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A Statement by the Najdiyya Khārijites on the Dispensability of the Imamate

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Editor's note: In her article *Ninth-Century Muslim
Anarchists*, Patricia Crone explored the anarchistic tendencies
within the Najdiyya Kharijites, an early Islamic sect that
denied the necessity of the Imamate. In this article, Crone lays
out the anti-authoritarian philosophy of the Najdiyya and
their arguments against an islamic state, using translations of
old texts that documented the thought of the sect.

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but their narrow definition of who was and was not a Muslim spared them the painful task of considering how far their libertarian ideas might work if the community were redefined to include the vast majority of Muhammad's followers. It was the Sunnis who undertook this task, and what they lost in the way of libertarianism they gained in communal solidarity over geographical and social distances that the Najdiyya could barely have dreamed of. The Najdite ideal must be seen as an Islamic restatement of the small face-to-face society of the tribal past in which no free man had been subjected to another in either political or religious terms. Extraordinarily modern though their vision sounds, it was too conservative to survive.

The need for religious authority was emphatically denied. Neither the ruler (imam or quasi-imam) nor the community could impose their views on anyone who knew the essentials and thought for himself. There did of course have to be agreement on the essentials: otherwise the community would not exist. It was also clear that some people would reach conclusions which were demonstrably wrong: others would have to show them where their error lay. But anyone could do this, and no penalty attached to such mistakes, which were the inevitable by-product of reasoning by fallible and sometimes poorly educated human beings. It was not desirable that such reasoning should be replaced by unquestioned obedience to authority. As far as intellectual life was concerned, the Najdiyya emphatically rejected consensus, for here it was on a par with imams: both stood for the subjection of humans to humans. Politically *and* intellectually, every Najdite was an autonomous person subject only to God.

The Najdite doctrine owed its viability among its adherents to the fact that the Najdite community was very small, and probably also homogeneous. The obverse of the libertarian principles which prevailed within the community was extreme intolerance of outsiders. All non-Najdites were classified as idolatrous infidels who did not in principle enjoy any legal protection whatever, so that they could be indiscriminately slaughtered, despoliated and enslaved. In practice the Najdiyya lost their urge to fight their *qawm* (as non-Khārijite Muslims were known) after their great revolt in the second civil war, and like the Sufrīs they seem to have adopted a double set of rules whereby it was lawful to have legal relations with the alleged infidels in the abode of *taqiyya*, meaning that one could intermarry with them, inherit from them and so forth, whereas it was unlawful to have such relations in the abode of *'alāntya*. all ties would have to be cut if the believers made a *bijra* to establish a polity of their own. [69] The Najdiyya seem to have lived amicably enough with their Mu'tazilite and other neighbours,

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one else, and he had to be obeyed in all respects as long as his superiority held; the Najadāt are depicted as obeying, and eventually disobeying, Najda himself along such lines at the time of their emergence.⁶⁵ They could have retained the imamate as a purely religious institution in Basra, or wherever they lived; but they emphatically did not want it. Nor did they want *ijmā*, It may well have been *ijmā*, rather than the imamate that they saw as the main threat by the time of al-Shahrastānī's source, but they contrived to reject them together. There is no parallel to their concatenation of the dispensability of the imamate and the invalidity of *ijmā* on the Mu'tazilite side, nor would the Mu'tazilites have approved of the spirit in which it is made, for anti-authoritarian though some Mutazilites may have been in political matters, they all saw themselves as forming an intellectual elite. But the Najdiyya formed a sect rather than an elite, and what their joint rejection of the imamate and *ijmā* amounted to was an assertion of intellectual equality within it.

Conclusion

The Najdite doctrine is the most radical affirmation of intellectual and political freedom encountered in the formative centuries of Islam. The need for political authority was acknowledged, but the quasi-imam that one might or might not elect for purposes of internal order and defence owed his position to the community, maintained it by deference to his electors' notions of justice and lost it when they ceased to approve of him, He was their agent and had no source of legitimate power other than their agreement on him. As far as government was concerned, the Najadāt certainly did not reject consensus; on the contrary, they insisted on it as a safeguard against tyranny, the subjection of humans to humans.

⁶⁵ Ash'arī, 89f, 91f.

The Najdiyya, on the other hand, were members of a wider sect which had never recognized the ‘Abbāsids and which deemed the establishment of a true imamate to be a prime duty of the believers: to the Ibādīs, the fact that the institution had gone wrong under ‘Uthmān and his successors merely showed that one should try again. But the Najadāt had tried and failed in the second civil war and they no longer wished to persevere. In principle they could have historicized the institution on a par with the Mu’tazilites, arguing that it had been real in the past but that now it had become utopian so that there was no longer any duty to rebel in order to establish it. But in practice they are likely to have felt that so fundamental a duty needed a more radical denial to be safely abolished, especially as the Ibādīs and Sufūrīs were successfully establishing imamates in North Africa and Oman. Consequently, they took the drastic step of denying that the institution had ever existed. All that had existed was a quasi-imamate that one was free to have or not to have as one wished, very much as the Mutazilites said about the quasi-imamate of the ‘Abbāsids. In the Najdite case, however, the quasiimam was a hypothetical figure in that he was the leader of a Najdite polity that did not exist and never would. The Najdiyya thus had no reason to speculate how the law might be applied, the *budud* dispensed or order maintained in his absence, or to consider whether a plurality of leaders would be a better idea. All that interested them was religious authority.

Like other Muslims, the early Khārijites accepted the imam as a religious as well as political leader. The Ibādīs even continued to call him *khalīfat allāh*.⁶⁴ He owed his authoritative position to the fact that he was generally acknowledged to be more learned and pious, and thus more likely to be right, than every-

⁶⁴ Wā’il b. Ayyūb in Kāshif, *Styar*; ii, 57.11; Abū ‘l-Mu’tahir, *ibtd.*, i, 157.8; unknown to J>. Crone and M. Hinds, *God’s Caliph*, Cambridge 1986, 12, 57.

Until recently, Khārijite doctrine was known only from non-Khārijite literature and a few Ibādī works, mostly difficult of access. The systematic publication of the literary heritage of the Ibādīs by the Ministry of Culture and National Heritage in Oman has drastically changed the situation as far as the Ibādīs are concerned, but no such dramatic turn of fortune is to be expected for the extinct sects, whose literature must count as irretrievably lost except in so far as it survives in other people’s works. Other people did not tend to quote them much, however, as opposed to briefly summarize their views. The only work by a non-Ibādī Khārijite currently known to be extant is a long creed composed between 215/830 and 218/833 by a follower of the Sīstānī sect which the heresiographers knew as the Hamziyya; we owe its preservation to the Ibādīs,¹ Maybe other pieces will turn up in the Ibādī literature, but meanwhile it may be reported that one is to be found nearer at hand: al-Shahrastānī’s *Iqdām* contains a statement derived from a work by, or about, the Najdiyya.²

The Najdiyya

The Najdiyya or Najadāt emerged along with the Azāriqa in the second civil war and retreated into obscurity after their defeat in 73/692f. It has been proposed that they disappeared soon thereafter, but they seem to have survived at the very least

¹ The creed was composed by one Abū ‘l-Fadl b. Fūrak al-Khārijī and is presented with comments by the Omani scholars Muhammad b. Mahbūh (d. 260/8730 and Abū Sa’id al-Kudami (fl. fourth/tenth century) in Abū ‘Abdallāh Muhammad b. Ibrahim al-Kindī, *Bayān al-sbar*, iii, Oman 1988, 277–94; also in Jumayyil b. Khamis al-Sa’dī, *Qāmūs at-sbarra*, Zanzibar 1297–99, viii, 285–95, citing al-Kindī. A new edition and translation has been promised by A. Paketchy; meanwhile, see P. Crone and F. Zimmermann (ed. and tr.), *The Epistle of Sāltm b. Dbakuiōn*, Oxford, forthcoming, ch. 8, where the creed is briefly discussed.

² Al-Shahrastānī, *Kttāb Ntbāyat al-tqdām* (or *aqdām*) *ft ‘tim at-‘ēalām*, ed. and tr. A. Guillaume, London 1934, 481ff – 152f.

into the ninth century, and perhaps beyond. The Ibādī epistle attributed to Sālim b. Dhakwān (probably put together c. 750–800) implies that they lived in quiescence for long enough to modify their views on their relationship with non-Najdite Muslims; al-Mubarrad (d. 286/900) observes that “many of them survive to this day”, and al-Baghdādī (d. 429/1037), perhaps echoing an earlier source, claims that they were divided into four groups, of which one “are the Najadāt today”.³

The Najdiyya are notorious for having denied the obligatory nature of the imamate.⁴ Contrary to what is sometimes stated in late sources and the secondary literature,⁵ this was not a doctrine common to all Khārijites. The Nukkārī subset of the Ibādīs did apparently adopt it at some point,⁶ but the Ibādīs at large affirmed that the imamate was prescribed by the law,⁷ and other Khārijites reportedly agreed with them.⁸ A fair number of early Mu’tazilites, however, also rejected the obligatory nature of the institution, notably al-Asamm (d. 200/816 or 201/

³ Crone and Zimmermann, *Epistle*, ch. 5; al-Mubarrad, *at-Kāmtt*, ed. Z. Mubārak and A. M. Shākir, Cairo 1936–7, iii, 913.7; al-Baghdādī, *al-Farq bayna ‘l-flraq*, cd. M. Badr, Cairo 1328, 69.-2.

⁴ The documentation is given below, notes 24–26.

⁵ E.g. al-Ījī, *at-Mauīōqtīf*, Cairo 1907, viii, 348.tilt., 392.-6; al-Sanandajī, *Taqrib al-marām fi tabdbdīb al-kalām*, Bulaq 1319, ii, 322; E. A. Salem, *Political Theory and Institutions of the Khatoörtj*, Baltimore 1956, 51f (with reference to these two sources), H. Laoust, *Essai sur les doctrines sociales et politiques de Tatā-d-Dtn Ahmad b. Taimtyya*, Cairo 1939, 282; A. K. S. Iarnton, *state and Government in Medieval Islam*, Oxford 1981, 23 (with reference to Laoust).

⁶ Al-Jannāwunī, *Kitāb al-toad’*, ed. Abū Ishāq Ibrāhīm Atfayyish, sixth printing, Oman (Maktahat al-istiqāma) n.d., 23 and note 1 thereto; R. Rubinnacci, “La professione die fede di al-Gannāwunl”, *A1111ali de/l’Istituto Orientale di Napoli* NS 14, 1964, 588.

⁷ Cf. jannāwunl in the preceding note; Abū ‘Ammār, below, note 26; al-Bisyānl in S. T. Kāshif (ed.), *al-Styar ua’l-fauātat ti-iulamā’ uia-a’tmmat ‘Umā11*, Cairo 1986, i, 77.6, ii, 175.

⁸ Cf. Shahrastānī, *iqdām*, 478.6; Nashwān al-Himyari, *a/-Hūr at-tn*, ed. K. Mustafā, Cairo 1948, 150.2; al-Nu’ mān b. Muhammad b. Mansūr, *Da’ā’im al-tstām*, ed. A. ‘A. A. Faydī, Cairo 1969, i, 39.6.

it survived, but it is hardly surprising that there were some who looked for alternatives: why stick with an institution that could never be more than a quasi-imamate? Shī’ism apart, the only alternative was to do without an imam or to have several, either of which presupposed that the original imamate was not a God-given institution. Since the Mu’tazilites who considered these options were animated by a concern to find an alternative to the caliph, they could not ignore the question how one might enforce the law, dispense the *budud* and maintain order if one chose to do without him, and they duly discussed these questions. They must also have been asked how the community would manage in religious terms, for many Mu’tazilites persisted in seeing the caliph as a source of religious instruction, including al-Nazzām if Pseudo-Nāshī’ is to be trusted,⁶³ but on this question their answers do not seem to survive, possibly because they were deemed unremarkable: that the imam had no say in the definition of the religion was after all becoming generally accepted.

⁶³ Ps.-Nāshī’, par. 85, where he is among the Mu’tazilites who held that the imam must be *at-afdat* because he is the one who *yu’addibu ‘l-umma ua-yu’arrtfubā maiūtmt dtntbā*. But the adherents of this view are described as believers in the obligatory nature of the imamate in the previous paragraph, and al-Nazzām held it to be optional. Perhaps his presence here is mistaken, but it certainly seems to have been possible to combine belief in the optional nature of the imamate with the conviction that *if* one were to have an imam, he had to be a superior person capable of teaching the community. Al-Asamm said that the Prophet’s governors had functioned as local imams: each one had executed the normal functions of government and *taught people the taus of Islam*; this was why it would be lawful to have several imams now (Ps.-Nāshī’, par. 103). And a fair number of the Baghdadi Mutazilites who held the imamate to be optional were Zaydi sympathizers, including the famous Sahl b. Salāma al-Ansān (W. Madelung, ‘The Vigilante Movement of Sahl b. Salāma al-Khurāsānl and the Origins of Ijanbalism Reconsidered’, *Journal of Turkish Studies* 14, 1990 (*Festschrift Fabir Iz*), 335; van Bss, 7tl, iii, 174, where Sahl is reasonably, but probably wrongly, seen as violating the convictions of al-Asamm and the Mu’tazilite ascetics by offering the caliphate to a Hasanid).

short, the imamate had become utopian. The position of the Najdiyya, if the interpretation of al-Shahrastānī's fragment proposed here is correct, was that the imamate had always been utopian: agreement had never prevailed, even Abū Bakr had only been a righteous *ra'is*.

Finally, Mu'tazilites such as Dirār; Hafṣ al-Fard and Abū 'l-Hudhayl are reported to have accepted Abū Bakr's superior merit on the basis of independent reasoning (here *qiyās*) and historical reports (*kb abar*) about the general agreement on his imamate (*ijtimā al-nās 'alaybi wari . — um bi-imāmatibi*), adding that the community would never agree on an error.⁶² They did not thereby mean to assert that the imamate was prescribed by the law (though they would all appear to have accepted this), only that Abū Bakr had been a valid imam in his time. But the Najadāt will not have accepted, or even seen, the distinction, and it could be this very doctrine, rather than Sunni equivalents, that they are out to squash in al-Shahrastānī's fragment. It would explain why they base their position entirely on historical reports and independent reasoning, and rail against *ijmā* without wasting words on Sunni Hadith.

The Najdiyya and the Mu'tazilites developed their common ideas in different ways because they lived in different worlds. Both started from a conviction that the imamate had ceased to be practicable, but this was an easier conclusion for the Mu'tazilites to reach than for the Najdites. The Mutazilites moved in circles in which it was widely accepted that the true imamate had only lasted for a short time and could not be restored: the Prophet himself had predicted that it would only last for thirty years, as Sunni Hadith says. The normal response was to cling to the imperfect 'Abbāsīd form in which

⁶² Nawbakhtī, 11 (• *TG*, vi, 195f, with discussion); similarly Ps.-Nāshī', 52, par. 87 (= *TG*, v, 249). Van Ess is surely right that Nawbakhtī's citation of al-Nazzām's views comes to an end with the passage labelled *din TG*, so that al-Nazzām is not among those who held that the community would never agree on an error.

817), Hishām al-Fuwatī (fl. c. 210/825), al-Nazzām (d. 220-30/835-45), 'Abbād b. Sulaymān (d. c. 260/874) and the so-called *šū'iyyat almu'tazila*, Mutazilite ascetics.⁹ The sources often report the Najdite and the Mu'tazilite positions together, usually in a couple of lines. Al-Shahrastānī also reports them together in his *Iqdām*, but he allows unnamed adherents of the doctrine to expound their views at length, and it soon becomes clear that the adherents in question are Najadāt. What follows is a translation of al-Shahrastānī's account, (1°) an attempt to separate its Najdite and Mu'tazilite components, and a general discussion of the doctrines it contains.

Translation

(481) (a) "The Najadāt from among the Khārijites and number of the Qadariyya such as Abū Bakr al-Asamm and Hishām al-Fuwatī say that the imamate does not have the obligatory legal character that would make the community liable to censure and punishment if it chose to live without it. Rather, it is based on the manner in which people deal with one another (*mu'āmalāt al-nās*). If they acted justly and cooperated and helped one another in piety and fear of God,¹⁰ and if all legally obligated persons occupied themselves with their duties and obligations, then they could manage without the imam, (482) and without following him.

(b) For every one of the *mujtabids* is like the next in respect of religion, Islam, knowledge and *tjtibād*. People are like the teeth of a comb, or like a hundred camels in which there is not

⁹ Cf. J. van Ess, *Tbeologte1111d Gesellschaft im 2. und 3. [abrbundert Htdscbra*, Berlin and New York 1990–97 (hereafter *TG*), ii, 408ff (al-Asamm); iii, 132 (*šū'iyyat al-mu tazūa*), iii, 416 (al-Nazzām): iv, 14f, 44; vi, 234, 269f, no. 39, 102, 106–8 (Hishām al-Fuwatī, 'Abbād b. Sulaymān): cf. also *id.* 'Une lecture à rebours de l'histoire du Mu'tazilisme', *Revue des Etudes Islamiques* 47, 1979, 21ff (al-Asamm): *id.*, 'al-Asamm', in *E/2*, Supplement, 56

¹⁰ Cf. Qur, 5:2.

a single female riding camel.¹¹ Why should they be obliged to obey someone like themselves?

(c) To this they added by way of affirmation (*taqriran*) that they said: The obligatory nature of obedience to a single member of the community (*umma*) could only be established in one of two ways, that is through designation (*nass*) by the Prophet but you have already shown that he did not designate anyone or through choice by the *mujtabids*.

(d) Now it is inconceivable in terms of both reason and fact (*lā yutasaunoaru ‘aqlan uia-lā touqû/an*) that there should be a unanimous choice by every single member of the community without any disagreement at all. As regards reason, since choice is based on *ijtibād* and *ijtibād* is based on the individual judgements with which every person of sound mind resolves his vacillations in matters of reason and authoritative information (*fl ‘l-wu1-üh al- ‘aqüyya toa ‘l-sam ‘iyya*), and since further this is something varied by (people’s) natures (*mukbtalif fi’l-tibā’*), it necessarily follows that there will be variation in the ruling (they arrive at) as well.

(e) [As regards fact] Is it not the case that the ruling which more than any other should have elicited agreement is the first caliphate? The most authoritative time for purposes of the law is the earliest time; the foremost persons in respect of truthfulness and sincerity are the Companions; and the Companions most deserving of trust without suspicion or (fears of) treachery are the Muhājirūn and the Ansār, while the persons closest to the Messenger of God are Abū Bakr and ‘Umar.

(f) But consider how the Ansār nonetheless went to the Saqifa, saying “(Let there be) a commander from us and one from you”, and how they agreed on Sa’d b. ‘Ubāda (and would

¹¹ For these expressions, see L. Marlow, *Hierarchy and Egalitarianism in Islamic Thought*, Cambridge 1997, 18, 21.

There are three further suggestions of interaction on the Najdite side. First, as seen already, both the Najadāt and al-Iāhiz’ presumed Mu’tazilites adduced the Ansārī *minnā amir wa-minikum amirand* other disagreement over the succession to Muhammad in support of their denial that the imamate was prescribed by the law. Secondly, both the Najdiyya and the Mutazilite believers in the optional imamate arrived at their conclusion via a conviction that the imamate was a unique and exalted institution. The *sufiyyat al-mutazila*, for example, argued that government in Islam was quite different from that of other nations, for other nations had kings who enslaved their subjects whereas the Muslims did not; but since the imams of the Muslims now tended to develop into kings, whom one was obliged to depose, and since further one could not depose them without destructive civil war, it was now better not to have an imam at all.⁵⁸ Unlike the Najdiyya, all the Mutazilites accepted that the institution had been real in the past; they merely said that it could no longer be maintained because it kept turning into kingship,⁵⁹ or because the community had grown too large for agreement on its leader⁶⁰ or too sinful for agreement on the truth.⁶¹ In

⁵⁸ Ps.-Nāshī’, par. 83 — *TG*, v, 329f.

⁵⁹ Thus the Mu’tazilite ascetics (cf. the preceding note).

⁶⁰ A4i al-Asamm seems to have argued. According to him, the last caliph to elicit consensus was Mu’āwiya (Ash’ari, 456 — *TG*, v, 204, with numerous further references); there could be no real agreement on the imam now, nor could he control his subjects or cooperate with unknown people of merit in distant provinces, so it would be better to have a federation of imams (Ps.-Nāshī’, par. 104 — *TG*, v, 208).

⁶¹ Thus Hishām al-Fuwati: the community which was not of one will and which sinned and killed its ruler had no need of an imam (Hishām in Baghdādī, *Farq*, 149f; *td., U-ül*, 271.15 = *TG*, vi, 234, with further references; also pt1t in the mouth of ‘Abbād, cf. Ibn J:Iazm in *TG*, vi, 269). T11c last legitimate caliph was ‘Ali, for the agreement that it was possible to have an imam came to an end when he died; Muslims should now rebel when they could in order to do what the imam used to do, or they should take the law into their own hands (‘Al)lād in Ash’ari, 459, 465, 467 — *TG*, vi, 2690.

that it would be easier to depose him if he were a non-Arab devoid of tribal support,⁵³ that ‘Uthmān had been rightly deposed and killed for his innovations,⁵⁴ that the community was free to dispense with the imamate altogether and that a plurality of imams might be acceptable too.⁵⁵ On the Khārijite side only the Najdiyya believed in the dispensability of the imamate,⁵⁶ while only the Ibādiyya permitted several imams, and both did so in a different vein from the Mu’tazilites.⁵⁷ But it is certainly hard to avoid the impression that the two sides developed their ideas in interaction.

⁵³ Cf. the previous note. On the Ibādī side the argument turns tip in the deliberations leading to the election of ‘Abd al-Rahmān b. Rustum in North Africa in 161m8 (reported by Ibn Saghīr on Ibādī authority in A. de Motylinski (ed.), ‘Chronique d’Ibn Saghīr stir les imams Rostemides de Tahert’, *Actes du XIV Congrès: Internattonat des Oenattsttes, Alger 1905*, Paris 1908, 9). It seems to be by mere confusion that it is reported as an Jbādī doctrine in Bazdawi, *Usiē*, 187.

⁵⁴ Thus Dirār and Bīshr b. al-Mu’tamīr (van Ess, *TG*, iii, S7, 130), both reflecting a Kufan rather than Basran environment. For a passionate Ibādī defence of this view, see the second part of Sālim’s epistle in Crone and Zimmermann, *Epistle*.

⁵⁵ Cf. above, note 9.

⁵⁶ The Ibādīs never thought that humans might be able to live without authority, as van Ess implies in connection with al-Nazzām (*TG*, iii, 416); cf. note 9.

⁵⁷ Al-Asamm thought that it would be positively preferable to have a plurality of imams in his own time (Ps-Nāshī’, pars. 103f- *TG*, v, 208), and his presumed pupils speak of one imam, several or none as equally good solutions (Jāhiz, *Rasātt*, iv, 285). But to the Ibādīs, a single imam remained the ideal. Muhammad b. Mahbūb (d. 260/8730 accepts a plurality in a spirit of regret: though there cannot be two imams in one *misr*, there can be one in each as long as their jurisdictions are separate; stich an imam is not *amīr al-mu’minin*, however, for this title is reserved for a man who rules all the *ab/al-qibla* after the fashion of Abū Bakr and ‘Umar (in Kāshif, *Styar*; ii, 265ff; cited by Bisayāni, *ibid.*, 186, cf. also 191; cf. also J. C. Wilkinson, *The tmamate Tradttton of Oma11*, Cambridge 1987, 163–69). It was apparently Abū Sufyān (Mal)būb b. al-Rahīl (fl. c. 200/815 who first formulated this view (*ibid.*, 268; cf. Crone and Zimmermann, *Epistle*, appendix 1, for his date).

have elected him) if <Umar had not obviated it by paying allegiance (to Abū Bakr) himself so that people followed him.¹²

(g) Later he said, “Verily, the allegiance to Abū Bakr was a coup (*falta*); God preserved (the community) from the evil it might have given rise to, but if anyone ever does anything like that again (483) you should kill him. So any man who gives allegiance to another without consulting the Muslims risks that both of them will be killed”; i.e. “I gave allegiance to Abū Bakr without consulting the community (*jamā’a*) and God preserved (it) from its evil, but do not do it again”.¹³

(h) So there was no agreement of the community (*iūifāq al-famā’a*) at the time of the allegiance (to Abū Bakr). The next morning, when (the rest of the Muslims) gave allegiance to him, the Umayyads and the Hāshimites went aside and Abū Sufyān said to (Ali, may God be pleased with him, “Why are you letting this office go to the worst (sub-) tribe of Quraysh?”, to which (Ali replied, “You tempted us as an infidel and now you want to tempt us again as a Muslim”.¹⁴ Al-Abbās said something similar, for he had heard the Prophet, may God bless him and grant him peace, [say], “You are my father and the father of the rest of the *umma*, the caliphate will be in your descendants for as long as night and day follow one another”.¹⁵ (Ali, may God be pleased with him, did not go out to give allegiance (to Abū Bakr) so that (when he finally did) it was rumoured that he had (given) one oath of allegiance in secret and another in

¹² Cf. W. Madelung, *The Succession to Muhammad*, Cambridge 1997, cl1. 1.

¹³ Cf. al-Tabarī, *Ta ..nkb al-rusul ioa ‘l-mulue*, ed. M.. J. de Gocje and others, Leiden 1879–19(0)1 (hereafter Tab.), i, 1822; Madelung, *Succession*, 30.

¹⁴ Compare Tab. i, 1827f.

¹⁵ Compare the traditions in which the Prophet says of al-Abbās that he “is my father, my uncle, my legatee and my heir” (Ibn al-Jawzi, *at-Maudūāt*, Dār al-fikr 1403, ii, 31; al-Shawkāni, *at-Paioātā a/majmūa fi ‘l-a’lātlib at-maioāūa*, ed. (A.-R. Y. al-Mu’allā al-Yamāni, Matba’at al-sunna al-muharnmadiyya 1398, 402). I owe these references to Amikam F.lad.

public.¹⁶ Meanwhile Usāma b. Zayd had gone off as commander of the army, a position to which he had been appointed by the Prophet.

(i) If communal consensus (*ijmā al-umma*) is inconceivable in what is most important and most worthy of consideration, then we may infer that consensus can never be realized and that it does not constitute proof (*dalil*) in law.

(j) They continue: establishing the imamate by election is self-contradictory in two ways. First, the elector (*sāhib al-thbttiyar*) is imposing an obligation on the imam while setting him up, until he actually becomes imam; yet the elector is obliged to obey him as soon as he takes up the imamate. How can he claim a right to obedience by virtue of his imamate when he owes it to him? Secondly, every one of the *mujtahids* who elevate (candidates) to the imamate would be entitled to disagree with the imam in questions of *ijtihād* by exercising his own *ijtihād*. There is not a single issue on which you have prescribed obedience to the imam which such a man could not lawfully disagree with him over (484) on the basis of *ifttbad*. How can we make him an imam whom it is obligatory to obey if at the same time we stipulate that the *muftabid* may disagree with him whenever *ijtibād* leads him to do so?

(k) They continue: all this shows that the imamate is not a legal duty. To be sure, if they need a chief (*rais*) to defend the territory of Islam and maintain the unity of the community (lit. mankind), and if further their *ijtihād* leads to conclusion that they should set tip such a person to be in charge of them, then

¹⁶ Many early sources say that ‘Ali withheld allegiance for six months, until Fātima died, or until he was shunned or forced to pay allegiance (e.g. Tab, i, 1820, 1825f; cf. Madclung, *Succession*, 43f). Others said that he paid allegiance straightaway (e.g. T-11J, i, 1825). Later Sunnis disposed of the former reports by presenting the delayed *baya* as a mere renewal of the first (cf. Ibn Kathir, *a/-Bidāya toa ‘lNtbōya*, v, Cairo 1351, 249f, 286. I owe both the reference and the thought that goes with it to Hossein Modarressi). That the first oath of allegiance was taken in secret was a natural inference, though not one that Ibn Kathir seems to have made.

that freedom of religious thought was preferable to authority and conformity. As long as the essential body of doctrines was protected, it did not matter if people disagreed, or even if they were wrong. Anybody who rejected the *mujtabids*’ freedom to decide for themselves, however mistakenly, in matters not covered by the essentials *ipsofacto* ceased to be a member of the community,

Najdite-Mu’tazilite Interaction

Van Ess has suggested that the Mu’tazilite believers in the optional imamate, notably al-Asamm and his school, developed their views under Khārijite influence.⁴⁹ There is a good case for this view. More precisely, the Mu’tazilite and the Khārijite conceptions of the imamate come across as different developments of the same basic stock of ideas, which will have been freely available in Basra. There were not only Khārijite, but also Mu’tazilite adherents of the views that the imam owed his position to communal agreement, indeed unanimity,⁵⁰ that he had to be the most pious and meritorious person but not necessarily a Qurashi,⁵¹ that he had to be deposed if he strayed,⁵²

⁴⁹ TG, ii, 41 lf (where the influence is envisaged as Ibādī rather than Najdite or mixed).

⁵⁰ The Mu’tazilites said that the imamate was established by reflexion, election and *tjmā alumma* (Nawbakhti, 10); for al-Asamm’s insistence on consensus, or even unanimity, see Ash’ari, 460.6; Baghdādī, *Parq*, 1S0.4; Shahrastāni, i, *Mt/a/*, 19; van Ess, TG, ii, 408ff.

⁵¹ T11us Dirār and Hafs al-Fard (Ps.-Nāshi’, par. 93 — 1-C, v, 248; Nawbakhti, 10; Baghdādī, *Usial*, 275); al-Nazzām (Nawbakhti, 10f), some Mu’tazilites, including al-Nazzām (Nashwān, 1S2); the presumed Mu’tazilites in Jāhiz (*Rasāū*, iv, 258), most Mu’tazilites (Bazdawi, *Usū*, 187), the Mu’tazilites without further qualification (Nawbakhti, 10); or the Mu’tazilites in their entirety (*stc*, Mas’ūdī, *Murūj*, vi, 24; ed. Pellat, iv, par. 22S7; cf. also iii, 107; ed. Pellat, ii, par. 9SS — TG, v, 248).

⁵² Thus Dirār and Hafs al-Fard, who would prefer a non-Arab because he would be easier to depose (Nawbakhti, 10; Ps.-Nāshi’, par. 93 — TG, v, 248). Similarly the Mu’tazilite ascetics (Ps.-Nāshi’, par. 82 — TG, v, 3290).

through ignorance. The Najdiyya divided the religion into things that one was obliged to know and things regarding which it was excusable to be ignorant, a distinction also made by the Jbādīs. According to the Najdiyya, it was obligatory to know God, His messengers, the sanctity of Muslim (i.e. Najdite) lives and property, and to affirm the revelation in its entirety. All this was essential, but the rest was not, and ignorance about it was permitted. If one mistakenly declared a forbidden matter of the non-essential kind to be *haram* on the basis of *ijtibād* because one did not know any better, then one was excused, for God would not punish a *muftabid* for a mistaken conclusion reached in ignorance. Anyone who thought otherwise was an infidel.⁴⁶

All one needed to be a Najdite, then, was knowledge of the essentials, and all one needed to be a *mujtabid* was knowledge of the same. The mistaken conclusions that such minimally qualified persons might reach were forgivable, though they had to abandon their errors if they could be demonstrated to them.⁴⁷ No wonder that the epistle of Sālim b. Dhakwān depicts the Najdiyya as a sect with which every kind of heinous sin was tolerated.⁴⁸ The Najdite doctrine is quite different from that expressed in the famous dictum that “everyone who exercises independent reasoning is right” (*kullu muftabid mustab*), for this dictum presupposes that *ijtibād* is applied to questions on which certainty cannot be, or at least has not yet been, reached, and that the *mujtabid* is a qualified scholar, whereas Najdite *ijtibād* was the sort of reasoning that everyone will engage in when no answer is readily available whether the answer is known to the experts or not. The Najdiyya were saying

⁴⁶ Ash’arī, 90f; Baghdādī, *Parq*, 67f; Nashwān, 170; Shahrastāni, *Mt/a*, i, 91.

⁴⁷ The excuse was only valid as long as the *mujtabid* had not seen the *ḥujūba* against him.

⁴⁸ Sālim, 111, 82, in Crone and Zimmermann, *Epistle*: cf. the commentary thereto and the discussion in ch. 5.

that is perfectly lawful on condition that he abides by justice and equity in his transactions, so that they are obliged to depose him and resist him if he makes wrongful decisions against anyone. This is like what they did to ‘Uthmān and ‘Ali, may God be pleased with them,¹⁷ for when ‘Uthmān made those innovations of his they declared him deposed, and when he refused to step down of his own accord they killed him; and when ‘Ali accepted the arbitration, doubting his own imamate, they deposed him too and fought him”,

[Al-Shahrastāni leaves the subject to set out the position of the Shī’ites, then moves on to refutation].

(487) (l) “The Sunnis respond as follows to the doctrine of the Najadāt regarding the fundamentally non-obligatory nature, in terms of reason and law, of the imamate: in our view obligations rest on law, and the evidence (*madrak*) for this duty is the consensus of the community (*tjmā al-umma*). The disagreement you mention regarding the choice of a particular man for the role of imam is one of the strongest¹⁸ proofs that the imamate as such is fundamentally obligatory; for if it had not been obligatory, they would not have taken it upon themselves to find a particular person, nor would they have devoted all this attention to it”.

[Al-Shahrastāni’s refutation continues. His last point before he turns to the Shī’ites is]

(490) (s) “As for their doctrine that people could do without an imam if people behaved with justice and equity, we say that this is possible as far as reason is concerned, in the way that theoreticians can get things right in their theorizing (about things) before the coming of the law. In the normal course of events and customary way of things, however, people do not settle down on the paths of justice and law of their own ac-

¹⁷ The blessings are clearly later additions.

¹⁸ Reading *ada/lt* (cf. 154, note 2) or *autā* with 487, note 5) *al-dalāūfor adba//a al-dati*.

cord, but only when someone forces them to do so by making them afraid and being stern with them. That only comes about through the governance of the imam, who is harsh with the evil-doer and induces fear in him with the sword.”

The component parts

Al-Shahrastānī’s account contains two quite different arguments. The first, which is set out in *a* and refuted in *s*, denies the obligatory nature of the imamate with reference to a hypothetical situation: *if* people acted justly and cooperated and helped one another in piety and fear of God, and *if* all legally obligated persons occupied themselves with their duties and obligations, *then* they could manage without an imam. The rest, that is *b* and the long *taqrir* which follows, rejects the obligatory nature of the imamate in a non-hypothetical vein. Its gist is not that people *could* dispense with the imam, but that they *can* do so, and indeed that they *must* do so since the institution is fundamentally impossible.

The first argument is al-Asamm’s, He is widely reported to have held that -if people desisted from wrongdoing (*law takāffa ‘l-nās/law kaffū ‘an al-tazāium/maeālim*), they would not need an imam-, (2<->) or -if people acted justly (*law ansafa ‘l-nās*) to one another and stopped harming one another and no *badd* punishments were necessary, then they could do without an imam.¹⁹ Precisely what he meant by this is debatable. Though some accounts replace *law* by *in* or *idbā*, suggesting that he envisaged the hypothetical state as realizable,²⁰ he was hardly

¹⁹ ‘Abd al-Iabbār; *Mt1gb11i*, xx/I, cd. ‘A.-H. Mahrnūd and S. Dunyā, Caire) n.d., 48.4.

²⁰ “Some Mu’tazilites, both ancient and recent ones ...say that if the community is just (*i11 ‘ada/at al-umma*) and there is no sinner in it, then it does not need an imam” (al-Mas’ūdi, *Murūj a/-dbabab*, ed. C. Barbier de Meynard and A. J. B. Pavet de Courteille, Paris 1861–77, vi, 25; ed. C. Pellat, Beirut 1966–7, par. 2258); “it is transmitted from al-Asamm ...that it (the

that one may wish to elect a political leader, i.e. under conditions of revolt or independence, but this *ra’is* would be an ordinary human leader answerable to the believers themselves. He would not be an imam, for one cannot elect such a person (*j*’): the election would have to be unanimous, which is impossible (*d*); (47) and the imam would not have any religious authority over and above that possessed by everyone else (*b,j*). The Shi’ites agreed: it would indeed be nonsensical to have an elected imam; this was why the imam had to be someone singled out by God Himself.⁴⁵ But the Najdiyya did not think that God complied with human wishes in this respect and so they concluded that no such thing as an imam existed.

The argument for *ijtibād* over *ijmā’*

The key idea in al-Shatānī’s account is that all *mujtabids* are equal, with a strong suggestion that every Najdite was a *mujtabid*.

There is no difference between one *mujtabid* and the next, the text says in *b*, for people (*al-nās*) are like the teeth of a comb and like a hundred camels without a single riding camel; and in *d* it equates the *mujtabids* who elect the imam with “every member of the community” (*kullu uabiâ min al-umma*) and “people of sound mind” (*at-uqala’*), All Najdites were equally authoritative, then: no imam could compel them to defer to his authority, nor could the collective body compel them to defer to an alleged consensus, past or present, for *ijmāwas* not a source of law at all (*i*). Every Najdite of sound mind was responsible for his own religion.

That the Najdiyya thought of *ijtibād* in a radically egalitarian vein is corroborated by their famous doctrine of excuse

⁴⁵ Al-Qadi al-Nu’mān even adduces the same argument as the Najdiyya in his *Datam*, i, 39f: how could people agree on one man, given their different dispositions and persuasions? They did not in fact agree on Abū Bakr.

Al-Iāhiz' Mu'tazilites and al-Shahrestāni's Najdiyya are thus fielding different arguments, the obvious similarities notwithstanding. Both focus on the behaviour of the Companions, but the former wish to know what it tells us about the Prophet and worry about Hadith, the latter wish to know what it tells us about Abū Bakr and worry about *ijmā'*; the former distinguish between the institution and its first incumbent, arguing that the institution is optional; the latter conflate the two, arguing that the institution is impossible. Both are nonetheless told by their opponents that the succession disputes fail to disprove the obligatory nature of the institution.⁴⁴ Since this is not a good argument in al-Jāhiz' case, one assumes that he adduced it as a matter of routine, the retort having become conventional already by his time. Since further it is an excellent argument in al-Shahrestāni's case, it corroborates the impression that the Najdiyya's argument was rooted in early discussions.

Unlike the Mu'tazilites, they clearly had not responded by abandoning the conflation. On the contrary, they convey a strong impression of playing it up, just as they play up the degree of unanimity required for the imamate to exist, because this made it easier to reject the institution: it was a form of leadership so elevated and rested on consensus in a sense so stringent that it would have to be dismissed as utopian along with *ijmā'* itself.

Originally, the Najdiyya probably rejected the imamate because they wished to free themselves from the obligation to rebel: if the true imamate had never existed and never could, there was no reason why the Najdiyya should risk their lives by trying to set one up. But the original motivation, if such it was, is not apparent in al-Shahrestāni's account.

Here their message seems rather to be that they did not want any political or religious authority between themselves and God, be it in a state of quiescence or otherwise. They grant

⁴⁴ Jāhiz, makes this point at *Rasātl*, iv, 306.

voicing belief in the perfectibility of man and future dispensability of government. Rather, his point seems to have been that since one could envisage a situation in which the imamate was superfluous, one could not show it to be obligatory on the basis of reason; and since further it was not enjoined in the Qur'ān (as he must have taken for granted), there was no reason to think that the imamate was prescribed by the law at all: rather, it arose from *mu'āmalāt al-nās* (cf. *a*), i.e. it was merely a convention evolved by humans in response to needs perceived by themselves. The sources usually respond that people do not behave as they should of their own accord, i.e. reason does show the imamate to be obligatory after all,²¹ or, as al-Shahrestāni seems to argue, the law overrules reason by taking account of how people actually behave (*s*). There was much more to al-Asamm's views on the imamate, but al-Shahrestāni does not go into them, nor does he say anything that reflects the views of Hishām al-Fuwatī.

The rest of the account, that is *b* and the long affirmation, reproduces the argument of the Najdiyya. Unlike al-Asamm, the Najdiyya are reported to have rejected the obligatory nature of the imamate without reference to hypothetical conditions: "the Najdiyya from among the Khārijites say that the *umma* does not need an imam or anyone else, and that they and people (in general) are only obliged to uphold the book of God in their dealings with one another";²² "Zurqān relates from the Najadāt that they say that they do not need an imam and that they are only obliged to act by the book of God in their dealings

imamate) is not obligatory when the members of the community act justly to one another (*idbā tanāsafat al-umma*) and don't do each other any harm" (Ibn Abi 'l-Hadid, .. *Sbarb nabj a/-ba/āgba*, ed. M. A.-F. Ibrāhīm, Caire) 1965–67, ii, 308f – van EŞ, *TG*, v, 207f, no. 33, with further references).

²¹ Al-Jāli-, 'Fi 'l-jawābāt fi 'l-imārna' in his *Rasāil*, ed. 'A.-S. M. Hārūn, Cairo 1965–79, iv, 287ff; 'Abd al-Jabbār, *al-Mugbni*, xx/I, 48.

²² Al-Nawbakhti, *Ftraq al-sbra*. ed. H. Ritter, Istanbul 1931, 10 (*a11 nuqtma eitāb a/lāb* etc).

with one another”;²³ “as for what the Najadāt from among the Khārijites hold regarding people not needing an imam and only being obliged to uphold the book of God in their dealings with one another, that doctrine of theirs is worthless”.²⁴ When al-Bazdawī describes al-Asamm and “some Khārijites” as denying the obligatory nature of the imamate, adding that in their view “it is only necessary for people to act by the book ... the book of God (exalted is He) suffices and makes the imam dispensable”, the argument is clearly the Najdiyya’s, not al-Asamm’s.²⁵ In al-Shahrastāni’s account the same is true of and the long affirmation that follows it.

This conclusion is reinforced by three further considerations. First, the argument in *b-k* differs from Mu’tazilite affirmations of the dispensability of the imamate in that it displays more interest in the imam as a source of law than as a political leader. The imamate is deemed to be impossible on the grounds that all *mujtabids* are equally authoritative:²⁶ the imam would be no more authoritative than the rest; people have no reason to defer to someone no different from themselves (*b*), and one could not ask them to obey the imam with the proviso that they would be free to disobey him whenever their *ijtihād* caused them to disagree with him (*j*). By contrast, nothing is deemed to be wrong with having a political leader (*ra’is*), should the *mujtabids* re-

²³ Ash’arī, 125.11, reading *yamalū bi-ettāb a/lāb* with the note. Cf. also al-Ka’hī below, note 29.

²⁴ Abū ‘Ammār, *a/-Mūjaz*, ed. ‘A. “fālibi tinder the title *Ārā al-kbauārt*] *al-ēalāmtyya*, Algiers 1978, ii, 233.3.

²⁵ Al-Bazdawī, *U.,ī1/ at-dtn.* cd. H. P. Linss, Cairo 1963, 186 = 1’G, v, 207. Van Ess takes the argument to be al-Asamm’s (*TG*, ii, 410 and note 15 thereto).

²⁶ For *Ijtibād* in connection with caliphal election, compare the Zaydi Sulaymān I).Tarī al-Raqqī (fl. 160s/80s): the Companions elected Abū Bakr on the basis of *ijtibād*, for one has to use *ijtibād* whenever there is no *nassa*; the mistake they had made in not electing ‘Alī was accordingly minor (Pseudo-Nāshī’ in J. van Ess (ed.), *Prübe Mu’tazittische Häresiographie*, Beirut 1971, par. 69; cf. van Ess, *TG*, ii, 478f).

they tie the obligatory nature of the institution to sources of knowledge rather than modes of succession, i.e. to ‘*aql, kbabar*’ (the latter apparently in the sense of *sam’*) and unambiguous interpretation of the latter;⁴¹ and though they too argue that Abū Bakr’s succession was contested, they do not thereby mean to cast doubt on Abū Bakr’s capacity to elicit consensus. What interests them is the altogether different question whether the Companions could be construed as acting in the knowledge that the Prophet had prescribed the imamate. This they deny on the grounds that the behaviour of the Ansār rules it out, for the Ansār would have been the first to know if such an order had existed, yet they said *minnā amir waminkum amir-while* Sa’d b. ‘Ubāda (rather than Usāma b. Zayd) left for Syria without having paid allegiance to Abū Bakr.⁴² Unlike the Najdiyya, moreover, the Mu’tazilites have trouble with Hadith, They stress that when the Ansār abandoned their plans for a leader of their own, they did not do so in response to Abū Bakr and ‘Umar’s citation of the Prophetic tradition “the Imams are of Quraysh” or to the claim that “we are the imams and you are the *wazīrs*”, for the Ansār did not see any *bujja* in these statements, as is clear from the fact that Sa’d b. ‘Ubāda got angry and left.⁴³

seem to come partly from Jāhiz’ account (cf. above, note 35; compare also Jāhiz, *Rasati*, iv, 285, and Nashwān, 151.10). This suggests that he took *jāhlz* to be talking of Murjī’ites, or even Hashwiyya, rather than Mu’tazilites. It is also possible that he knew of Sunnīs (Murjī’ites and J:bshwiyya) who held the avoidance of bloodshed to be more important than the establishment of the imamate and conflated their views with those of Jāhiz’s people, whom he took to be Najdiyya. But either way he must be wrong.

⁴¹ Jāhiz, *Rasati*, iv, 290.9–11.

⁴² Jāhiz, *Rasātī*, iv, 290f; compare Ps.-Nāshī’, par. 82 (- *TG*, v, 329), where some Mu’tazilites deny the obligatory nature of the imamate on the grounds that if it had been a religious duty, the Prophet would have instituted it (*nassa ‘alaybā*) by appointing someone, just as he instituted (*nassa ‘atā*) the *qibla*, prayer and alms.

⁴³ Jāhiz, *Rasati*, iv, 293.

have been, for unanimous agreement in matters of leadership can never in fact be achieved (*d*). An imam in the full sense of the word is an impossibility.

All this is documented in the section on the contested nature of Abū Bakr's election. The Najdiyya point out that the Ansār wanted an *amir* for themselves and another for the Muhājirūn, or in other words the Ansār did not want an imam at all and in view of their religious eminence they cannot have wanted something unlawful (*e-j*). 'Umar himself admitted that the election of Abū Bakr had been a coup which should not be repeated, i.e. Abū Bakr had been elected without any kind of consultation (*g*). Abū Sufyān, the ancestor of the Umayyad dynasty, tried to incite 'Ali, of all people, against Abū Bakr; 'Ali was in fact reluctant to pay allegiance to Abū Bakr, while al-Abbas was nursing hopes for his descendants; and Usāma b. Zayd left for Syria, i.e. without paying allegiance to Abū Bakr, which shows that he was not aware of a duty to pay allegiance to anyone at all (*h*). Where, the Najdiyya are asking, does one find the unanimous agreement that an institution so exalted as the religio-political leadership of all Muslims required? Where is the evidence that everyone wanted a wholly new type of leadership unique to Islam? All that the evidence showed was political disputes of the normal kind. Al-Shahrastānī's seemingly reasonable objection that disagreement over the office should be distinguished from disagreement over its incumbent would have struck the Najdiyya as absurd: the alleged agreement on the office stood and fell with the alleged agreement on Abū Bakr himself.

It is instructive to compare the Najdiyya's argument with that of unnamed, but undoubtedly Mu'tazilite, adherents of the optional imamate familiar to al-Jāhiz.⁴⁰ Unlike the Najdiyya,

⁴⁰ Al-Jāhiz, *Rasā'i*, iv, 290ff; cf. van Es.5, 7'G, ii, 410 and note 16 thereto, where they are also taken to be Mu'tazilites, indeed pupils of al-Asamm. There is a problem here in that Nashwān presents the Najdiyya, Jāshwiyya and some Murjī'a as rejecting the necessity of the imamate on grounds that

gard this as desirable; the only proviso is that they must depose him if he strays from the paths of justice (*k*).²⁷ But the text displays no particular interest in this leader: it does not explain how *ijtihād* can lead to agreement on him or how the problem of obedience would be solved; nor is there any sign of interest in the question how one might maintain order and conduct defence, should the *mujtabids* decide against a *rats*. or how the law in general and the *budud* in particular might be dispensed without an imam or quasi-imam such as the *rats*. or whether it would be better to have several imams/political leaders. All these were questions which preoccupied al-Asamm and other Mutazilites who held the imamate to be optional.

Secondly, *b-k* is structured as a defence of *ijtihād* against *ijmā*. if the imamate were obligatory, it would be on the basis of *ijmā*, but it is not, for *ijtihād* can never lead to consensus (*e-i*); if the imamate existed, it would be incompatible with *ijtihād*, for people cannot exercise *ijtihād* and submit to other people's reasoning at the same time (*b, j*). Consensus is equated with restrictive authority on a par with the imamate, and both are rejected out of hand: the imamate is an impossible institution while consensus is not a source of law (*i*). This is in keeping with the information that the Najdiyya permitted *ijtihād ft furū al-sbarra* and rejected *bujat al-ijmā*.²⁸ On the Mu'tazilite side it only fits the information on al-Nazzām: and since he denied the obligatory nature of the imamate with reference to the same hypothetical argument as al-Asamm, it cannot be his

²⁷ It is presumably this optional *rats* that Nawbakhti has in mind with his statement that the Najdiyya deny the need for an imam "or anyone else" (above, note 24). Cf. also al-Ka'bi's report in al-Shahrastānī, *Kitāb al-milal* / 1, *a'l-11ibal*, cd. W. Cureton, London 1846, i, 92 (almost identically in Īji, *Mai, āqif*, viii, 393f): "The Najadāt agree that people have no need of an imam at all, they are only obliged to act justly to one another. But should they find that this cannot be achieved without an imam to force them so that they set one up, then that is allowed". Here the imam they may set up is presumably the man elsewhere labelled a *rats*.

²⁸ Baghdādī, *Usūl*, 19.6, 11 .

argument that al-Shahrastāni is reproducing here, nor does al-Shahrastāni mention him.²⁹

Thirdly, the *taqrir* unambiguously reveals itself as Khārijite in *k*, where (Uthmān and ‘Ali are adduced as examples of how one should deal with leaders who go astray. Several Mu’tazilites shared the Khārijite conviction that an erring imam should be deposed and that ‘Uthmān had been justly killed for his innovations, but only Khārijites held that ‘Ali had been justly killed for falling into error by accepting the call to arbitration at Siffin. Al-Shahrastāni’s source explains that ‘Ali’s acceptance of the arbitration showed him to have doubted his own imamate: this was why he forfeited it. The Ibādīs usually say that his acceptance of the call to arbitration constituted transgression of the Qur’ānic injunction to fight an unrighteous party “till it reverts to God’s command” (Q.49:9).³⁰ But whatever sin ‘Ali was held to have committed when he agreed to the *tab‘im*, the view that sin he did was specific to the Khārijites. In short, from *b* to *k* al-Shahrastāni’s account reproduces a Najdite argument, as al-Shahrastāni himself seems to take for granted when he turns to its refutation: “The Sunnis respond as follows to the doctrine of the Najadāt”, as he observes in *l*.

Al-Shahrastāni’s source

From *b* to *k* the argument is so coherent in terms of thought and terminology alike that it must be the work of a single author. It seems unlikely that it should have been composed by al-Shahrastāni, however, though the wording is likely to be his in places;³¹ for it is written with a passion and eloquence

²⁹ Van E.55, *TG*, iii, 385, 416; cf. vi, 195 (• Nawbakhtl, *Piraq*, 100.

³⁰ Crone and Zimmermann, *f:Pistle*, ch. 4.

³¹ When he has the Najdiyya declare that “you have already shown that he did not designate anyone” (*e*), one would assume them to be referring to

way points to disagreement over the office itself (*l*),³⁹ but the Najdiyya clearly did not agree.

The Najdiyya disagreed because their argument was based on an archaic point of view. Initially, all Muslims identified the office and its incumbent, for the imamate was by definition right leadership by the right person, not simply an office waiting to be filled by whoever came along. It had no existence independently of the right person but was rather an attribute of his. If the wrong man seized power, he was not an imam at all, merely a tyrant or king or *imām al-dalāla*, while conversely the right person remained the imam even if power escaped him. This is the assumption on which the Najdiyya’s argument rests. They make it clear that in their view an imam was a man on whom there was unanimous agreement (*d*): without such agreement, the candidate was just an ordinary ruler. If Abu Bakr’s election was contested, it would follow that the Companions did not establish an imamate at all. The Najdiyya argue that his election was in fact contested: the Sunni contention that the Companions agreed to establish the imamate is therefore false.

Though the Najdiyya deny that Abu Bakr was an imam, they do not say that he was a tyrant or king or *imām al-dalāla*. They plainly approve of him: he and ‘Umar were “the persons closest to the Messenger of God” (*e*). What they say is that Abu Bakr was only a quasi-imam or *ra’īs* such as the political leader that one is free to elect for purposes of order and defence: ‘Uthmān and ‘Ali were also such quasi-imams until they went astray (cf. *k*). But a real imam is much more than that: he is a religious teacher, a link between man and God, a person of such manifest superiority that everyone can agree on him and accept his decisions. Had Abu Bakr been chosen by unanimous agreement, he would have been such a man; but he was not and could not

³⁹ Ījī makes the same point (*Mawāqif*, viii, 346.6), though not specifically against the Najdiyya.

its favour: the institution did not rest on the Qur’ān or Hadith, but rather on consensus (*ijmā*): the Companions had agreed to establish such an office and subsequent generations agreed to maintain it. This is the position that al-Shahrastānī’s Najdiyya are out to refute. The Sunnis further held that the proper way of filling the office was by election (*ikhtiyār*), not by *nass* in the sense of designation (by the incumbent imam of his son), for the Prophet had not designated anyone (i.e. ‘Alī), and he had thus left the believers free to choose for themselves. The Najdiyya also held the proper way of filling the office to be by election, so one would not have expected them to raise this question in polemics against Sunnis, especially as it seems to have no bearing on that of the legal status of the institution. But al-Shahrastānī’s Najdiyya raise both questions and indeed conflate them.

The Najdiyya start by declaring that the obligatory nature of the imamate would have to rest on either designation or election (*nass*, *tebtiyar*), not, as one would have expected, on explicit texts or consensus (*nass*, *ijmā*), or on authoritative information versus reason (*sam’*, *‘aql*). In other words, they tie the legal status of the office to the different methods whereby its incumbent may be singled out rather than the different sources from which knowledge may be derived. But then, as one soon realizes, they are only talking about the incumbent, not an office distinct from him. “The obligatory nature of obedience to a single member of the community could only be established in one of two ways”, they say (*e*), and the personal rather than institutional formulation should clearly be taken seriously, for they proceed to infer from the disagreement over the election of Abu Bakr as imam that the Companions disagreed over the necessity of the imamate itself. Al-Shahrastānī reasonably retorts that disagreement about the right man for the office in no

that could hardly have been mustered by a polemicist stepping into the shoes of his opponents with a view to refuting them. Moreover, al-Shahrastānī twice introduces statements with *qālū*, suggesting that the piece is made up of quotations (*O, k*); and several layers of transmission are visible in *g*, where the Najdiyya cite a statement by ‘Umar, adding *yant* and then much the same statement again. The pointless repetition would not have been made in a freshly composed account, and it suggests that somewhere along the line a Persian source was involved: a Persian source would have given ‘Umar’s statement in Arabic followed by a Persian paraphrase and whoever translated the passage into Arabic (possibly al-Shahrastānī himself) will have translated the Persian rendition of ‘Umar’s words back into Arabic instead of dropping it. In short, al-Shahrastānī must have found the account in another work.

This is also suggested by the fact that he presents the extracts as an affirmation. Just as he summarizes the Najdite-Qadarite case for the dispensability of the imamate with the comment that to this they “add by way of affirmation (*taqñran*)”, so on reaching the Shī’ites he sets out their case for the obligatory nature of the institution with the comment that they “affirm (*qarrarū dbālika*) in another way”, in both cases appending some two pages of sustained polemics in which the sectarians address their opponents in the second person plural.³² In other words, *taqñr* would seem to be the term he used to introduce sections in which sectarians were allowed to present their views in words of their own.

Wherever al-Shahrastānī may have found it, it would appear to be the same account that lies behind al-Ijī’s summary of the reasons why the “Khārijites” deny the obligatory nature of the imamate, for though the sectarians here start by claiming that

Iqdām, 480, on *ai-qauūfl taytn al-tmām*, though no specific reference seems to be intended when they speak of issues “on which you have prescribed obedience” (*j*).

³² *Iqdām*, 485.8.

the institution of an imam leads to civil war thanks to people's different inclinations, which is closer to what they say in Nashwān al-Himyarī's account than in al-Shahrastānī's,³³ they continue, "To be sure, if the community chooses to set up a commander or chief (*amir aw rats*) to take charge of their affairs, organize their armies and defend their land, then that is permitted to them, without them being guilty of any sin under the law if they do not",³⁴ This is strikingly reminiscent of *k*. But al-Ijī's account may well be a distant descendant of al-Shahrastānī's own, much modified by constant use in *madrasa* teaching.

Al-Shahrastānī's source comes across as quite late. It was obviously written after the 'Abbāsīd revolution, since it refers to al-'Abbās as the ancestor of the caliphs (*b*). Further, it uses expressions such as *mukbtaliffi 'l-tibā , lā yutasunoaru 'aqlan wa-lā touqūan* and *al-wujūb al'aqliyya wa 'l-sam'iyya*, which can hardly have been current before the mid-ninth century and are suggestive of an even later date; but if the source was once in Persian, its terminology could have been updated by whoever translated it back into Arabic, the most obvious candidate being al-Shahrastānī himself. Assuming that he was not its author, it could still have been composed by a heresiographer such as Zurqān (d. 278/891), or Abu 'l-Qāsim al-Balkhi, alias al-

³³ According to Nashwān, 150, the Najdiyya, 1: fashwiyya and some Murī'a reject the obligatory nature of the imamate on the grounds that it is only allowed to set up an imam if it can be done without war and bloodshed; if not, it is better for every man to apply the law, including the *budtd*, among his kinsmen and neighbours. Compare also Sanandaji, *Taqīb al-marām*, ii, 322: the Khārijites say that the establishment of an imam leads to *flhia* and wars thanks to people's different views and that it is only allowed to set up an imam in case of agreement. The Najdite contribution to this account appears to be largely or wholly limited to the observation that people's different natures lead to disagreement (cf. above *d*: below, note 47). That every man could apply the *f?udūd* among his kinsmen and neighbours is the argument of the unnamed, but probably Mutazilite, believers in the optional imamate discussed by Jālī, in his :Jawābāt fi 'l-imāma' *tRasāū*, iv, 286.5–9). The rest may be Sunni (Murji'ite and Hashwite), cf. below, notes 42, 47.

³⁴ Ijī, *Maivāqif*, viii, 348f.

Ka'bí (d. 319/93, both of whom were Mu'tazilites,³⁵ or Abu 'l-Husayn al-Karābīsi, a Sunni *mutakallim* who died in 245/859,³⁶ or Yamān b. Ribāb, a Khārijite of the non-Najdite (first Tha'labī, then Bayhasi) variety, who flourished in the late eighth or early ninth century.³⁷ But these men only suggest themselves because most of what the sources have to say about the Khārijites appears to go back to them. Nothing in al-Shastānī's account points to any of them in positive terms,³⁸ and if the passionate eloquence of the piece makes it unlikely that al-Shahrastānī composed it, it makes their authorship implausible as well. One would assume the piece to have been written by a Najdite. At the very least it can be said that whoever the author may have been, he allowed the Najdiyya to argue with such coherence and persuasiveness that directly or indirectly it is the Najdiyya themselves that we hear in his work.

The argument concerning the imamate

According to the Sunnis, the imamate was an institution enjoined by the law and this was known on the basis of authoritative information (*sam'*), not on that of reason (*'aql*), though there was no explicit text (*nass*) from God or the Prophet in

³⁵ Van Ess, *TG*, iv, 119ff; cf. above, note 25, where Ash'arī cites Zurqān on the Najadāt; Sezgin, *Geschichte*, 622f. Whether Zurqān denied the necessity of the imamate along with the Najdiyya we do not know, but Ka'bi did not, cf. Ijī, *Mauaqif*, viii, 345.9 (he held it to be obligatory on the basis of reason and authoritative information alike).

³⁶ F. Sezgin, *Geschichte des arabischen Schrifttums*, i, Leiden 1967, 599f.

³⁷ H. Ritter, 'Philologica III. Muhammedanische Häresiographien', *Der Islam* 17, 1929, 35; W. Madelung, 'The Shi'ite and Khārijite Contribution to Pre-Ash'arite *Kalām*', in P. Morewedge (ed.), *Islamic Pbtosoptical Theology*, Albany 1979, 127; M. Cook, *Early Muslim Dogma*, Cambridge 1981, 98f.

³⁸ Al-Ka'bi, whose date, Mu'tazilite persuasion and Iranian whereabouts (towards the end of his life) combine to make him the most obvious candidate at first sight, can be practically ruled out on the grounds that Nashwān al-Himyarī used his work without displaying any familiarity with al-Shahrastānī's fragment, cf. above, note 35.