OPEN ACCESS
perspektywy kultury / perspectives on culture
No. 50 (3/2025)

Katarzyna Pachniak
http://orcid.org/0000-0001-5597-6877
University of Warsaw
k.pachniak@uw.edu.pl
DOI: 10.35765/pk.2025.5003.15

Jihad. Development of the Concept from the Origins to the End of the Eleventh Century

ABSTRACT

The following study outlines the development of the doctrine of jihad from its origins to the end of the eleventh century. By that time, the foundations of the doctrine and the notions had been established, as they are still found inspiring by the present-day jihadists. The analysis is based on primary sources. It begins by highlighting the significance of war among the Arab tribes in pre-Islamic times, then considers the factors that shaped the concept of jihad in the Muslim sacred texts, the Qur'ān and hadith. The paper also analyses the most important discussions of jihad in fiqh (Muslim jurisprudence) treatises written during the period of the Islamic conquests. The study concludes with an examination of Al-Māwardī's treatise, composed during the decline of the caliphate's unity. The findings suggest that in theory, Muslims endeavoured to systematize the concept of jihad and subject it to specific regulations while also adapting it to changing circumstances.

KEYWORDS: Islam, jurisprudence, war, jihad, struggle

STRESZCZENIE

Dżihad. Rozwój pojęcia od początków do końca XI wieku

Celem artykułu jest przeanalizowanie rozwoju doktryny dżihadu od jej początków do końca XI w. Właśnie w tym okresie powstały teoretyczne podstawy dżihadu, które aż do dzisiaj inspirują współczesnych dżihadystów. Analiza została oparta na oryginalnych tekstach źródłowych, w zestawieniu z okolicznościami historyczno-politycznymi, które wpływały na kształtowanie dżihadu. Na wstępie podkreślono znaczenie wojny wśród plemion arabskich w czasach przedmuzułmańskich, a następnie czynniki, które ukształtowały pojęcie dżihadu w Koranie i hadisach. W okresie podbojów dżihad był pojęciem omawianym w traktatach z zakresu *fiqhu*, czyli muzułmańskiej jurysprudencji. Na

Suggested citation: Pachniak, K. (2025). Jihad. Development of the Concept from the Origins to the End of the Eleventh Century. *Perspectives on Culture*, 3(50), pp. 205–218. DOI: 10.35765/pk.2025.5003.15
Submitted: 09.09.2024 Accepted: 17.05.2025

zakończenie skupiono się na traktacie Al-Māwardīego z okresu upadku jedności kalifatu. Analiza prowadzi do wniosku, że w teorii muzułmanie starali się usystematyzować pojęcie dżihadu i poddać je konkretnym regulacjom, jednocześnie dostosowując do zmieniających się okoliczności.

SŁOWA KLUCZE: islam, jurysprdudencja, wojna, dżihad, walka

Introduction

Jihad is among the concepts in Islam that has sparked the most extensive debate, both within academic circles and among the general public. Its significance is particularly evident in the Western world, as illustrated by events such as the September 11 attacks and subsequent terrorist incidents in Europe. The concept, however, is frequently misunderstood. On one hand, critics of Islam often portray jihad as a duty incumbent on all Muslims without distinction. On the other hand, some defenders of the faith argue that the term is absent from sacred texts or emphasize the "greater" jihad – the struggle against one's own inner weaknesses – over armed struggle. In reality, jihad is explicitly mentioned in the Qur'ān and later became a central topic within Muslim jurisprudence (fiqh), where it is subject to detailed regulations governing the conditions, purposes, and circumstances under which it may be legitimately waged. The theoretical development and interpretation of jihad have historically been shaped by geopolitical realities. Different emphases emerged during the early Islamic conquests, a period of Muslim offensives, compared to times of external threat, such as the Crusades or Mongol invasions. Likewise, the understanding of jihad shifted during periods of internal strife, including the fragmentation of the caliphate, or during times when Muslims were forced to confront foreign invaders, highlighting the concept's flexibility in response to changing political and military circumstances.

The present study aims to outline the theoretical development of the concept of jihad up to the end of the eleventh century, a period in which foundational ideas emerged that continue to influence jihadist thought today. The focus is placed on the source texts themselves, with historical events considered of secondary importance. The practical implementation of jihad is treated only tangentially. Given the scope of this brief study, it does not attempt a comprehensive explanation of the origins of the term, and the selection of texts inevitably introduces a degree of subjectivity. It is essential to examine the circumstances and influences under which the concept of jihad developed, as these provide the framework for its later interpretations. Modern jihadists worldwide frequently draw upon classical texts and ideas – often without fully understanding their original context – by distorting or manipulating them to justify contemporary actions. Nonetheless, it is precisely these early formulations that

underpin the ideological claims of today's jihad fighters, including those active on the African continent.

Islam emerged at the beginning of the seventh century within the tribal and desert environment of the Arabian Peninsula. Prior to Islam, the Arabs were predominantly polytheists, although Jewish and Christian communities also lived in the region. The Arabian society was organized into numerous tribes, which occasionally formed loose confederations rather than a centralized state. Armed conflict was familiar to these tribes even before Islam: from ancient times, battles and skirmishes occurred between rival tribes living under harsh environmental conditions. Precise details of these clashes are largely unknown due to the scarcity of contemporary sources from the pre-Islamic and early Islamic periods. Most available information comes from orally transmitted pre-Islamic poetry, later transcribed, and the pre-Islamic prose accounts known as *ayyām al-ʿArab* ("days of the Arabs"), which commemorate the wars, battles, and skirmishes of the tribes. Additional sources include the hadith, the sīras (biographies of the Prophet), and the *maġāzī* literature describing early Islamic campaigns. While these accounts often present hagiographical portrayals of warfare, they underscore the centrality of armed struggle in Arab culture at the time (Donner, 1991, pp. 31–59). The causes of these conflicts were varied: competition for territory, livestock, and water – resources critical for survival in the desert environment – as well as disputes over honour or women. The poetry and prose of the period emphasized the bravery and skill of warriors, their loyalty in combat, and the importance of group cohesion. In the harsh conditions of Arabia, an individual expelled from the tribe had little chance of survival, and thus collective solidarity and shared responsibility were highly valued over individualism. Given the polytheistic and fragmented nature of Arab religious beliefs, tribal identity often outweighed broader ethnic or religious affiliations, and the sense of belonging to one's tribe was the primary organizing principle of society (Helbling, 2006).

The wars waged by the Prophet Muḥammad in the name of Islam retained many characteristics of the pre-Islamic tribal clashes in Arabia. Information about these campaigns is fragmentary, primarily preserved by Ibn Isḥāq in *Al-Sīra al-nabawiyya* and by al-Wāqidī in *Kitāb al-maġāzī* (Ibn Isḥāq, 2000; Al-Wāqidī, 2004). Without addressing the full question of source reliability, it is notable that these accounts present the events largely in a factual manner, often without extensive commentary on their broader purpose. From these narratives, it appears that Muḥammad did not initially have a preconceived plan for warfare; rather, the nature and timing of military engagements were shaped by the circumstances and the actions of his adversaries, particularly the Meccans. In the Prophet's biographies, the Meccans are consistently depicted as aggressors who expelled him and persecuted the early Muslims, motivated by the fear that Islam would disrupt the established social order rooted in polytheism.

Determining whether Muḥammad proactively sought armed struggle from the outset, or whether military action was largely a defensive response to increasing Meccan aggression and expulsion, remains a matter of scholarly debate. Contemporary theories of warfare tend to support the latter interpretation (Firestone, 1999, pp. 13–69; Al-Dawoody, 2011, pp. 11–14). The early Islamic campaigns were rooted in the pre-Islamic Arabic tradition of *ġazw*, tribal raids and skirmishes aimed at asserting dominance, acquiring territory, or capturing resources. Whether these actions can uniformly be classified as *jihad* is doubtful, since the term itself was still developing, and not all conflicts were motivated purely by religious objectives.

Jihad in the Qurʾān and the Sunnah

The Qurʾān has proven crucial for the development of the concept of jihad. This book, containing the revelations which Muslims believe God Himself handed down to the Prophet Muḥammad between 610 and 632, was transcribed after the death of the Prophet. It is assumed that the skeleton of the original version came into existence about twenty years after Muḥammad's death in 632. Muslims believe that the Qurʾān is the unmitigated word of God – immutable and eternal – and therefore everything it contains has the status of inviolable holiness. That is why jihadists around the world regard the Qurʾānic rules on jihad as the basis for their actions. This does not mean, however, that the Qurʾān speaks unequivocally about jihad. Analysis of the development of this concept clearly shows that it was interpreted according to changing conditions and corresponded to the reality of Muḥammad's struggle.

The term "jihad" is derived from the root ǧ-h-d, which signifies, first and foremost, striving and endeavoring to be on the path to God, although the effort does not necessarily have to be military. In its two meanings, "toil" and "fight," the root appears forty-one times in the Qurʾān, of which ten instances clearly refer to the latter. Ella Landau-Tasseron, in her article on jihad in the *Encyclopædia of the Qurʾān*, stresses that the word can be found in different contexts: the call to believe in God, to walk one's path, to make financial efforts to spread faith in God, and to sacrifice oneself – the latter meaning which may, but does not necessarily have to, be connected with armed struggle (2006, pp. 35–43). The Qurʾān often speaks of violence and war, but other Arabic terms are also used: ḥ-r-b (to wage war, to fight) and q-t-l (to fight, to kill). Concepts derived from these sources are found in passages on the practice of warfare, the gathering of armies, the hoarding and division of booty, the treatment of prisoners of war, and so forth. Undoubtedly, when considering the Qurʾān's relationship to violence, all roots and passages relating to armed conflict must be taken into account, not only those using the term jihad.

However, in many passages in which the ǧ-h-d root appears, it is difficult to determine whether and to what extent it refers to armed struggle. This posed a problem for medieval commentators of the Qur'ān, who interpreted these passages in different ways: as a reference to armed struggle, as a struggle against one's own weaknesses, as a struggle for the observance of laws, religious commandments, and the sunnah, as a striving for religious knowledge (ʿilm), or as obedience to God – although none of these aims is explicitly named by the Qur'ān. Nor does the Qur'ān mention the notion of the "greater" jihad, which a man should lead within himself (*ǧihād bi-āl-nafs*).

It may be suggested that in the earliest times, jihad was used to denote the need for the believer to prove his effort to obtain his reward from God. These efforts were also aimed at spreading Islam. Perhaps the oldest verse in which fighting is mentioned is a passage from the Meccan period, in surah Al-Haj, 22:39-41: "Permission [to fight, yuqātalū – K.P.] has been granted to those for they have been wronged ... to those who were unjustly expelled from their homes." Some difficulties of interpretation also arise from the fact that the Qur'ān, although acknowledging that fighting was an important part of the life of the Arabs at that time, did not provide a systematic doctrine of war. For this reason, it is difficult today to determine what kind of warfare was regarded as defensive and what as offensive. An example of this ambiguity is the well-known verse: "Fight in the way of God against those who fight against you, but do not be aggressors" (Qur'ān 2:190). Today, these words are sometimes interpreted as referring exclusively to defensive war, and Islamic apologists even claim that the Qur'ān forbids attacking. However, other interpretations exist: Muslims should not cross the boundaries set by God, their motivation should not be financial, they should not fight against those who do not oppose the true faith, and they should not commit cruel acts, such as mutilating corpses or fighting against children. Therefore, fighting should only occur when unavoidable and absolutely necessary. This, however, does not constitute purely defensive battle, but rather a restriction on the use of force.

Landau-Tasseron offers the following classification of Qur'ānic verses on jihad: (a) order to fight; (b) exhortation to fight; (c) naming the purpose of the fight; (d) description of the fight; (e) permission to cease the fight; (f) treatment of hostages; (g) booty (2006, 39). Most verses fall into the first category, especially the famous "sword verse": "And when the holy months are over, kill the idolaters wherever you find them; seize them, besiege them, and prepare all ambushes for them" (Qur'ān 9:5); "Fight those who disbelieve in Allah and the Last Day, and do not forbid what Allah and His Messenger have forbidden, and do not embrace the religion of truth, from those who have been given the Book, until they pay tribute with their own hands and are humbled" (Qur'ān 9:29). Many later Muslim commentators and theologians regard these as the last verses of the Madina period that ordered the fight. The principle of *nasḫ*, or

abrogation, is applied to these verses, with the understanding that their content supersedes that of earlier, less categorical verses. These two passages are interpreted as imposing fighting for Islam as a duty (Powers, 1988, pp. 117–138).

In turn, the verses calling for peace state: "If they go away without fighting with you, and offer you peace, God will not show you a way against them" (Qur'ān 4:90); "If they are inclined to peace, then lean to it and put your trust in Allah" (Qur'ān 8:61). These verses were invoked when it was in the interest of the Muslims to make peace (Peters, 1979, pp. 32–36).

There is no doubt that the concept of war for Islam appeared in the Qur'ān, whether it was termed *jihad* or *qitāl*. It was closely linked both to the pre-Islamic ideas of war and to the circumstances in which Islam emerged. Strengthened by the belief in the sanctity of the Qur'ān and all its contents, the concept became the basis for further reflections on war.

The Qur'ānic reflection found its further development in the *sunnah*, the tradition of the Prophet, and in the *hadith*, most of which were written in the ninth century. The *hadith* did not fundamentally change the theory of *jihad*, as they largely repeat the Qur'ānic content and enrich it with elements of *muruwwa*, the virtue of a Bedouin knight (Izutsu, 1966, pp. 74–102). The Prophet is depicted in the *hadith* as a person who, during the Meccan period of his activity, resorted to fighting only in self-defense and, above all, counseled patience. This was allegedly not due to military weakness but to the ethical conviction that "the fight is hateful" and should be avoided whenever possible: "The reward for evil is an evil equal to it. And whoever forgives and makes amends, he shall find his reward with Allah. But he who is patient and forgives knows how to act" (Qur'ān 42:39–43). The old Arabic principle of revenge should be abandoned in favor of a morally higher principle of forgiveness.

The *sunnah* suggests that Muḥammad at that time advocated a practice of passive resistance by refraining from the use of violence. Recommending patience and avoiding unnecessary fighting is strongly supported by the *sunnah*. But during the Madina period, Muḥammad changed his attitude toward combat, which was expressed in both the Qur'ān and the *sunnah*. He took part in various raids, which he saw as a source of funding for the nascent Muslim community and as compensation for the property left behind in Mecca. It remains unclear whether these were larger military expeditions or smaller sorties meant to harass the Meccan people. We also do not know exactly what role the religious factor played, because Islam, with its principles and dogmas, was still in its infancy.

The *hadith* themselves focus primarily on the person of the Prophet, and the context is relatively limited, so the references to war in the *hadith* are not very descriptive or precise. The *hadith* repeatedly express the belief that Islam must be promoted through struggle throughout the world. In the collections we find many versions of the *hadith* about the Prophet, who expresses his

conviction that he was sent to fight people until the whole earth is conquered for Islam and until they profess the true faith. *Jihad* and faith are the best works of humankind (الإيمان بالله والجهاد في سبيله). Moreover, there are great differences of opinion in the *hadith* about *jihad*, as well as many other disagreements (Bonner, 2007, pp. 66–67).

However, it can be concluded that at the time when Muḥammad was active in Madina, pre-Islamic martial ethical values superseded the struggle for Islam under the conditions of a state coming into being in Madina. These requirements helped to shape the ethics of war under the new circumstances. The concept of *jihad* evolved after the death of the Prophet and adapted to new conditions. This period was very turbulent, marked above all by territorial expansion and the formation of religious principles, but also by internal conflicts and the division of the *ummah*. *Jihad* became an important part of Muslim literature on *fiqh*, or jurisprudence.

As the circumstances of the struggle changed, new ideas were added to the classical solutions of the Qur'ān and *sunnah*, resulting from the geographical expansion and the mentality of the Muslims. *Jihad* was no longer led by a group of Arabs in the tradition of tribal warfare, but by a powerful caliphate. The legal treatises were intended to provide a theological rationale for the rapid expansion of Islam; consequently, the understanding of *jihad* as a campaign of aggression prevailed over the defensive meaning.

It is clear from the legal treatises that the main objective of *jihad* was not to convert by force, except in the case of polytheists. Although *jihad* was supposed to spread Islam by conquering more territories for Muslims, the monotheists, *ahl al-Kitāb*, who inhabited the conquered areas, were allowed to retain their religion on the condition that they paid special, higher taxes. An important objective of the struggle was to secure the state organization, without which it was impossible to protect and practice the *sharī'a*, the law of God, which is the main objective of the state according to the Muslim understanding of the term.

The motivation for *jihad* may have been territorial expansion, defense of territory, or the improvement of economic conditions. In the Muslim interpretation of the relationship between state and religion, these issues belong to a common domain: to promote and ensure the best possible functioning of religion, and to protect the *da'wa* (Friedmann, 2003, p. 103). The conversion or submission of the unbelievers was a moral task of the Muslims, and it had no temporal limits – only when the whole earth submits to Islam would this mission end automatically.

From the spirit of *jihad* or *siyar* – a kind of international policy and a set of treatises characterizing Muslim conduct in foreign territories – it is clear that a state of war within the Muslim *ummah* was regarded as normal, although it could not be described as ethically good.

Jihad in the *fiqh* treatises

In the *fiqh* treatises, there was a certain normalization of *jihad* as a juridical phenomenon, perhaps because it had become clear by that time that the victory of Islam was not imminent, and it therefore became important to regulate the rules of warfare and organize life in the conquered territories. The treatises addressed issues such as the circumstances under which *jihad* could be initiated, conducted, and financed, as well as the behavior of Muslims – including community leaders – toward non-Muslims during and after *jihad*. The most important *fiqh* treatises include *Kitāb al-siyar* by al-Fazārī, *Kitāb al-jihād* by al-Mubārak, *Kitāb al-siyar* by al-Šaybānī, and the *jihad* section of *Kitāb al-aḥkām al-sulṭāniyya wa-ʾl-wilāyāt al-dīniyya* by al-Māwardī. The first two date from the late eighth century and were written in the context of the Byzantine wars, while the third, also from the late eighth century, is a treatise on "international" politics. Al-Māwardī composed his work in the mid-eleventh century, at a time when the power of the caliph had begun to wane.

Al-Fazārī and al-Mubārak were among the first theologians to be sent on military expeditions to describe the realities of warfare and, above all, to sanction them religiously. Both wrote on the Arab-Byzantine border, in an area known as *ṯuḡūr*, which certainly influenced their conception of *jihad* – in particular, the role of the *imam* in the conduct of war and the administration of conquered territories. In their reflections, leading *jihad* is considered a merit equivalent to the fulfillment of the basic *arkān*, such as fasting, pilgrimage, and prayer. Al-Mubārak emphasizes the voluntary nature of the struggle, which stems from the moral obligations of the fighters, while attaching little importance to the duties of the *imam*, who should stand at the head of the campaign. In this interpretation, *jihad* becomes a moral obligation of the believer arising from his relationship with God and, to a lesser extent, a duty to the *imam*. As Bonner suggests, al-Mubārak's emphasis on the voluntary nature of participation in *jihad*, and his comparison of it to pilgrimage and other obligations, may reflect his own character: he was regarded as the archetype of a zealous volunteer fighter and, at the same time, an ascetic Muslim devoted to fulfilling all religious duties (1992, pp. 26–27). In this author's writings, important terms appear, such as *farḍ ʿayn* – an individual duty – and *farḍ kifāya* – a collective duty to be fulfilled by the army and its appointed leader (al-Mubārak, 1978, pp. 44–48).

Al-Fazārī and al-Mubārak also refer to the intention of the fighter (*niyya*). They ask how one should assess the merit of someone who goes on an expedition with the intention of gaining spiritual reward (*faḍl*), but also seeks additional booty (*nafal*). Al-Mubārak indicates that the pure intention of fighting in *jihad* extinguishes the sins of the fighter (al-Mubārak, 1978, pp. 50–51). The reference to the fighter's intention presents *jihad* as a matter of the

relationship between man and God, for only God knows human intentions. Al-Mubārak also implies that the individual participates in *jihad* for the sake of his own salvation and merit, but at the same time does so for the needs and purposes of the entire *ummah*. This shows that the full importance of *jihad* lies in achieving the objectives and welfare of the community as a whole. Al-Šaybānī (d. 803 or 805), a celebrated *faqīh*, wrote two treatises devoted to *jihad*: *Kitāb al-siyar al-kabīr* and *Kitāb al-siyar al-ṣaḡīr*, which are considered the beginnings of Muslim reflections on international law. The author addresses a number of specific problems related to the implementation of *jihad*, particularly with regard to the caliphate's relations with non-Muslim states. The title of the treatises makes this clear: *siyar* is the branch of *fiqh* that deals with such relationships (Munir, 2012, pp. 37–40).

The axis of al-Šaybānī's concept is the division of the world into two domains, a notion that remains topical in contemporary treatises on *jihad*: *dār al-islām* (the world of Islam) and *dār al-ḥarb* (the world of war). Everything outside the Islamic territory belongs to the world of war, or possibly *dār al-ʿahd*, the domain of truce, in which the conduct of Muslims is strictly codified. These terms are not found in the Qurʾān or in the *hadith* literature; they appear to have been introduced by the *faqīh* al-Šāfiʿī (d. 820). Ridwan al-Sayyid, however, suggests that the terms first appear in the work of Muḥammad ibn al-Ḥasan, known as *al-Nafs al-Zakiyya* ("The Pure Soul"). The scholar adds that he reconstructed this treatise on the basis of passages in other works on Zaydi *fiqh*, though he has not yet been able to locate its introduction (2018, pp. 20–21). In the domain of *dār al-islām*, *sharīʿat* is applied to citizens – as modern jihadists sometimes claim in reference to Europe: since Muslims live there, it is also *dār al-islām*, and therefore *sharīʿat* should be applied.

At this time, the *fiqh* texts express the idea that true peace on earth can exist only when the entire world becomes *dār al-islām* and God's law prevails. Al-Šaybānī regards the war of the Islamic state against its non-Muslim neighbors as both an individual duty (*farḍ ʿayn*) and a collective duty (*farḍ kifāya*). If a war is waged according to normal rules – that is, to expand – it is the duty of the caliph, while the participants are professional soldiers and volunteers. If Muslim territory is attacked, however, war becomes the duty of every Muslim who is able to undertake it (al-Šaybānī, 1966, pp. 17–19). Moreover, the text of al-Šaybānī clearly shows his juridical approach: he explicitly sought to formalize all aspects of the conduct of *jihad*, as well as all other human obligations toward God. The precise terms of war, such as the formal declaration of *jihad*, were intended to offer Muslims protection and comfort in the afterlife.

Al-Šaybānī believed that the Islamic state represented the supreme good and embodied exceptional ethical values, which is why he attached great importance to proper conduct in enemy territory. Consideration of such principles of *ius in bello* first required a determination of who the enemy was and where the war

took place. Al-Šaybānī acknowledged that Jews and Christians could also live within Islamic territory, but it was not their religion that determined whether they should be fought against, but rather whether they were subject to Islam. If they were, they were to be left in peace; if not, their territory became *dār al-ḥarb*, and they themselves *ḥarbiyya* – warriors. He strongly emphasized the requirement of humane treatment toward noncombatants, including women and children.

The detailed regulations concerning conduct in the conquered territories show that al-Šaybānī recognized the privileged status of the Islamic state as an exclusive domain endowed with legal authority (al-Šaybānī, 1966, pp. 178–184). This stemmed from the belief that Islam was the only true religion and that its divine law was the only valid one. This did not automatically entail the deprivation of non-Muslims' rights, but those rights were exercised only in accordance with the *sharīʿa*, and the state of war or subjugation of non-Muslims nullified their independent legal standing. Al-Šaybānī and other Muslim jurists and theologians justified war on an ethical level not only as a defense of Islam but also as a means of spreading its message to ensure the happiness of all humankind. This happiness was to be secured by the Muslim community, which constituted at once a political, religious, and social entity. For society, values such as peace, stability, prosperity, and spiritual as well as religious leadership were of central importance. If war was the only means of achieving these aims, it had to be regarded as both legitimate and moral. For al-Šaybānī, war was a lawful instrument for extending Islam beyond the borders of *dār al-islām*, and the state organization that ensured this mission was the caliphate.

The jihad theory in the period of decline

Important elements appear in the jihad theory of the Baghdad theologian al-Māwardī (d. 1058). He wrote at a time when the caliphate was in decline and had fragmented into smaller domains ruled by independent rulers. In his wellknown work on political theory, *Kitāb al-aḥkām al-sulṭāniyya wa-ăl-wilāyāt al-dīniyya* (The Book of Principles of Authority and Religious Offices), the scholar described the delegation of authority to various officials of the caliphate, a practice long established in custom. The circumstances of warfare in his time differed markedly from those confronted by the early theoreticians discussed above.

We shall focus on one point of particular importance: his reflections on *jihad* against groups other than non-believers (al-Māwardī, 1983, pp. 74–77). In this part of the work the author lists *jihad* directed at apostates (*murtadd*), rebels, and bandits. The first category covers all those who were Muslim by birth or conversion and who have deviated from Islam. One must first attempt

to persuade them to return to Islam; if they agree and repent (*tawba*), attention should be paid to whether they observe the *arkān al-islām*. If they do not repent, al-Māwardī allows that they may be fought, including the use of lethal force against men and women (al-Māwardī, 1983, pp. 74–75). If they join a group and flee the Islamic realm, they are to be treated according to the same rules of battle applied to enemies in *dār al-ḥarb*: they may be attacked at night, ambushed, and prisoners may be killed.

The criteria for judging a person as someone who has fallen away from the faith, as set out by al-Māwardī, remain important and topical today. Contemporary jihadists use the concept of *takfīr* against their political enemies: examples include indictments of *takfīr* by members of the Algerian GIA (Groupe Islamique Armé) and, more recently, the mass murders carried out under the same pretext by ISIS. Al-Māwardī states that if someone is accused of apostasy but denies it, one should accept his words without requiring an oath (*bay'a*). If proof of disbelief is offered and the accused still denies it, they are to be considered a Muslim after they have confessed twice. An apostate (*murtadd*) is someone who refuses to pay *zakāt* to the rightful imam and refuses to acknowledge it as their duty. If, however, they acknowledge the duty but nevertheless refuse to pay, the person is treated as a rebel and may be fought (al-Māwardī, 1983, pp. 76–77).

The second group of people against whom *jihad* may be waged are the rebels, those who hold views or pursue acts that contradict the interests of the *ummah*. As long as they do not pose a threat, do not disobey the imam in a way that affects the public order, do not occupy territory, and remain isolated, they should be left alone and not subjected to war. The imam should attempt to compel them to return to Islam or punish the leaders of the rebellion. If a group of rebels isolates itself in a separate area, war may be waged against them only if they renounce obedience and refuse to fulfill their duties. Finally, al-Māwardī addresses the disobedient and bandits (robbers), a category encompassing various criminal groups who kill and attack people. Such offenders are to be punished severely: al-Māwardī permits their execution, crucifixion, and the amputation of their hands and feet (al-Māwardī, 1983, pp. 84–87).

The treatise of al-Māwardī is an example of political realism that takes into account the circumstances of its time. In the passages on jihad, the author refers not only to the Qur'ān and the *sunnah* but also to legal solutions already adopted, particularly from the Hanafi and Shafi'ite schools. The groups against which the army fought were largely fluid, and it depended heavily on the interpretation of the commander whether he classified his opponents as rebels or apostates. This classification, in turn, determined the treatment of enemies. The treatise demonstrates that, by the eleventh century, jihad – at least theoretically – was subject to strict regulation, with far-reaching consequences not only in terms of combat and army organization but also in relation to other very specific issues, such as burials and the treatment of non-combatants.

Conclusions

The above analysis focused on the theory of jihad, which did not always translate into practice. It is often difficult to determine whether the legal solutions proposed in fiqh treatises – such as those concerning the distribution of spoils, the conditions for concluding truces, and similar matters – were actually implemented or remained merely theoretical constructs. The concept of jihad was shaped by numerous factors, foremost among them the historical context in which Islam emerged: the necessity of confronting those who resisted the new religion, as well as subsequent historical developments. During the period of triumphant Muslim conquests, jihad evolved into a legal concept within the framework of Islamic jurisprudence (fiqh). Chapters devoted to jihad were incorporated into fiqh treatises, with all conceivable circumstances under which jihad might be conducted discussed in detail. This codification exhibits clear features of *ius ad bellum*.

A turning point occurred during periods of military defeat – first the Crusades, and later the Mongol invasions. It was during these times that key elements emerged, which remain significant to this day, such as the justification of armed conflict between Muslims and the redefinition of jihad as a collective obligation incumbent upon the entire Muslim community. Contemporary jihadist theories are deeply rooted in the classical period, underscoring their relevance for understanding the rhetoric and ideological framework of present-day jihadist movements.

References

Al-Dawoody, A. (2011). *The Islamic Law of War. Justifications and Regulations*. New York: Palgrave, McMillan.

Bin Muhammad, G., Kalin, I., & Kamali, M.K. (2013). *War and Peace in Islam. The Uses and Abuses of Jihad*. Jordan: The Royal Islamic Strategic Studies Centre.

Bonner, M. (1992). Some Observations concerning the Early Development of Jihad on the Arab-Byzantine Frontier. *Studia Islamica*, 75, 26–27.

Bonner, M. (2007). *Jihad in Islamic History. Doctrines and Practice*. Princeton: Princeton University Press.

Crow, R.E., Grant, Ph., & Ibrahim Saad, E. (1990). *Arab Non-Violent Political Struggle in the Middle East*. Colorado: Lynne Rienner Publishers.

Donner, F.M. (1991). The Sources of Islamic Conceptions of War. In: J. Turner Johnson & J. Kelsey (eds.), *Just War and Jihad*. Westport: Greenwood Press, 31–69.

Al-Fazārī, I. (1987). *Kitāb al-siyar*. Beiruth: Mu'assasat al-risāla.

Firestone, R. (1999). *Jihād. The Origin of Holy War in Islam*. Oxford: Oxford University Press.
Friedmann, Y. (2003). *Tolerance and Coercion in Islam: Interfaith Relation in the Muslim Tradition*. Cambridge: Cambridge University Press.
Görke, A. (2011). The Relationship Between Maghāzi and Hadith in Early Islamic Scholarship. *Bulletin of the School of Oriental and African Studies*, 72(2), 171–185.
Helbling, J. (2006). *Tribal Kriege: Konflikte im Gesselschaften ohne Zentralgewalt*. Frankfurt am Main: Campus Verlag.
Ibn Isḥāq (2000). *Al-Sīra al-nabawiyya*. Beiruth: Dār al-kutub al-ʿilmiyya.
Ishaque, Kh.M. (1965). Al-Aḥkām al-sulṭānīah: Laws of Government in Islām. *Islamic Studies*, 4(3), 257–314.
Izutsu, T. (1966). *Ethico-Religious Concepts in Qur'an*. Montreal: McGill University Press.
Landau-Tasseron, E. (2006). Jihād. In: J. Dammen McAuliffe (ed.), *Encyclopaedia of the Qur'an*. Leiden–Boston: Brill, vol. 3, 35–43.
Khadduri, M. (1966). *The Islamic Law of Nations. Shaybānī's Siyār.* Baltimore: The John Hopkins Press.
Al-Māwardī, ʿA. (1983). *Kitāb al-aḥkām al-sulṭāniyya wa-ăl-wilāyāt al-dīniyya*. Cairo: Dār al-fikr.
Al-Mubārak, ʿA. (1978). *Kitāb al-ğihād*. Cairo: Al-Azhar.
Munir, M. (2012). Islamic International Law (Siyar): An Introduction. *Hamdard Islamicus*, 40(4), Octobre–Decembre, 37–60.
Muranyi, M. (1985). *The Kitāb al-Siyar* of Abū Isḥāq al-Fazārī (Manuscript of the Qarawiyyīn Library). *Jerusalem Studies in Arabic and Islam*, 6, 63–97.
An-Nawawī, Y. (2022). *Riyāḍ al-ṣāliḥin*. Retrieved from: https://sunnah.com/riyadussalihin/11 (access: 09.09.2023).
Neuwirth, A., Sinai, N., & Marx, M. (2010). *The Qur'an in Context. Historical and Literary Investigations into the Qur'anic Milieu*. Leiden, Boston: Brill.
Peters, R. (1979). *Islam and Colonialism: the Doctrine of Jihad in Modern History*. Hague, Paris, New York: Mouton.
Powers, D. (1988). The Exegetical Genre nāsikh al-Qurān wa-mansūkhuhu. In: A. Rippin (ed.), *Approaches to the History of the Interpretation of the Qur'ān*. Oxford: Clarendon Press, 117–138.
Al-Šaybānī, A. (1957). *Kitāb al-siyār al-kabīr*. Cairo: name of editor missing.
Al-Wāqidī, ʿU. (2004). *Kitāb al-maḡāzī*. Beiruth: Dār al-kutub al-ʿilmiyya.
Zawati, H.M. (2001). *Is Jihād a Just War? War, Peace, and Human Rights under Islamic and Public International Law*. Lampeter: The Edwin Meller Press.

Katarzyna Pachniak – is a full professor of Arabic and Islamic Studies and, since 2007, has served as head of the Department of Arabic and Islamic Studies at the Faculty of Oriental Studies, University of Warsaw. She specializes in classical Islamic culture, theology, philosophy, and heresiography. She teaches courses on Islamic philosophy and theology, and supervises MA and PhD seminars. She is the author of numerous publications in these fields and also translates classical Arabic texts into Polish.