. Klein (New Haven, Connecticut, American Oriental Society, 1940), p. 84.

⁷⁶ Ibn Saghīr, *op. cit.*, p. 60; on the Orthodox position see Ash'ari, *Al-Ibānah*, *in passim*.

⁷⁷ Quoted from Ash'ari in Elder's translation of Taftazāni's *Commentary*, *op. cit.*, p. xii.

⁷⁸ See Ash'ari, *al-Ibānah*, p. 50, where he says that they deny that God has hearing and sight.

⁷⁹ Taftazāni, *op. cit.*, p. 51.

⁸⁰ Imām, al-Ḥaramain, *Al-Irshād* (Cairo, 1950), p. 100.

Mu'tazila.⁸¹ Of all the Khārijī sects, only the Shaibāniyya have dissented and proclaimed their adherence to the anthropomorphic doctrine.⁸²

The Khawārij on the whole reject the belief that God will be seen in the next world. A Khārijī poet in answering the Mālikiyya, said, "We do not maintain that God can be seen in this world or the next. To see an object, it must be located in a definite place to the exclusion of all other places; it should be composed of several elements, should have color, and God is certainly exalted above all that."⁸³ The Orthodox believe that God will be seen in the next world. They invoke Qur'an 75, 22-23, "On that day shall faces beam with light, outlooking towards their Lord." A *ḥadīth* of the Prophet says, "Truly you shall see your God in the Day of Judgment as you see the full moon."⁸⁴

On the other hand, the Khawārij invoke Qur'an 6, 103, "No vision taketh in Him, but He taketh in all vision," therefore, no one can see Him, not even the most pious, for God says clearly that no one shall see Him. If God is spirit He cannot be seen; the Khawārij condemn all those who believe that eyes can fall upon Him.

The Khawārij also reject the Sunni belief that in the last Day the Prophets would intercede for the benefit of their particular followers. The Khawārij and the Mu'tazila hold that if a soul is guilty, it has to be punished eternally; it cannot suffer hell and enjoy paradise at the same time.⁸⁵

To the Khawārij, intercession contradicts the principles of absolute justice, for as the good acts by necessity are to be compensated by Divine Justice, so on the other hand, there can be no way to eliminate the punishment of the evil-doers. They invoke the Book of God: "Nor shall any intercession be

⁸¹ Ash'ari, *Maqālāt*, p. 189.

⁸² Baghdādi, *Al-Farq*, pp. 81-82; Ash'ari, *Maqālāt*, p. 168.

⁸³ The poem is quoted in full in Appendix 6, Zeys, Ernest, *Legislation Mozabite* (Alger, A. Jourdan, Editeur, 1886), p. 67.

⁸⁴ In Matthew, 5, 8, we have, "Blessed are the pure in heart, for they shall see God."

⁸⁵ Ibn Taimiyya, *Al-Imān*, pp. 142-143; on the Sunni position that Muḥammad will intercede and save all Muslims from hell, see Ibn Taimiyya, *Al-furqān* (Cairo, A. H. 1322), p. 22.

accepted from them";⁸⁶ "He knoweth what is before them and what is behind them; and no plea shall they offer save for whom He pleaseth";⁸⁷ "The evil-doers shall have no friend or intercessor who shall prevail."⁸⁸ If intercession exists, it is only exercised on behalf of the pious and virtuous Muslims, and cannot be said to apply to any confessed Muslim whether he were a murderer, an evil-doer or the like. It is idle to believe that Muḥammad will intercede in favor of a criminal, an evil-doer, or of a relative of his. In contrast with the Sunnis, the Khawārij limit the possibilities of intercession, and regard as heretics all those who expand the theory beyond its dimensions. To them, therefore, the Sunnis must be hypocrites.

The theological interpretation of the Khawārij has rational manifestations. The question may be raised as to whether a literal interpretation of the Qur'an, as the Khārijī treatment certainly was, could yield a seemingly rational conclusion. There are two possible explanations in answering this question. The first lies in the language and meaning of the Qur'an itself. Muḥammad was a Prophet, not a theologian, and as a result we have in the Qur'an ideas subject to diverse interpretations and in a sense lacking in precision and consistency. The second is the admission of a strong Mu'tazilī influence that may have found its way in Khārijī doctrine through the endless polemics that were exchanged between the theologians of both sects.

The Christian element in the Khārijī creed is significant, though it is difficult to determine the extent of its impact. We know that many a Christian joined the ranks of the Khawārij.⁸⁹ One cannot assume that they have left behind them all ideas of their old religion. The Christians under Umayyad rule enjoyed ample liberty, mingled and argued theological questions with Muslim sects.⁹⁰ Striking similarities can be found between the Khawārij and the Christians, as, for instance, the association between faith and "works," the concept of free will, and the ontology of God we have referred to above. Like the Orthodox

⁸⁶ Qur'an, 2: 45.

⁸⁷ Qur'an, 21, 28: 29.

⁸⁸ Qur'an, 40, 19.

⁸⁹ Ṭabari, I, pp. 3434-3437.

⁹⁰ On the position and activity of the Christians under the Umayyads, see Iṣbahāni, *op. cit.*, Vol. 4, p. 182; Vol. VII, pp. 179-187.

Christians who believe that every child who is not baptized is doomed to perdition, the Khawārij maintained that a child who has not been initiated into the faith is beyond the pale of salvation.⁹¹ The Khāriji insistence that grave sins deserve eternal punishment, is, indeed, closer to the Christians than the Orthodox Muslims to whom only the sin of polytheism is deserving of such penalty.

The Christian concept of man as a moral agent, and of the material world as existing for his *personal* utility only, has found its way into the circles of Khārijism. Thus the Ibādiyya gave man cosmic significance; they believed that if God destroyed men (*abl at-taklīf*) the world would perish, for He created it for men and without them its continual existence has no meaning.⁹² This is a purely Christian doctrine and originally had no basis at all in Islam.

The foregoing discussion shows that the Khāriji movement in its origin and development tended to become more and more receptive to external ideas. Most of its foreign elements, however, can be said to have greatly influenced the form and spirit of this pious and fanatic movement.

⁹¹ Ash'ari, *Maqālāt*, p. 162; *Asfarāyini*, *op. cit.*, p. 29.

⁹² Ijī, *op. cit.*, Vol. 3, p. 292.

CHAPTER FOUR

THEORY OF THE STATE

Theological proclivities pertain to the realm of essence and eternal truth. The degree of their "exactness" is measured by the yard-stick of absolute reality, the way of God and the meaning of His plan. In the domains of political experiments and social institutions, however, it is absolutely impossible to lay down rules to be adhered to forever and expect them to function harmoniously, for social life is continuously subject to change, to adaptation, and to progress, that are altogether independent of the dogma of spiritual revelation. The latter, by the very fact that it is not subject to change, can only through reaction and contradiction be integrated with the institutional function of an ever-changing political existence. Yet, a very decided interrelation of religious functions and political functions exists in Islam and more emphatically so with the Khāriji sect. To them, the Qur'an, in both theory and practice, is the constitution of the state.¹

In Islam as in Medieval Christianity, there is hardly a distinction between state and society, church and state. In early society the ruler was priest and prophet-king, for in primitive life, the lack of discipline, specialization and social labyrinths, would have rendered such a sophisticated machinery as that of a modern government both useless and redundant. The Khāriji theory of the state should be understood, therefore, in this primitive context: religion is the starting point of their political theory and paradise the end of their socio-political effort. In the theopolitization of their existential life, lies the significance of their political contribution in general. Their political participation, their obedience to the law of God and their strict application of legal provisions, did not have the harmony and the progress of state in view, but the salvation of their souls

¹ See on this point the Khāriji appeal to the other Muslims in Ṭabari, I, 3349; II, 2008.

in the eyes of God. This is essentially the invasion of "personalism" into the domain of "individualism" in the relation of theology to political life.²

They used their religious fervor and enthusiasm for the realization of a great idea, a Muslim nomocracy,³ of the purest and most refined kind, strictly governed by the Book of God and His Law, but they have over-emphasized the nomocratic principle and some of them even stepped into the theocratic realm at the cost of anarchy and confusion.⁴ Their fanatic and intolerant zeal was destructive of the very basis of stability required in the community, for the nature of dogma is such that it asserts itself blindly and, therefore, unsocially. Their ideal state is unattainable because it is essentially non-human. It is a perfect state in which everyone follows the Muslim law to the letter without error or deviation. It is a Khārijī state first and foremost, and non-conforming Muslims have no place in it, for they were considered unbelievers.⁵ Their policy was not directed towards reachable goals and was completely anti-cultural, because the militant application of strict justice, as interpreted by one active party, in the most uncivic and irreconcilable manner, is certainly against order and often unjust. *Fiat iustitia pereat mundus*,⁶ which is obviously one of their important maxims, cannot be reconciled with the spirit and motive that keep a community together; and as Wellhausen aptly put it, "Religion brought them to an active, but absolutely impolitic and desperate polity."⁷

They refused to recognize the historical community (the Orthodox) as legitimized by the very fact of its existence, and continued to think of themselves as the only community, the

² For an elaboration on this theory which has a tremendous bearing on the understanding of the Khārijī theory, see Joseph E. Evans' analysis of the "personal" and "individual" in Maritain's theory. *Review of Politics*, Vol. 14, pp. 166 ff.

³ The term habitually used in theocracy; for a distinctive analysis between nomocracy and theocracy see Khaddūri, Majid, *The Law of War and Peace in Islam* (London, Luzac and Co., 1940), p. 7, n. 1.

⁴ See the example of the Najdāt, Ash'ari, *Maqālāt*, p. 190; see also Ṭabari, I, 3349.

⁵ Baghdādi, *Al-Farq*, *op. cit.*, p. 63.

⁶ "Let Justice be done even if the world must perish."

⁷ *The Arab Kingdom and its Fall*, pp. 64-65; tr. by M. Graham Weir (Calcutta, University of Calcutta Press, 1927).

successors of Muḥammad. Should any contradiction arise between religion and the community, between the duty to place God and rightfulness above all, and the duty to remain in the community and obey the Imām, they certainly ally themselves to the cause of religion; ⁸ there can be no *jamā'a* (community) at the expense of religion.

Their absolute subordination of "state" to "church" is taken for granted, but what is more notable was their complete religious interpretation of the law and its remorseless application (often on private initiative) against the person or the state.

The shrewd psychologist, Jāḥiẓ, writes: "When we see . . . the Yemeni and the Maghribi . . . the Azraqi and the Najdi, the Ibāḍi and the Ṣufri, the *mawla* and the Arab, the Persian and the Bedouin . . . fight on one side in spite of the geographical and anthropological discrepancy, then we realize that it is religion that molds them together, . . . and motivates their being." ⁹

What God has ordained is to be obeyed without a question. Their basic theory that "judgment belongs to none save God" is subject to severe criticism. In practice it means that all matters are to be decided in reference to the Qur'an. This is not only a highly idealistic procedure, but it is a dangerous theory, for each strong leader introduces his interpretation of the Qur'an (which is itself silent on many issues in political life). The phrase suggests at first impression that there should be no government, since no one can judge and govern except God, and some of the Khawārij at Ṣiffīn may have meant it in this sense. This explains 'Ali's retaliation, "But these people say there is no need for a government, yet a government is necessary whether it were tolerant or oppressive." ¹⁰

Soon the lesson of history was to teach them that organization is indispensable, that government under the strict eyes of the law is necessary, and they proceeded immediately to the election of a leader entrusted with high authority. And from that

⁸ See Wellhausen, Julius, *Die Chavarig in Abhandlungen Zu Göttinger* (Berlin, 1901), Vol. 5, p. 14.

⁹ *Tria Obscura Auctore*, edited by Van Vloten (Leyden, E. J. Brill, 1903), p. 32.

¹⁰ Mubarrad, *op. cit.*, Vol. 3, p. 121.

moment on the political concept of the Khawārij changed from its anarchic position. The unity of the community of believers was represented in their field camps and in the obedience they gave to the Imām. Indeed, they required strong leaders endowed with certainty and determination. One may remember how they dissociated themselves from 'Ali because he failed to show leadership and courage at a crucial moment.¹¹ After Ṣiffīn, Ḥarqūs b. Zuhair addressed his Khārijī colleagues as follows: "O, ye men, entrust your affairs to one of you, for we cannot persist without a leader to guide us and a banner to rally around."¹² They have, from the start therefore, rejected the anarchic community, and though they branched into multiple groupings, they always maintained in their diverse localities elected leaders and a hierarchic organization. The sovereign exists for the good of his people, and as long as human beings have to live together, the necessity of a ruler to maintain order remains. It was for this utilitarian reason that the Khawārij established any government, and it is because of their application of this theory that anarchy cannot be attributed to them.¹³

The Khārijī theory of the state, like its Sunni counterpart maintains that, authority is derived from a divine source. The real sovereign is God, for He is the only lawmaker. While Muhammad lived he enunciated God's law as having come to him by revelation; after his death none of the Caliphs attempted this. The application of the Qur'anic law is what the Khawārij refer to as "the rule of God," which may be enforced by a deputy who may be either the Imām, the qāḍī or the community at large. For, according to the Khārijī conception, the exercise of Divine Law can be delegated. In one of their codes it is provided that "the power of constraint (*jabr*) and the power of defense (*ḥajr*) belong to the Imām of the Muslims. If there is no Imām, this power is entrusted to the qāḍī. . . . In the absence of an assembly, authority is delegated to the most virtuous in the respective localities."¹⁴ But all those who exercise authority do so in the name of God. The command over

¹¹ Ibn Kathīr, *op. cit.*, Vol. 7, p. 316.

¹² Ibn Qutaibah, *Al-Imāmah*, *op. cit.*, p. 255; Dināwari, *op. cit.*, p. 215; Ṭabari, I, p. 3365.

¹³ On their desire for organization, see Ṭabari, II, 922.

¹⁴ For text, see Motylinski, *Guerara*, *op. cit.*, p. 32.

men belongs only to God. Within the limits of law the one entrusted with authority can give orders and require obedience, but he forfeits this right as soon as he deviates from the law, for no man has an inherent right in his person against another; all types of human command, when just, are derived from the divine source.

The basic question in Khārijī political theory is whether the Imāmate is necessary, and, if so, whether it is demanded by revelation or by pure utilitarian purpose. The Sunni position as presented by Ash'ari is that the Imāmate is fundamental, reason shows that it is allowable, revelation that it is necessary. Ghazzālī thought that it was fundamental, but would not declare as unbeliever those who rejected its necessity.¹⁵ Māwardī theorized along the same line, invoking the relationship of the Imāmate to the mission of Muḥammad.¹⁶ The Mu'tazila affirm that the Imāmate is necessary on rational grounds, for reason shows that it helps to mitigate evil and secure the good.¹⁷ The Shi'a find reason unsatisfactory and add that it is *lutf* (kindness) from God towards His people.

The Khawārij occupy an interesting position in the above controversy. To them the Imāmate or the Caliphate is not directly ordained by reason, law or revelation. What is important to them is the genuine application of the Shar' (law). If the people can, without any superior authority, exercise this function, then there is no need for an Imām.¹⁸ The Imāmate, therefore, is not a matter of religious obligation. All the Khawārij agreed that if the Muslims could not settle their problems equitably among themselves, without the cooperation of an Imām, then the people were at liberty to appoint one. The Najdāt believed that if everyone performed his own functions in the community without trespassing on the rights of others, there would be no need for any authority whatsoever.¹⁹ Both the presence and the absence of an Imām are justified by the degree of moral sanctity that prevails in the community at a particular time.²⁰

¹⁵ *Faysal-ut-Tafrīqah*, p. 57.

¹⁶ *Akkām*, pp. 2-3.

¹⁷ Sindijī, *Taqrīb-ul-Marām* (Bulaq, A. H. 1319), p. 321.

¹⁸ Ibn Khaldūn, *Al-'Ibar*, Vol. I, p. 160.

¹⁹ *Shabrastāni*, *op. cit.*, Vol. I, pp. 167-168; Ijī, *op. cit.*, Vol. 3, p. 291.

²⁰ See Rāzi, *Kitāb-ul-Arba'in* (Hyderabad, Deccan, A. H. 1353), p. 427.

The Khawārij believe that the Caliphate is not always useful, because there is the danger that the Caliph may not be able to keep in touch with his subjects; only a few individuals around him can know him personally, while to the majority he is hardly known. This argument is certainly an outgrowth of the Bedouin concept of the Shaykh. Secondly, the Caliph was not always chosen, for, since the Caliph had to meet certain minimum conditions it is probable that at one time or another a qualified candidate could not be found. Should the Caliphate be obligatory, we may have to face one of two things: either we elect a Caliph who does not fulfill the conditions, and, therefore, break the law, or we do not designate one, which would be contrary to the alleged principle that the Caliphate is obligatory. Third, the Caliphate may give rise to civil war; as the history of this institution has shown.²¹ Fourth, it is not known that the Prophet made any provision for the Caliphate,²² and the Book of God is silent on the matter, suggesting that it is *Shūrah* among the Muslims.²³ The Khawārij, therefore, do not interpret the term *khalīfah* in the Qur'an as it was interpreted by the Orthodox to justify temporal power exercised by the Vicegerent of God, the Prophet or his successors.

Their theoretical reserve towards the Caliphate is doctrinal, but its practical acceptance and its early adoption in their ranks issues from necessity; and often theory and practice interact with a result of mutual modification. The Khawārij soon began to realize that the Imāmate, even though not religiously imperative, is nevertheless, useful and indispensable for order and achievement. They have, therefore, elected a leader whom they called "Commander of the believers,"²⁴ "Imām,"²⁵ and

²¹ These points are summarized in Sanhoury, A., *Le Califat* (Paris, Librairie Orientaliste, Paul Geuthner, 1926), pp. 33-34; also see Sindiji, *op. cit.*, p. 322; Hīmyāri, *op. cit.*, p. 150.

²² Nu'mān, *op. cit.*, Vol. I, p. 49.

²³ Hīmyāri, *op. cit.*, pp. 150-151.

²⁴ Baghdādi, *Al-Farq*, p. 77; this phrase, unlike the titles *Khalīfah* and *Imām*, does not occur anywhere in the Qur'an. The first to be called *Ameer al-Mu'minīn* was not 'Umar, but 'Abdullah b. Jaḥsh, one of the early converts of Muḥammad who was killed in the battle of Uḥud, in the third day of the Hijrah.

²⁵ A pattern or example set up for the imitation of others. See Qur'an 2, 118; 21, 73; 25, 74; 17, 73; 11, 20. But in the Qur'an the word "Imām" is nowhere used in its common significance of a leader of public worship.

“Khalīfah.” Some of them were given the title of “ṭālib al-ḥaqq” (the seeker of truth),²⁶ and others, namely of the Ibāḍiyya, were called “Imāms of Resistance.”²⁷

The title of “Commander of the Believers” is of early usage, at a time when the Khawārij were vigorously undertaking the conversion of the Muslim empire into a model Khārijī state. Since then the title “Imām” has been more consistently adhered to, while “khalīfah” was completely forsaken.

In contrast with the Shi'a and in full agreement with the Sunnis, the Khawārij regard the *bai'a* (public acclamation of allegiance) as the only means through which the Imāmate is instituted. It is essentially a double contract; the people give their allegiance to the Imām with the understanding that he would comply with the Book of God and the Sunna of His Prophet. The Khawārij have also practiced a kind of conditional *bai'a*, providing that the people would give allegiance to a candidate with the reservation that if they find a more qualified one, they immediately revoke the first *bai'a*, and proceed to give allegiance to the new leader.²⁸ On the battlefield the Khārijī leader received the *bai'a* from his defeated enemies. First they surrendered their arms and then shook his hand, addressing him, “Commander of the Believers.”²⁹ It was simple, yet legal and complete. In time of peace, the *bai'a* was completed in two steps, the first made by the notables of the community, and the second was the general allegiance given by the people. In time it grew more complicated, and not all the people were given the opportunity to directly participate. What actually took place was an assembly of their leaders in solemn conclave under the presidency of a leader who commanded enough ability and pre-eminence to direct debate on the merits of the various candidates. In settled communities where the Khawārij succeeded in achieving some permanent organization, the elections were held at the political center. The

²⁶ Iṣbahānī, *op. cit.*, Vol. 20, p. 97.

²⁷ Heggoy, *The Moslem World*, Vol. 37, p. 198; This term must have developed at a time when the Khawārij were greatly reduced in number and were, therefore, forced to take the defensive rather than resort to aggression.

²⁸ For examples on that, refer to the story between Najda and Ibn Ṭālūt; Balādhuri, *Ansāb*, Vol. II, pp. 127-128.

²⁹ Ṭabari, II, 926.

resident qāḍī and grandees obviously exercised a predominant influence in the Council. The candidate duly elected received first the allegiance (*bai'a*), of the electors, after which the president went forth and proclaimed him Imām in the presence of the assembled crowds, who thereupon tendered him their allegiance by proclamation.³⁰ The second *bai'a* is more important, for if it is not given willingly by the people, the leader cannot legally assume the title of Imām.³¹

Originally the *bai'a* was an important matter with the Khawārij,³² for it instituted not merely an Imām, but the "rule of God." To them it was God, who was governing through the Imām; this is the reason why the Khawārij speak of allegiance to God (*al-bai'a lillāh*).³³

The Khārijī Imāms were burdened with heavy responsibility and most of them accepted the office with great reluctance. The greater the burden, the more difficult it was for the Khawārij to find a candidate. He always was required to affirm by some special action that he was the right one to be made Imām, but if he were to commit an error, even an insignificant one, he was branded a *kāfir*. They demanded of the head of Islam the strictest devotion to God and fulfilment of religious duties. Incidents of their leaders shrinking from the Imāmate and suggesting others more qualified than they, are abundant in their history.³⁴ It is only among the Khawārij that we find such conscientious and self-denying approach to the religious and temporal functions of the Imāmate. 'Abd-ul-lah b. Wāhb-

³⁰ This account is based on a detailed description of the procedure of the *bai'a* as practiced by the Khawārij. For the ceremonials involved see Ibn Razik, *op. cit.*, pp. 31 ff.

³¹ In the early part of the 19th Century, Sayyid Sa'īd of 'Umān could not assume the title of "Imām," because the people of 'Umān were not favorably disposed towards him. *Ibid.*, p. 380.

³² Before giving the *bai'a* the Khawārij were reminded by their leaders that they were to study the matter seriously and avoid hasty decisions. See Mubarrad, *op. cit.*, Vol. 3, p. 90; Ibn Abi-l-Ḥadīd, *op. cit.*, Vol. I, p. 203.

³³ Ṭabari, I, 3349; Before giving allegiance to 'Abd-ul-Raḥmān b. Rustum, the Khawārij said: "You realize that we cannot conduct our affairs without an Imām to judge amongst us." Thereupon 'Abd-ul-Raḥmān said, "If you give me '*abda'l-lābi* and His pact and obey me insofar as I follow the precepts of God, I shall accept the office." They gave it to him on this condition; Ibn Saḡhīr, *op. cit.*, pp. 9-10.

³⁴ See Ṭabari, II, p. 21; Mubarrad, *op. cit.*, Vol. 3, p. 202.

ar-Rāsibi, who was the last candidate to speak after all others had retreated said, "If it were so, then I shall take it, but by Allah, not for worldly gains."³⁵

Abu Bilāl Mirdās, a moderate Khārijī Imām in the early Umayyad period, is reported to have said: "The Imām comes to power with his hands around his neck; if he governs with justice, his hands will open wide, but they press on him if he forfeits his duty."³⁶ Worldly existence prepared one for his life after death. Leadership was, therefore, instrumental in directing man's effort towards moral goals. Some of the Khawārij even went so far as to declare that the whole nation would sin if the Imām became an unbeliever.³⁷ If the Imām violated the will of God, he and his followers would seal their doom in the next world. Eternal salvation depended upon the choice of the Imām, for if the leader is just and pious his people would follow his example and save their souls.³⁸

Unlike the Sunnis, the Khawārij tolerated the existence of two or more Imāms at one time.³⁹ On several occasions they elected two Imāms, one to lead in prayer, and the other in war.⁴⁰ The Imāmate of war and the Imāmate of prayer seem to have once been recognized as two separate institutions,⁴¹ but were later integrated into a single office as exercised by the respective Imāms of the various Khārijī communities.

The Khawārij differed from the Sunnis on the qualifications of the Imām. The Sunnis invoked a prophetic *ḥadīth* stating that the "Rule belongs to Quraish,"⁴² and insisted that no one could be made an Imām if he did not have this descent. The Khawārij reject the Quraishi descent as a condition for the

³⁵ Tabari, I, 3365; Dināwari, *op. cit.*, p. 216.

³⁶ Shimākhi, *op. cit.*, p. 362.

³⁷ Ash'ari, *Maqālāt*, p. 179; Baghdādi, *Al-Farq*, pp. 88-89.

³⁸ This does not contradict their thesis that the Imāmate is facultative and not imperative. Their high esteem for the Imāmate comes exclusively from their socio-religious conceptions.

³⁹ Māwardī says that the Muslims cannot have more than one Imām at a time; *op. cit.*, p. 61; on the position of the Khawārij see Shahrastāni, *op. cit.*, Vol. I, p. 174; Ibn Taimiyya quotes *ḥadīths* of Khārijī inspiration that set no limitations on the number of the Imāms. See in Laoust, *Essai*, *op. cit.*, p. 282.

⁴⁰ Ibn al-Jawzi, *Talbīs Iblīs* (Cairo, A. H. 1340), p. 96.

⁴¹ See Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 261.

⁴² Muslim, *Ṣaḥīḥ*, Vol. 12, pp. 200-204.

Imāmate.⁴³ This is an important principle of the Khāriji doctrine and requires special attention.

The Khawārij argued: "On what grounds can Quraish claim precedence among the other Arabs? Is it because of their affinity to Muḥammad? If it were so, then what about Abu Lahab!" They conclude: "Certainly no one can claim power except on the basis of virtue and personal merit."⁴⁴ The Khawārij, being primarily of Bedouin stock, were embittered against the tribe of Quraish, whose supremacy they watched with growing jealousy. The Khāriji belief in the theory of deposing the wrong Imām may have also nurtured their prejudice against Quraish, for it is difficult to depose a leader from a strong tribe.⁴⁵ Consequently, none of the Khāriji Imāms had the qualifications of Quraishi birth.

The Khawārij and the Mu'tazila were in agreement that the Imāmate could be entrusted to anyone who followed the Qur'an and the Sunna, whether he were a Quraishi, a *mawla* or a son of a slave. It belonged to the most distinguished of the faithful, to him who stood nearest to the Prophet and carried out his precepts with the greatest diligence.⁴⁶ The prophetic *ḥadīth*, "Obey even if an Ethiopian slave is in authority over you,"⁴⁷ is invoked by the Khawārij to tolerate the Imāmate of the slave and the *mawla*.⁴⁸

The Khāriji recognition of the *mawla* to this exalted office is in contradiction to the Bedouin political conception. The Arabs were guided by seniority of age and nobility of birth. "Your mother is a female slave," thus does a poet attack the Banu Nujayh of the tribe of Darim. In the early part of their history some of the Khawārij would not accept an Imām unless he were an Arab.⁴⁹ Indeed, in the First Century of the Hijrah none of their Imāms was a *mawla*, they were all from either

⁴³ Ijī, *op. cit.*, Vol. 3, p. 291.

⁴⁴ See Ṭabari, II, 986.

⁴⁵ Ibn Saḡhīr, *op. cit.*, p. 9, offers examples of this nature.

⁴⁶ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 89; Qalqashandi, *op. cit.*, Vol. 13, p. 224.

⁴⁷ Sindijī, *op. cit.*, p. 323.

⁴⁸ The later Sunni Commentaries neutralized the effect of this tradition by exegesis. They maintained that a slave (in the prophetic *ḥadīth*) may become a subordinate chief, and not "the commander of the believers."

⁴⁹ Balādhuri, *Ansāb*, Vol. II, p. 143.

Muḍar (mostly from the tribe of Tamīm or Rabi'a) and therefore, were of pure Arab stock.

The Khāriji democratic stand towards all believers is in accord with Qur'anic spirit. It is possible that the Qurrā' injected this theory into the movement, but it did not gain a firm stronghold until later. The greater merit, however, should go to the *mawālīs* themselves who joined the Khawārij in large numbers and naturally wanted to be treated as equals. The availability of a *mawla* for the Imāmate can best be explained on this ground, and, indeed, is difficult to justify otherwise.

The Khawārij, unlike the Orthodox, insisted on *zuhd* (piety) as a necessary qualification for the Imām.⁵⁰ With them the Imāmate had always been associated with the virtues of piety and humility and many professed themselves not fit to occupy this office because it demanded a life of poverty and renunciation of the world. The residence of Ibn Rustum contained only, "a bed, a spear, a sword and a horse."⁵¹ Abu Ḥamza bitterly denounced 'Abd-al-Malik for his extravagance in wearing a suit worth one thousand dinars.⁵² To *zuhd*, they emphatically added knowledge of the law, and courage in war. In the words of Juwain b. Ḥusain, the Khāriji leader, "Not everyone is fit for the Imāmate. If all Muslims happen to be equal, they shall elect the one who is most experienced in war and most acquainted with the religion."⁵³ Ṣāliḥ b. Musarriḥ held courage and leadership in war, in higher esteem than juridical qualifications. In nominating Shabīb b. Yazīd a successor, Ṣāliḥ said: "I have chosen Shabīb even though he is not the most learned amongst you; he is, however, a courageous man and a scourge to your enemy. Let the learned among you give him the benefit of their knowledge and judicious wisdom."⁵⁴ Others of the Khawārij pride themselves for having elected the most learned

⁵⁰ Ibn al-Jawzi, *op. cit.*, p. 102.

⁵¹ Ibn Saghīr, *op. cit.*, p. 11.

⁵² Iṣbahāni, *op. cit.*, Vol. 20, p. 106; Ibn Baṭṭūṭah describes the Khāriji Sultan in 'Umān as a simple man sitting outside his house meeting everybody who comes to see him. "He has neither a doorman nor a vizier." *Voyages, op. cit.*, Vol. 2, pp. 228-229.

⁵³ Ṭabari, II, p. 21.

⁵⁴ Baghdādi, *Al-Farq*, p. 89; for the qualifications of the Sunni Imām, see *Māwardī, op. cit.*, p. 4.

among them.⁵⁵ In both of these examples, courage and religious knowledge are more emphasized than they are with the Sunnis.

They concur with the Orthodox, the Mu'tazila and the Zaidiyya in declaring that the Imām is not necessarily immune from error,⁵⁶ but the Khawārij insisted that if he errs, he shall be punished, both in this world and in the next.

The Khawārij maintained that the Imām must be a mature male. A person whose sex was in doubt, was barred absolutely from this office. The Imāms also had to be free from physical injuries.⁵⁷ Only the Shabībiyya (followers of Shabīb b. Yazīd) of the Khawārij permitted the Imāmate of a woman.⁵⁸ They defended their position in theory and applied it in practice, but did not succeed in converting others to their doctrine and, under attack from their co-religionists, they were later forced to abandon it.

The Shi'i's theory (supporting the Imāmate of a child) was bitterly attacked by Khāriji jurists. The Khāriji argument was enlightened and practical. They argued that a child could not lead in prayer—how then could he preside over a state, conduct its administration, or have at his disposal wealth, and blood and revenues of the country. Nor would it have been lawful for him to be placed in charge of the wealth of God (public treasury), or the property of orphans and absentees; for, possessing no power over himself, how could he have exercised authority over others.⁵⁹

The deep Arab heritage in the Khāriji doctrine opposed the principle of succession, a practice often attacked and ridiculed by Khāriji leaders.⁶⁰ Only the Arab element present at election and *shūrah* (consultation), explains why, of the fourteen rulers of the Umayyad dynasty, only four had their sons as successors, and of the first twenty-four rulers of the House of 'Abbās, only six had their sons as successors. In 'Umān, where Khāriji

⁵⁵ Tabari, II, 985.

⁵⁶ Rāzi, *Al-Arba'in*, p. 433.

⁵⁷ *Le Nil*, ed. by Zeys, French tr. (Alber, Cojosso, Editeur, 1885), p. 26.

⁵⁸ Maqrīzi, *Al-Khīṭaṭ*, Vol. 2, p. 355; After the death of Shabīb his mother, Ghazāla, assumed the title; see Asfarāyini, *op. cit.*, p. 35.

⁵⁹ Ibn Razik, *op. cit.*, p. 99; The Ibāḍis in practice were not always consistent with their theory, for, sometimes mob rule and political intrigue rendered the Imāmate of the child a feasible solution.

⁶⁰ Iṣbahāni, *op. cit.*, Vol. 20, pp. 106-107.

law prevails, the Imāms were chosen from the different families of Al-Azd (name of a prominent tribe) stock, but only one instance is recorded of lineal succession.⁶¹ The Khawārij seemed to follow the example of Caliph 'Umar I, who, after appointing his son to the committee of six, warned that he shall not be considered for the Caliphate.

Both the Sunnis and the Khawārij agree on the right of the Imām to delegate authority to a successor provided he is neither son nor father.⁶² This would constitute, in a sense, the first *bai'a* which could become legal only by the second and general one.

The Khawārij conceived of two kinds of Imām—the right Imām (*Imām al-hudā*) and the false Imām (*Imām ḍalālat*). The one follows the Book of Allah, the Sunna of the Prophet, and the exemplary traditions of the *shaykhain* (Abu Bakr and 'Umar). The other ignores Divine guidance and follows his own fancy.⁶³ The Khawārij refused to limit the authority of the rightful Imām by a charter. A charter, they argued, suppresses justice, abolishes authority and law. The Imām should have the power to declare war and apply justice, and these would only be hampered by constitutional fetters.⁶⁴ The Imām should enforce the law directly and refuse to arbitrate. The Khawārij once told 'Ibn 'Abbās: "If the Imām wants to cut off the hand of a thief, but the people insist that he should refer the judgment to two arbiters, should he call upon the arbiters or proceed with the judgment of Allah?"⁶⁵

The Imām led his troops personally in war and shared their fortunes, led in prayer, and appointed tax-collectors and governors. He was the personal representative of the poor: "It being his prerogative to receive all derelict property, and all property adjudged to the poor, and all property without an owner, to be applied to the benefit of the Mussulman rule."⁶⁶ He had the duty to prohibit the spread of heretic ideas of

⁶¹ Ibn Razik, *op. cit.*, p. 51.

⁶² Baghdādi, *Al-Farq*, p. 69; Māwardi, *op. cit.*, pp. 7, 10.

⁶³ See Code in Motylinsky, *Guerera*, *op. cit.*, p. 27.

⁶⁴ Abu Zakaria, *Chronique*, p. 65.

⁶⁵ Shimākhi, *op. cit.*, p. 343.

⁶⁶ Ibn Razik, *op. cit.*, p. 49.

dissenters which endangered the pure doctrine (of the Khawārij) among those whose faith is not very strong.⁶⁷

The Imām had double responsibility to God and to the people. If he failed in his duty, the people should have the right to depose him, both in theory and in fact.⁶⁸ They agreed with the Mu'tazila and the Zaidiyya, but they were more extreme in the practical application of the theory. The idea of revolt against the Imām is absolutely rejected in Sunni political thought. Ash'ari says, "We regard it as an error on anybody's part to approve 'going out' against (the Imāms) when they have clearly abandoned rectitude."⁶⁹ Abu Yūsuf warns that obedience is imperative upon all Muslims if the Imām were in the wrong.⁷⁰ The Sunnis invoke a series of prophetic *ḥadīths* exhorting blind obedience to the Imām and discouraging all kinds of revolt.⁷¹ The Khārijī position is more consistent with the traditional Arab outlook on political life. An Arab proverb declares: "There is no authority in the case of one who is not obeyed."⁷² Even Walid II could say: ". . . Should I keep my promise you are in duty bound to listen to me . . . If on the other hand, I do not keep my word, you are free to depose me."⁷³ The Khawārij are in unanimous agreement that there can be no obedience to the Imām who deviates from the Law of God.⁷⁴

⁶⁷ See provisions in Motylinsky, *Guerara, op. cit.*, p. 56; A typical description of a Khārijī Imām is Razik's account of Rashīd bin-al-Walīd: "As Imām he manifested the most unswerving integrity, plainly showing that there was neither violence nor culpability in his acts to make him afraid, and that he was not actuated by love of gain or self-interest . . . he was the friend of his subjects, tolerant of their opinions . . . he was impartially just towards high and low, rich and poor, great and small . . . to the counsels of those who advised him." Ibn Razik, *op. cit.*, pp. 31-32.

⁶⁸ Tabari, II, 1006; Mubarrad, *op. cit.*, Vol. 3, p. 228.

⁶⁹ Al-Ibānah, p. 54.

⁷⁰ *Kitāb-ul-Kharāj* (Cairo, A. H. 1352), pp. 9-10.

⁷¹ See Ibn Mājah, *op. cit.*, p. 211; Ḥasan al-Baṣri was once asked about those who revolted against 'Abd-al-Malik. He answered: "Do not take sides with either." "Not even with Amīr al-Mu'minīn, O, Abu sa'id?," responded a Damascene. "No, not even with Amīr al-Mu'minīn, O, Abu sa'id; yes, not even with Amīr al-Mu'minīn," answered the angry Ḥasan.

⁷² Ibn Ṭīqīqa, *op. cit.*, p. 24.

⁷³ Quoted in Khuda, Bukhsh, *Essays Indian and Islamic* (London, Probsthain and Co., 1912), pp. 33-34.

⁷⁴ Ibn Abi-l-Ḥadīd, *op. cit.*, Vol. I, p. 457.

The revolutionary principle was fundamental to the Khārijī doctrine, and they condemned those who rejected it. We have seen them kill in a most horrible manner a man who disseminates a *ḥadīth* in which the Prophet warns against rebellion and recommends passive sufferance.⁷⁵ Oppression and corrupt rule were deeply resented by the Khawārij. They claimed the divine right to remove not only the erring Imām, but also the local governors (first by suggesting their removal to the Imām, and if this fails, by direct interference).⁷⁶

This popular right, if misused, could usher in anarchy. To insure a certain standard of stability, the Khawārij proclaimed that the Imām could not be justly deposed, simply because a more qualified candidate is found in the community. No Imām could be deposed as long as he continued to be virtuous and detached from the affairs of this world.⁷⁷

It should be recalled that it is this factor—the right of the people to elect and to recall the leader—that has led western scholars to refer to the Khawārij as “these democrats.”⁷⁸ It is worthwhile to inquire as to whether they were really democratic.

Democracy may be divided into two types: procedural and substantive. The former is centered around the method, namely the election of the Caliph by the people, their right to depose him and the equal opportunity of the citizens—if personally qualified—to share in the administration. The latter deals with the end, the full participation of man in the life of the community and his free excursion in the realm of Being to find himself and to contribute his findings to the social whole. The second treats the principles of democracy, the meaning of responsibility and the end of enlightened free and active participation. The Khawārij were democrats of the first type; they had a democratic conception such as that of the Bedouin, who

⁷⁵ Ibn Sa'd, *Ṭabaqāt*, ed. by E. Sachau (Leyden, A. H. 1322-1347), Vol. 5, p. 182.

⁷⁶ Ibn Abi-l-Ḥadīd, *op. cit.*, Vol. I, p. 403.

⁷⁷ Abu Zakaria, *op. cit.*, p. 65; They invoke the example of Abu Bakr, who, during his rule, was surpassed in knowledge by men like Zaid b. Thābit and Ma'd b. Djabal.

⁷⁸ Dozy, Reinhart, *Spanish Islam*, Eng. Tr. by F. G. Stokes (London, Chatto and Windus, 1913), p. 80.

cherishes his individual freedom. To him, the Shaykh of the tribe had no other power than that which had been assigned to him; and the Khawārij, despite their residence in cities, had never changed their natural way of life. Therefore, they remained individualists of very special, though peculiar, kind. They would not tolerate distant and despotic rule and resented the initiation of any policy in which they do not take part. The tradition of 'Umar taking the issue down to the people,⁷⁹ was appealing to the political doctrine of the Khawārij. They believed that every adult Muslim had the right and the duty to participate in the execution of the law. This responsibility, to be sure, was not civic, for it pertained to the realm of conscience and morals.

The Khawārij should be given the credit of equalizing all Muslims (i. e., true believers—Khawārij) regardless of color or racial origin. To them all upright Muslims belong to the community, whether he is rich or poor, Arab or slave; and the highest place belongs to the most pious. They invoke the words of Muḥammad: "O, man! God hath taken away from you the arrogance of heathen days and the ancient pride in ancestry; an Arab hath no other precedence over a barbarian than by virtue of the fear of God; ye are all the progeny of Adam and Adam himself is of the earth."⁸⁰ The history of the Khawārij is a perfect illustration of this philosophy. Theoretically, the Khārijī program for the restoration of the old Islam of equality and fraternity, was shared by all devout Muslims;⁸¹ but the Khawārij distinguished themselves by the exuberance with which they carried this principle into action. "The most honorable among you in the sight of Allah is the one among you most careful of his duty,"⁸² was the cornerstone of their philosophy. Their extreme concept of equality had even taken them beyond the teachings of the Prophet. According to Abu Yūsuf, the Khawārij rejected the system introduced by the

⁷⁹ See how 'Umar encouraged the people to call him to justice, in Ibn Ṭīqīqa, *op. cit.*, p. 26.

⁸⁰ This translation is in Browne, *op. cit.*, Vol. I, p. 213.

⁸¹ In the Imāmate of prayer the Orthodox reveal liberal equalitarian ideas. They accept anyone to lead in prayer as Imām; a slave, a callow youth, or the son of a prostitute. See Hindi, *Kanz-ul 'Ummāl*, Vol. 4, p. 125.

⁸² Qur'an 49: 13.

Prophet by which certain Arab communities were privileged in their tax obligations, and treated them on an equal basis with Persians and others.⁸³

Certainly this "levelling down" was appealing to all the oppressed and even the Negroes confessed Khārijism on this ground exclusively with almost complete ignorance of their *fiqh* (jurisprudence).⁸⁴ Al-Khirrīṭ could proudly declare, "I have become Khārijī, because they stand for *Shūra* among men."⁸⁵

Closely associated with democracy is the concept of justice. It is laid down as the duty of every Muslim to exhort men to do the good and restrain them from doing evil. The Sunnis took certain conditions into consideration on this, the Khawārij did not. Their concept of justice was strict and peculiar. If a person takes two *fiṣ* unjustly from an orphan, they condemn him to hell.⁸⁶ One of them ate a ripe date that fell from a tree; his friends told him, "Have you eaten it unjustly, and have you taken it without payment?" On hearing that he immediately dropped it.⁸⁷ Ziyād threatened the innocent for the guilty and the present for the absent, Mirdās replied, "This is not what God hath said through His Prophet, Ibrāhim, "No burdened one shall bear another's burden."⁸⁸ Many of the Khawārij refused to take any property except in a just way. We hear of them intercepting a caravan carrying money to the Umayyad Government, taking only what is due to them and leaving the rest.⁸⁹ In a speech in Medina, Abu Ḥamza attacked the rulers for levying taxes unjustly and spending them for their personal lust.⁹⁰ We see them as vigorous defenders of the rights of the poor, and of orphans, and untiring supporters of honest administration. They made this a doctrinal part of their mission; it was very appealing.

⁸³ *Kitāb-ul-Kharāj*, p. 59.

⁸⁴ See Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, pp. 265-266.

⁸⁵ Ibn Abi-l-Ḥadīd, *op. cit.*, Vol. I, p. 267; for similar examples refer to Ṭabari, I, 3427.

⁸⁶ Ibn al-Jawzi, *op. cit.*, p. 101.

⁸⁷ Ibn Qutaibah, *Al-Imāmah*, p. 234.

⁸⁸ Qur'an 6: 164.

⁸⁹ Mubarrad, *op. cit.*, Vol. 3, p. 148.

⁹⁰ Iṣbahāni, *op. cit.*, Vol. 20, p. 104; Ṭabari, II, 2010.

While abiding by these lofty principles the Khawārij did not widen their concept to include broad humanitarian goals. Their strict conformism did not prevent them from massacring dissenting Muslims and punishing in a savage way the convicts of their sect. They failed to understand that moderation is an essential requisite of justice. The principles of adjustment and toleration must be fully exhausted before the rule of justice is really attained.

Their doctrine was exclusive by nature; it precluded the possibility of conciliation with other Muslims. From a human angle, this was an utter negation of justice; and, historically, has been proven to be impractical. When 'Umar II sent 'Aun b. 'Abdallah to win back the Khawārij, they complained that his governors were oppressive. 'Aun said, "Take charge of the governorships yourselves." They said, "We will not act for him." 'Aun replied, "Be then the superiors of his governors, and whoever of them acts unjustly, depose him." "Neither will we do that," said they!⁹¹ They would not participate with the others in any way because God had condemned the rest.

The Khawārij were exceedingly confident that they were following the right way, and that all others were in the wrong. This explains their enmity to non-conformists. They rationalized their stand by the following arguments: (1) God distinguishes in His Book between "the God-fearing" and "the impious."⁹² (2) The Prophet said, "My people shall never agree upon an error." "Thus have we made you a central people, that ye may be witness in regard to mankind,"⁹³ alluding to the Khawārij, the real Muslims. The community headed by 'Uthmān, 'Ali and Mu'awīya cannot be the one the Prophet is referring to, because they were divided, selfish, and ungodly.⁹⁴ It is in this conviction that the root of their fanaticism was located. Justice, the party (Khawārij), and the state were all fused together; the one does not exist separately from the others.

⁹¹ Quoted in Khuda Bukhsh, *Contribution to the History of Islamic Civilization* (Calcutta, The University of Calcutta Press, 1920), Vol. I, p. 131.

⁹² Qur'an 38: 27.

⁹³ Qur'an 2: 137.

⁹⁴ See a letter by Ibn Ibād in Sacheau, E., "Über die Religiösen Anschauungen der Ibaditischen Muhammedaner in Oman und Ostafrika." *Mittheilungen des Seminars für orientalische sprachen*. Vol. 2, Zweite Abtheilung, Berlin, 1899, pp. 60-61.

The question remained whether the party spirit, the earnest submission to a cause, was superior to the traditional tribalism of Arabia. The Khārijī state was, first and foremost, a solid religious congregation. Ibn Kathīr reports that the Khawārij deserted their mothers and fathers, their uncles and aunts, and all their blood relations, to rally under the standard of Kharijism.⁹⁵ Their tribal and racial prejudices faded before their religious doctrine. The Azd and the Banū Tamīm fought against their kinsmen who were serving the Umayyad cause.⁹⁶ 'Imrān's praise for the Azd and his equal fervor for Muḍar and Rabi'ā,⁹⁷ is not to be taken literally, because this was his language in thanking his hosts. In the words of Professor Nallino, the Khawārij effaced, "Le particularisme de tribu habituel aux Bedouins depuis les temps anciens et le rem-placèrent par un particularisme de secte plus violent que l'autre. . . ."⁹⁸ It is probable, as Nallino contends, that the size of the Khārijī movement may have had something to do with this sectarianism; for the Khawārij as a whole were inferior in number to the size of a Beduin tribe and were, therefore, forced to unite under the substratum of religion in order to defend themselves.⁹⁹ This argument, it is true, supports our thesis, but it should not be considered the major reason for their tribal indifference. The cause for this lies in their deep religious convictions and in their absolute trust in Islamism as superior to any other worldly allegiance. Perhaps their appellation as *shurāt* explains their indifference to tribe and race. As good Muslims, they levelled the national barriers to let in all "foreigners" and consequently failed to constitute a nation.

The common bond among their people was the true belief in Islam. Dissenting opinions have no place in the Khārijī

⁹⁵ *Al-Bidāyat*, Vol. 7, p. 286.

⁹⁶ In the war between Rabi'a, the Azd and Bani Tamīm, the Khawārij showed tribal indifference. When Mālik b. Masma' asked for the help of Nafi' b. al-Azraq, because of tribal allegiance, the latter declined pleading that it was not possible for him to side with his tribe since they disagreed with him. Mālik said, "But don't you see how Banu Tamīm rally to the aid of the unbelievers of their own tribe?" Nafi' persisted in his refusal and departed. See Mubarrad, *op. cit.*, Vol. 3, p. 179.

⁹⁷ Iṣbahāni, *op. cit.*, Vol. XVI, p. 154.

⁹⁸ *Literature Arabe, op. cit.*, pp. 217-218.

⁹⁹ *Ibid.*

state; yet the Khawārij had a reputation for their tolerance to the *dhimmis*. This tolerance is impressive only when compared to the Khāriji fanaticism against non-Khāriji Muslims. The Christians do not have the true revelation of Allah; and, therefore, as long as they perform what is imposed upon them, the believing Muslims must protect them. The Sunnis, on the other hand, have received the true revelation of God; if they fail to comply with His ordinance they become apostates worthy of the penalty of death. The Azāriqa used to kill every non-conforming Muslim and protect the Jews, Christians and Mageans.¹⁰⁰ Bahlūl (around 119 h.) the Khāriji leader, said, "By Allah we do not interfere with the Christians."¹⁰¹ They refused to kill Khālid, the lieutenant of Hishām b. 'Abd-Al-Malik, their bitter enemy, on the basis that he was a Christian.¹⁰² It is reported that a group of Khawārij met two persons, they killed the Muslim but protected the Christian saying, "Protect the *dhimmat* of your Prophet."¹⁰³ A Christian offered them a palm tree as a present; they answered, "By Allah we do not take it except for a price." The Christian then exclaimed, "You kill a man like 'Abdallah b. Khabbāb yet you don't accept my present except for a price!"¹⁰⁴ In their peaceful conduct towards the Christians, the Khawārij invoke the Book of God, "If anyone of those who join gods with God ask an asylum of thee, grant him an asylum, that he may hear the Word of God, and then let him reach his place of safety. This, for that they are people devoid of knowledge."¹⁰⁵ Wāṣil b. 'Aṭā' had this verse in mind when passing by a Khāriji camp he pretended to be a polytheist, knowing it to be the only way to receive their protection. After indoctrinating him and his company with their religion, Wāṣil said, "Now we agree with you." The Khawārij answered, "You have become our brothers," and they gave them safe conduct.¹⁰⁶

Even though the Khāriji doctrine is more tolerant towards

¹⁰⁰ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 189.

¹⁰¹ Ṭabari, II, 1626.

¹⁰² Ibn al-Athīr, *op. cit.*, Vol. 5, p. 83.

¹⁰³ Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 261; Mubarrad, *op. cit.*, Vol. 3, p. 124.

¹⁰⁴ Mubarrad, *op. cit.*, Vol. 3, p. 125.

¹⁰⁵ Qur'an 9: 6.

¹⁰⁶ Mubarrad, *op. cit.*, Vol. 3, p. 91; Ibn Abi-l-Ḥadid, *op. cit.*, Vol. I, p. 206.

the *dhimmis* than it is towards the Sunnis, the condition of the "people of the Book" under the Khārijī system is in reality not more liberal than under Orthodox rule. In fact, they followed to a large extent, the rules set by 'Umar I to regulate the social relationships between the *dhimmis* and the Muslims, and in their later exposition they were perhaps less tolerant. *Kitāb al-Aḥkām*, an Ibādi text of law, stipulates as follows: "(The Imām) should restrain the 'People of the Book' from openly expressing their religion, even if they pay the *jizya* (poll tax). We permit them to worship in their churches, but we do not tolerate the construction of new ones or the reconstruction of the old if they fall down. They are not allowed to consume liquor or read their books in public."¹⁰⁷

It is certain that in the early days of the movement, Kharijism was more tolerant than Orthodoxy in its relationship with the *dhimmis*.¹⁰⁸ But later developments, perhaps under Sunni influence, found the Khawārij inclining towards the Orthodox position.

On a whole the Khārijī theory of the state is altogether religious and leaves no place for adjustment through trial and error and mature development. The final codification of a political theory at a time when political life is still in its stages of infancy is not only lacking and inferior, but also dangerous to the very conduct of human life. The difficulty is rendered more serious when rigidity dominates, not only the theory of the state, but the formulation of the law and its application.

¹⁰⁷ See Code in Motylinski, *Guerara, op. cit.*, p. 56.

¹⁰⁸ Ṭabari reports incidents that substantiate this opinion, see II, p. 934.

CHAPTER FIVE

JURIDICAL THEORY

Ibn Khaldūn describes the Khawārij as hard-working scholars constantly engaged with the study of their voluminous works dealing with their doctrines and laws.¹ The Khawārij have their own commentaries on the Qur'an and the *ḥadīth*; their works on these subjects show interest in detail and profound pursuit of knowledge. We hear of a certain Khārijī, Rabi' b. Ḥabīb, who wrote a commentary on al-Fātiḥa, Sūrat al-Baqarā and Sūrat Āl 'Imrān. The work is described by al-Barrādi, the Khārijī historian as follows: "I have never seen a larger volume, it is impossible to carry it in one hand. I have not yet seen a more remarkable work; it excels in grammar, language . . . opinion, jurisprudence and rules on the Imāmate . . . but the book disappeared and not a single copy was preserved."²

Most of the Khārijī material on this subject is either lost or left unpublished in the libraries of the Ibāḍiyya in 'Umān and North Africa. *Kitāb al-Nīl*, a general compilation of Ibāḍī law, was made available by French scholars. It was compiled by 'Abdul-'Azīz b. Ibrahīm (1754-1808) a well-reputed and pious Khārijī jurist, and his work should serve as an example of the Khārijī legal literature. The Khawārij accepted only their own laws and traditions as exposed in the "Nīl," for example, and refused the greater part of non-Khārijī laws as innovations.

The sources of Khārijī law are limited and carefully chosen. A mere deviation from the rightful sources would constitute *kufr* and therefore eternal damnation. The Khawārij confined themselves consciously to the Qur'an, the Sunna of Muḥammad and to the precepts extracted from these two sources by their pious Imāms. *Ijmā'* (consensus) and *qiyās* (analogy) in the Orthodox sense, were rejected by the Khārijī jurists. They understood *Ijmā'* to be the unanimous confirmation by the Com-

¹ *Al-'Ibar*, Vol. 6, p. 122.

² *Bulletin de Correspondence Africain*, 1885, p. 28.

panions of the Prophet of certain rules and procedures; and as such they recognized it in a limited way as supplemental to the Qur'an and the Sunna. Shahrastāni's contention that the Khawārij were ardent believers in *qiyās*³ is erroneous. They definitely rejected it in principle;⁴ it is altogether absent in their juridical references.

Kitāb al-Nīl provides for exclusive reliance on the Qur'an in matters related to inheritance. The Sunna, though supplementary to the Qur'an was very important. Nafi' b. al-Azraq and his followers accused the Sunnis of ignoring the Sunna and promoting innovations,⁵ for they were definitely opposed to personal judgment.

Ibn Taimiyya notes that the Khawārij depended only on the *ḥadīth* in their interpretation of the Qur'an. Even when the Prophet deviated from the revelation, they refrained from following him and resorted to the literal meaning of the Qur'an.⁶ The first two Orthodox Caliphs were highly respected by the Khawārij and they often followed their legal precedents. They were accorded the same juridical authority as their own Imāms.

The Khawārij were conscientious collectors of *ḥadīth*; even the Sunni jurists had to confess that "among the people of fancies, the Khawārij are the most accurate in their reporting of *ḥadīth*."⁷ Ibn Taimiyya cites an opinion of Shāfi'ī to the effect that the Khawārij had a reputation for sincerity and that their *ḥadīths* were considered as the most reliable.⁸ 'Abdallah b. 'Abbās used to say: "I have never seen people more engaged in *ijtihād* than the Khawārij."⁹ Ibn 'Abd Rabbihi confirms this opinion when he says: "Of all the sects, the Khawārij are the keenest in their observations and the strongest in their *ijtihād*."¹⁰

³ Shahrastāni, *op. cit.*, Vol. I, p. 158.

⁴ As for example, on the occasion of the arbitration of Siffīn, See Chapter I.

⁵ Balādhuri, *Ansāb*, Vol. II, p. 94.

⁶ Laoust, *Essai*, p. 237 where he quotes it from Minhāj as-Sunna.

⁷ Abu Ḥajar, *Tabdhīb-at-Tabdhīb* (Hyderabad, 1327 A. H.), Vol. 8, p. 127.

⁸ See Laoust, *Essai*, p. 95, n. 2.

⁹ Ibn al-Jawzi, *op. cit.*, p. 97.

¹⁰ *al-'Iqd*, Vol. I, p. 82; Mālik b. Anās who was falsely accused of Khārijī inclination, once admitted in reference to the Khawārij: "What shall we say about a people who governed us with justice." Nu'mān, *op. cit.*, Vol. I, p. 107.

They had developed their collections of *ḥadīth*, parallel to the Sunnis; and had accepted the reliable authorities of the latter together with certain commentaries on the Qur'an. They had retained the right, however, of rejecting what they judged irreconcilable with the spirit of Islam.¹¹ Their traditions differed a little from the Sunnis. They were not free from prejudices and can be subjected to the same criticism as the Sunni collections. The prophetic traditions exalting the Berbers¹² far beyond their worth and capacity, can only be explained as later additions expounded by the Khawārij in their attempt to convert the Berbers. Both collections, therefore, are not perfect and both have been subjected to exterior influence, yet the Khāriji is presumed to be more reliable.

Khāriji reporters were generally ignored if not detested by the Orthodox. If a Khāriji were a *mufti* they would not seek his *fatwa*; if he were a *muḥaddith* (narrator of ḥadīth), they declined to report on his authority, though they were the last to utter lies, since lying was unbelief. The narrations of 'Akrama, *Mawla* b. 'Abbās, and of 'Imrān b. Ḥaṭṭān were dropped because they were of the Khawārij.¹³ Ibn Ḥanbal, the pious traditionist, deviated from the general trend and relied on the narration of 'Akrama and accepted it as final.¹⁴ Some of the late Imāms regarded 'Akrama's *ḥadīth* as accurate. 'Akrama used to say: "I sought knowledge for forty years, I gave *fatwa* at the door when Ibn 'Abbās gave it in the house."¹⁵ Abu 'Ubaidā Ma'mar b. Qais, of Jewish descent, was a famous Khāriji narrator around A. D. 804. Jāḥiẓ observes that, "There was never on earth a Khāriji or an Orthodox believer more learned in all the sciences than he."¹⁶ Many of the Khawārij were highly qualified in *fiqh* and the knowledge of the Qur'an.¹⁷

¹¹ The Khawārij accepted a *ḥadīth* as authentic when two just men certified that it was. This practice was perhaps taken from Qur'anic inference when God says: "And call to witness two just ones from among you."

¹² Abu Zakaria, *op. cit.*, pp. 11 ff.

¹³ Khuḍari, Muḥammad, *Tārikh al-Islāmi* (Cairo, 1939), p. 167.

¹⁴ Yaqūt, *Mu'jam ul-Udabā'*, Vol. 12, p. 188.

¹⁵ Yaqūt, *Mu'jam ul-Udabā'*, Vol. 12, p. 186.

¹⁶ On Ma'mar see Ibn Khallikān, *op. cit.*, Vol. 3, pp. 388 ff.; Yaqūt, *Mu'jam ul-Udabā'*, Vol. 19, pp. 156-157.

¹⁷ See Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 82; Mubarrad, *op. cit.*, Vol. 3, p. 105; Ṭabari, II, pp. 881 ff.

Their polemics on these subjects with the Orthodox reveal detailed and intricate scrutiny by the Khawārij and an earnest desire to learn. Their insistence upon the elucidation of even the most insignificant of legal provisions exhausted the patience of Ibn 'Abbās who exclaimed: "These people kill the Muslims yet they inquire earnestly about mere trifles."¹⁸ Nafi' b. al-Azraq once visited the latter and started to question him until Ibn 'Abbās was tired of listening; then he called a poet and asked him to recite. Nafi' said: "O Ibn 'Abbās, we come to discuss the religion of God and you call a man from Quraish to recite poetry!"¹⁹ We hear that Nafi' asked him several questions, some 160 of which are still preserved.²⁰ Nafi' asked, *inter alia*, for the explanation of legal and religious matters from the Qur'an on the basis of the pure Arabic language,²¹ which Ibn 'Abbās gave, but none of the arguments on the Khārijī side is mentioned. This is part of the negligence with which the Khārijī law and interpretation are taken by the Sunni jurists.

In the theory of law, the Khawārij may be credited for closely associating the legal obligations and the religious ideals. In their interpretation of the law, they resorted to a greater degree of ethical consideration than is customary in Orthodoxy.

When the Khawārij first appeared, they had no precise or definitive juridical theory. It was only when people began to join their movement *en masse* that they found it necessary to define their position. In substance, the Khārijī law antedates those of the four Orthodox schools. Though its fundamental rules were formulated at an early time, it failed as a system to provide a complete set of remedies. After the establishment of the Sunni schools of law, the Khārijī legal thought inclined to eclecticism by borrowing from these respective schools to remedy the need of the hour. These they modified to meet their own dogmatic tenets.

The eclectic character was forced on the Khārijī legal system because it was not possible to present, at such an early state,

¹⁸ Balādhuri, *Ansāb*, Vol. II, p. 138.

¹⁹ Mirṣafi, *op. cit.*, Vol. 7, pp. 164-166.

²⁰ They are found in Suyūṭi, *al-Itqān* (Cairo, A. H. 1279), Vol. I, pp. 149-165.

²¹ Nafi' may have had in mind the following *ḥadīth*: "If any part of the Qur'an becomes complicated to you, refer to poetry, for poetry is Arabic (Bedouin)."

an authoritative legal interpretation based exclusively on the Khāriji doctrine. The absence of peace and stability delayed the Khāriji formulation of positive law. The Khawārij of 'Umān had their juridical legal systems defined before their compatriots in the West. The latter had no law nor judges until Tahert was founded and the Diwān of Jābir b. Ziyād compiled.

A reference to some of their legal provisions will help to show their contribution to legal theory. They maintained that the law applied to every Muslim even if he were not aware of it.²² A branch of the Baihasiyya, Aṣḥāb as-Su'āl, held that in case of doubt about the law, the man must ask and that thereafter ignorance is not permissible.²³ The problem arises when the law is silent and certainly the Khāriji law was not all inclusive. Their legal provisions do not cover as extensive a field as the Orthodox schools. We see the Khawārij puzzled as to whom the share of "the near of kin,"²⁴ goes.²⁵ They inquired whether women were allowed on the battlefield, whether the Prophet killed children in war, whether women and slaves were given shares of the booty.²⁶ Professor Schacht affirms that women and minors, who accompanied the army on a raid, were recognized by the Khawārij as having a right to a full share of the booty.²⁷ This contradicted the Sunni position, but it was consistent with the Khāriji theory that equalized the believers without violating Qur'anic rules.

The Khāriji law deviates most from the Orthodox when it stipulates religious condemnation for civil and criminal transgressions. The Khawārij condemned with unbelief all transgressors of the law.²⁸ The Ṣufriyya held that transgressions, the punishment of which is provided in the Qur'an (such as

²² Baghdādi, *Al-Farq*, pp. 85-86.

²³ See *The Moslem World*, Vol. 36, p. 136.

²⁴ Qur'an 8, 41: "And know ye, that when you have taken any booty, a fifth part belongeth to God and to the Apostle, and to the near of kin, and to orphans and to the poor, and to the wayfarer. . . ."

²⁵ The Sunnis are divided on this point, also. Some maintain that it belongs to Bani Hāshim, the others, to Quraish.

²⁶ Ibn Sallām, *op. cit.*, pp. 333-335.

²⁷ Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford, The Clarendon Press, 1950), p. 261.

²⁸ See Rāzi, *I'tiqādāt*, p. 46; Maqrīzī, *Al-Khiṭaṭ*, Vol. 2, p. 354.

adultery), do not mean unbelief; in transgressions about which the Qur'an is silent, however (like the neglect of prayer), the culprit becomes an unbeliever.²⁹ Ibn Ibād̄ says: "He who fornicates is an unbeliever; he who steals is an unbeliever, and he who drinks wine is an unbeliever."³⁰ The Yazīdiyya, an extreme Khārijī schism, agreed with the Azāriqa that transgressors of the law are polytheists, and that every transgression, be it serious or trivial, is *shirk*.³¹ The Najdāt emphasized the insistence, or the frequency of error and punished it more severely than grave crimes. Thus they called a polytheist anyone who committed an error or lied and still insisted on it; but if one committed adultery, stole, or drank wine without repeating the crime, he remained, nevertheless, a Muslim.³² The Khārijī sense of extreme morality led to the legal excommunication of the liar, a punishment unanimously accepted by all their schisms.³³ To associate with those who are guilty is also guilt, because God says: "If anyone of you taketh them for his friends he surely is one of them."³⁴ The old tradition supports the Khārijī view in propagating this purity. Muslim enumerates three features of a *Munāfiq*: "When he speaks, he lies; when he promises, he fails to fulfil his promise; and when he litigates, he is dishonest."³⁵

The Baihasiyya, a liberal element among the Khawārij, came closer to the Orthodox position in relieving man from heavy responsibility and strict conformity to unknown rules of law. They held that whatever is not forbidden by a *ḥadd* is permissible, because God says: "I do not find in that which has been revealed to me anything forbidden."³⁶ The Qur'an stipulates that: "Allah does not impose upon a soul legal responsibility beyond its capacity."³⁷ Also, "O, our Lord, do not burden us beyond our ability."³⁸ A principle deduced from

²⁹ Ijī, *op. cit.*, Vol. 3, p. 292.

³⁰ Iṣbahānī, *op. cit.*, Vol. 20, p. 98.

³¹ Ijī, *op. cit.*, Vol. 3, p. 292; Shahrastānī, *op. cit.*, Vol. I, p. 183.

³² Ash'ari, *Maqālāt*, p. 163; Shahrastānī, *op. cit.*, Vol. I, p. 166.

³³ Mubarrad, *op. cit.*, Vol. 3, p. 91.

³⁴ Qur'an 5: 56.

³⁵ Muslim, *Ṣaḥīḥ*, Vol. 2, p. 47.

³⁶ Qur'an 6: 146.

³⁷ Qur'an 2: 286.

³⁸ *Ibid.*

this theory was the confinement of the punishment to what the law prescribes, and of the crime only to the person who has committed it. In Khārijī practice we find several examples of this theory. Shabīb b. Yazīd accepted the son of Abu Mūsa al-Ash'ari into the ranks of the Khawārij saying: "He cannot be responsible for the error committed by his father."³⁹ It is true "personalism" constituted a focal point in Khārijī legal philosophy, because their theory was after the heart and real convictions that could only be exercised by the individual in awareness of himself. Punishment and reward could not be influenced by family or tribal allegiances.

As in their political theory, the processes of the law were liberal. But in the end, the severity of their stipulations, like their exclusive political institutions, tended to drift towards a hopeless situation; for to multiply the transgression beyond its dimensions was to disturb the sense of proportion that preserves the legal web in a community. The Khawārij believed that the punishment of cutting the hand of the thief should be applied without regard to the gravity or nature of the theft.⁴⁰ This is extreme strictness in applying the law. The Sunnis do not normally apply the punishment of mutilation except in serious thefts.⁴¹ The Khārijī position was explained by their literal interpretation of the Qur'an, and in the Qur'an the provision for cutting the hand of the thief is absolute, not modified by conditions related to the seriousness of the theft. The Qur'an states: "And (as for) the man who steals and the woman who steals, cut off their hands as a punishment for what they have earned. . . ." ⁴² And it does not say: "Refrain from punishment when theft is not very grave." Furthermore, they disagree with other Muslims in their application of the cutting. The Sunni cut the hand of the culprit from the wrist, the Khawārij cut it from the shoulder.⁴³

³⁹ Ṭabari, II, 929.

⁴⁰ Baghdādi, *Al-Farq*, p. 64; *Maqrizi, Al-Khiṭaṭ*, Vol. 2, p. 354.

⁴¹ The Khawārij consider five dirhams as the minimum value of stolen goods to make the *ḥadd* punishment for theft applicable.

⁴² Qur'an 5: 38.

⁴³ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 189; This practice was introduced by the Azāriqa and was adopted by most of the Khawārij. This heavy punishment was consistent with their strict and severe application of the *Ḥadd* in the Qur'an. Once they were sure of the punishment they became merciless in its application.

Their strict interpretation of the Qur'an led them to reject two legal punishments universally recognized by the Orthodox: (1) The stoning of the man adulterer (*az-Zāni*), and (2) The punishment of *qadhif* (accusation of adultery) that is said to apply to those who accused (*yaqdhuf*) married men of adultery; because in both of these cases, the Qur'an does not provide for such punishments.⁴⁴ The Qur'an provides: "And those who accuse free women, then do not bring four witnesses, flog them eighty stripes."⁴⁵ This, the Khawārij recognized, but they did not apply *al-ḥadd* on the *qādhifa* (the woman who accuses of adultery) because the Qur'an makes reference only to the culprits of the masculine gender, to *al-ladhīn* and not *al-lawā'ī*.⁴⁶ The culprit woman is stoned in public by her father, brother and closest of kin.

Their failure to apply *qiyās* led them to strange positions, to strict application of Qur'anic stipulations when they existed, and to almost complete failure in justice where the Qur'an is silent. The Sunnis solved the dilemma by the use of analogy and reasoning and consequently avoided many of the paradoxes in which the Khawārij found themselves. This can be elucidated by the following example: The Khawārij maintained that he who took two *fuls* unjustly from an orphan suffered eternal fire, because the Qur'an says: "Those who swallow the property of the orphans unjustly swallow only fire into their bellies, and they will enter burning fire."⁴⁷ On the other hand, he who kills an orphan need not suffer fire, because God made no provision of this specific punishment. The second crime is obviously more serious than the first, yet the punishment is much less. This is not only a defect, but a contradiction in their legal thought. It is not for man, they said, to examine the Qur'an's legal provisions, to adapt and interpret them to apply to changing social conditions. The Qur'an stipulates, for ex-

⁴⁴ Shahrastāni, *op. cit.*, Vol. I, p. 164.

⁴⁵ Qur'an 24: 4.

⁴⁶ On a discussion of this legal point see Iji, *op. cit.*, Vol. 3, p. 291; some of the Ibāḍiyya maintained that he who commits adultery or theft is subjected to the *ḥadd* and then is asked to repent; if he refused to comply, he will be put to death. See Ash'ari, *Maqālāt*, p. 173; Baghdādi, *Al-Farq*, pp. 84-85.

⁴⁷ Qur'an 4: 10.

ample, that the punishment of an adulterer is a hundred stripes.⁴⁸ This is final and no one has the right to question it.

The Khārijī juridical thought suffered from the same antinomy in dealings with non-Khārijīs, as groups and legal bodies. The Khawārij themselves were, strictly speaking, a part of the Muslim community. When 'Ali was asked whether they were polytheists, he answered: "It is from polytheism that they ran away." Were they *Munāfiqūn*?⁴⁹ He answered: "The *Munāfiqūn* mention God only rarely." Who were they then? "They are our brothers who erred against us," came the answer.⁵⁰ The Khawārij did not share this view *vis à vis* the Orthodox, for their legal position with them was covered with theological convictions which they injected into legal relationships. On such grounds conciliation was difficult to attain. The Sunnis found it difficult to declare them unbelievers. Shāfi'ī barred the question of unbelief and treated them as Muslims with full legal capacity.⁵¹ The majority of the Khawārij, however, took the opposite view. Their theory regarded other Muslims as unbelievers and demanded their elimination; thus ferocity was strangely mixed with the most exaggerated scruples in their actions.

The Azāriqa believed that all those who reside in *Dār-al-Kufr* (The Abode of Unbelief) are *kuffār* (unbelievers) and should depart immediately to their own camp.⁵² As such legal relationship cannot be established with them. It was illegal to reside with them or to protect them; their testimony could not be accepted; marriage with them was forbidden; it was against the law to inherit from them or even share in their food.⁵³ All

⁴⁸ 24: 2, "The whore and the whoremonger—scourge each of them with a hundred stripes; and let no compassion keep you from carrying out the sentence of God, if ye believe in God and the last day. And let some of the faithful witness their chastisement." The Khawārij had rules governing the procedure of flogging. Flogging can be performed anywhere, except in the Mosque. The instrument used was to be specially made for this purpose. For a detailed study of this practice see Code in Motylinski, *Guerara*, p. 36.

⁴⁹ A *Munāfiq* (plural, *Munāfiqūn*) is the person who confesses Islam outwardly when, in fact, he is not.

⁵⁰ Ibn Kathīr, *op. cit.*, Vol. 7, p. 289.

⁵¹ See Nawawi, *op. cit.*, Vol. 7, p. 160.

⁵² Ash'ari, *Maqālāt*, p. 162.

⁵³ See on these points historical accounts in Ṭabari, II, pp. 518 ff.; Mubarrad, *op. cit.*, Vol. 3, p. 169.

Muslims who disagreed with them were like the polytheists of the Arabs, no *jizya* was to be accepted from them, they were given only the choice between Islam and the sword.⁵⁴ The law recommended their death, their wealth being made *fai'* to the true Muslims. The Azāriqa refused to give back any trusts held to their owners if they disagreed with them, for, by becoming polytheists, the *sharī'a* could not be upheld in relations with them.⁵⁵ This was a point of disagreement among the Khawārij themselves, for some of them (namely the Najdāt) attacked this theory for its inconsistency with the Qur'an where God says: "Verily, God enjoineth you to give back your trusts to their owners."⁵⁶

The Akhnasiyya refused any legal relationship with other Muslims, unless they were sure of their faith.⁵⁷ The Najdāt call a *munāfiq* every Muslim who did not join their camp.⁵⁸

A modification of the theory was bound to come as it naturally adapted itself to changing conditions. The later Khawārij were led to accept a more moderate attitude towards others. The Ibāḍiyya preferred to conduct legal relations with other Muslim sects and they thought of them as infidels only to the extent that they had turned away from God's mercy by refusing to become Khawārij. They refused to shed their blood in secret, though they permitted it in battle.⁵⁹ They even went so far as to recognize the testimony of a non-Khāriji against a Khāriji,⁶⁰ a practice which could not have been tolerated under the law of the early Khawārij. The Ṣufriyya went one step further in legalizing food slaughtered by the polytheists. Marriage and inheritance were also recognized by the Ibāḍiyya and the Ṣufriyya as legal with other Muslims.⁶¹ The Baihasiyya argued in the same manner. They rationalized their position by comparing it to that of the Prophet when he resided amidst his

⁵⁴ Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 264.

⁵⁵ Baghdādi, *Al-Farq*, p. 64.

⁵⁶ 4: 61.

⁵⁷ Ash'ari, *Maqālāt*, p. 167.

⁵⁸ *Ibid.*, p. 163; Ibn Ḥazm, *op. cit.*, Vol. 4, p. 190.

⁵⁹ Baghdādi, *Al-Farq*, pp. 82-83.

⁶⁰ Iji, *op. cit.*, Vol. 3, p. 292.

⁶¹ For a study of these points refer to Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 83; Ash'ari, *Maqālāt*, pp. 170 ff.

enemies. If Muslims could live with the polytheists and deal with them in the days of Muḥammad, there was no reason to change this practice.⁶²

These were indeed improvements to the early Khāriji legal doctrine, but on the whole they were not sufficient to permit normal relationships with other groups. In their relationships with others, the Sunnis were more liberal than the moderate Khawārij, and the latter could not, from a legal viewpoint, claim to be equal to the Sunnis' broad and relatively tolerant juridical maxims.

The Khāriji law emphasized *ṣadaqāt* (alms) and made it an integral part of prayer, i. e., the two are joined, and the one is void without the other. Even the Khawārij of today are very strict about this.⁶³ This is indeed remarkable at a time when the Islamic community had lost a great deal of its religious enthusiasm. A Khāriji *shaykh* was once asked: "O *Shaykh*, which sheep of my herd shall I choose to offer as *ṣadaqa*?" The *shaykh* answered by giving the following example: "If one gives you forty sheep, and then asked you for one as a present, which will you give him?" "The best," answered the man. "It is Allah," said the *shaykh*, who has given you your forty sheep; then you should offer him as *ṣadaqa* the best of the forty."⁶⁴ The Khawārij bitterly attacked the Umayyads for appropriating the *ṣadaqa* to their own ends; they especially accused Yazīd of adding a ninth category of beneficiaries which actually confiscated the whole *ṣadaqa* against the clear provision of the law in the Qur'an.⁶⁵

The eight legal beneficiaries to whom the *ṣadaqa* was allotted were: "For the poor and the needy, and the collectors thereof, and those whose hearts are made to incline (to truth) and the (ransoming of) captives, and those in debt, and in the way of Allah, and the wayfarer."⁶⁶ Many of the Khawārij did not take the *ṣadaqa* except from those who shared their doctrine

⁶² Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 83.

⁶³ See how it is practiced in the Khāriji community in North Africa; cf. Motylinski, *Guerara*, p. 31.

⁶⁴ Abu Zakaria, *op. cit.*, pp. 318-321.

⁶⁵ For a detailed study of this argument see Iṣbahāni, Vol. 20, p. 107; Jāhiz, *Al-Bayān wat-Tabiyin*, Vol. I, p. 195.

⁶⁶ Qur'an 9: 60.

and joined their ranks.⁶⁷ The *ṣadaqa* and the *zakāt* were at first synonymous, but later developments created a distinction making *zakāt* an obligatory tax incumbent upon every Muslim,⁶⁸ while *ṣadaqa* retained its voluntary character. The Khawārij and the Wahhābis insisted that *zakāt* was to be paid on secret profits also, such as that of trading; whereas Ibn Ḥanbal exacted the *zakāt* only from known produce.⁶⁹ The Khawārij showed their extreme viewpoint in this matter when they said that failure to pay the taxes incumbent on the community constituted unbelief,⁷⁰ an assertion highly repugnant to the Sunnis.

The recipients of the *zakāt* are enumerated in the Qur'an as follows: "They will ask thee what they shall bestow in alms. Say, let the good which ye bestow be for parents, and kindred and orphans and the poor, and the wayfarer."⁷¹ But the Khawārij and the Orthodox disagreed as to which members of the family should receive the *zakāt*; the Khawārij reduced it to a smaller circle.⁷²

The enforcement of Khārijī law, like that of Sunni law, was entrusted to the Imām and the *qādi*.⁷³ It is only in brief that we shall refer to the Khārijī *qādi*. The lack of stability in Khārijī political life was responsible for the absence of significant judicial tradition and disciplinary rules to regulate the court and the responsibility of the judges. From the little material at our disposal regarding this subject, we know that the Khārijī judge was selected by the people. Each locality chose its *qādi*. Ibn Ṣaghīr reports that the *qādi* was elected by

⁶⁷ See Balādhuri, *Ansāb*, Vol. II, p. 136.

⁶⁸ According to the Ḥanafī School, the *zakāt* is paid only by those who have attained years of discretion and are in full possession of their faculties.

⁶⁹ Margoliouth, D. C., *Wahhābiya, Ency. of Islam*, Vol. 4, p. 1086.

⁷⁰ Baghdādi, *Uṣūl ad-Dīn*, p. 268.

⁷¹ 2: 211.

⁷² Chez les Orthodoxes, tous les ascendants et tous les descendants d'un homme aise ne peuvent en aucune maniere recevoir de lui la *zakāt*. Les ascendants et les descendants N'ont pas droit a la *zakāt*, disent les Orthodoxes. Le pere, la mere, le fils, la fille seuls, n'y ont pas droit, disent les Ibadites. Cela veut dire que les Ibadites reduisent la famille, a laquelle sont dies les aliments et non la *zakāt*, au pere, a la mere et aux enfants. Le grand-pere et le petit-fils le sont exclus. Les Ibadites donnant aussi la *zakāt* a la mere remariee a un mari pauvre; elle n'est plus di la famille. (See Masquéray, *Zakaria, op. cit.*, note p. 268). Quoted from *Kitāb a-l-Ḥil*.

⁷³ The function and the position of the Imām we have discussed in Chapter IV.

the people after consultation with the Imām. The latter usually left the matter to the people, advising them to elect him who was more qualified to effect justice.⁷⁴ Once the people elected a judge, they addressed him as follows: "The Muslims have decided upon you; they have entrusted you with the responsibility for the blood that is shed unjustly (and for every injustice that occurs) . . . we ask you to obey God, the Imām and the Muslims; if you deviate from these we will depose you, if not we will thank you."⁷⁵ The *qāḍi*, once appointed, cannot be dismissed unless he committed injustice.

The law invested the *qāḍi* with the power to decide ordinary suits according to the Qur'an. More important cases, however, were submitted to a council under the presidency of the *qāḍi*. The decision, however, was always subject to approval of the Imām.⁷⁶

The Khārijī legal theory over-emphasized moral obligations. In matters related to positive law the Khārijī contribution is negligible. As a party within Islam the new principles which it introduced may be found primarily in secondary phases in the details and remedies of the law.

⁷⁴ Marsqueray, *op. cit.*, p. 268.

⁷⁵ *Ibid.*, p. 24.

⁷⁶ Ibn Razik, *op. cit.*, p. 384.

CHAPTER SIX

THE CONCEPT OF JIHĀD AND THE CONDUCT OF STATE

The *Jihād* (self-exertion in the "path of Allah") is prescribed by the Prophet as a means to convert the unbelievers to the Faith. To turn *Dār al-Ḥarb* (Abode of War) into *Dār al-Islām* (Abode of Islam) is the ultimate object of the *jihād*. In the Qur'an the Prophet is commanded by God to "strive hard (*jāhid*) against the unbelievers and the hypocrites and to remain firm against them."¹ Qur'anic stipulations regarding *jihād* makes it an obligation upon the Muslim community.

O, ye who believe! Shall I lead you to riches which may deliver you from a painful chastisement? Believe in Allah and his Apostle, and declare *jihād* in Allah's path with your wealth and lives. This did you but know it, will be best for you. He will forgive your sins, and He will bring you into gardens beneath its shades the rivers flow—into charming abodes in the gardens of Eden.²

The *jihād* is equally recommended in the *ḥadīth*. The Prophet was once asked: "Who is the best among the believers?" "The one who declares *jihād* in Allah's path by (risking) his soul and fortune," answered the Prophet.³ Muḥammad is reported to have said that an infidel and his killer will never meet in hell; he who fights for God surely will go to heaven.⁴ The idea of *jihād*, therefore, as stated in the Qur'an and *ḥadīths*, is a fundamental principle of the faith. As a doctrine it was formulated later in the establishment of the Muslim Empire.

Professor Khaddūri shows that the Sunni concept of *jihād*, as worked out by the jurists, has a universal character; that is,

¹ Qur'an 9: 73, and also "Follow not the unbelievers and strive against them a mighty striving with it." (25: 52).

² Qur'an 61: 10-12.

³ Abu Dawūd, *op. cit.*, p. 247.

⁴ See *Ibid.*, pp. 248 ff.

the eventual Islamization of the whole world.⁵ Yet it should not be assumed that Muḥammad necessarily wanted a continuous war against all non-believers. His *hijrah* (migration) to Medina (622), it is true, influenced his thinking and widened his horizon. However, one should not assume that the *hijrah* had a decided influence on Muḥammad regarding the universal character of the *jihād*. It was, however, Muḥammad's life in Medina that supplied precedents for the Muslim publicists to corroborate their concept of *jihād*. The Khawārij, too, claimed to follow the tradition of the Prophet in this regard. They were impressed by the constant bloodshed which marked his career in Medina, and were convinced that what Muḥammad meant by *jihād* was physical imposition of the religion. To them truth is more easily forced upon man by violence than by eschatological threats.⁶ The concept of "force" is fundamental in the Khārijī doctrine of *jihād*; it is its cornerstone. Muḥammad said: "My fortune is under the shadow of my spear."⁷ The spirit of the Qur'an is not against this idea.

The Mu'tazila and the Zaidiyya concurred with the Khawārij in approving of physical force to secure justice and exterminate evil, if it cannot be extirpated otherwise. Their position is essentially the same as that of the Catholic Church during the Middle Ages. Both agree that it is better to put the heretics to the sword than to leave them happy in sin.⁸ The ruthless exercise of this theory by the Khawārij gained to them the name of "holy murderers."⁹

Among Sunni apologists, especially those jurists from the later 'Abbāsīd period to the present,¹⁰ pilgrimage, prayer, and

⁵ See Khaddūri, *The Law of War and Peace in Islam*, pp. 30 ff., the author adds: "it was on this ground that Muslim publicists formulated the doctrine of the *jihād*. All of them agreed, in principle, that the *jihād* is the normal condition in the life of the Islamic state, and conditions of peace are only short intervals of recess." P. 30.

⁶ Note that the Medinese Surahs contain less eschatological threats than the Meccan. The Medinese Surahs incline to practical things. Muḥammad felt more certain of his authority and proceeded to exercise it.

⁷ Bukhāri, *Al-Jāmi' Aṣ-Ṣaḥīḥ* (Leiden, E. J. Brill, 1862-1868), Vol. 2, p. 227.

⁸ The doctrine of the Catholic Church on the just war is expounded by Augustine and Aquinas, yet both saints refused in practice to apply the implications of their theory.

⁹ On the attitude of the Khawārij to brutal force, see Ibn Ḥazm, *op. cit.*, Vol. 4, p. 171.

¹⁰ Sanhoury is an eminent representative of the modern school.

good deeds are considered as part of *jihād*, if not its substance. The Khawārij were unanimously opposed to this interpretation. In the words of the Khārijī poet, "It is not the tongue, but the action of your hands that appease the heart."¹¹ Their purpose in this world is *nashr ad-dā'wa* (call to Islam), their *qurbān* is their blood. They are the people who conventioned with God (shurāt) to sell their lives in *jihād* for the price of paradise.¹²

The Khawārij felt that they were entrusted with the only true version of the religion and that it was their duty to spread it. A Khārijī leader once said: "O ye people, it is of the mercy of God to leave in every epoch enlightened people to illuminate the ignorant with the true faith."¹³ God has prescribed *jihād* to His people: "War is prescribed to you; but from this ye are averse."¹⁴ It is only with the Khawārij that we see *jihād* conducted exclusively for religious ends. They criticized 'Ali after Ṣiffīn for fighting for his personal gains and not for God.¹⁵ Unlike the Shi'a, the Zubairiyya and the Umayyads, they had no worldly design as an inspiration for their movement. In joining Ibn az-Zubair they were in fact defending the "House of God" rather than fostering the claims of the former.¹⁶

Another cause for their insistence on *jihād* is more worldly in character. The rulers were oppressive and intolerant towards

¹¹ See Khārijī poem in Mubarrad, *op. cit.*, Vol. 3, p. 164.

¹² Mu'ād b. Juwain b. Hussain thus exhorts his comrades before a battle: "O ye vendors of your souls, the time to depart has arrived for him who wishes to sell his soul. Would you want to remain in the house of the sinners out of ignorant carelessness, when every one of you is hunted to be killed? Attack the host of the foes, for prompted by reasoning led astray they have singled you out for slaughter. Onward, O men, to a goal which wherever it is mentioned stands out as the most pious and the most just. Would I were with you on the back of a fleet horse or strong ribs, clad in a coat of mail, not without arms. Would I were with you battling your foes so as to drink the first cup of death. Apprehension weighs on me that you might be gripped by fear and driven off the field before I could draw the sword against those whom it is meet to slay." Quoted in Grunebaum, Gustave E. von, *Medieval Islam* (The University of Chicago Press, 1947, Chicago), p. 122, from Ṭabari.

¹³ Iṣbahāni, *op. cit.*, Vol. 20, p. 98.

¹⁴ Qur'an 2, 212.

¹⁵ Ṭabari, I, 3364.

¹⁶ Balādhuri, *Ansāb*, Vol. 5, p. 217; and Vol. II, p. 45.

the Khawārij who were often put to death for that reason.¹⁷ This state of affairs helped the Khawārij to believe that instead of taking the defensive they should take the offensive to protect themselves.

The Khāriji's attitude toward their opponents has its effect on their concept of the *jihād*. The Khawārij regarded other Muslims as *muwāḥhidūn* (unitarians), the *dhimmis* as polytheists. The Khāriji Imām should, therefore, call the other unitarians to accept the true faith; if they refused, he should declare *jihād* against them. He cannot do the same, however, with the *dhimmis*, because God has ordered that they should be tolerated. Their refusal to accept the Khāriji doctrine does not constitute *casus belli*.

The Orthodox, invoking the authority of the Qur'an denounce the Khāriji practice: "But whoever shall kill a believer of set purpose, his recompense shall be hell; forever shall he abide in it; God shall be wrathful with him, and shall curse him, and shall get ready for him a great torment."¹⁸ Ghazzālī attacked the Khawārij because they waged *jihād* against people who professed the *shahāda*.¹⁹ To the Khawārij profession as such was of no significance. Upon assuming the office of the Imāmate, 'Abd-Allah b. Wahb ar-Rāsibi declared in a speech: "I take an oath to declare *jihād* against those, who though they profess Islam, do in fact deviate from the Book and follow their fancies."²⁰

In viewing the Khāriji wars in retrospect we find that most of these wars were against the Orthodox Muslims. But we should not forget that the Khawārij made *jihād* against idolaters also in Africa and in Persia. It is true their record against the People of the Book does not reveal an earnest Khāriji desire to Islamize them. This position is not only explained by their religion, but also by the politico-military conditions that fully occupied the Khawārij in the Muslim world.

The Khāriji insistence on *jihād* made of this institution one

¹⁷ For examples of this nature see Ṭabari, II, pp. 18 ff., 182, 253.

¹⁸ Qur'an 4: 95; It is obvious, therefore, that the Khawārij did not regard other Muslims as believers, but subject to *jihād*.

¹⁹ *al-Iqtisād fi'l-I'tiqād* (Cairo, no date given), p. 113.

²⁰ Dināwari, *op. cit.*, p. 216.

of the pillars of the religion, as Lammens said, it became a "sixth pillar of Islam."²¹ In fact, the Khawārij did not consider *jihād* a sixth, but a fifth fundamental duty of Islam. Even Ibn Ibād, the moderate Khāriji, regarded it as a fifth pillar.²² Sometimes it was considered more important than any other pillar; certain erring Khawārij were told that none except the *jihād* among the religious performances would save them. Thus, in certain instances *jihād* was given precedence over prayer, *zakāt*, and *al-ḥajj* (pilgrimage). Some of the Azāriqa based the right of a person to the title or office of Imām on the degree of his participation in the Holy War. They believed that he who draws the sword and fights the enemies of the Khawārij is *ipso facto* the Imām.²³

The Khāriji state was primarily a garrison state. The *jihād*, therefore, claimed a large proportion of state expenditure—sometimes two-thirds of its revenue.²⁴ The conduct of the war is not always made by the Imām, though this was generally the procedure, but by any Khāriji. He bears the expenses of the war in person when the state as a whole is not involved. This leads to a major point in the Khāriji theory of *jihād* in which they differed from the Sunni line. The latter conceived of *jihād* as a "collective duty" (*farḍ-ul-kifāyah*) implying that *jihād* need not be fulfilled by all the members of the Muslim community, if it were accomplished by part of the community it ceased to be obligatory on the rest.²⁵

To the Khawārij, however, the *jihād* is an "individual duty" (*farḍ'ain*), a religious duty binding on each individual believer. The moral and religious incentive upon every Muslim to perform in every moment the standards of justice, to exhort the good and fight the bad, makes of the institution of *jihād* a *farḍ'ain* not simply *farḍ-ul-kifāyah* as the Sunnis maintain.

²¹ *Islam, Beliefs and Institutions*, English Tr. (London, Meuthen and Co., Ltd., 1929), p. 62; the pillars of Islam are belief, prayer, *zakāt*, fasting and pilgrimage.

²² See the *Ibādi Creed* written by Ibn Ibād, found in Sachau, *op. cit.*, p. 63; belief (*imān*) is not mentioned as one of the pillars, for being synonymous with Islam, it is taken for granted and, therefore, deleted from the pillars which are, in fact, performances to substantiate Islam.

²³ Asfarāyini, *op. cit.*, p. 33.

²⁴ Ibn Ṣaghīr, *op. cit.*, p. 12; one-third is spent on horses and mules, one-third on arms and ammunition, and one-third on the poor.

²⁵ See Māwardi, *op. cit.*, p. 3; Khaddūri, *op. cit.*, p. 32.

With the Khawārij the "ought to be" *should* be realized. If the Khāriji creed was the right one and ought, therefore, to be propagated it was the inescapable duty of every Khāriji to exhort it and declare the *jihād* in its favor. We have seen the Khawārij fighting as individuals or in small groups without fear or guidance.²⁶ In a speech emphasizing the value of *jihād*, the Khāriji leader, Ḥarqūs b. Zuhair said: "If none of you shall rally with me I shall nonetheless declare *Jihād* alone (in person) until I meet my God."²⁷ It is an obligation similar to prayer and *zakāt* imposed on every Muslim by the religion and should, therefore, be performed as one of the Five Pillars of Islam.

The *jihād* may have both an offensive and a defensive character. It was performed in the first sense when the Muslims took the initiative and forced unbelievers into Islam. Its defensive character is seen when the Muslim Community was in a state of resistance to aggression from outside. In the second sense, the *jihād*, even in the Orthodox interpretation, ceases to be a "required duty" and becomes immediately *fard'ain*.²⁸ With the Khawārij it is *fard'ain* in both cases. Being a matter of personal responsibility one may conclude that women and children should also take their part; otherwise they too fail in their religious duties and become unbelievers. This should logically follow from their theory. The Prophet is reported to have said, "The *jihād* of women involves no fighting."²⁹ The Khawārij however were inclined to accept women in their ranks. From their first appearance they discussed the possibility of women's participation in *jihād* with the learned companion, Ibn 'Abbās. The latter answered as follows: "You have asked me whether the Apostle of Allah allowed women to accompany his military expeditions. As a matter of fact they did; they nursed the wounded, they received something from the booty, but no regular share was given them."³⁰ Perhaps the strong Bedouin element among the Khawārij accounts for the active place of Khāriji women in *jihād*. The first Khāriji leader to

²⁶ For examples of this see Ṭabari, II, 893.

²⁷ Ibn Qutaibah, *al-Imāmah*, p. 225.

²⁸ Sanhoury, *op. cit.*, p. 145.

²⁹ Ibn Mājah, *op. cit.*, p. 214.

³⁰ Quoted in Wensinck, *op. cit.*, p. 42.

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ie war was Abu Mariam and he defended
king the example of the Prophet and of the
ampaigns against Syria.³¹ History preserves
ie famous Khāriji lady warrior, Umm Ḥakīm
s of Qaṭarī b. al-Fujā'a. "She was beautiful,
ce in battle."³² Al-Hajjāj was ridiculed by
Ghazāla, a Khāriji woman, defeated him
ari speaks of their women as taking an active
with their men in the fortunes of war.³⁴
ere definitely opposed to the *jihād* of women
he Khawārij for this practice and adopted
ere effective against them touching their
he most highly cherished of virtues to the
a Khāriji woman was caught in war she was
l unclothed in public.³⁵ This simple and
was enough to curtail the activities of many
s checking their contribution in war; in the
Khawārij women have disappeared from the
icipants in *jihād*.

participation by women in *jihād* is explained
rine of *jihād* as farḍ'ain. From this doctrine
ous maxim; if *jihād* is an "individual duty,"
and *zakāt*, then to abstain from it constitutes

whether the *Qa'da* (the stay-at-homes) were
evers was a vital one in early Islam. It was
questions to be disputed by the Khawārij
Azāriqa held that the *Qa'da*³⁶ were unbe-
oborate their opinion by the word of God:

to sit at home free from trouble, and those who
use of God with their substance and their persons,
alike. God hath assigned to those who contend
ersons and with their substance, a rank above those

..., Vol. 3, p. 179.

..., Vol. 6, p. 6; Ibn Abi Ḥadīd, *op. cit.*, Vol. I, p. 393.

..., Vol. 9, p. 35.

..., Vol. 1, p. 96 and 135.

³⁵ Mubarrad, *op. cit.*, Vol. 3, p. 146; Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 82.

³⁶ This term occurs only once in the Qur'an, in 4: 97.

³⁷ Mubarrad, *op. cit.*, Vol. 3, p. 170.

who sit at home. Goodly promises hath He made to all. But God hath assigned to the strenuous a rich recompense, above those who sit still at home.³⁸

The majority of the Khawārij agreed that the Qa'da were unbelievers, but a significant minority refused to go so far. To the Najdāt *Qu'ūd* was not sin, and *jihād* was a work of supererogation, the performance of which is strongly recommended when possible. They would excuse the sick and the weak from participating in the *jihād* because God says: "It is no sin in the weak, nor in the sick, nor in those who do not find what they should spend (to stay behind)—so long as they are sincere toward Allah and His Messenger."³⁹ Najda's argument exonerating the weak and the sick was directed against Nafi' b. al-Azraq who persisted in his damnation of such people in spite of the Qur'anic injunction to their defense. Nafi' contended that the Qa'da in the Prophet's time were governed by different conditions, being confined to Mecca with no place to go, besides they were well versed in the Qur'an and the way was clear to them.⁴⁰ But now the conditions were different, and no one could be excused for faltering in his duty; weakness is no excuse: "The angels will say, when they cause to die those who were unjust to their souls: 'What were you occupied with?' They will say, 'We were weak in the earth.' They will say, 'Was not Allah's earth spacious, so that you could have migrated therein?' So there it is whose refuge is hell."⁴¹

In contrast to the Sunnis, the Khawārij were all fanatic believers in *jihād*. Even their Qa'da were constantly finding reasons for their abstention, and we do not find the least evidence that they believed in *Qu'ūd* as a principle. They pleaded sickness, old age, and strenuous home responsibilities.⁴² The Qa'da excelled in their knowledge of Arabic, and in exhorting men to join Khārijism,⁴³ and to fight for the Khārijī cause.

³⁸ Qur'an 4, 97.

³⁹ Qur'an 9-91.

⁴⁰ Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 264.

⁴¹ Qur'an 4, 97.

⁴² It should be remembered that the Qa'da were an insignificant group within the movement. The Qa'da and those who defended *Qu'ūd* should not be confused. They were two distinct schools.

⁴³ To substantiate this opinion refer to the story of 'Imrān b. Ḥaṭṭān in

'Imrān, the leader of the Qa'da, said: "I fear that I may die in bed and I pray God to make my end in battle."⁴⁴

The Khāriji doctrine of *jihād* is more zealous than that introduced by the Prophet. Muḥammad is known for his conciliatory character, he paid money to his enemies and gained their friendship slowly. This institution is called the "rallying of hearts." The Khāriji concept of *jihād*—leaves no place for this institution. The physical function of *jihād* was resorted to for the same end.

The *jihād*, in the sense of fighting, should be conducted according to certain rules and regulations. There have always existed certain rudimentary rules and ceremonials constituting what is called "the law of war." The Muslims followed the customs of the Bedouin Arabs supplementing them with the practices introduced by Islam. Not until a later period did the Muslim jurists put in writing the rules of war.⁴⁵

The Khawārij complied with the precedents of the Prophet and the Caliphs in inviting the enemy to accept the faith before the actual fighting began. This invitation was extended in different forms, but unless this took place the war was not legal.⁴⁶ Ṣāliḥ b. Musarriḥ said: "We invite the people to accept our doctrine before the opening of hostilities, because invitation is a serious and effective obligation."⁴⁷ A *miḥna* (test) is sometimes substituted by the Khawārij for the "invitation." In the war against the Syrians, Abu Ḥamza warned his Khāriji followers: "To examine the troops of the enemy before fighting them." The Khawārij asked the Syrians: "What do you say about the Qur'an and its rule?" The Syrians made scorn of it; then the Khawārij asked: "What do you say about the property of the orphans?" The Syrian spokesman answered that they confiscated it. Thereupon the Khawārij found it legal to declare war on them.⁴⁸

Iṣbahāni, *op. cit.*, Vol. 16, p. 152; for similar Khāriji examples see Ibn Ḥajar, *tabdhīb*, Vol. 8, p. 129.

⁴⁴ Mubarrad, *op. cit.*, Vol. 3, p. 93.

⁴⁵ See Abu Yūsuf, *Kitāb ar-Rad'ala Siyar al-Awzā'i* (Deccan, Hyderabad A. H. 1357); Shaibāni, *Kitāb as-Siyar al-Kabīr*, with commentary by Sarakhsi (Deccan, Hyderabad, A. H. 1335), 4 volumes.

⁴⁶ Tabari, II, p. 886; Asfarāyini, *op. cit.*, p. 34.

⁴⁷ Ibn Abi Ḥadīd, *op. cit.*, Vol. I, pp. 409-410.

⁴⁸ Ibn al-Athīr, *op. cit.*, Vol. 5, p. 158.

Most of the Khawārij maintained that war should be conducted openly, not in secret. It should be performed in daytime only, because they said that God made the night for rest.⁴⁹

On the whole, the Khawārij were fierce in battle. Their frequent application of the doctrine of *isti'rād*⁵⁰ has rightly won them crude appellations. Professor Nallino says that to the Khawārij the doctrine of *isti'rād* justifies the murder of all those who hold contrary ideas without distinction to man, woman or child.⁵¹ The Baihasiyya and the majority of the Khawārij exercised *isti'rād* in the abode of the enemy, and did not set limitation as to whom it may affect.⁵² The Najdāt, on the other hand, rejected this doctrine and condemned the Khawārij who practiced it. Najda wrote a letter to Nafi' b. al-Azraq criticizing him for his exercise of the doctrine of *isti'rād* and its indiscriminate application against the weak, the orphans or the children.⁵³ Najda's opinion was in the minority and failed to prevail, and *isti'rād* became a working formula of the Khāriji law of warfare. The doctrine was essentially lawless, for, being practiced by individuals independently and in a rude and vague manner, it was subject to all sorts of corruption. It added to the confusion and injustices in war rather than leading to discipline and convention.

In war, the Khawārij killed men, women and children.⁵⁴ This practice was in contradiction with the Sunni rule; the latter invoked the example of the Prophet who is reported to have provided against the molestation of women, children and old people.⁵⁵ But, regretfully, the Orthodox, in practice, often violated their own laws and resorted to the most bloody and remorseless kind of warfare.⁵⁶ In their war with the Khawārij they were as fierce as the latter. The Khawārij kidnapped the

⁴⁹ Asfarāyini, *op. cit.*, p. 34; Himyari, *op. cit.*, p. 172.

⁵⁰ A practice under which the enemy is asked at the point of the sword whether he accepts their views. Literally it means inviting someone to speak his opinion; in practice it is killing for the sake of religion.

⁵¹ *Op. cit.*, p. 185.

⁵² See Ṭabari, I, 3375; Mubarrad, *op. cit.*, Vol. 3, p. 173.

⁵³ Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 263.

⁵⁴ Ṭabari, II, 755; the Ṣufriyya of the Khawārij do not allow the killing of the women and children of their enemies; cf. Baghdādi, *Al-Farq*, p. 70.

⁵⁵ Muslim, *Ṣaḥīḥ*, Vol. 12, p. 48; Abū Yūsuf, *Kitāb ul-Kharāj*, p. 195.

⁵⁶ For examples see Mas'ūdi, *al-Tanbih wal-Isbrāf* (Baghdad, 1938), p. 264.

women of opposing Muslims as spoils of war and the Sunnis retaliated by doing the same.⁵⁷

The Khawārij had no definite rules regarding the status of prisoners of war. Abū Yūsuf gives the Imām full powers to dispose of prisoners of war; he may put them to death if he so desires; or exchange them for Muslim prisoners.⁵⁸ The general Khārijī rule permitted them to be condemned to death because of the very fact that they were non-Khārijī. If their life were likely to be taken on the battlefield, it should certainly be taken if they were captured.⁵⁹ The Azāriqa used to test new recruits by ordering them to kill one of their prisoners of war.⁶⁰ Among the later Khawārij a more lenient attitude prevailed; prisoners of war were allowed to be ransomed,⁶¹ and still later, they were even given the choice of remaining in the country and living in peace or to retreat to a foreign land.⁶²

The *ghanimah* (which includes all property that the Muslims acquired by force from the unbelievers) occupied a significant place in the Muslim law of war.⁶³ The Sunni provisions governing *ghanimah* were more consistent and more developed than those of the Khawārij. The latter have presented us with varying interpretations, all of which were capable of being sustained by the Khārijī theory. Those who accepted the *ghanimah*, insisted that it should be distributed only after battle.⁶⁴ Najda prevented his soldiers from marrying the women and taking the spoils before the one-fifth proportion belonging to the state (Qur'an 8: 41) had been taken out.⁶⁵ But many of the Khawārij found it disgraceful to take the spoils because they were fighting for God and had no worldly desire whatsoever. They were primarily interested in confiscating the horses and weapons of their enemies so that these could be employed for more *jihād*. Gold and silver they often returned to the

⁵⁷ Ibn al-Athīr, *op. cit.*, Vol. 4, pp. 85 and 183.

⁵⁸ *Kitāb ul-Kharāj*, pp. 195-196.

⁵⁹ Iṣbahāni, *op. cit.*, Vol. 20, p. 102.

⁶⁰ Asfarāyini, *op. cit.*, p. 29; The Prophet himself often killed or enslaved his prisoners of war.

⁶¹ See Ibn al-Athīr, *op. cit.*, Vol. 6, p. 51; Vol. 8, p. 75.

⁶² Iṣbahāni, *op. cit.*, Vol. 20, p. 98.

⁶³ For a discussion of this institution refer to Khaddūri, *op. cit.*, pp. 64 ff.

⁶⁴ Balādhuri, *Ansāb*, Vol. II, pp. 83-84.

⁶⁵ Baghdādi, *Al-Farq*, p. 68.

original owners after the victory.⁶⁶ Some of the Khawārij, the Ḥamziyya and the Shabībiyya, refused to take any *ghanimah* whatsoever. The Ḥamziyya used to burn the *ghanimah* after victory, believing that retaining it would have been unlawful.⁶⁷ Shabīb b. Yazīd was once presented with monies taken as spoils from the enemy. On seeing it he exclaimed: "You are presenting us with what is liable to be a cause of friction among Muslims, O man, hand me the spear," whereupon he took the spear and pierced the bags, causing the money to flow into the river.⁶⁸ These and numerous other examples are typical of the extreme positions taken by the Khawārij, pious yet fanatic with a peculiar sense of justice.

In theory, the Muslims are in constant war with the non-Muslims. The Khawārij accepted this attitude and added that truce between the Muslims and the "World of War" is absolutely barred, though it was possible with those who pay the *jizya*.⁶⁹ One may recall that they refused to recognize the armistice between 'Alī and Mu'awiya at Ṣiffīn. When al-Ḥasan b. 'Alī decided to conclude peace with Mu'awiya a Khāriji struck him with a spear on his thigh saying: "You have become *musbrik* as your father."⁷⁰ On the other hand, we find some Khawārij concluding peace treaties with other Muslims and obeying them to the letter. When 'Abd al-Wāḥid wanted to break the truce with Abu Ḥamza, the Khāriji leader, the latter exclaimed: "May God forbid that we ever break a pact or fail to perform it; by God I will not break it even if my neck were cut."⁷¹ Most of the treaties concluded between the Khawārij and the other Muslims were intended to cover only specific things and were limited to a short time—generally less than three months. None of the pacts between the Khawārij and the others was of a general nature or very extensive in its provisions. They were to a large extent merely guarantees providing for safe conduct during prayer and the like, and

⁶⁶ Shahrastāni, *op. cit.*, Vol. I, p. 181; Baghdādi, *Al-Farq*, p. 89; Ḥimiyari, *op. cit.*, p. 173.

⁶⁷ Baghdādi, *Al-Farq*, p. 77.

⁶⁸ Ṭabari, II, 956.

⁶⁹ Ṭabari, I, 3352.

⁷⁰ Ibn al-Jawzi, *op. cit.*, p. 100.

⁷¹ Iṣbahāni, *op. cit.*, Vol. 20, p. 99; Ibn al-Athīr, *op. cit.*, Vol. 5, p. 151.

only meant to be effective for a short period. Najda concluded a truce with Ibn az-Zubair, guaranteeing to each the right to lead his followers in prayer unmolested, and the two parties promised to abstain from war during this period.⁷² Truces were also demanded by the Khawārij during the religious feasts, for these are holy days in which no blood should be shed.⁷³ They also asked for a truce during the night and during the hours of prayer. With these temporary and specific truces, the Khawārij complied fully and sincerely, though they were often violated by the Sunnis who took advantage of the praying or sleeping Khawārij.⁷⁴

The Khawārij rejected any real peace with unbelievers because their interpretation of the Qur'an permitted no leniency or compromises. The Qur'an seemed to have taught them also to respect pacts which they had concluded. It warns them to "fulfill the covenant of Allah when you make a covenant, and break not the oaths after making them,"⁷⁵ and with this they piously and venerably complied.

The Khārijī law of war differed from that of the Sunnis on certain vital points, but the discrepancy was neither deep nor extensive. On the whole, it reflects the major thesis of the Khārijī theory in conducting relationships which were subject to divergent interpretations and adaptations. The lack of conformity and the many variances in interpreting the Khārijī theory of warfare are due to the time sequence in which the different Khārijī schisms uttered their opinions and established their precedents. The Orthodox, though they were relatively more consistent, may, nevertheless, be subjected to the same criticism.

⁷² Balādhuri, *Ansāb*, Vol. II, p. 137.

⁷³ Ibn al-Athīr, *op. cit.*, Vol. 4, p. 172.

⁷⁴ Examples of this nature are given in Ibn 'Abd Rabbihi, *op. cit.*, Vol. I, p. 81; Ibn al-Athīr, *op. cit.*, Vol. 5, p. 158.

⁷⁵ Qur'an 16, 91.

CHAPTER SEVEN

SOCIAL THEORY

A social theory of a religio-political movement is an integral part of the philosophy of that movement. The Khawārij failed to develop a consistent philosophy. The fundamental Khāriji proclivities were formulated before the 'Abbāsīd period and were not, therefore, deeply articulated by the discipline of manner and mind which, under the influence of Western ideas (Greek), permeated the intellectual atmosphere of that era. The extremism, fanaticism and disorderly elements in their philosophy, may be explained by the lack of rational questioning, and by the consequent leaning upon religious dogma and traditional practice.

The Khawārij had the intelligence of the Arab, high and sharp, yet rarely consistent and articulate. The Mu'tazila helped the Khawārij, in certain instances, out of their humble involvement within the confined matrix of Bedouin thought and social experience, and thus assisting the movement in its limited pursuit of intellectualism. Essentially, the Khawārij were not opposed to intellectualism, though they were not broad-minded in their definition of the term. A great number of scholars, poets and orators under the 'Abbāsīds were from among the Khawārij. They were vigorous and austere in defending the puritanical ideas of Islam. Ṭabari admits that they were known for excellent command of their doctrine and the Arabic language, and for the abundance of meaning in their arguments.¹ Ibn Taimiyya adds that the Khawārij "had a remarkable exuberance for knowledge and worship."² In visiting the Khāriji community in North Africa, the French traveller, Chevrillon, was told by one of them that in his town "everyone is a ṭālib (student of religion and law), has made exhaustive studies and knows the Qur'an by heart. This is the town of law."³

¹ See Ṭabari, II, p. 515.

² *Kitāb-ul-Imān*, p. 114.

³ *Les Puritans du Desert* (Paris, Librairie Plon, 1927), p. 202.

There was a great reliance on the Qur'an and memory, but philosophy and analytic inquiry were altogether absent. Abu 'Ubaida Ma'mar b. al-Muthanna was highly learned, but he was not a philosopher.⁴ Al-Haitham b. 'Adī, like Ma'mar, possessed a great wealth of knowledge and he was only a narrator, but not an analytical thinker. Qatari b. al-Fujā'a "is counted as one of the Arabian pulpit-orators, the most celebrated for precision of thoughts and elegance of style."⁵ 'Imrān b. Ḥaṭṭān was considered by al-Akḥṭal as the king of the poets of his time.⁶

A basic part of Khārijī philosophy is their attitude towards life; and a great portion of their literature is dedicated to this subject. The complete orientation of Khārijī life was to eschatological ends. There was among them a strong desire to die, for life in this world was to them a panorama of shallowness and deceit; nothing was of any value in it.⁷ The only thing worth pursuing in this profane world was a life of purity and asceticism in preparation for the next world. This life was considered to be only ephemeral, a journey to the next. Their abhorrence of worldly things was often not only exaggerated, but rather impractical, for it confines the ideal of being to *zuhd*.⁸ This philosophy of life is best explained by quoting at length a poem by Qatari b. al-Fujā'a reflecting the typical understanding of the Khawārij of the meaning of this life:

I said to myself when I wavered at the sight of the warriors: "Shame upon thee! Fear not! Wert thou to ask the delay of a single day above the term prescribed to thy existence, thy request would not be heard; be firm then in the career of death! Be firm! To obtain an everlasting life is a thing impossible. The robe of existence is not so precious that the heartless dastard should fold it up (to preserve it). The path of death must be trod by every mortal; the inhabitant of the earth must all listen to His summons. He who dies not young must live in suffering and fall into decrepitude, whilst fate delivers him over to solitary misery. Life is of no use to a man when he has become an object of contempt!"⁹

⁴ Ibn Khallikān, *op. cit.*, Vol. 3, pp. 388 ff.

⁵ *Ibid.*, Vol. 2, p. 523.

⁶ This was in the days of 'Abd-al-Malik. See Iṣbahāni, *op. cit.*, Vol. 16, p. 155.

⁷ For prophetic *ḥadīth* in this respect see Bukhāri, *Ṣaḥīḥ*, Vol. 2, p. 200.

⁸ See Balādhuri, *Ansāb*, Vol. II, p. 88; al-Jāḥiẓ, *Bayān wat-Tabiyīn*, Vol. I, p. 196; Ibn Qutaibah, *al-Imāmab*, pp. 224-225.

⁹ Ibn Khallikān, *op. cit.*, Vol. II, p. 523.

This world was a burden to them; its fruits were not for them. One indication of Khārijī contempt for things worldly was their custom of burying all wealth with the victims they had killed.¹⁰ Khārijī abhorrence of worldly life was not Qur'anic, for God, in His Book, emphasizes the beauty of both worlds; though life after death is rendered the more significant, the present world is by no means reduced in value. Islam is a practical religion, more worldly than Christianity, and more conducive to worldly pleasures. Asceticism as such was far from the Prophet's mind. He neither preached it in theory nor applied it in practice. Further, the Khārijī ideal of *zuhd* and piety was diametrically opposed to the traditional Bedouin sceptic and materialistic attitude. The Bedouin, though superstitious, is nevertheless realistic in nature. One should assume, therefore, that the Khārijī attitude was probably a reaction to the worldly attitude of the Umayyad government. The sceptic of the desert became the pious ascetic of Islam.¹¹ Margoliouth refers to them as "the most ferocious as well as the most pious of the Muslims."¹² Masqueray thought of their principles as the most moral in Islam.¹³ They had a reputation of always telling the truth and their word was sometimes accepted as good as a written contract.¹⁴ They expounded their doctrine with a lucidity that astonished even 'Abd-al-Malik who confessed: "I am almost convinced that paradise is created for people like these."¹⁵

With their puritanical and pious convictions, they combined the greatest courage and manifestations of chivalry known in Arab history. Their poets, exhorting courage and stubbornness

¹⁰ Mubarrad, *op. cit.*, Vol. 3, p. 163.

¹¹ A study of the Khārijī cry of war explains their contempt of the world and a comparison with the Shi'a is helpful in this respect. In war, the Khawārij rush with their lances crying: "O Lord, to Thee we come," or "On to paradise," and sometimes, "Judgment belongs to none save God." Among the Shi'a cries like, "Vengeance for Ḥusain," or "*Labbaika jā'far*" were most common.

¹² *Op. cit.*, p. 58.

¹³ *Formations des Cités* (Paris, E. Leroux, Editeur, 1886), p. 192.

¹⁴ Abu Bilal Mirdās was imprisoned by Ibn Ziyād. The guard befriended him and permitted him to leave the prison for a short time on the promise that he would return. Mirdās complied fully with his promises and once he returned in spite of his knowledge that he was to be executed. His honesty astounded both the guard and Ibn Ziyād and led to his acquittal. See Ṭabari, II, p. 186.

¹⁵ Mubarrad, *op. cit.*, Vol. 3, p. 137.

in war, were rarely surpassed by any poet in Arabic literature. A spirit like this could have only proceeded from a truly Arabian sentiment of valor.¹⁶ Some of the Khawārij have exhibited valor in their writings comparable to the fierce inclinations we find in certain poems of *al-Jābiliyya*, namely those of ash-Shanfara and ta'abbata Sharren. War was their profession and death was welcomed. When they elected Qatari b. al-Fujā'a they called him Amīr al-Mawt (The Prince of Death).¹⁷ Their courage was manifested in the manner they fought. They rode cows in war because cows do not run away;¹⁸ and to prevent retreat, they often killed their steeds and fought on foot.¹⁹ 'Abd-al-Malik used to ask: "Who is the most courageous?" "Shabīb the Ḥarūri," answered the people.²⁰ Even their bitter enemy, Muslim b. 'Ubais, had to confess in an address to his soldiers before a battle with the Khawārij: "We are about to fight a people whose only spoils are their lances, and they fight stubbornly to death."²¹ Abu Bilāl Mirdās at the head of forty Khārijis was able to defeat, in one engagement, some 2,000 soldiers of the Umayyads, and Aslam b. Zur'a, the Umayyad leader, was mocked in the streets for his unexpected defeat.²² Some of the Umayyad leaders believed that no one except God could defeat the Khawārij, and Muhallab himself agreed with this statement.²³ The quality of courage was a part of their doctrine.

¹⁶ An example of this is shown in the following poem which was written by a Khārijī in prison: "Tis time, O ye Sellers, for the one who hath sold himself to God, that he should arise and saddle again. Fools in the land of miscreants will ye abide, to be hunted down, every man of you, and to be slain? O, would that I were among you, armed in mail, on the back of my stout-ribbed galloping war horse again; and would that I were among you, fighting your foes, that me, first of all, they might give death's beaker to drain. It grieves me sore that ye are startled and chased like beasts, while I cannot draw on the wretches profane my sword, nor see them scattered by noble knights who never yield an inch of the ground they gain, but where the struggle is hottest, with keen blades hew their strenuous way and deem it were base to refrain. Ay, it grieves me sore that ye are oppressed and wronged, while I must drag in anguish a captive's chain." Quoted in Nicholson, *op. cit.*, pp. 212-213.

¹⁷ Asfarāyini, *op. cit.*, p. 30.

¹⁸ Ibn al-Athīr, *op. cit.*, Vol. 7, p. 129.

¹⁹ *Ibid.*, Vol. 5, pp. 83 and 196.

²⁰ Balādhuri, *Ansāb*, Vol. 5, p. 345.

²¹ *Ibid.*, Vol. II, p. 86.

²² Ṭabari, II, p. 187; Mubarrad, *op. cit.*, Vol. 3, p. 149.

²³ Mubarrad, *op. cit.*, Vol. 3, pp. 217-219.

The character of the Khawārij may be more clearly understood by reference to the *taqiyya*. The *taqiyya* (prudence) or *kitmān* (secrecy) is an institution allowing the Muslim to hide his religious convictions when he is among enemies. It allows him to speak and act as if he were one of them. This institution was borrowed from the Qur'an: "Say, whether you hide what is in your hearts or manifest it, Allah knows it."²⁴ With the Shi'a *taqiyya* is not only tolerated but required.²⁵

The original theory of the Khawārij was against *taqiyya*, because the test of faith is to confess openly what one believes inwardly. The Azāriqa rejected *taqiyya* in both word and deed.²⁶ Nafi' b. al-Azraq used to say: "It is our duty to preach our religion and to confess openly what God has revealed to us,"²⁷ because God says: "Those who conceal the clear arguments and the guidance that we revealed after we made it clear in the Book for men, these it is whom Allah curses."²⁸ One should always be fighting for the glory of God; this is *jihād* and in *jihād* there can be no concealment or fear, and in the Qur'an we have the warning that "a portion of them fear men as with the fear of God, or with a yet greater fear."²⁹

Not all of the Khawārij, however, remained faithful to the traditional Khāriji doctrine. A Khāriji woman who rejected *taqiyya* was brought before al-Hajjāj who happened to have a Khāriji *mawla* exercising *kitmān*. The woman knew that, when he told her to fear al-Hajjāj she answered: "But woe to you, O you *kāfir* and *radi'* (malignant)."³⁰

The later Khawārij were less extremist and more practical. The Najdāt tolerated occasional resort to *taqiyya*,³¹ and this doctrine was adopted by the Ibādiyya. The Ṣufriyya permitted *taqiyya* in word, but not in deed.³² Even with those who per-

²⁴ Qur'an 3: 28.

²⁵ With the exception of the Zaidiyya, all the Shi'i sects have recourse to the *taqiyya*.

²⁶ See Shahrastāni, *op. cit.*, Vol. I, p. 164; Ash'ari, *Maqālāt*, pp. 161-162.

²⁷ Tabari, II, p. 519.

²⁸ Qur'an 2: 159.

²⁹ Qur'an 4, 79.

³⁰ Mubarrad, *op. cit.*, Vol. 2, p. 153; Vol. 3, p. 137. A malignant to the Khawārij is the one who holds their opinions, yet pretends to the contrary, to save his life.

³¹ Shahrastāni, *op. cit.*, Vol. I, p. 168.

³² Ijī, *op. cit.*, Vol. 3, p. 292.

mitted this institution, it did not become an accepted doctrine of the movement as was the case with the Shi'a in spite of the fact that the Khawārij were inferior in number and more vehemently persecuted by the Orthodox majority. Ibn Baṭṭūṭāh, travelling through Qalḥat on the coast of 'Umān writes: "The majority here are Khawārij, but they do not dare to confess their beliefs publicly because the Sultan is Sunni."³³ But this was done reluctantly and often with a feeling of remorse, and the majority of the Khawārij were in principle opposed to *taqiyya*, for its manifestation is in contradiction with the Khārijī ideals of courage and love of death.

Among the interesting social customs of the Khawārij is the status of women and the institution of marriage. In Islam women were relegated to an inferior position. With the Khawārij this position was not changed, but it was somewhat ameliorated under the pressure of Bedouin instincts and traditions. Khārijī history, more than any other of the Islamic sects, supplies us with a record of achievement by some of the women of the Khawārij. Some of them were well versed in law, a *muṣṭahidat*, like the reputed Baljā',³⁴ who was mutilated by 'Ubaid ul-lah b. Ziyād and thrown into the street. The Ibāḍī texts mentioned several women in Jabal Nefusa who distinguished themselves in piety and the pursuit of knowledge.³⁵ They have also shared in war.³⁶ Shabīb in his campaign against Kufa was supported by his mother and his wife together with a hundred and fifty other women who were fully armed with swords and spears.³⁷ Khārijī women seemed to have enjoyed more freedom than other Muslim women. In visiting Khārijī 'Umān, P. W. Harrison writes: "The women have mosques of their own to worship in," a thing non-existent elsewhere in Arabia. "In Oman only are they (women) provided with their own mosques where they can pray just as men do."³⁸ Masqueray notes that in the Khārijī community of North Africa

³³ Ibn Baṭṭūṭāh, *op. cit.*, Vol. 2, p. 226.

³⁴ Ibn Ḥadīd, *op. cit.*, Vol. I, p. 448.

³⁵ See Motylinski, A. DeCallassanti, *Le Djebel Nefousa* (Paris, E. Leroux, Editeur, 1898), p. 91.

³⁶ See Chapter on *jibād*.

³⁷ Asfarāyini, *op. cit.*, p. 36.

³⁸ P. W. Harrison, *The Arab at Home* (New York, Thomas Cromwell Co., 1924), p. 103.

women are permitted into the esoteric assemblies; they comment on the Qur'an and study questions of jurisprudence.³⁹ Heggoy affirms that in "the purest Ibāḍī towns the women have more instruction than in others."⁴⁰

In their marriage relationships the Khawārij refused to accept the precedent of the Prophet as binding upon them. They did not tolerate the marriage of a girl at the age of nine years, in spite of the fact that Muḥammad married 'Aīsha when she was of that age. They rationalized their opinion on the ground that God bestowed the Prophet with several privileges in his relations with women.⁴¹ On the whole the Khawārij possessed a high sexual morality, rejecting the *mut'a* (temporary marriage) and concubinage.⁴²

Marriage of Muslim women to the *dhimmis* was never tolerated by the Khawārij.⁴³ In the early days of their existence they forbade their men to marry non-Muslim women. Before such a marriage could be consummated the women must first join the faith. The Azāriqa were always strict adherents of this principle,⁴⁴ though the Orthodox community put no restrictions on the rights of Muslim men to marry women of different persuasions.

Some of the Khawārij (Daḥḥaḥiyya) excommunicated a Khāriji woman who married a non-Khāriji Muslim; they did not even pray over her when she died.⁴⁵ The Baihasiyya, the Akhnasiyya and the Ibāḍiyya were more tolerant, for, in theory, they allowed marriage with other Muslims. Ibn Ibāḍ, in defending this practice, said: "I do not forbid marriage relationships with non-Khāriji Muslims, because they are adherents of the Unitarian faith, they accept the Book and the Messenger of Allah."⁴⁶ But in practice these Khāriji sects rarely intermarried with persons outside their sect. Among the Ibāḍīs of North

³⁹ Masqueray, *op. cit.*, p. 182.

⁴⁰ Heggoy, *The Moslem World*, Vol. 37, p. 206.

⁴¹ See Ibn Ṣaghīr, *op. cit.*, p. 58.

⁴² In the Khāriji community of North Africa the husband may take his female negro slave or servant as a concubine, but only if the legitimate wife consents to it.

⁴³ Ibn al-Athīr, *op. cit.*, Vol. 5, p. 83.

⁴⁴ Ṭabari, II, 518.

⁴⁵ Ash'ari, *Maqālāt*, p. 176.

⁴⁶ See Mubarrad, *op. cit.*, Vol. 3, p. 173.

Africa those who marry foreign women are not permitted to reside in the community.⁴⁷ Only the Şufriyya of the Khawārij recognized the legality of marriage with polytheist women or men; they defended their position by invoking the precedent of the Prophet who married his daughters to polytheists in *Dār-at-Taqiyya*.⁴⁸

The 'Ajārīda and the Maimuniyya introduced a new principle into the Khārijī institution of marriage. They believed a man's marriage was legal if it were concluded with "the daughters of his sons and the daughters of his daughters, and the daughters of the daughters of his brothers, and the daughters of the sons of his brothers." They rejected, however, a man marrying his own daughter or the daughters of his brothers or the daughters of his sisters.⁴⁹ There is no evidence that the rest of the Khawārij followed this practice; most probably they did not, otherwise Muslim heresiologists would have mentioned their approval of this custom.

The Khawārij have also taken deep interest in the position of children. Their fate was one of the earliest disputations in Islamic polemics. To the Khawārij the problem arises when they study a child's right as a member of the community. Is the child of a Muslim *ipso facto* a Muslim? Is the offspring of an infidel, an infidel and should it be consequently put to death? These questions were answered differently by the various Khārijī schisms. The Sunnis and the Shi'a contend that every child is born into the world in the faith of Islam and remains so until perverted by education of his parents. The Sunnis prohibit the killing of children on the basis of the doctrine of the *fiṭra* (nature). The Prophet is reported to have said: "Every child is born in the *fiṭra*; it is his parents who make of him a Jew or a Christian or a Parsi."⁵⁰ The natural state of man is Islam. The Khawārij reject this theory, to them Islam is acquired by personal exertion. Some of them believe that man is born in a state of neutrality, and they should be invited to embrace Islam and join the society on reaching the

⁴⁷ See Morand, *op. cit.*, pp. 28-29.

⁴⁸ Ḥimyarī, *op. cit.*, p. 177.

⁴⁹ Ash'ari, *Maqālāt*, p. 166; Baghdādī, *Al-Farq*, p. 11; Ibn Ḥazm, *op. cit.*, Vol. 4, p. 190; Shahrastāni, *op. cit.*, Vol. I, p. 176.

⁵⁰ Muslim, *Ṣaḥīḥ*, Vol. 16, p. 20.

age of discretion. The 'Ajārīda, for example, look at their children with absolute neutrality until they reach puberty when they consciously embrace Islam.⁵¹ The Tha'ālība concur that children of the faithful or of unbelievers are not to be treated with enmity or protection until they reach their majority when they are given the choice of accepting or rejecting Islam.⁵² The Ṣiltiyya accept a convert into their faith, but suspend judgment regarding his children until they mature and are then initiated through legal measures.⁵³ The purpose behind these reservations goes back to the personal element in religion as religion is the door to social life. When the Khawārij propounded conundrums about the fate of children of unbelieving parents, if the children should die, it was to discredit the conception of religion as a family rather than an individual affair. The Khāriji community is the sum of "egoes," not of "clusters of egoes," of personal, not collective "units."

The Azāriqa rejected the theory regarding neutrality of children, and taught that the children of unbelievers could not be accepted into the Khāriji society and should be killed immediately, because when they grow up they would be like their parents.⁵⁴ The Azāriqa defended their argument by resorting to Qur'anic injunctions. "And, Noah said: 'My Lord.' Leave not any dweller from among the unbelievers on the land; for if thou shouldst leave them they will lead astray thy servants, and will not beget any but immoral, ungrateful (children)."⁵⁵ The Book of God is subject to different interpretations. The Najdāt invoked the Qur'an against the practice of the Azāriqa; to them the children of unbelievers should not be killed, because God says: "No burdened one shall bear another's burden."⁵⁶

It is clear that the social acceptance of children depended upon theological dogma and could not be explained otherwise. The life or death of the child is thus subjected to the particular

⁵¹ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 191.

⁵² Ash'ari, *Maqālāt*, p. 161; the Ṣiltiyya extend this provision to cover the children of polytheists, too. See Baghdādi, *Al-Farq*, p. 76; Shahrastāni, *op. cit.*, Vol. I, pp. 173 ff.

⁵³ Ash'ari, *Maqālāt*, pp. 166-167.

⁵⁴ Iṣbahāni, *op. cit.*, Vol. 6, p. 3; Asfarāyini, *op. cit.*, p. 29.

⁵⁵ Qur'an 71, 26-27.

⁵⁶ Qur'an 6: 164.

interpretation of the school of thought that has him in its hands. Ash'ari believes that the lot of infants is in the hands of God, if He wishes, He punishes them, He does with them what He wills.⁵⁷ According to him, God can inflict pain on children in this world or in the next without impairing His justice. The Khawārij abhor suspension of judgment and, therefore, treat them in this world, according to their respective theories on this subject.

Finally, reference should be made to the practical phase of Khārijī life. The Khawārij were not mystics, though they had certain Ṣūfī characteristics. Like the Ṣūfis, they wore wool as a symbol of simplicity. When luxury became prevalent among the rulers of the Orthodox community, those who adhered to the old simple ways of the Prophet, protested against this extravagance and started to wear old and patched woolen garments.⁵⁸ They led a life of poverty and simplicity with limited ideals. A Khārijī text defines the duties, and indeed, the ideals of social life in a form of advice that goes as follows: "Be moderate, polite, and a seeker of knowledge; do not frequent the markets, wash yourself well with water or leaves of (*seder*) (plant found in the desert). . . . Learn the Qur'an by heart, accept your status without complaint . . . defend the right of the weak and the poor, and maintain the rule of justice."⁵⁹

Philosophically speaking, the greatest weakness in their social outlook is the complete absence of a sense of humor. Their mental perception was "gloomy and austere, as befitted the chosen few in an ungodly world."⁶⁰ They were pitifully lacking in the human touch and the divine joy of fellowship and being. As the Khawārij put it: "We like order and tranquility . . . Crying and singing are forbidden, it is not even polite to laugh."⁶¹ Noise and music did not please the Lord. Allah accepts only the homage of the saintly soul. Music, singing, as well as tobacco, are prohibited."⁶² We have no evidence that

⁵⁷ Ash'ari, *Maqālāt*, p. 324.

⁵⁸ Prominent among these were the Ṣūfis. But Khārijī leaders wore wool, too. On this, see Ibn al-Athīr, *op. cit.*, Vol. 7, p. 129; and Vol. 8, p. 150.

⁵⁹ Quoted in French by Chevrillon, *op. cit.*, p. 193.

⁶⁰ Nicholson, *op. cit.*, p. 211.

⁶¹ See Chevrillon, *op. cit.*, *op. cit.*, p. 202.

⁶² They thought that dancing and singing are prohibited in Qur'an 6, 70: "And leave those who have taken their religion for a play and an idle sport";

Muhammad forbade tobacco, Khāriji jurists contend that tobacco affected the mind and, therefore, should be outlawed.⁶³ Some of them say that the prohibition is provided for in Qur'an 44, 10: "So wait for the day when the heaven will bring a visible smoke."⁶⁴

Following the tradition of 'Umar b. al-Khaṭṭāb they applied eighty lashes on the one who drank intoxicating liquor.⁶⁵ Some of them said that he who drinks a liquid without knowing it to be intoxicating was nevertheless guilty and branded an unbeliever.⁶⁶ The Baihasiyya believed that drunkenness was unbelief, if as a result, prayer was neglected.⁶⁷

Thus it can be seen that the Khāriji rules of social life were strict and rigid. They lacked color and vividity. These rules had a strong influence on their cultural life and on the stamp of their civilization. In describing a Khāriji home, Heggoy writes: "There is not much of beauty in (it). Why should there be, when not even God's house is ornamented. Not a piece of sculpture, not even a decorative tile is permitted in their mosques. Life is simple, food is plain, no luxury is permitted; even the rich man lives as if he were poor."⁶⁸

Khāriji life was, therefore, full of awe and seriousness permeated by a divine "presence" of terrifying effect. One was constantly haunted by the fear of "slipping," of "deviating," of committing an error, for its immediate consequence would be total annihilation. A soul so humble and fearful before God, nevertheless, has failed to acquire humility and fellowship towards man. Its external manifestations are arrogance, non-cooperation and hatred. The Murji'a in adopting a broader view of life, came closer to better social understanding and

and in Qur'an 7, 51: "Who take their religion for an idle sport and a play, and this world's life deceives them; so this day we forsake them." "Successful indeed are the believers . . . and keep aloof from what is vain." (Qur'an 23, 1 and 2).

⁶³ They invoke Qur'an 2; 216; 5, 92-93.

⁶⁴ A popular *hadīth* among the Khawārij says that when the devil was evicted from paradise he urinated at the door, and as a result a tobacco plant grew.

⁶⁵ See Iṣbahāni, *op. cit.*, Vol. 20, p. 106; the Khawārij have, on several occasions, killed a person for the sole reason that he sold intoxicating liquor. For examples see Ibn al-Athīr, *op. cit.*, Vol. 5, pp. 82-83.

⁶⁶ Ibn Ḥazm, *op. cit.*, Vol. 4, p. 190.

⁶⁷ Asfarāyini, *op. cit.*, p. 35.

⁶⁸ *The Moslem World*, Vol. 37, p. 207.

more tolerant religious inculcation. Indeed, there can be no greater chasm than that which existed between the mild, cheerful and consoling belief of the Murji'a and of John of Damascus, on one hand, and the terror and gloom that permeated the doctrine of the Khawārij, on the other. The Murji'a failed to make any headway, for as an Islamic sect they lacked the power of assertion and realization that constituted the infrastructure of the Muslim State. The Khārijī movement failed because they had too much energy and determination which often led them to their graves. The Sunnis can, indeed, claim a "middle-way" position.

CONCLUSION

The Khawārij were the first party in Islam to recognize the danger of alien influences on their religion. They sought, therefore, from the beginning, to preserve the pure and original Islam as introduced by the Prophet. Their continuous wars, their history in general, can only be explained in the light of this conviction which they earnestly maintained and defended. In theological matters they took a conservative approach that was far-reaching and comprehensive. The questions they raised were provoking, and consequently, invited intellectual ferment. It may be argued, that the Khawārij started the polemics in Islam and, therefore, the method of learning by inquiry concerning God, prayer, the foundations of Islam and various other subjects. The Khārijī enthusiasm for learning the original religion of Muḥammad made them, for a time, reliable authorities on tradition and pious upholders of the faith.

The Sunni schools of law are all influenced by the Khārijī emphasis on the "moral" in the practical application of religious rites (i. e. prayer, fasting, etc.). It was the Khawārij who first warned that words without deeds were of no value, that the secret of faith lay in the heart and in the individual's conscience. This is, perhaps, the most important contribution of the Khawārij, and in this respect they are more emphatic than Muḥammad himself.

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