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## The Idea of the *Jihād* in Islam before the Crusades

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Roy Parviz Mottahedeh and Ridwan al-Sayyid

The *jihād*, often loosely translated as “holy war on behalf of Islam,” is usually understood to be a fairly stable idea in Islamic law. In that standard reference book, *The Encyclopaedia of Islam*, the very considerable scholar Emile Tyan tells us that the notion of *jihād* stems from the principle that Islam, “along with the temporal power which it implies, ought to embrace the whole universe, if necessary by force.” Moreover, according to Tyan the *jihād* is “a religious duty” and “has a perpetual character.” Tyan mentions only one major premodern figure of the Sunnī tradition, Sufyān al-Thawrī, who disagreed with this view. Sufyān al-Thawrī, a thinker of the second/eighth century, regarded the *jihād* as an obligation only as a defensive war.<sup>1</sup>

In fact, differences about the status and nature of *jihād* are a marked feature of early Islamic law, and details about the conduct of *jihād* continue to reflect historical circumstance throughout the history of Islamic law in the Middle East. It is important to remember that there is no authoritatively codified Islamic law before the nineteenth century A.D. Therefore, we have an accretional body of law (or more accurately, of legal thinking) in which minority opinions are preserved and in which there may be more than one widely held or “normative” position. This essay attempts to give some idea of the divergence of opinion on the “universal” and “perpetual” nature of the *jihād* in the first Islamic century in Syria and the Ḥijāz, the province of Western Arabia that contains Mecca and Medina. It then tries to show how, in Iraq in the second half of the eighth century, certain normative theories of *jihād* were accepted which continued to have widespread acceptance through and beyond the period of the Crusades. However, as there are literally hundreds of legal books and other genres of literature that deal with the *jihād* in the centuries before the Crusades, well over half of which exist only in manuscript, this essay in no way attempts to give a full survey of the normative theories of *jihād* in the pre-crusading period or to weigh the comparative importance of these theories at different periods.

We start with a review of the primary sources available to reconstruct the earliest discussions of *jihād*. The first half of the second Islamic century (which ends in 766 A.D.) saw the emergence of two genres of writing about *jihād* which either mixed history and legal thought or attempted to set down rulings for war that relied upon historical prece-

<sup>1</sup> E. Tyan, “Djihād,” *EI*<sup>2</sup>, 2:538–40. We wish to thank Michael Bonner, Fred Donner, and Hossein Modarressi for their very useful comments.

dents. The first were the books on the military expeditions organized by the Prophet in the Medinan period, and some of these books also included the military expeditions of the early caliphs. The second were the books on the conduct of state, or *siyar*. The books on military expeditions—most of which, unfortunately, are no longer extant—were written by such important figures as al-Zuhrī (d. 124/741), ‘Urwah b. al-Zubayr (d. 94/714), and Mūsā b. ‘Uqbah (d. 141/758). In fact, the late Martin Hinds suggests that before Ibn Hishām (d. 213/828 or 218/833), all transmitters of biographical accounts of the Prophet were primarily concerned with this genre, including Ibn Hishām’s primary source, Ibn Ishāq (d. 150/767), who is usually regarded as the first major biographer of the Prophet.<sup>2</sup> While the concern in this genre on military expeditions appears to be historical, these works were undoubtedly also seen as sources for the Islamic rules of war, as we understand from the advice of the jurist Mālik b. Anas (d. 172/795) to his students to refer to the *maghāzī*, or accounts of exemplary early campaigns, by Mūsā b. ‘Uqbah and not to those of Ibn Ishāq.

Among the books on the conduct of state (*siyar*) from the second Islamic century there is a lost book by the very celebrated Syrian jurist al-Awzā‘ī (d. 157/773), of which parts are preserved in a refutation written by Abū Yūsuf (d. 182/798)<sup>3</sup> and long extracts in the above-mentioned Ibn Ishāq. There is also a lost book by Muhammad al-Nafīs al-Zakīyah (d. 145/762) of which many fragments survive in the writing of later Zaidī authors.<sup>4</sup> Another book of this genre is ascribed to the celebrated jurist Abū Ḥanīfah (d. 150/767), which we also know through the above-mentioned treatise of Abū Yūsuf refuting al-Awzā‘ī. In fact, Abū Yūsuf represents his own work as completing the groundwork laid by Abū Ḥanīfah. A yet further work of this genre is the *Siyar* of Abū Ishāq al-Fazārī (d. ca. 185/801), of which a section has been found in Morocco.<sup>5</sup> While this survey is far from complete, it shows that we know in fragmentary or, occasionally, in full form literature of the second half of the century, much of which is in dialogue with the opinions of authors or “authorities” of the early second century, the end of the Umayyad period. These early surviving books on the conduct of state are united by two concerns: first, their discussion of the virtues of *jihād*; and, second, their discussion of legal rulings related to *jihād*, a subject that often occupies by far the largest part of such texts.

At the end of the second half of the second Islamic century (which ends in 820 A.D.), a new genre of writing on the legal aspects of war appears, namely, the books on the *kharāj*, or land tax, and on *amwāl*, the public finances of the Islamic community. The earliest example of this genre appears to be a composition written by a vizier of the caliph al-Mahdī (158/774–169/785).<sup>6</sup> The earliest extant book is the well-known treatise on *kharāj* by a famous pupil of Abū Ḥanīfah who became supreme judge in the period of the caliph Hārūn al-Rashīd, the Abū Yūsuf mentioned above. Other such works of the

<sup>2</sup> M. Hinds, “Al-Maghāzī,” *EF*<sup>2</sup>, 5:1161.

<sup>3</sup> Abū Yūsuf Ya‘qūb bin Ibrāhīm, *Al-Radd ‘alā Siyar al-Awzā‘ī*, ed. Abū l-Wafā‘ al-Afghānī (Cairo, n.d.).

<sup>4</sup> These fragments have been gathered by Ridwan al-Sayyid and will be published in the near future.

<sup>5</sup> Al-Fazārī, *Kitāb al-Siyar*, ed. F. Hamādah (Beirut, 1986).

<sup>6</sup> See A. Ben-Shemesh, *Taxation in Islam* (Leiden, 1969), 8–9.

third Islamic century were written by Yaḥyā b. Ādam (d. 821/206) and by Abū ‘Ubayd al-Qāsim b. Sallām (d. 224/838). This genre continued to exist for many centuries; and the *Kitāb al-Istikhṛāj fi Aḥkām al-Kharāj* by the Ḥanbali author Abū al-Faraj ‘Abd al-Raḥmān Ibn Rajab (d. 795/1392) is, perhaps, the last book of this type to achieve prominence among Sunnī jurists in the Arab world.

It should be noted that after the appearance of books on the land tax and public finances, the books on the conduct of state and on the military expeditions of the Prophet appear to dwindle. However, books specifically on the *jihād* increased. These, by and large, fall into two categories. One category consists of specific sections of the collections of Prophetic tradition, or separate books, on the “virtues of the *jihād*.” The *Kitāb al-Jihād* by ‘Abd Allāh b. al-Mubārak al-Marwazī (d. 181/797) must surely be one of the earliest examples of such individual books.<sup>7</sup> Another category consists of the chapters on *jihād* in the law books.

This early literature raises many questions, only a few of which are addressed here. The view of Sufyān al-Thawrī (d. 161/778), who, as we mentioned above, believed that only the defensive *jihād*<sup>8</sup> was obligatory, is not as idiosyncratic as Tyan has led us to believe. It has already been noted by Jacqueline Chabbi that there is some divergence between the Ḥijāzī and the Syrian schools on this question. She points out that the *Muwatta’*, written by the Medinan Mālik b. Anas (d. 179/795), seems in the version compiled by al-Shaybānī (d. 189/804) to lack any endorsement of warfare on the frontier in a context of *jihād*. She concludes:

It is thus possible to suppose that in the mid second/eighth century, the Medinan editor (or, at least, his Ḥanafī editor, a generation later) may have belonged to a tendency which was skeptical about warfare on the frontier; particularly with regard to the purity of the intentions of the fighters. . . . In the Cordovan recension (but not that of al-Shaybānī) there is furthermore attributed to Mālik the transmission of a *ḥadīth*, according to which the most scrupulous piety (ablutions, attendance at the mosque, continued observance of prayer) would be the true *ribāṭ*. . . . This does indeed seem to represent a position which would effectively have been professed by Mālik. . . . It may be wondered whether these traditions do not allow the supposition of a conflict of representation between traditionalists at the end of the second/eighth century. These indications could permit the fixing of the time when the ideology of *jihād*, professed by circles yet to be identified, began to stress the meritorious aspect of military service on the frontier, while in other circles there was manifest opposition to this new point of view (possibly from the people of Arabia, i.e. of ‘Iraq . . .). If such was the case, it could be said that this conflict would, as if symbolically, have divided those who, of quietist tendency, aspired to make *mujāwara* [“living close to the Ka‘ba”] . . . from those who aspired to make *ribāṭ* (. . . “dwelling on the frontier”). This latter would have professed a new type of activism.<sup>9</sup>

<sup>7</sup> ‘Abd Allāh b. al-Mubārak, *Kitāb al-Jihād*, ed. N. Ḥammād (Beirut, 1977).

<sup>8</sup> Al-Sarakhsī, *Sharḥ al-Siyar al-Kabīr*, ed. S. al-Din al-Munajjid (Cairo, 1958), 1:187.

<sup>9</sup> J. Chabbi, “Ribāṭ,” *EI*<sup>2</sup>, 8:495.

There is a fair amount of evidence to support Chabbi's hypothesis. Chabbi has already noticed that Ibn Qutayba (d. 276/889) tells us that al-Fuḍail b. 'Iyāḍ (d. 187/863), who died as a *mujāwir*, told an anecdote unfavorable to the destiny of frontier warriors,<sup>10</sup> and al-Dhahabī confirms this account.<sup>11</sup> In fact, Chabbi's supposition that the very early Mālikī school, usually understood to express the majority opinion in the Ḥijāz, did not believe in the obligatory nature of certain kinds of aggressive war, seems borne out by statements from Mālik himself quoted in the extremely important foundational text of Mālikī law, *al-Mudawwanah*, compiled from Mālik's teachings by Saḥnūn (d. 240/854). These passages indicate that, in whatever circumstances Mālik did approve of *jihād*, he was extremely cautious—even doubtful—about the legitimacy of a Muslim offering his services in border warfare led by the Syrian Umayyads, presumably because of questions on the legitimacy of their rule. Mālik is asked several times: Do you see any harm in fighting the *jihād* against the Byzantines alongside these rulers (*wulāt*)? He repeatedly says, "There is no harm in doing so," twice justifying his stand by mentioning the Byzantine success at Mar'ash (Germanikeia), presumably referring to its destruction by Constantine V in 129/746. The implication of the passage is that for this major Ḥijāzī jurist, fighting the *jihād* with the Syrian Umayyads was in no sense a duty of a Muslim, only a permissible act that was to some degree meritorious, especially because of the general danger to Islamic territory.<sup>12</sup>

A neglected but extremely valuable source for this subject is *al-Muṣannaf*, a book composed by 'Abd al-Razzāq al-Ṣan'ānī (d. 211/826), which consists of materials he gathered from his teachers in the Ḥijāz and in Syria. An analysis of this material allows us to understand how *jihād* as obligatory aggressive war came to be the prevalent opinion in the second half of the second/eighth century. 'Abd al-Razzāq mentions a group of highly respected Ḥijāzī jurists in the circle of Ibn Jurayj (d. 150/762) who rejected the idea that the *jihād* was obligatory for all; and they seem, moreover, to have given primacy to other religious acts.<sup>13</sup>

Yet the Syrian jurists quoted by 'Abd al-Razzāq, perhaps reflecting the determination to make progress on the Byzantine frontier in the first half of the second Islamic century, were quite naturally attracted to the idea that aggressive war was obligatory. So in the *Muṣannaf* we see that in Syrian circles pious stories circulated about the importance of being a frontier warrior in Syria, and of warfare by sea as well as by land.<sup>14</sup>

A jurist of this period, the above-mentioned 'Abd Allāh b. al-Mubārak, was alarmed by what he considered to be the bad conditions of the Muslims on the Syrian frontier and its critical points (*thughūr*). He wrote, as already mentioned, a book on *jihād*, and he

<sup>10</sup> Ibid., 8:496.

<sup>11</sup> Al-Dhahabī, *Siyar A'lām al-Nubalā'* (Beirut, 1990), 8:421–22.

<sup>12</sup> *Al-Mudawwanah* (Cairo, 1326), 3:5. Michael Bonner suggests that the polemical tone in some verses ascribed to Fuḍail b. 'Iyāḍ reflects their disagreement over this matter; see Ibn Taghribirdī, *Al-Nujūm al-Zāhira* (Cairo, n.d.), 2:103–4.

<sup>13</sup> 'Abd al-Razzāq, *Al-Muṣannaf* (Beirut, 1983), 5:171–72. It might be argued that the "pietist" jurists are merely supporting the later normative view that *jihād* is an obligation of the community as a whole and not of individuals; but their tone and emphasis on other religious duties seem to make a further point. It should not, however, be imagined that they in any way whatsoever opposed all *jihād*.

<sup>14</sup> Ibid., 5:172–73.

also devoted a section of his still extant book on asceticism to the *jihād*, which he considered an ascetic practice.<sup>15</sup> He was a Khurasanian from Marw who came to Syria to study with the “jurist of Syria” par excellence, as al-Awzā’ī was called; and he supported al-Awzā’ī in his dispute with the jurists of the Ḥijāz about the virtues of *jihād*. It should be remembered that, because of the troubled internal state of the Islamic empire at the end of the Umayyad period, the central government of the caliphate neglected the frontier. It is in this context that al-Awzā’ī and ‘Abd Allāh b. al-Mubārak wrote. Several of the key jurists of the next generation, especially al-Shāfi’ī (d. 204/820), wrote on this subject and proved to be in most respects followers of al-Awzā’ī and ‘Abd Allāh b. al-Mubārak. Hence the Syrian doctrine of *jihād* was transformed into the normative doctrine of the majority of Iraqis.

The more general acceptance of the Syrian school reached its peak in the thought of al-Shāfi’ī, who elevates the destruction of unbelief to be the primary justification for *jihād*.<sup>16</sup> Nevertheless, as we have seen, the opinions of the pre-Shāfi’ī jurists continued; at least up to the seventies of the second Islamic century, it is clear that some of the jurists did not see *jihād* as an individual or communal duty.

This essay considers *jihād* and its justifications among early jurists. We have tried to show that there is evidence that a belief in the defensive *jihād* existed in the Ḥijāz, more especially in Medina, where at least an earlier generation had reason to resent the removal of the capital from that city. Furthermore, even if they accepted an offensive *jihād*, they had objections to participating in it if it were led by the Syrian Umayyads, who were illegitimate leaders of the Muslims in the eyes of many Ḥijāzī jurists. Varieties of this earlier Ḥijāzī attitude continue to reappear in Islamic thought when circumstances favored it. For example, Rashīd al-Dīn Faḍl Allāh, the famous early fourteenth-century vizier to the Mongolian Ilkhanid government of the Middle East, argues that the so-called verse of the sword (Qur’ān IX:29) is specifically directed toward Arab polytheists,<sup>17</sup> a view in accord with much contemporary scholarship; for, as Tyan says, “according to a view held by modern orientalist scholarship, Muhammad’s conception of the *jihād* as attack applied only in relation to the peoples of Arabia.”<sup>18</sup>

Yet this legal context must be related to wider contexts that have been suggested by more recent studies of *jihād*. First, it is now clear that in their earliest examples the *siyars*, or books on the conduct of state, and *maghāzī*, or literature on exemplary early campaigns, were mixed. Only in their later examples, when law and history became more distinct disciplines, did *siyar* and *maghāzī* become distinct genres.<sup>19</sup> Furthermore, in the process of the development of law, although there was probably a great deal of common

<sup>15</sup> *Kitāb al-Zuhd wa-l-Raqā’iq* (Malegaon, 1966).

<sup>16</sup> M. Khadduri, *The Islamic Law of Nations: Shaybani’s Siyar* (Baltimore, 1966), “Translator’s Introduction,” 58. While Khadduri’s contention that Shāfi’ī was the “first” to formulate this doctrine that “the *jihād* had for its intent the waging of war on unbelievers for their disbelief” is open to doubt, Shāfi’ī’s stamp of approval for this doctrine seems to have made this additional motivation for *jihād* much more commonly accepted.

<sup>17</sup> D. Krawulsky, “Fi al-Ḥarakiyah al-Ta’rikhiyah al-Īdrūlūjīyah li al-Jihād fi al-Islām,” *Al-Ijtihād* 12 (1991): 127–31.

<sup>18</sup> Tyan, “Djihād,” 538.

<sup>19</sup> M. Bonner, “Some Observations Concerning the Early Development of Jihad on the Arab-Byzantine Frontier,” *Studia Islamica* 75 (1992): 5–31.

ground in the very earliest period because of the close interaction of the original Muslim community, local schools developed, and the differences of at least some members of the early Hijāzī school with Syrian schools become apparent in this study. Nevertheless, in this early period, as in later periods, the schools interact; and when a normative view was formed in Iraq, “minority” opinions continued to be transmitted by the tradition.

Second, the gradual emergence of normative *jihād* theory must also be seen as a function of the adjustment of the early Islamic world to an apocalypse that never conclusively happened. Roman and Sassanian traditions of war already had established the idea of victory as divine confirmation; and, given the apocalyptic atmosphere that pervades much of the Qur’ān, the early Islamic conquests seemed confirmation that Islam was destined to create a universal state. Yet Constantinople and a significant part of the Byzantine Empire remained unconquerable. Muslim jurists became more interested in fiscal problems—in particular the status of land—as determined by the earlier conquests. In this way the genres on “land tax” and “state finances” came into existence and were more cultivated than was the literature on campaigns, which passed into biographies and histories, while the genre on “the conduct of state” became a relatively (though not uniformly) static section of general law books. We believe, though it cannot be demonstrated here, that the transition to a formal legal theory of war changed *jihād* from a theory primarily based on historical memories of the battles fought in the time of the Prophet and the early Islamic period to a more precisely defined and normative theory rooted in very specific events in the life of the Prophet and very specific interpretation of Qur’ānic verses. In the theory based on Qur’ānic verses, an attempt was made to organize the relevant verses in chronological order so that the so-called verse (or verses, according to some) of the sword, which made war perpetual and a permanent obligation of the Islamic community, came last and therefore abrogated verses that could clearly have allowed a different development of the law. Incidentally, Ṭabarī, who opens his work on *The Divergences of the Jurists* with a careful list of which Qur’ānic verses supersede which others, when he comes to the so-called verse of the sword in this Qur’ānic commentary gives no indication that it supersedes other verses.<sup>20</sup>

Third, as a state of relative equilibrium is established on the Byzantine frontier, the concept of the “realm of Islam” and the “realm of war” comes into being, which recognizes the temporary failure of the Islamic conquests to become universal. The division is found as early as the first half of the second/eighth century in Muhammad al-Nafs az-Zakīyah.<sup>21</sup> The division appears by its nature to be more an expression of something that jurists had to deal with after it had occurred and not as an expression of what they thought should happen.<sup>22</sup> By the long reign of the Umayyad Caliph Hishām (105/724–125/743), Muslim armies suffered setbacks in Western Europe and Central Asia as well

<sup>20</sup> Ṭabarī, *Ikhtilāf al-Fuqahā’* (Cairo, 1933), 1–21, and *Jāmi’ al-Bayān ‘an Ta’wil al-Qur’ān* (Cairo, 1968), 3:109–10.

<sup>21</sup> See Ridwan al-Sayyid’s forthcoming publication of his works.

<sup>22</sup> F. M. Donner, in his fundamentally important and innovative essay on the *jihād* (“Sources of Islamic Conceptions of War,” in *Just War and Jihad*, ed. J. M. Kelsay and J. T. Johnson [New York, 1991], 50 and n. 88, p. 67), dates the appearance of the two abodes to the late 2nd century A.H./late 8th century A.D., a point that he promises to develop in a further publication.

as on the Byzantine frontier. At the same time, the relative stabilization of the frontier led to a truce and arrangements for furtherance of trade. By the time of al-Shāfi‘ī a juridical theory of a third abode, “the realm of treaty relations,” had emerged.<sup>23</sup> These juridical developments had become necessary to deal with a new situation and seem to reflect rather than precede the appearance of this situation.

Fourth, *jihād* had become an element of formalized piety, in part to keep alive the momentum lost by the caliphate as an instrument of conquest and in part as an attempt to “spiritualize” a deferred apocalyptic event. The Syrian tradition of al-Awzā‘ī had seen a continuous line of leaders from the Prophet through the Umayyads whose rule was justified by their active expansion of the realm of Islam, thereby fulfilling injunctions and prophecies of the earliest Islamic period. These leaders represent a continuous tradition of the uninterrupted practice of the Muslims, which in one view should be a major basis for law. But the apocalypse had not come. In contrast to al-Awzā‘ī, his equally belligerent Khurasanian contemporary ‘Abd Allāh b. al-Mubārak emphasized the spiritual discipline and merits of *jihād*. Quotations directly from the Prophet take pride of place in his work, and his interest in asceticism (on which he wrote a separate book) is never far away. No wonder that, during the Second Crusade, Ibn ‘Asākir gave public readings of ‘Abd Allāh b. al-Mubārak’s *Kitāb al-Jihād* in Damascus, which inspired Abū al-Ḥasan b. Munqidh, brother of the famous Usāmah, to volunteer to help raise the siege of Ascalon.<sup>24</sup>

While ‘Abd Allāh b. al-Mubārak tried to integrate the role of government, society, and the individual in *jihād*, the subsequent propagation of a popular *jihād* literature created a strangely balanced problem for later Islamic leaders. The majority of jurists regarded *jihād* as lawful only if led by a legitimate Muslim ruler,<sup>25</sup> in particular a legitimate caliph/imam, on whose exact identity fewer and fewer of the jurists were willing to pronounce in any decisive way. Yet many military leaders exploited the image of *jihād* in popular piety by saying that they owed their legitimacy, at least in part, to their successful pursuit of *jihād*. At some point such a leader, if successful enough, might try to imply that he was sanctioned by some caliph or even, either obliquely or directly, to imply that he was a caliph. In this way he might win the overt support of some of the jurists. *Jihād* had become an unpredictable variable in the internal politics of Islamic lands just as it had become in their relations with non-Islamic lands.

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<sup>23</sup> H. Inalcık, “Dar al-‘Ahd,” *IEJ*, 2:116.

<sup>24</sup> E. Sivan, *L’Islam et la Croisade* (Paris, 1968), 75, cited in Bonner, “Some Observations,” 20.

<sup>25</sup> Donner, “Islamic Conceptions,” 41. Other important recent literature on *jihād* in European languages includes P. Crone, “The First-Century Concept of *Hijra*,” *Arabica* 41 (1994): 352–87; K. Yahya Blankinship, *The End of the Jihad State: The Reign of Hisham ibn Abd al-Malik and the Collapse of the Umayyads* (Albany, 1994); M. Bonner, *Aristocratic Violence and Holy War: Studies in the Jihad and the Arab Byzantine Frontier* (New Haven, Conn., 1996); A. Morabia, *Le Jihad dans l’Islam médiéval: Le “combat sacré” des origines au XIIe siècle* (Paris, 1993); A. Noth, *Heiliger Krieg und heiliger Kampf in Islam und Christentum* (Bonn, 1966); and a forthcoming book by Reuven Firestone.

