

Volume LXII – 2009



MÉLANGES

de l'Université Saint-Joseph

UNIVERSITÉ SAINT-JOSEPH – DAR EL-MACHREQ
Beyrouth – Liban

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de l'Université Saint-Joseph

Volume LXII – 2009

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Cent ans au service de la science
1906-2006

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tenue à Beyrouth le 8 décembre 2006*

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*Actes du colloque international
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The Early Kharijites and their Understanding of *Jihād**

Nelly LAHOUD

Why should we care when our souls our bodies depart
What service would our bodies and our limbs provide
For it is paradise we seek when our skulls
Are rotting like gourds under the dust
[...]
Whoever is of this religion can lay claim to my friendship
He could count on sharing in my inheritance and subsistence
God knows I do not love [even my kin]
It is Your Face I long for, blood ties make no difference¹

The Kharijite Mirdās b. Udayya (known by his fellow Kharijites as Abū Bilāl) composed this poem, reflecting his religious philosophy and that of his fellow Kharijites. Time and again, one comes across in Kharijite poetry and other sources summarizing their religious views, how little they cared for this world and how much they abhorred any attachment to material possessions. They were firm in their belief that this life “is but the joy of delusion” (*Q.*, LVII 20); they should therefore not “be distracted by a world so curtailed that plenty of it is but little.”² As Abū Bilāl’s poem reflects, the Kharijites’ eyes were on paradise. They wanted to be among those to whom God will proclaim: “This is our Paradise; you have been given it as your inheritance for what you did” (*Q.*, VII 43).³

* My research on the Kharijites began when I was a Rockefeller Fellow in Islamic Studies at the Kluge Centre at the Library of Congress. I am indebted to the Kluge Centre for the outstanding support I received from the staff, the privilege of having access to the African and Middle East collection as well as the opportunity to discuss my research with other fellows, not least the fruitful conversations I had with George Saliba. I am also particularly grateful to Michael Cook whose critical suggestions have transformed my research on the Kharijites. I have also benefited from the suggestions by Anthony H. Johns and Leor Halevi. An earlier version of this article was presented at the Université Saint-Joseph as part of the ‘Just War’ workshop in May 2006; I am grateful to the suggestions made by the participants, not least those by Maroun Aouad, Emma Gannagé and Tarif Khalidi.

¹ Mirdās b. Udayya, in ‘ABBAS Ihsān (1974), *Shi‘r al-Khawārij*, Dār al-Thaqāfa, Beirut, 27: 1, 2, 6, 7 (p. 50).

² Sālim ibn Dhakhwān, in CRONE Patricia and ZIMMERMANN Fritz (2001), *The Epistle of Sālim ibn Dhakhwān*, Oxford University Press, Oxford, II:10 (p. 51). All translations from the *Epistle* in this article are those of Crone and Zimmermann’s.

³ *Ibid.*, III:142 (p. 145).

If the real estate the Kharijites aspired to occupy was in paradise, how did their worldview translate in reality? More precisely, how might their renunciation (*zuhd*) of worldly goods and pleasures have affected their attitude to booty when they engaged in warfare (*jihād*)? The question is of particular pertinence considering that in Islam's early history, warfare led to rapid territorial expansions, which brought non-Muslims and their properties and possessions under Muslim rule. Patricia Crone has argued that the early conquerors saw a causal connection between *jihād* and material rewards, "the one led to the other; booty was among the good things with which God rewarded His followers."⁴

Crone is of the view that the earliest concept of *jihād* in Islam bore similarities to the notion of holy war as espoused in the ancient Near East; war was holy in so far as it was enjoined by God for the extension of the conqueror's land.⁵ She highlights that on the eve of the battle of Qasidiyya in 637 AD, the commander of the Arab troops told his men: "God says, We have written in the Psalms [...] my righteous servants shall inherit the earth [...] now this is your inheritance and what the Lord has Promised you [...]"⁶ (cf. *Q.*, XXI 105). In political parlance, Crone reads this to mean that "*jihād* as the bulk of the Arab tribesmen understood it was Arab imperialism at God's command."⁷ Holy war then, she explains, was not conceived early on in Islam as a *mission civilisatrice*; such a conception was later developed by the jurists. Instead, the earliest concept of *jihād*, Crone believes, stemmed from a particularist understanding of religion that granted the Arabs legitimacy to conquer other people's land and appropriate their possessions as booty. The major difference Muslims introduced to the ancient Near Eastern concept of holy war, according to Crone, is that they allowed conquered people to convert to Islam and thus join the ranks of the conquerors.⁸

This paper explores the understanding of *jihād* by early militant Kharijites in light of Crone's thesis, exploring a range of Qur'anic concepts that correspond to the Kharijites' understanding of warfare. Its focus is on al-Muḥakkima, al-Azāriqa and al-Najdiyya, whose rebellions were put down before the end of the seventh century, even though some of them survived beyond the seventh century.⁹

⁴ CRONE Patricia (2004), *God's Rule: Government and Islam*, Columbia University Press, New York, p. 374-5.

⁵ *Ibid.*, p. 365.

⁶ *Ibid.*, p. 366-7.

⁷ *Ibid.*, p. 367.

⁸ *Ibid.*, p. 367.

⁹ CRONE Patricia (1998), "A Statement by the Najdiyya Kharijites on the dispensability of the Imamate," *Studia Islamica* 88, p. 55-76, p. 56 summarizes the evidence for their survival beyond the seventh century.

THE KHARIJITES' ISLAMIC EXCEPTIONALISM

It is difficult, perhaps impossible, to reconstruct an accurate picture of all the ideas that shaped the worldview of the early Kharijites. Annalists who preserved the Kharijites' views are largely non-Kharijites and committed their data to paper at least a century after the events they were recording. It does seem clear though that the Kharijites made their official *début* during the Battle of Şifḫīn (c. 657 AD) that was fought between 'Alī b. Abī Ṭālib and Mu'āwiya. 'Alī had assumed leadership of the Muslim community after the murder of 'Uthmān, but Mu'āwiya refused to pledge allegiance to him on the grounds that he failed to punish the murderers of 'Uthmān.

Prior to Şifḫīn, the Kharijites conceive of their genealogy to be the same as other Muslims, but highlight that they affiliate to the Muslims who stood up to 'Uthmān and eventually killed him, and to the Muslims who fought alongside 'Alī during the Day of the Camel.¹⁰ Those who became known as Kharijites had been fighting alongside 'Alī at Şifḫīn, but separated from him when he agreed to enter into arbitration with Mu'āwiya, a process that involved the appointment of two arbitrators (*taḥkīm*), one from each side. They perceived this concession on the part of 'Alī as a violation of God's judgment; in their minds, he allowed the judgment of men (*ḥukm al-rijāl*) to decide a matter that was solely God's (*ḥukm Allāh*).¹¹ To manifest their disapproval, the dissidents withdrew to Ḥarūrā', a village near Kūfa.

As far as the Kharijites were concerned, the fight against Mu'āwiya was a "case already settled by God;" it was clear for them that "God's judgment concerning their enemy was that they should fight them till they reverted to God's command" (cf. *Q.*, XLIX 9).¹² They believed that there is "no judgment but God's" (*lā ḥukma illā lillāh*), a rallying cry that came to define their religious philosophy. It is also the reason they acquired the name *al-muḥakkima*, being derived from the same root as

See also *id.* (2000), "Ninth-Century Muslim Anarchists," *Past and Present: A Journal of Historical Studies* 167/1, p. 3-28.

¹⁰ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, II:40 onwards; also III:78 (p. 107). See also AL-BALĀDHURI Aḥmad b. Yaḥyā (1995), *Ansāb al-Ashraf*, ed. AL-MAHMUDI Muhammad Baqir, Majma' Ihyā' al-Thaqāfa al-Islāmiyya, Qum, p. 262.

¹¹ HAWTING Gerald R. (tr.) (1996), *The First Civil War*, in *The History of al-Ṭabarī*, vol. XVII, State University of New York Press, Albany, p. 88. IBN AL-ATHIR 'Izz al-Dīn (1965), *Al-Kāmil fī al-Tārīkh*, 13 vol., Dār Ṣādir, Beirut, vol. III, p. 321. NAṢR IBN MUZĀHIM (d. 827/8) (1945), *Waq'at Şifḫīn*, ed. HARŪN 'Abd al-Salam Muhammad, 'Isā al-Bābī al-Ḥalabī, Cairo, p. 588.

¹² Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, II:61 (p. 93, 95). For a historical account of the events surrounding the Battle of Şifḫīn, see CRONE and ZIMMERMANN, *The Epistle*, chap. 4 & 5; VECCIA VAGLIERI Laura (1971), "Ḥarūrā," in *Encyclopaedia of Islam*, 2nd edition, Brill, Leiden, vol. III, p. 235-236 and *id.* (1960), "'Alī b. Abī Ṭālib", in *EP*, vol. I, p. 381-86; WELLHAUSEN Julius (1975), *The Religio-Political Factions in Early Islam*, ed. and tr. OSTLE Robin C. and WALZER Sofie M., North-Holland Publishing Company, Amsterdam.

ḥukm (*ḥ.k.m.*— God’s judgment/ authority) to reflect that they uphold God’s sole sovereignty and reject the appointment of the two arbitrators.¹³

There were many rebels, not all of whom were necessarily in full agreement on all matters.¹⁴ There were those who separated from ‘Alī at Ṣiffīn and gathered at Ḥarūrā’, but when Ibn ‘Abbās and ‘Alī debated with them, they were persuaded to return to Kūfa.¹⁵ They did not seem to have been entirely convinced by their return, and went on causing occasional instability, going out and shouting in public *lā ḥukma illā lillāh* to remind ‘Alī that he favored *taḥkīm al-rijāl* over *ḥukm Allāh*.¹⁶ One Khārijī is said to have repeatedly shouted the slogan when ‘Alī was leading people in prayer, interrupting him several times, to provoke him.¹⁷

There were those who seceded for the second time and gathered at Nahrawān, where ‘Alī eventually fought them in a bloody battle that led to the death of many of them. This episode was on the mind of the Khārijī Ibn Muljam, before he set out to assassinate ‘Alī.¹⁸ There were also *ahl al-nukhayla* who decided not to fight ‘Alī at Nahrawān nor fight alongside him, they seem to have regretted their stance later, believing that they failed God for not fighting ‘Alī, given that God had preferred those who fight (*mujāhidīn*) over those who stay at home (*qā‘idīn*) (cf. *Q.*, IV 95).¹⁹ There was also Mirdās b. Udayya, or Abū Bilāl (and his followers). Abū Bilāl is said to have survived Nahrawān, was opposed to indiscriminate killing (*isti‘rād*), may have condoned dissimulation (*taqiyya*), opposed tyranny and was vocal against it.²⁰ He is by far the most popular Kharijite figure; Kharijite poetry is littered with references praising him.

¹³ There are several verses in the Qur’ān that the slogan *lā ḥukma illā lillāh* might be based upon (e.g., *Q.*, XII 40, 67; and others VII 87; V 44; XXVIII 70, 88; XL 12), verses XII 40 and XII 67 are central referential verses in relation to other verses that lend support to the idea. Some scholars have noted that the slogan should perhaps be understood within a Judeo-Islamic context, i.e., with a view to debates within Judaism at the time, see HAWTING Gerald R. (1978), “The Significance of the Slogan ‘lā ḥukma illā lillāh’ and the References to the ‘Ḥudūd in the Traditions about the Fitna and the Murder of ‘Uthman,” *Bulletin of the School of Oriental and African Studies* 41/3, p. 453-463. See also COOK Michael (1987), “Anan and Islam; The Origins of Karaite Scripturalism,” *Jerusalem Studies in Arabic and Islam* 9, p. 161-182, though the latter article is largely focused on the possible Islamic influence on later Scripturalist developments in Judaism with the Karaites.

¹⁴ See VECCIA VAGLIERI, “Ḥarūrā”.

¹⁵ AL-MUBARRAD Muḥammad b. Yāzīd (1956), *Al-Kāmil*, 4 vol., Cairo, vol. III, p. 181-2.

¹⁶ *Ibid.*, p. 210.

¹⁷ Ibn Abī al-Ḥadīd (1980), *Sharḥ Nahj al-Balāgha*, ed. IBRĀHĪM Muḥammad Abū al-Faḍl, 20 vol., Dār Iḥyā’ al-Kutub al-‘Arabiyya, vol. I, p. 310-11.

¹⁸ IBN AL-ATHIR, *Al-Kāmil fī al-Tārīkh*, vol. III, p. 388-9.

¹⁹ AL-MUBARRAD, *Al-Kāmil*, p. 236-7.

²⁰ IBN AL-ATHIR, *Al-Kāmil fī al-Tārīkh*, vol. III, p. 518; MORONY Michael G. (tr.) (1987), *Between Civil Wars: The Caliphate of Mu‘āwīya*, in *The History of al-Ṭabarī*, vol. XVIII, State University of New York Press,

Whether they were all of the same view or not and though they did not all act in concert, they were nevertheless united by a rigid understanding of the Qur'an that set them apart from other Muslims.²¹ Obviously all Muslims at the time believed themselves to be faithful to the Qur'an, but Qur'anic commands had more accentuated consequences in the minds of the Kharijites than they did for others. Thus the Kharijites' understanding of "fighting in the path of God" (*al-jihād fī sabīl Allāh*) did not spare their fellow Muslims whom they deemed to have shirked their commitment to the Qur'an; indeed, it is their fellow Muslims, i.e., people of their *qawm* or *ahlu da'watinā*, as they described them, who seem to have preoccupied them more than non-Muslims.

As an extension of their self-definition in intra-Muslim terms, the Kharijites espoused some theological principles, unique to themselves, that downplay the value of booty and any other material possessions for that matter. They conceived of themselves as the people of paradise (*ahl al-janna*); the property they aspired to take possession of was not in this world, but in the "celestial chambers" that God is supposed to have reserved for believers.²² Their preoccupation to earn a place in paradise translated into an uneasy relationship with any worldly attachments, including life itself. One finds, especially in their poetry, a sense of yearning for death combined with a sense of detestation for life. Death itself, the Kharijite poet 'Imrān b. Ḥiṭṭān believed, is but a transient state, it will perish when the hereafter takes hold of it (*fa-al-mawtu fānin idhā mā nālahu al-ajalu*).²³ In a poem addressed to his beloved wife Jamr,²⁴ Ibn Ḥiṭṭān seeks to rationalize death:

If you were averse to facing death, [why don't you] depart
And search for a land whose people don't die²⁵

It is a fact of life, he continues, that human beings everywhere go in droves to their graves, no human, regardless of how special he is, can evade death:

Jamr, Mirdās and his brethren died

New York, p. 82; AL-MUBARRAD, *Al-Kāmil*, p. 214-5. Al-Mubarrad claims that Mirdās is also claimed by the Mu'tazilites and the Shi'ites for his reputed devotion to Islam and his learned status.

²¹ On the uniqueness of the Kharijites, see CRONE, *God's Rule*, p. 54.

²² KHALIDI Tarif (1981), "Some Classical Islamic Views of the City," in AL-QADI Wadad (ed.), *Studia Arabica et Islamica: Festschrift for Ihsān 'Abbās on his Sixtieth Birthday*, American University of Beirut, Beirut, p. 267.

²³ 'Imrān b. Ḥiṭṭān, in 'ABBĀS, *Shi'r al-Khawārij*, 173:1 (p. 151). On this point, see also the comments by Ihsān 'Abbās in the introduction to the book, p. 22.

²⁴ Ihsān 'Abbās remarks that Ibn Ḥiṭṭān's poems addressed to Jamr are not just an indication of the love they had for each other, but Jamr also served as his other self. Hence we are invited by 'Abbās to read these poems as monologues, see his introduction, p. 22-3.

²⁵ 'Imrān b. Ḥiṭṭān, in 'ABBĀS, *Shi'r al-Khawārij*, 155:1 (p. 143).

And before them, even prophets died²⁶

The death of his fellow Kharijite Mirdās increased his detestation (*bughd*) for life; eulogizing him, Ibn Ḥiṭṭān cries out:

Lord of Mirdās [I implore you], join me to Mirdās²⁷

For the Kharijites then, death represented a symbol of hope, a necessary step that would relieve them from this transitory world and set them on the path of eternal paradise (*khulūd al-janna*). One source in al-Mubarrad describes them as those who “make themselves accustomed to death” (*tawfīn anfusihim ‘alā al-mawt*), relating how one Kharijite was stabbed and as the spear penetrated him, he still pursued his killer shouting: “I have hastened unto thee, O Lord, that thou mightest be well pleased with me” (*Q.*, XX 84, Sale’s tr.).²⁸ As Tarif Khalidi remarks, the Kharijites had a sense of urgency to “dispense with a present which is fleeting, seductive, unjust and not fully real, a nightmare which the Khārijī is summoned to abjure and escape.”²⁹

The Kharijites’ yearning for death, however, did not translate into an outright rejection of material possessions. But while they raised issues pertaining to booty, they raised them not in the context of the material rewards they would bring them; the emphasis instead is on whether the distribution of booty was equitable, reflecting the egalitarianism believers were entitled to by virtue of embracing Islam. The sense of egalitarianism the Kharijites espoused was deeply rooted in their religious philosophy. They believed the Qur’an to be God’s revelations “to white and black, Arab and non-Arab, freeman and slave, male and female,”³⁰ hence the religion Muhammad was preaching was based on equality (*al-sawā’*) among all those who embraced his message.³¹ Martin Hinds has drawn attention to the egalitarian dimension associated with the etymological meanings ascribed to the term *khārijī*, highlighting that it could refer to “one who goes out and acquires *sharaf* on his own account, without his having possessed a long-standing [*sharaf*]”.³² In the words of a Kharijite poet, who reflects this egalitarian understanding:

²⁶ ‘Imrān b. Ḥiṭṭān, in ‘ABBĀS, *Shi‘r al-Khawārij*, 155:4 (p. 143).

²⁷ ‘Imrān b. Ḥiṭṭān, in *ibid.*, 153:2 (p. 141).

²⁸ AL-MUBARRAD, *Al-Kāmil*, p. 220.

²⁹ KHALIDI Tarif (2002), “The Poetry of the Khawārij: Violence and Salvation,” in SCHEFFLER Thomas (ed.), *Religion Between Violence and Reconciliation*, Ergon Verlag, Beirut/ Warzburg, p. 112.

³⁰ Ṣālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, II:18 (p. 61).

³¹ *Ibid.*, II:17 (p. 59).

³² HINDS Martin (1996), *Studies in Early Islamic History*, ed. BACHARACH Jere, CONRAD Lawrence I. and CRONE Patricia, with an introduction by HAWTING Gerald R., The Darwin Press, Inc., Princeton, p. 3. Hinds’ definition is based on Ibn Manẓūr’s lexicon, another similar definition is provided in the lexicon of al-Jawharī but with *nasab* rather than *sharaf*.

When they boast of their lineage to Qays or Tamīm
 [It is with pride that I profess that]
 My father is Islam, I have no other father but It³³

Islam therefore represented for the Kharijites a vehicle through which *sharaf* is acquired, for “[all previous] loyalties/ allegiances ceased upon the [advent] of Islam, because loyalty to Islam has brought equivalence among foreigners.”³⁴ In this context, the Kharijites saw themselves not as a community (*jamā‘a*), but as brothers (and sisters) in religion (cf. *Q.*, XLIX 10), with equal entitlements and duties that they would not compromise.³⁵

For these reasons and more, the Kharijites’ understanding of *jihād* as it relates to booty cannot be understood in isolation of the broader religious philosophy they espoused. Thus, to put their Islamic ‘exceptionalism’ in comparison with other Muslims and in relation to booty, it is critical to appreciate that they were first and foremost preoccupied with their commitment to live according to their doctrinal beliefs.

THE IMPORTANCE OF THE MEANINGS ENGENDERED BY *AL-SHURĀT* AND *KHURŪJ*

Heresiographers refer to the early rebels by the agnomen *al-khawārij*, *al-shurāt*, *ḥarūriyya*, *al-muḥakkima* and *al-māriqa*. According to al-Ash‘arī, these agnomens correspond to the following meanings: *al-khawārij* corresponds to their act of rebellion against ‘Alī; *ḥarūriyya* corresponds to their gathering place at *Ḥarūrā*, where they first assembled following their secession from ‘Alī at *Ṣiffīn*; *al-muḥakkima* corresponds to their slogan *lā ḥukma illā lillāh* and for dissociating themselves from the two arbitrators/ judges; *al-shurāt* corresponds to their belief that God has purchased their lives and possessions in return for paradise, based on *Q.*, IX 111. As for *al-māriqa*, al-Ash‘arī notes, the Kharijites vehemently object to this *laqab*, it is used by non-Kharijites in a derogatory manner, as it is derived from the same root as the verb “to pass through” (*yamruqūn*) religion.³⁶ This is meant to have been based on a *ḥadīth* in which the Prophet had said “There will appear after me a people harsh

³³ AL-MUBARRAD, *Al-Kāmil*, p. 179. The Arabic (*abī al-islāmu lā abā lī siwā-hu idhā iftakharū bi-Qaysin aw Tamīmi*).

³⁴ *Ibid.*, p. 179. The Arabic (*inqaṭa‘at al-walāyatu illā walāyata al-islāmi li-anna walāyata al-islāmi qad qārabat bayna al-ghurabā‘i*).

³⁵ *Ibid.*, p. 179.

³⁶ AL-ASH‘ARĪ Abū al-Ḥasan ‘Alī (1929), *Maqālāt al-Islāmiyyīn wa-Ikhtilāf al-Muṣallīn*, ed. RITTER Hellmut, Maṭba‘at al-Dawla, Istanbul, p. 127-8.

and young who will pass through religion [yamruqūn] as the arrow passes through the target".³⁷

Of all these agnomens, the meanings engendered by *al-shurāt* and *khurūj* are critical to all the Kharijites' understanding of warfare. They were known as *al-shurāt*, the "people who sold their souls [to God] and purchased their afterlife in return for this life" (*al-qawm alladhīna sharū anfusahum wa-'btā'ū ākhiratahum bi-dunyāhim*).³⁸ When Ibn Muljam and his Kharijite comrades³⁹ set out to assassinate 'Alī, Mu'āwiya and 'Amr b. al-'Ās, they believed that, as true believers, it was their duty to kill the errant Imams, because of having had their souls *purchased* by God (*fa-law sharaynā anfusanā wa-qatalnā a'immat al-ḍalāla wa-arahnā minhum al-bilād!*).⁴⁰ As to the significance of *khurūj*, as Crone and Zimmermann note, the description *al-khawārij* was a self-designation based on *Q.*, IV 100; the Kharijites conceived of themselves as those who rebelled against the errant leaders/ Imams (*a'immat al-ḍalāla*).⁴¹

Al-shurāt is based on *Q.*, IX 111 and reflects both the religious worldview of the Kharijites as well as the underlying rationale for their understanding of warfare:

Indeed, God has *purchased* from those who believe their possessions and their very selves by making paradise theirs, on condition that they fight in the path of God, whether they kill or be killed. [God has made this] a promise (*wa'dan*) binding on Himself (*'alayhi haqqan*) in the Torah, the Gospel and the Qur'an. Who is more faithful to His *covenant* than God! So celebrate your *contract* (*bay'a*), the contract you have made with Him. That [contract] is the great victory (emphasis added).⁴²

This verse lays out a contractual agreement between God and the believers whereby the latter are expected to devote themselves entirely to the cause of God, including the believer's willingness to slay and be slain if need be, and in return God ensures that a place in paradise is reserved to each believer who fulfills his *bay'a*. As Khalidi remarks "the metaphor of 'selling' themselves to God is itself a literal response to a Qur'anic metaphor;" it defines the Kharijites' worldview and

³⁷ As rendered by COOK Michael (1981), *Early Muslim Dogma: A Source-Critical Study*, Cambridge Univ. Press, Cambridge, p. 19. As Cook remarks, the epistle attributed to the Kharijite Ibn Ibād is deeply suspicious of the role of *ḥadīth* and accuses 'Alī of having "overtly imputed falsehoods to God and his Prophet". 'Alī, Ibn Ibād believed, had falsely invoked a *ḥadīth* "when proof failed him from the Book of God". Ibn Kathīr devotes a section to stories about the rise of the Kharijites that Muhammad is supposed to have predicted. See IBN KATHIR Ismā'il b. 'Umar (1982), *Al-Bidāya wa-al-Nihāya*, 7 vol., Dār al-Fikr al-'Arabī, Cairo, vol. VI, p. 245-8.

³⁸ AL-MUBARRAD, *Al-Kāmil*, p. 214.

³⁹ They were al-Burak b. 'Abdallah al-Tamīmī and 'Amr b. Bakr al-Tamīmī.

⁴⁰ IBN AL-ĀTHIR, *al-Kāmil fī al-Tarikh*, vol. III, p. 388-9.

⁴¹ CRONE and ZIMMERMANN, *The Epistle*, p. 275, 277. See also AL-BALĀDHIRI, *Ansāb al-Ashraf*, who notes that it is also based on *Q.*, IV 75 and *Q.*, XXVIII 20-1, p. 270.

⁴² The translation of this verse is by Anthony H. Johns (unpublished notes).

“organizes their existence.”⁴³ Thus, the first Kharijite leader ‘Abdallah b. Wahb al-Rāsibī declares himself to be *al-shārī* who will not stop fighting until the state of vice (*dawlatu al-ashrāri*) vanishes.⁴⁴ The early Kharijites therefore believed that they were the people of paradise (*ahl al-janna*) by virtue of this *shirā’* transaction.

The Kharijites’ literal understanding of this verse prevented them from tolerating any action they perceived would compromise their beliefs, even if the community’s unity was at stake. As Wellhausen remarked, they were firm in their belief that “[o]nly sincere Muslims belong to the true community,” for that reason, they would not hesitate to tear the community apart, when they thought that it was not sincere in its commitment to the Qur’an.⁴⁵ It is ultimately this aspect that set them apart from other Muslims at the time. Whereas for most of the nascent Muslim community the dispute that led to the Battle of Şiffīn revolved around which Imam was in the right and therefore to which community (*jamā’a*) one needed to belong, the Kharijites’ concern was strictly about applying God’s Judgment (*ḥukm*); a unique combination of both altruism and individualism. It is for this reason they were heard at Şiffīn shouting at their opponents: “enemies of God, you have violated/defiled God’s command” (*yā a’dā’a Allāh adhantum fī amri Allāh*); while ‘Alī’s men shouted back: “You have rejected our Imam and divided our community” (*fāraqtum imāmanā wa-farraqtum jamā’atanā*).⁴⁶

A longer statement that conveys this combination of contractual agreement, their exclusive adherence to *ḥukm Allāh* and precedence of the hereafter over this life is found in Ibn Qutayba’s *al-Imāma wa-al-Siyāsa*. This statement was made following their separation from ‘Alī and prior to their departure to Nahrawān:

It is not fitting for people who believe in God and impute [their authority] to the judgment of the Qur’an to allow the life of this world to take precedence (*āthir ‘indahum*) over their duty to command right, forbid wrong and bear witness to the truth. If [carrying out this duty] should cause [one] harm and bitterness, this will only be limited to this world. One’s reward will be on the Day of Judgment, in winning God’s favor and the eternal life in Paradise.

God has enjoined upon us [as part of our] covenants (*‘uhūd*) and contracts (*mawāthiq*) [with Him] to command right and forbid wrong, bear witness to the truth and fight to reclaim God’s path [from which others have deviated] (*al-jihād fī taqwīm al-sabīl*). God said to his Prophet: “O David, verily we have appointed thee a sovereign prince in the earth: judge therefore between men with truth; and follow not thy own lust, lest it cause thee to err from the way of God: for those who err from

⁴³ KHALIDI, “The Poetry of the Khawārij,” p. 121.

⁴⁴ ‘Abdullah b. Wahb al-Rāsibī, in ‘ABBĀS, *Shi’r al-Khawārij*, 2:1 (p. 31).

⁴⁵ WELLHAUSEN, *The Religio-Political Factions*, p. 21.

⁴⁶ IBN AL-ATHIR, *al-Kāmil fī al-Tārīkh*, vol. III, p. 322.

the way of God shall suffer a severe punishment, because they have forgotten the day of account" (*Q.*, XXXVIII 26, Sale's tr.). God also said "And whoso judgeth not according to what God hath revealed, they are infidels" (*Q.*, V 44; Sale's tr.).

Bear witness [then] against the people [claiming affiliation to] our [Islamic] summoning (*fa-ishhadū 'alā ahli da'watinā*) when they follow their whims (*in qad ittaba'ū al-hawā*) and reject the judgment of the Book (*wa-nabadhū*) and deviate [from the Book] in carrying out its judgment (*wa-jārū fī al-ḥukm*). Fighting them is the duty of the believers (*jihāduhum 'alā al-mu'minīna fard*). I swear by Him to Whom faces submit, beneath Whom eyes are lowered, that even if there was no one else to right the wrong (*taghyīr al-munkar*) [alongside me], nor someone to support [me] in fighting those who deviate from [the teachings of the Book] (*al-qāṣitīn*), I shall fight them on my own, until I meet God, my Lord, so that he may see that I have [endeavored] to right [the wrong] at least by my words.⁴⁷

What the passage above indicates is that, at a fundamental level, the Kharijites conceived of *jihād* as a means to meet or uphold doctrinal not territorial objectives. Thus their understanding of "fighting in the path of God" (*jihād fī sabīl Allāh*) did not spare lax Muslims, indeed the latter seem to have preoccupied the Kharijites more than non-Muslims. In other words, intra-Muslim religious dynamics served as the *raison d'être* of the Kharijites; accordingly, *jihād* begins at home, it is about righting the wrongs of their fellow Muslims (*taghyīr al-munkar*) and rectifying their corrupt ways (*taqwīm al-sabīl*).

It is with respect to these doctrinal considerations that the concept of *khurūj* or rebellion presented itself for the Kharijites as an inevitable step a true Muslim should take. Emboldened by their claim to Truth (*ahl al-ḥaqq*), they took the decision, on the basis of *Q.*, IV 75 to depart from their town (*khurūj*) and its oppressive inhabitants (*al-ẓālim ahlaha*), as their way of renouncing unjust laws (*al-aḥkām al-jā'ira*).⁴⁸ It is not entirely clear, however, what the early Kharijites understood *khurūj* to involve. That they had no qualms resorting to violence is not difficult to discern, for they were eager to "strike their [enemies'] foreheads and their faces with the sword so that the Beneficent is obeyed."⁴⁹ It is possible however that some of them at least would have been content with separating from the rest and forming their own communities. Khalidi has suggested that the Kharijites' *khurūj* is part of their "challenge to the

⁴⁷ IBN QUTAYBA 'Abd Allāh b. Muslim (1904), *Al-Imāma wa-al-Siyāsa*, 2 vol. Matba'at al-Nīl, Cairo, vol. I, p. 224-5. The same meeting is reported in *The History of al-Ṭabarī: The First Civil War*, tr. HAWTING, p. 113-6. See LECOMTE Gérard (1971), "Ibn Qutayba," *EP*, vol. III, p. 844-847, on the many books that may be falsely attributed to Ibn Qutayba, including *al-Imāma wa-al-Siyāsa*. Note that Ibn Qutayba relates that two meetings occurred before the departure to Nahrawān, the first part of the excerpt is from the meeting that took place in al-Rāsibī's house, the latter part is from the one that took place in Zufr b. Ḥaṣīm (?) al-Ṭā'ī.

⁴⁸ IBN QUTAYBA, *Al-Imāma wa-al-Siyāsa*, vol. I, p. 224.

⁴⁹ *Ibid.*, p. 226.

Islamic city,” theirs had to be “a city of ‘saints’ kept pure and exclusive by austere discipline.”⁵⁰

Several instances allow us to consider that the Kharijites might have conceived of *khurūj* to be limited to withdrawing from the rest of the community, or the “abode of sinners,” as they put it;⁵¹ but without necessarily initiating a military confrontation with the “errant” authorities. For example, when they first disagreed with ‘Alī at Ṣiffīn, they withdrew to Ḥarūrā’, but did not initiate any violent attacks against ‘Alī and his supporters. Even when they seceded the second time and departed to Nahrawān, it was ‘Alī, not them, who initiated the confrontation.⁵² Al-Ṭabarī provides a detailed account of the events leading up to Nahrawān, but it is clearly one-sided or at least inconsistent even as far as ‘Alī’s stance is concerned.

Al-Ṭabarī reports that ‘Alī was initially willing to leave the Kharijites be at Nahrawān and focus on fighting Mu‘āwiya and his troops when the judgment of the two arbitrators did not go in his favor. But when the Kharijites began to slaughter Muslims indiscriminately, ‘Alī decided to attack them.⁵³ Yet ‘Alī, even by al-Ṭabarī’s account, implored the Kharijites to resume fighting alongside him against Mu‘āwiya. He pleaded with them in a letter before he confronted them at Nahrawān: “Now these two men whose authority (*ḥukm*) we accepted have opposed the Book of God and followed their own inclinations without any guidance from God [...] when you receive this letter of mine, come, for we are setting out against our enemy and your enemy and we are still concerned with the matter that occupied us originally.”⁵⁴ ‘Alī might have hoped that they would simply say “we told you so” and rejoin the fight. Instead, they upheld their principles, writing back to ‘Alī: “You were never zealous on account of your Lord, only on account of yourself. If you recognize your own unbelief and turn to repentance, we will consider that which divides us from you. Otherwise we have separated from you ‘without distinction, for God does not like those who are faithless’.”⁵⁵ They needed clear proof from ‘Alī that he repented of having submitted to arbitration and would not compromise God’s Book again. They feared, as they later put it, that “if we were to give you the oath of allegiance today, you would appoint arbitrators tomorrow.”⁵⁶

⁵⁰ KHALIDI, “Some Classical Islamic Views of the City,” p. 267.

⁵¹ *Ibid.*, p. 268.

⁵² The details of the battle of Nahrawān are strangely absent in *The Epistle of Salīm ibn Dhakhwān*.

⁵³ *The History of al-Ṭabarī: The First Civil War*, tr. HAWTING, p. 123-5.

⁵⁴ *Ibid.*, p. 119.

⁵⁵ *Ibid.*, p. 119.

⁵⁶ *Ibid.*, p. 127.

‘Alī, continuing with al-Ṭabarī’s account, still hoped that he could persuade the rebels to join him even after they reportedly engaged in indiscriminate killing. When ‘Alī arrived at Nahrawān and when the rebels refused to surrender the killers, declaring that “all of us were their killers and all of us consider your and their blood to be licit”, ‘Alī persisted in asking them to “return with us to the fight against our enemy and your enemy.”⁵⁷ This suggests that ‘Alī did not go all the way to Nahrawān to put an end to the rebels’ mischief, but rather to win them back. Al-Ṭabarī’s account suggests that when the negotiations failed, the Kharijites were the first to advance and start the fight. Even if this were the case, it was ‘Alī who took his troops to confront them at Nahrawān. Had he not confronted them there, they may well have been content with remaining at Nahrawān without fighting the others, a form of civil disobedience, but not necessarily a military rebellion.

The other instance that lends itself to construing *khurūj* as a form of civil disobedience concerns Abū Bilāl and his followers. Under severe persecution by Ibn Ziyād, Mu‘āwiya’s governor of Baṣra, Abū Bilāl decided to go out (*khurūj*) with his followers to a town called Āsak to escape oppression. “As vast as the earth was, they straitened it on us” (cf. *Q.*, IX 118), said Abū Bilāl before he departed.⁵⁸ Ibn al-Athīr relates that Abū Bilāl and his companions adopted a collectivist mode of living such that “if money exceeded their needs in the treasury (*bayt al-māl*), Abū Bilāl would take from it his own need and that of his companions, and return the rest.”⁵⁹ But Ibn Ziyād would not leave them alone. He asked them to rejoin the community (*al-jamā‘a*); when they did not comply with his orders, he sent an army to fight them. Despite their inferior numbers (they were said to be forty against two thousands), Abū Bilāl and his companions, defeated Ibn Ziyād’s troops.⁶⁰ This battle occasioned the poem by the Kharijite ‘Īsā b. Fātik:

You claim to be believers, and yet two thousand of you
At Āsak by forty people were defeated
You lied, believers you are not
The khawārij are the true believers
A small group (*al-fi’a al-qalīla*) they are indeed, but undoubtedly
[Their faith] shall see them triumph over their larger [enemies] (*al-fi’a al-kathīra*)
The command of an obstinate tyrant you obeyed
When unjust rulers our obedience should be denied⁶¹

⁵⁷ *The History of al-Ṭabarī: The First Civil War*, tr. HAWTING, p. 127.

⁵⁸ Mirdās b. Udayya, in ‘ABBĀS, *Shi’r al-Khawārij*, 29:4 (p. 51).

⁵⁹ IBN AL-ATHĪR, *Al-Kāmil fī al-Tārīkh*, vol. III, p. 519. This sentence is in fact omitted in al-Ṭabarī (at least in the English translation which I am relying upon).

⁶⁰ *Ibid.*, p. 519. Ibn al-Athīr notes that the army was made up of 2,000 men, al-Ṭabarī is silent on the number.

⁶¹ ‘Īsā b. Fātik, in ‘ABBĀS, *Shi’r al-Khawārij*, 34:5-8 (p. 54-5). No doubt the poem has the echoes of the Battle of Badr.

Faith it seems could not overcome trickery. Abū Bilāl and his companions were defeated a year later when Ibn Ziyād sent an army of 3,000 men led by his uncle ‘Abbād b. al-Akhḍar. When it was time to perform the afternoon prayer, both sides apparently agreed to stop fighting to pray. Ibn al-Akhḍar is said to have performed his prayer hurriedly and resumed fighting while most of the Kharijites were still performing the prostration and therefore were in no position to fight back.⁶²

The instances above suggest that some Kharijites might have conceived of *khurūj* as akin to *hijra* (emigration) from oppression or persecution, as the prophet did when he left Mecca to Medina, or as Moses is related to have done in the Qur’an (Q. XXVIII, 20-1). This issue would become contentious and divisive with later Kharijites. Nevertheless, when considering this non-violent dimension of *khurūj*, it should not distract from the other violent dimensions they engaged in, not least the assassination of ‘Alī by Ibn Muljam, which was applauded by Kharijite poets.⁶³

AL-MUḤAKKIMA, AL-AZĀRIQA AND AL-NAJADĀT/ NAJDIYYA ON BOOTY

On the question of booty, the Kharijites’ renunciation of this world and their yearning for death, suggest that booty was not central to their religious philosophy. But it wasn’t completely absent either. If one assumes that the Ibādī Sālim ibn Dhakhwān’s *Epistle* faithfully mirrors the views of al-Muḥakkima,⁶⁴ one finds several instances during which booty was on their minds. Believers are exhorted to fight in God’s path (*al-jihād fī sabīl Allāh*) so that they would claim their share of booty, “for that is the noblest of works in God’s eyes, the work to be rewarded most bounteously.”⁶⁵

It was in a dispute over booty, stresses Sālim, that the Muslims (the Kharijites affiliate to and, one would assume, those who became al-Muḥakkima) quarreled with ‘Uthmān and eventually killed him. To begin with, ‘Uthmān, according to Sālim, “excluded the Bedouin from holy war because he grudged them a share in the stipends.” He thereby deviated from the prophet’s practice (*sunna*), which was faithfully followed by Abū Bakr and ‘Umar, all of whom “had given them [i.e., the Bedouin] an equal share of the revenues.”⁶⁶ When ‘Uthmān disregarded the *sunna* and appointed “foolish relatives of his,”⁶⁷ continues Sālim, and treated wealth as

⁶² IBN AL-ATHIR, *Al-Kāmil fī al-Tārīkh*, vol. IV, p. 94.

⁶³ AL-MUBARRAD, *Al-Kāmil*, p. 169. See also the poetry in response in footnote 2.

⁶⁴ On the dating of the *Epistle*, see CRONE and ZIMMERMANN, *The Epistle*, chap. 8. In addition to surveying the literature on the topic, they propose their own dating, which they put between 134/751 and 177/793, p. 299.

⁶⁵ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, I:12 (p. 53).

⁶⁶ *Ibid.*, II:47 (p. 83).

⁶⁷ *Ibid.*, II:48 (p. 83).

“something taken in turns, depriving believers of their rights in the booty bestowed on them by God,”⁶⁸ then believers fought him and eventually killed him.

The issue of booty was even more contentious with the second generation of Kharijites, namely al-Azāriqa and al-Najdiyya, thanks to the split that occurred between them which brought the issue of booty to the fore. They were the followers of Nāfi‘ b. al-Azraq and Najda b. ‘Āmir who emerged as distinct groups during the second civil war and were known by the eponyms al-Azāriqa and the Najdiyya or Najadāt respectively. Ibn al-Azraq and his followers are supposed to have followed in the path of *al-Muḥakkima*, but grew increasingly intolerant of their *qawm*.⁶⁹ Al-Mubarrad relates that it was a non-Arab convert, who persuaded Ibn al-Azraq, on the basis of *Q.*, LXXI 26-7 that it was lawful to kill those of their *qawm* but who did not share all their views.⁷⁰ In particular, they had in mind the quietists among them, i.e., those who espoused their beliefs, but did not fight and stayed at home (*al-qa‘ada*), “because they hide their faith and their religion when God has ordered them to stand firm (cf. *Q.*, VIII 45).”⁷¹ Al-Azāriqa declared the quietists to be of the same status of unbelief (*al-qa‘ada bi-manzilatihim*) as those who opposed them.⁷² They deemed it “lawful to take their lives and property, declaring it forbidden to associate with them or to pray for forgiveness for them.”⁷³

This pronouncement by Ibn al-Azraq caused a split within his ranks. Those who disagreed with him were mindful that God favored those who took part in *jihād* over those who stayed at home (*Q.*, IV 95), but nonetheless believed that the quietists were of their people (*qawm*).⁷⁴ The dissidents abandoned Ibn al-Azraq and gathered themselves around the leadership of a former follower of Ibn al-Azraq, Najda b. ‘Āmir. Below are excerpts from the correspondence between the two, beginning with Najda’s letter:

My knowledge of you is such that you were a merciful father to the orphan, a kind brother to the weak. Nobody could ever reproach you, in anyway, with respect to your commitment to God’s [teachings]; [as attested in the way you] forbade lending any form of assistance to an oppressor. That’s the model [I’ve known] you and your companions to follow. Do you not recall what you used to say: “If I didn’t

⁶⁸ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, II:51 (p. 87).

⁶⁹ *Ibid.*, III:66 (p. 101).

⁷⁰ AL-MUBARRAD, *Al-Kāmil*, p. 284.

⁷¹ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, III:73 (p. 103).

⁷² AL-MUBARRAD, *Al-Kāmil*, p. 285.

⁷³ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, III:72 (p. 103). See also IBN ṬĀHIR AL-BAGHDĀDĪ ‘Abd al-Qāhir (1988), *Al-Farq bayna al-Firaq*, ed. AL-KHUSHT Muhammad ‘Uthman, Maktabat Ibn Sīnā, Cairo, p. 81. See also the discussion in WELLHAUSEN, *The Religio-Political Factions*, p. 45-7.

⁷⁴ AL-MUBARRAD, *Al-Kāmil*, p. 285.

know that the reward of the just Imam is equivalent to that received by all his flock, I would not have taken it upon myself to serve as the Imam of even two Muslim men [let alone more].”

When you had your soul purchased in the service of your Lord, you sought to please Him, pursuing the true path at its core (*aṣabta mina al-ḥaqqi faṣṣahu*); and in the process, endured all the severity this entailed (*rakibta murrahu*).

That’s when Satan devoted his energy exclusively to you, for no one, more than you and your companions, had ever exerted such a burden on Satan. He thus sought to win your affection and lure and beguile you to his ways, and that he did.

So you strayed away from the right path (*ghawayta*), and declared those whom God excused in His Book for staying at home to be unbelievers, on account of their weakness. God said—and His Word is the Truth and His Promise is unconditional: “In those who are weak, or are afflicted with sickness, or in those who find not wherewith to contribute *to the war*, it shall be no crime *if they stay at home*; provided they behave themselves faithfully towards God and his apostle” (*Q.*, IX 91, Sale’s tr.).

Then you deemed it lawful to kill the children [of those who disagreed with you] when the Messenger of God forbade it, and God said to that effect that “no burdened *soul* shall bear the burden of another” (*Q.*, VII 164, Sale’s tr.). He also spoke well about those who stayed at home, notwithstanding that he favored those who struggled/ fought over them. He thus considered them to be believers, and favored the *mujāhidīn* over them, [only] on account of their work [i.e., fighting].

You also deemed it lawful not to render a trust (*amāna*) to its owners, if they did not espouse your beliefs, when God commands that trusts are to be rendered to their rightful owners. So fear God and reflect on yourself, and fear the day “whereon a father shall not requite something for his son, neither shall a son requite something for his father” (*Q.*, XXXI 33, Sale’s tr. amended).

God, may His name be exalted, is on the watch (*bi-al-mirṣād*), His judgment is justice, His word is final (*faṣl*). With peace.⁷⁵

Ibn al-Azraq responded to Najda, noting that he is one of those who listens to everyone, including Najda’s rebuke of him, but follows what he deems as the best counsel:

I shall explain to you why [I have come to take such measures], if God so pleases. Those who stay at home [in our days] are not like those you mentioned, who lived during the time of the Messenger of God. That’s because the latter lived in Mecca, subjugated and besieged; they had no possibilities to flee, nor did they have any means through which to communicate with the Muslims [i.e., Muhammad and others who managed to flee to Medina]. As to those who stay at home today, [they have no excuses]: they have had instructions in religion, read the Qur’an, and the true path is clearly laid out before them. You must know what God said of people like them. For they said: “we were weak in the earth”, and it was said to them:

⁷⁵ AL-MUBARRAD, *Al-Kāmil*, p. 286-7.

“Was not God’s earth wide *enough*, that ye might fly therein *to a place of refuge?*” (*Q.*, IV 97, Sale’s tr.). God also said: “[they] were glad of their staying behind the apostle of God” (*Q.*, IX 81), “And certain Arabs of the desert came to excuse themselves, *praying* that they might be permitted *to stay behind*” (*Q.*, IX 90). God (and the Prophet) knew of their [insincere] excuses, they knew that they had lied to God and His Messenger.

As to deeming it lawful to kill the children [of the unbelievers], the prophet of God Noah knew God better than you and me—O Najda: “And Noah said, Lord, leave not any families of the unbelievers on the earth: for if thou leave them, they will seduce thy servants, and will beget none but a wicked and unbelieving *offspring*” (*Q.*, LXXI 26-7, Sale’s tr.). He described them with unbelief (*kufir*) as children, and even before they were born. If that is how Noah [judged] his own people, should we not do the same with ours! “Are your unbelievers, *O Meccans*, better than these? Is immunity from punishment *promised* unto you in the scripture?” (*Q.*, LIV 43, Sale’s tr.).

As to deeming it lawful to appropriate the trusts of those who disagree with us, God Himself made their possessions lawful to us, as He made it lawful for us to shed their blood, shedding their blood is unquestionably lawful (*halāl tilq*), and their money/ possession is [rightfully] the booty of Muslims. So, fear God and reconsider your position, for you have no excuse other than repentance. [You know] you cannot defeat us, separate from us (*al-qu‘ūd ‘annā*), or abandon the path we have set forth for you. Peace upon those who profess and live by the truth.⁷⁶

Al-Azāriqa then deemed it lawful to acquire the possessions of others, including those of their *qawm* as booty. This is attested by Sālim’s *Epistle*, though Sālim attributes the same behavior to al-Najdiyya, namely that they classify their *qawm* as unbelievers and deem it lawful to enslave them, “kill their offspring, treat their property as booty, slaughter them indiscriminately, and sever relations of inheritance with them.”⁷⁷ And yet, according to Sālim, al-Najdiyya honored “the contracts of their *qawm* with *dhimmīs*.”⁷⁸ At any rate, debates surrounding the lawfulness or unlawfulness of appropriating others’ possessions as booty suggest that there was a connection between *jihād* and material rewards the early Kharijites might have espoused (and other Muslims too), as Crone suggests.

The connection, however, with respect to the Kharijites should not be overstretched as to make it central to their religious philosophy. Rather, the connection is in the context of equality of access/ distribution among all believers. Emphasis on rewards is always balanced with an equal, even a stronger emphasis on expenditure or material sacrifices, for God prefers “in rank those who struggle with their

⁷⁶ AL-MUBARRAD, *Al-Kāmil*, p. 288-9.

⁷⁷ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, III:78 (p. 107). On the contradiction between Sālim’s account and al-Mubarrad, see the editor’s commentary on p. 167-8.

⁷⁸ Sālim ibn Dhakhwān, in CRONE and ZIMMERMANN, *The Epistle*, III:76 (p. 107).

possessions and their selves,⁷⁹ whose greatest rewards will be in the afterlife.⁸⁰ In other words, the Kharijites did not conceive of booty as a step towards enrichment. As Christian Décobert suggests, the early Kharijites conceived of themselves as small and closed communities, consisting of those who were pure in their religious commitment. Accordingly, they could only have conceived of booty in the strict sense of something edible, to be consumed. They thought of booty, he adds, on the basis of Qur'anic precepts, according to which booty belongs to the Prophet's companions, to the fighters, to the poor (cf. *Q.*, VIII 41) and has to be eaten (cf. *Q.*, VIII 69).⁸¹ In other words, as far as the Kharijites were concerned, their *jihād* was not driven by an imperialist or territorial agenda.

ON *JIHĀD* AND THE KHARIJITES

How does the Kharijites' attitude to booty reflect on other Muslims' attitude at the time? If one is to take the Kharijites' views of other Muslims at face value, Crone's thesis holds but only partially. On the one hand, the Kharijites clearly saw their opponents as mercenaries (*ja'ā'il*) fighting for booty,⁸² when they believed to have sold themselves for something that has no monetary value (*bay'u nafsī bi-mā laysat lahu thamānā*).⁸³ On the other hand, even by the Kharijites' own account, the people of their *qawm* did not become corrupt until the rule of 'Uthmān, thereby viewing the very notion of material rewards as an innovation rather than the norm. It is therefore difficult to assess how the Kharijites perceived of booty under the conquests that were mounted by 'Umar.

Irrespective of whether other Muslims saw an intrinsic relationship between *jihād* and booty, as Crone suggests, early Muslims rapidly became an imperial power and therefore had to devise a strategy to regulate their relations with the non-Muslims they conquered and their property. In other words, the early Muslims had no choice but to conceive of non-Muslims' booty in practical terms, even though these terms were articulated in a religious language, namely in the theory of *jihād* the jurists formulated.

It is a mystery, Crone remarks, that *jihād* has come to be the technical term for "holy war" in Islam, even though all classical schools of law base their theory of

⁷⁹ Ibid., I:12 (p. 53).

⁸⁰ Ibid., I:13, (p. 57).

⁸¹ DÉCOBERT Christian (1991), *Le Mendiant et le Combattant*, Le Seuil, Paris, p. 118.

⁸² Isā b. Fātik, in 'ABBĀS, *Shi'r al-Khawārij*, 34:2 (p. 54).

⁸³ Mirdās b. Udayya, in 'ABBĀS, *Shi'r al-Khawārij*, 28:2 (p. 51).

warfare on *Q.*, II 216, in which “the Qur’ān refers to the activity by a derivative of the verb meaning to fight (*qātala*), not of that meaning to strive (*jāhada*).”⁸⁴ This is a mystery not only because the Qur’an has an unambiguous term to designate “fighting,” but also since the meaning of the term *jihād* in the Qur’an is not always about physical struggle or combat as the term *qitāl*. *Jihād* often refers to a special kind of spiritual effort, sincerity of intention and devotion believers are expected to exert in the service of God. It is because of the spiritual connotations associated with the term *jihād* that a large body of ascetically oriented writings developed, which identifies it with an internal spiritual journey during which believers are meant to struggle against their whims and attachments to worldly pleasures.⁸⁵

Nevertheless, *jihād* and warfare do overlap in some Qur’anic verses (e.g., *Q.*, IV 95; *Q.*, IX 81, 86).⁸⁶ Since wars in the pre-modern era were often legitimated on the basis of religious principles and since most Qur’anic words derived from the same root as *jihād* refer to righteous conduct, sincere dedication to God, including sacrificing one’s life,⁸⁷ it is not surprising that the term *jihād* should end up being the jurists’ choice to represent their theory of warfare. The dual meaning of *jihād* both as a spiritual as well as a physical struggle lends itself to the spirit jurists sought to capture, namely that war is legitimate only when it is conducted in the path of God (*fī sabīl Allāh*).⁸⁸

In addition to providing a divine authority as the basis of a legal theory justifying war, jurists were also mindful that their theory needed to take into consideration the existing realities of their time. Alfred Morabia, among others, has argued that *jihād* as a theory of warfare did not develop independent of the rapid expansionist movement (*futūḥāt*) led by the early Caliphs. According to Morabia, “the theory [of *jihād*] did not determine the conquerors’ actions; rather it is the latter that made its imprint on the theory.”⁸⁹ It was only at the beginning of the eighth century, Morabia holds, with the formation of schools of law that jurists began to formulate legal maxims concerning warfare. As they did, the jurists formulated a legal theory to meet the needs of realities already brought about by conquests to the relations between

⁸⁴ CRONE, *God’s Rule*, p. 363.

⁸⁵ HECK Paul L. (2004), “Jihad Revisited,” *Journal of Religious Ethics* 32.1, p. 95-128, on this specific point, p. 97-8. MORABIA Alfred (1993), *Le ġihād dans l’Islam médiéval: le “combat sacré” des origines au xif siècle*, Albin Michel, Paris, p. 256-7.

⁸⁶ See especially LANDAU-TASSERON Ella (2001), “Jihād,” in MCAULIFFE Jane Dammen (ed.), *Encyclopaedia of the Qur’ān*, 5 vol., Brill, Leiden, vol. III, p. 35-43; BONNER Michael (2006), *Jihad in Islamic History: Doctrine and Practice*, Princeton University Press, Princeton, p. 21-2.

⁸⁷ BONNER, *Jihad in Islamic History*, p. 21-2.

⁸⁸ CRONE, *God’s Rule*, p. 363.

⁸⁹ MORABIA, *Le ġihād dans l’Islam médiéval*, p. 184.

conquering Muslims and conquered non-Muslims. Since the Qur'an could furnish their legal work with only a broad framework and a limited set of terminology for their theory, jurists projected their legal maxims back in time to practices of the prophet and his Companions to lend legitimacy to their edicts.⁹⁰

The classical theory of *jihād* then evolved over time and could not be analyzed in isolation of the events to which it was meant to provide a normative basis. By contrast, the starting and ending points of the Kharijites were strictly Scriptural, irrespective of the practicalities involved. They were idealists in living up to teachings of the Qur'an. Other Muslims were more pragmatic, they too wanted to have a slot in paradise, but they were in no hurry to occupy it. Thus because Kharijism was rooted in doctrine and was not driven by a sense of loyalty to a group or a leadership, it is difficult to envisage how the Kharijites could have developed a consistently applicable theory of *jihād*. For this and other reasons, the classical theory of *jihād* cannot be understood to echo the Kharijites' understanding of *jihād*.

If the classical theory of *jihād* is not retroactive, the Kharijites' understanding of *jihād* must have had some consequences on the development of the classical theory. Khaled Abou El Fadl observes that in developing an Islamic legal framework, "Muslim jurists co-opted, constructed, and re-constructed doctrinal and historical precedents."⁹¹ Thus when jurists formulated their legal discourse about rebellion (*aḥkām al-bughāt*), the Kharijites were on their minds.⁹² It is probably not the Kharijites' accusation of fellow Muslims as mercenaries that worried authorities (and jurists), but rather their introduction of the notion of *takfīr* into intra-Muslim dynamics.

The language of *takfīr* did not arise early on with the Kharijites. For instance, *al-Muḥakkima*'s religious rhetoric remained somewhat mild; they used terms denoting exclusion like *barā'a min* (to dissociate from), they did not refrain from rebuking fellow Muslims, declaring them to be *jā'irīn*, the people who have "transgressed [the judgment of the Book] etc." The terminology of *takfīr*, however, that was eventually introduced by al-Azāriqa and taken up by al-Najdiyya introduced different internal dynamics into the nascent Islamic establishment. "A community is considered a community of unbelief (*kufr*) except those who manifest [outwardly] their faith (*illā man aḥbara imānahu*),"⁹³ declared al-Azāriqa. On one hand, *takfīr* brought some sort of order and clarity into who is who among the Kharijites, for it helped identify

⁹⁰ Ibid., p. 182-4. See also the discussion in CRONE, *God's Rule*, p. 368-73.

⁹¹ ABOU EL FADL Khaled (2001), *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, p. 33.

⁹² Ibid., p. 34.

⁹³ AL-MUBARRAD, *al-Kāmil*, p. 285.

who is “in” and who is “out”. *Takfīr*, however, came at a serious political cost, for dissent became the order of the day, and the Kharijites turned against each other and eventually self-destructed.

But the combination of political dissent and *takfīr* accompanied with individualized *jihād* was not a phenomenon the nascent Islamic establishment could afford to ignore. Hence, when jurists later devised their theory of *jihād*, the Kharijites must have been on their minds when they formulated territorial distinctions, namely the abode of Islam (*dār al-islām*) and the abode of war (*dār al-ḥarb*), to designate that it was in the latter where *kufīr* existed. In doing so, jurists, to borrow El Fadl’s words, “balanced functionalist considerations against theological and moral imperatives;”⁹⁴ in this context, they transformed the energy of *takfīr*—which invariably translated into violence carried out at the initiative of individuals—from domestic consumption and directed it against non-Muslims, whose territory could be conquered, if the ruler so decides.

The association of *kufīr* and non-Muslims’ territories should not be understood to be solely centered on infidels, for the notion of territory itself, as Barry Hindess observes, “is associated with the threat of violence toward those who do belong, as much as to those who do not.”⁹⁵ In the Islamic case, the link between *jihād* and other non-Muslim territories (*dār al-ḥarb*) was designed to imply that *jihād* is not meant to be waged at home (*dār al-islām*). Thus when rebels wage war at home, it is considered as rebellion, not *jihād*, and the State has the authority to stop it.⁹⁶ Indeed, similar dynamics intended to regulate domestic violence are also observed in the foundational story of the Westphalian State. “Even the most liberal of modern states,” Hindess remarks, “hold in reserve a considerable capacity for violent action, which enables it to frighten both outsiders and its own people.”⁹⁷

Thus, it may be argued that the universalist justification of *jihād* as advanced by jurists was not formulated with solely non-Muslims in mind. Indeed, it may well have been directed to domestic audience, to none other than Muslims whose perceived right to initiate violence on an individual basis in defense of faith had to be minimized. For, as Crone remarks, even when *jihād* became articulated in universal terms, Islamic conquests did not lead to forced conversion of the conquered people. While jurists did not find it problematic to support holy war when it was initiated by their rulers so long as it was done according to God’s Law, they did have to account

⁹⁴ ABOU EL FADL, *Rebellion and Violence*, p. 33.

⁹⁵ HINDESS Barry (2006), “Territory,” *Alternatives* 31, p. 244.

⁹⁶ KHADDURI Majid (2001), *The Islamic Law of Nations: Shaybani’s Siyar*, The John Hopkins University Press, Baltimore, p. 55.

⁹⁷ *Ibid.*, p. 247.

for the Qur'anic dictum "there is no compulsion in religion" (*Q.*, II 256). Significant debate revolved around this dictum and a great deal of flexibility was applied as to whether conquered people should be allowed to maintain their religion.⁹⁸

If Muslims did not enforce the universalist rhetoric of *jihād*, even though they had the power to do so, what purpose did universalism serve them? If domestic disobedience was on their minds, the universalist rhetoric might have been part of the jurists' strategy to give authorities legal ammunition to win over, perhaps even to subdue the populace domestically to prevent them from being in charge, on an individual level, of fighting for the cause of Islam à la Kharijites. It is perhaps with these considerations in mind that jurists devised the distinction between *jihād* as an individual duty (*farḍ 'ayn*) and *jihād* as a communal duty (*farḍ kifāya*), making the latter the norm except when the enemy invades Muslim territory. Making *jihād* a communal duty effectively concentrated warfare, somewhat in a Weberian sense, in the state's hands by making it the ruler's prerogative. Were *jihād* to remain an individual decision, then *dār al-ḥarb* would be as much of a domestic reality under the Muslim Caliphate/ *dār al-Islām* whenever a Muslim decides that a fellow Muslim qualifies to be an unbeliever, as it was with the Kharijites.

⁹⁸ CRONE, *God's Rule*, p. 373-5.

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