

## APPRAISAL OF BOKO HARAM'S VIOLATION OF REQUIREMENTS OF *JIHAD* IN ISLAMIC LAW

Abdulmalik Usman Akole\*  
Sumayyah Haruna Mari\*\*

### ABSTRACT

This paper explores the concept of *Jihad* in Islam, defining it as striving to the utmost for the promotion of Islamic teachings, strengthening *Iman* and pursuing noble causes. It addresses contemporary issue of misapplication of *Jihad* as a justification for terrorism. The emergence of groups such as *Boko Haram*, particularly in Nigeria's northeast region, highlights the critical need to distinguish authentic Islamic teachings from extremist ideologies. *Boko Haram's* violent activities, often cloaked in the guise of *Jihad*, reflect a gross misinterpretation of Islamic principles. This paper argues against equating terrorism with *Jihad*, emphasizing that such actions contradict the purposes of *Shari'ah* in general and *Jihad* in particular. Employing a doctrinal approach, the research analysed Islamic legal principles and literature, revealing key insights into the proper understanding of *Jihad* and the detriments of its misrepresentation. The study highlighted the destructive impact of *Boko Haram's* on Muslim communities, societal stability and global perceptions of Islam. The paper concludes by recommending a multi-faceted legal and policy approach to improving religious education and strengthening government interventions to address the root causes of extremism. It advocates for legislative frameworks that standardize religious curricula to align with constitutional principles of peaceful coexistence. Additionally, it urges Muslim jurists to issue authoritative legal opinions (fatwas) that clearly delineate the boundaries

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\* Lecturer, Department of Sharia, Faculty of Law, University of Maiduguri, Nigeria; Email: [abdulmaleekakole@gmail.com](mailto:abdulmaleekakole@gmail.com) Phone: 08136508724;

\*\* Registry Staff deployed to the Department of Sharia, Faculty of Law, University of Maiduguri, Nigeria; Email: [sumayyah.haruna23@gmail.com](mailto:sumayyah.haruna23@gmail.com); Phone: 09066758396

of *Jihad*, ensuring its interpretation remains consistent with national and international legal norms, thereby preventing its exploitation for unlawful acts.

**Keywords:** *Jihad*, *Boko Haram*, Terrorism, Misapplication, Misconception, Islam, Muslim

## 1. Introduction

Islam, both as a religion and a comprehensive way of life, is fundamentally anchored in principles of peace, justice and harmonious coexistence between Muslims and non-Muslims. Its teachings provide guidance for achieving societal unity, stability and order. One of the most significant, yet often misunderstood, concepts within Islam is *Jihad*. While rooted in striving for noble causes and self-improvement, misconceptions surrounding *Jihad* have led to its misinterpretation and misapplication, often culminating in violence, such as the actions of *Boko Haram* in Nigeria. The term "*Jihad*" is frequently misconstrued, reduced solely to the notion of a "holy war" where Muslims are perceived to engage in violent attacks against non-Muslims to advance Islam. This narrow and erroneous interpretation has not only distorted the essence of *Jihad*, but also tarnished the image of Islam globally. Groups like *Boko Haram* exploit this misunderstanding, claiming their violent insurgency is a form of *Jihad*, while in reality, their actions contradict the very principles of Islam: *Jihad* in *Shari'ah* must be declared by a legitimate authority, for a just cause such as defence or fighting oppression, without aggression against civilians, while upholding ethical conduct, preferring peace when possible, ensuring proper means and strictly prohibiting terrorism, all of which *Boko Haram* violates. In its true essence, *Jihad* encompasses a broad spectrum of conducts, including self-discipline, intellectual striving, social justice and the defence of the faith under ethical guidelines. However, individuals and extremist groups have often hijacked the term, reducing it to armed conflict and justifying acts of terror. This misapplication reflects a flawed understanding of *Shari'ah* and the objectives it seeks to fulfil. The *Maqasid al-Shari'ah* (Objectives of Islamic Law) emphasize preserving religion, life, intellect, lineage and property. These principles provide a basis for achieving peace, justice and prosperity, directly contradicting the destructive ideologies propagated by extremist groups like *Boko Haram*.

This paper explores the concept of *Jihad* by tracing its interpretations through *Qur'anic* teachings and the *Sunnah* of the Prophet Muhammad (Peace be upon him) as understood by Muslim scholars. By examining its historical and doctrinal underpinnings, the paper aims to clarify the true essence of *Jihad*, debunk misconceptions and analyse how groups like *Boko Haram* have distorted it. What is *Jihad*?

The Arabic term '**Jihad**' originates from the root word '**Jahada**', which means struggle or striving in the way of Allah. On the other hand, the technical definition of *Jihad* in Islamic law refers to a legitimate struggle or exertion of effort in the cause of Allah, encompassing self-purification, intellectual and verbal advocacy, financial contributions to righteous causes and, when necessary, armed defence against oppression, strictly governed by ethical and legal principles in Islam. Contrary to common misconceptions, *Jihad* does not translate to "holy war." The Arabic equivalent of "holy war," is '**Harb Muqaddasa,**' and cannot be found in both the Qur'an and Hadith.<sup>1</sup> Therefore, equating *Jihad* with holy war reflects a misunderstanding of its true meaning, which is to strive or struggle.

In the context of Islamic law, *Jihad* signifies striving to enhance humanity's faith, well-being and unity of purpose. It encompasses self-defence against oppression, efforts to propagate Islam and striving for societal justice and harmony. Unfortunately, groups like *Boko Haram* have distorted this application, misusing it to justify their violent acts, thereby perpetuating the false association of *Jihad* with bloodshed and terror.

*Jihad* is far broader than physical combat or armed conflict. It involves enduring hardships, facing challenges and overcoming tribulations for the sake of Allah's path (***Jihad fi sabilillah***).<sup>2</sup> This includes intellectual, social and spiritual efforts to advance Islamic principles and improve human conditions.<sup>3</sup> The Qur'an highlights *Jihad* in contexts of self-

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<sup>1</sup> Dr. Zakir Naik. (2019, May 25). *The Concept of Jihad in Islam* [Video]. Available on YouTube: <https://youtu.be/guw5bez0wuA>. Accessed on the 24 March, 2024

<sup>2</sup> M. Bonner, *Jihad in Islamic History* (1<sup>st</sup> edn, Princeton University Press 2006). 2

<sup>3</sup> I.DoI Abdur rahman, *Shari'ah: The Islamic Law* (2<sup>nd</sup> edn, Tana Publishers 1984). 437

defence against aggression or in response to imminent threats, ensuring its application aligns with the ethical principles of Islam.<sup>4</sup>

In essence, *Jihad* embodies a relentless dedication to upholding righteousness and promoting justice, equality and peace. It includes:

1. **Spiritual Jihad:** The struggle for self-purification, resisting sin and strengthening one's faith.
2. **Intellectual Jihad:** Advocating for truth and justice through education, dialogue and peaceful means.
3. **Social Jihad:** Addressing societal injustices, fostering community welfare and aiding those in need.
4. **Defensive Jihad:** Protecting the Muslim community from oppression or aggression under strict legal requirements.

The misuse of *Jihad* by groups like *Boko Haram* reflects a deviation from the above mentioned. Their violent actions, targeting innocent lives and disrupting societal harmony, are antithetical to the *Maqasid al-Shari'ah*<sup>5</sup> (the objectives of Islamic law), which emphasize preserving life, intellect and property.<sup>6</sup> Understanding the multifaceted nature of *Jihad* as a noble and comprehensive effort offers an opportunity to counter extremism and address misconceptions. It reaffirms Islamic core values of compassion, justice and perseverance, providing a pathway for Muslims to strive for both spiritual growth and societal betterment.

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<sup>4</sup> Ibid

<sup>5</sup> Maqasid al-Shari'ah (Objectives of Islamic Law) This background, articulated by scholars like Al-Shatibi, includes five primary objectives: Preservation of life (*hifz al-nafs*), Preservation of intellect (*hifz al-'aql*), Preservation of religion (*hifz al-din*), Preservation of lineage (*hifz al-nasl*), Preservation of property (*hifz al-mal*). These objectives advocate for the protection and harmony of society, which are contradicted by the actions of extremist groups.

<sup>6</sup> **Qur'an 5:32** "Whoever kills a person unjustly, it is as though they have killed all mankind. And whoever saves a life, it is as though they have saved all mankind." This directly contradicts acts of violence targeting innocents, as seen in extremist groups like Boko Haram.

## 2. Legal Basis for Jihad in Islamic Law

The legal foundation of **Jihad** in Islamic law is deeply rooted in the *Qur'an* and the *Sunnah*, which also provide guidelines for its application. The permission for *Jihad*, particularly in its physical or combative form, was granted after the **Hijrah** (migration) of the Prophet Muhammad (PBUH) and his followers from Mecca to Medina. This occurred in response to persistent aggression and persecution by the enemies of Islam, who sought to undermine the nascent Muslim community and its principles. In Medina, rulings on *Jihad* were revealed as a necessity to defend the Islamic faith, protect the rights of Muslims and establish a just and peaceful society.

Therefore, the permission for *Jihad* was given on account of the following reasons;<sup>7</sup>

- a. Self-defence and fighting back against aggression.
- b. The innocent Muslims were persecuted in the early days of the Prophet's mission for no other fault of theirs except for believing that Allah is One and for establishing a system quite different from the system of the pagan of Arabia.
- c. The permission for *Jihad* was especially granted at that time so that the order of Allah can be established firmly on earth besides the institutions of prayers (*salat*), poor-rate (*zakat*) were also established. The enemies wanted to destroy these newly found institutions.
- d. Alleviating religious persecution and establishing freedom of religion so that people may have the opportunity to think and freely practice their religious convictions.

In the context provided above, if permission for *Jihad* had not been granted, the Meccans would have likely used force to suppress the spread of *Da'awah* (Islamic propagation). Thus, it was during the second year of *Hijrah* (the migration of Prophet Muhammad from

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<sup>7</sup> Khaled Abou El-Fadl, *The Place of Tolerance in Islam* (Beacon Press 2002), 102

Mecca to Medina) that the obligation of *Jihad* was revealed, with the following directive:<sup>8</sup>

“Fighting is prescribed for you, though you dislike it. But it is possible you dislike something which is good for you and that you love a thing which is bad for you, but Allah knows and you know not”<sup>9</sup>

*Jihad* is *fard kifayah* which means that it is not obligatory on every Muslim at all times, but if some of them answered the call to do away with their enemies, it will be deemed an obligation has been fulfilled by the rest of them. The other obligatory acts like Iman (faith), *Taharah* (purification), *Salat* (prayers), *Zakat* (poor-rate), *Siyam* (fasting) are *fard ‘ain* (obligatory), meaning that every individual is duty-bound to fulfil these obligations at all times.<sup>10</sup> The following injunction of the Qur’an makes the above point clear.

“Nor should the believer all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion and admonish people when they return to them, that thus they may learn to guard themselves against evil.”<sup>11</sup>

The Qur’an further says:

“O you who believe take your precautions and either go forth in parties or go forth all together”<sup>12</sup>

In the following circumstances, *Jihad* will become *fard ‘ain* (obligatory):<sup>13</sup>

i. If a man goes for *Jihad* and is stationed in the battle-field, it will then be obligatory for him to continue fighting. He should not run away

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<sup>8</sup> Ibid

<sup>9</sup> Qur’an, chapter, 2:216. English Translation by Yusuf Ali

<sup>10</sup> Ibid no.3. 439

<sup>11</sup> Qur’an, chapter. 9:122. English Translation by Yusuf Ali

<sup>12</sup> Qur’an, chapter. 4:71. English Translation by Yusuf Ali

<sup>13</sup> Ibid no.3. 440

then, otherwise he will create confusion and the whole strategy will fall apart. The Qur'an says:

“O you who believe, when you meet a force, be firm,”<sup>14</sup>

It further says:

“O you who believe when you meet the unbelievers in hostile array never turn your back against them.”<sup>15</sup>

ii. If enemies attack an enclave of Muslims, it will be obligatory for every resident of that place to come out and repel their enemies. Otherwise, the enemies will wipe them out and ruin their villages and their cities. The Qur'an says:

“O you who believe fight the unbelievers who gird you about and let them find firmness in you and know that Allah is with those who fear Him.”<sup>16</sup>

iii. When the just and pious ruler orders someone to join the forces of *Jihad*, it will be obligatory for him to join without hesitation. The following Hadith narrated by Ibn Abbas says:

“There is no Hijrah after the conquest of Mecca but there is still Jihad and intention for it. If you are asked to join forces you must fulfil your obligation.”<sup>17</sup>

In other words, the obligation for *Hijrah* has been cancelled by this *Hadith*, but still migration from the ‘abode of war’ (*Dar al-Harb*) to the ‘abode of peace’ (*Dar al-Aman*) is not cancelled. It will become obligatory for one to migrate when one fears that his religion is not safe by continuing living in a hostile place. Similarly, when a just leader demands that, one should go out for *Jihad*, he must not refuse.<sup>18</sup> The Glorious Qur'an says:

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<sup>14</sup> Qur'an, chapter. 8:45. English Translation by Yusuf Ali

<sup>15</sup> Qur'an, chapter. 8:15. English Translation by Yusuf Ali

<sup>16</sup> Qur'an, chapter. 9:123. English Translation by Yusuf Ali

<sup>17</sup> *Ṣaḥīḥ al-Bukhari*, vol 4. no 286

<sup>18</sup> *Ibid* no.3. 441

“O you who believe what is the matter with you, that when you are asked to go forth in the cause of Allah you cling heavily to the earth? Do you prefer the life of this world to the Hereafter? But little is the comfort of this life as compared with the Hereafter.”<sup>19</sup>

### **3. Boko Haram and the Misuse of Jihad**

The activities of Boko Haram stand in stark contradiction to the legal basis and requirements of *Jihad* as established in Islamic law. True *Jihad*, as defined in the *Qur'an* and *Sunnah*, is a defensive and ethical endeavour rooted for the protection of religion, life, intellect, lineage and property. It aims to uphold justice and establish societal harmony. Boko Haram's actions, including indiscriminate violence, targeting of innocents, destruction of communities and promotion of chaos, directly violate these principles. They fail to align with the reasons that justified *Jihad* during the Prophet Muhammad's (PBUH) time, such as self-defence, protection of the oppressed and the establishment of justice and freedom of religion.

Moreover, the objectives of *Shari'ah* (*Maqasid al-Shari'ah*), which emphasize the preservation of life, intellect, religion, lineage and property, are severely undermined by Boko Haram's terrorism. Their claims of waging *Jihad* are based on a gross misinterpretation and distortion of Islamic teachings. Therefore, the ideology and actions of Boko Haram are not only inconsistent with the true essence of *Jihad* but also violate the ethical, legal and spiritual principles of Islam.

### **4. On Whom Is Jihad Obligatory?**

*Jihad*, in its obligatory form, is governed by specific criteria that ensure it is performed by those capable of fulfilling its responsibilities without undue hardship or neglect of other essential duties. Islamic law provides clear guidelines on who is obligated to participate in *Jihad* and who is exempted, emphasizing that it is a duty contingent upon ability and circumstance.

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<sup>19</sup> Qur'an, chapter. 9:38. English Translation by Yusuf Ali

### **Categories of Persons Obligated to Perform *Jihad***

*Jihad* is obligatory on individuals who meet the following conditions<sup>20</sup>

- a. Muslim:** Only believers are obligated to participate, as *Jihad* is fundamentally tied to upholding Islamic principles.
- b. Male:** Men are the primary participants in physical *Jihad*, reflecting traditional roles in Islamic law.
- c. Sane:** Mental competence is required to understand and fulfill the obligations responsibly.
- d. Free:** A freeman, as opposed to a slave, is eligible for this duty, reflecting the autonomy required for participation.
- e. Adult:** The obligation applies to those who have reached maturity.
- f. Financially Capable:** A man must have sufficient means to maintain his dependents during his absence.

### **Categories of Persons Exempted from *Jihad***

The following are exempted from the obligation of *Jihad* due to physical, social, or financial constraints<sup>21</sup>:

- a. Non-Muslim:** *Jihad* is a religious duty specific to Muslims.
- b. Women:** While women may support *Jihad* in non-combatative roles, they are not obligated to participate in physical combat.
- c. Children:** Minors are excluded from this obligation until they reach adulthood.
- d. Physically Disabled:** Those with disabilities, such as blindness or paralysis, are not required to participate.

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<sup>20</sup> Ibid no.3. 441

<sup>21</sup> Ibid

**e. Slaves:** The lack of personal autonomy exempts them from such obligations.

**f. Elderly:** Advanced age and its accompanying limitations exempt the elderly.

**g. Sick Individuals:** Physical or mental illness prevents participation.

**h. Financially Incapable:** Those unable to provide for their dependents during their absence are exempt.

To this end Allah (SWT) says:

“It shall be no crime in the weak, nor in the sick, nor in those who do not find what they should spend (to stay behind), so long as they are sincere to Allah and His Apostle; there is no way (to blame) against the doers of good; and Allah is oft-forgiving, Most Merciful.”<sup>22</sup>

It further says;

“There is no harm in the blind, nor is there any harm in the lame, nor is there any harm in the sick (if they do not forth); and whoever obeys Allah and His Apostle, He will admit him to enter Gardens beneath which rivers flow; and he who turns back Allah will punish him with a grievous penalty.”<sup>23</sup>

Abdullah bin Umar has said:

“I appealed to the messenger of Allah to allow me to join force on the day of Uhud and I was 14 years old and the Prophet did not allow me.”<sup>24</sup>

In a Prophetic *Hadith*, Aisha (R.A) asked the Prophet (PBUH):

“O messenger of Allah is there any Jihad for women?” The Prophet replied: “There is Jihad for them in which there is

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<sup>22</sup> Qur'an, chapter. 9:91. English Translation by Yusuf Ali

<sup>23</sup> Qur'an, chapter. 48:17. English Translation by Yusuf Ali

<sup>24</sup> Bukhari vol 4, no 258; Muslim vol 3, 4319, 4320

no fighting that is (the performance of) pilgrimage and the Umrah”<sup>25</sup>

Women can render their services in *Jihad* by giving water to the warriors and rendering medical care for the wounded ones.<sup>26</sup> One of the traditions of the Prophet discusses the priority of the actions (*a' mal*). When the Prophet was asked about the action dearer to Allah, he replied: “the performance of prayers at its time.” Then he was asked which one came next, he replied: “goodness to parents”. He was asked again which one next. He said: “*Jihad* in the path of Allah”<sup>27</sup>. Therefore, if the parents are old and need the services of their son, it is better that he attends to them rather than going to participate in *Jihad*.

There exist divergent views among jurists regarding the eligibility of hypocrites, drunkards and non-Muslims to partake in *Jihad*. Historical evidence suggests instances where individuals like 'Abdullah bin Ubayy and his hypocritical associates engaged in *Jihad* alongside the Prophet and Abi Maham al-Thaqafi, despite being a drunkard, fought in *Jihad* against Persia. However, opinions among jurists vary, particularly concerning the involvement of non-Muslims. Imam Malik and Imam Ahmed bin Hanbal assert that non-Muslims should not participate in *Jihad* under any circumstances. Imam Malik goes further to stipulate that if a non-Muslim happens to be a servant in a Muslim household, participation may be permitted. On the contrary, Imam Abu Hanifah contends that non-Muslims can contribute, but they must adhere to the directives of the Muslim commander. Imam Shafi'i suggests that non-Muslim involvement could be permissible under certain specified conditions.<sup>28</sup>

Thus, historical instances demonstrate varying participation in *Jihad* by individuals with different religious or moral standings, jurists differ

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<sup>25</sup> Ahmed bin Hanbal and Bukhari, no. 3456

<sup>26</sup> In the case of Rufaydah, the first professional nurse in the history of Islam and lived at the time of Prophet. She hailed from the Bani Aslam tribe in Madina and was among the first people to accept Islam. Rufaydah received her training and knowledge in medicine from her father, a physician, whom she assisted regularly. At the time when Muslims were engaged in war, she led a group of volunteer nurses to the battlefield to treat and care for the injured and dying. After the Muslim state was established in Madina, she was given permission by Prophet to set up a tent outside the mosque to treat the ill and to train more Muslim women and girls as nurses.

<sup>27</sup> Sahih al-Bukhari, Book of *Jihad* (Kitab al-*Jihad*). Hadith no.5970

<sup>28</sup> Ibid no.3. 443

on the extent to which hypocrites, drunkards and non-Muslims should be allowed to engage, with some advocating strict limitations and others permitting involvement under specific circumstances.

### **Addressing Boko Haram's Misrepresentation**

The activities of Boko Haram starkly contradict the fundamental principles of *Jihad* as prescribed in Islamic teachings, particularly their practice of forcing individuals to join their ranks. Islamic law clearly stipulates that *Jihad* is a duty only for those who meet specific criteria, such as being a Muslim adult, sane, free and financially capable and it must be performed voluntarily. Participation is explicitly exempted for children, women, the elderly, the sick and others facing physical or financial limitations. Coercion and compulsion in this regard are wholly antithetical to Islamic principles.

Boko Haram's actions, including the forced recruitment of individuals especially children and women stand in direct opposition to these guidelines. By compelling people to join their group under threat or violence, they disregard the essential Islamic tenet that *Jihad* is a voluntary act of faith. Their indiscriminate use of coercion violates the principles of justice and compassion that are central to the Islamic understanding of *Jihad*.

This forced recruitment not only causes undue hardship but also neglects the broader responsibilities individuals may have, such as caring for dependents or fulfilling other essential duties. Such practices are entirely contrary to the true spirit of *Jihad*, which emphasizes individual capability, responsibility and ethical conduct. Boko Haram's actions highlight a gross distortion of Islamic teachings, underscoring the need for proper knowledge and adherence to the principles of mercy, justice and the protection of the innocent.

### **5. Types of Jihad**

According to Muslim scholars, there are two types of *Jihad* aimed at establishing and promoting peace within society. It is noteworthy to highlight that within Islamic discourse, *Jihad* against oneself is recognized as *Jihad* al-nafs, the greatest *Jihad* (*Jihad* Akbar), which aims at purifying oneself by actively combating the teachings and influences of Satan. The Holy Prophet (PBUH) himself described the

struggle against the self as *Jihad* Akbar. This is evidenced in the recorded sayings of the Holy Prophet (PBUH), wherein upon returning from an expedition, such as the Tabuk expedition, he remarked:

“We are returning from the *Jihad Asghar* (fighting) to *Jihad* Akbar (struggle against self)”.<sup>29</sup>

He (PBUH) also said:

“The Mujahid (a martyr) who is exalted above other martyr is the one who strives against his own self.”<sup>30</sup>

a) *Jihad Al-Nafs*

It is imperative to understand that a fundamental aspect of *Jihad* is *Jihad al nafs*, or the struggle against one's own desires, particularly those rooted in base instincts. This form of *Jihad* is considered the most challenging as it requires discipline and diligent effort.<sup>31</sup> This greatest *Jihad* deals with one's internal struggle one to lead a good life. Allah always guides us to good, but our natural tendencies are inclined to evil. The Holy Qur'an describes this as *Nafs Ammarah*, 'the self that inclines to evil'. Our natural state, as long as we are not guided by reasoning and understanding, will follow our natural desires (eating, drinking, sleeping, waking, anger and provocation), like animals. Once a person is guided by reasoning and understanding he brings his natural state under control. He regulates it in an appropriate manner, to develop his moral state to the second stage of development called *Nafs al Lawwama*, (the reproving self),<sup>32</sup> and then to the final moral state of *Nafs al Mutmainnah*, (the soul at rest).<sup>33</sup> Thus to purify one's self is a constant internal struggle which one must strive to practice in order to achieve paradise.<sup>34</sup>

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<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> B.M. Ghazi and I. Kalin and M. H. Kamali. Ghazi, (Eds.) (2013). *War and Peace in Islam: The Uses and Abuses of Jihad*. Islamic (Islamic Texts Society) 154

<sup>32</sup> Qur'an, ch. 75:2 English Translation by Yusuf Ali

<sup>33</sup> Qur'an, ch. 89:27 English Translation by Yusuf Ali

<sup>34</sup> Rafiq, B. A. (n.d.). Suspension of *Jihad*. In Truth About Ahmadiyyat. Al-Islam.org., <<https://www.alislam.org/book/truth-about-ahmadiyyat/suspension-of-jihad>> Accessed 25 November, 2024

b) *Jihad Asghar*

The second type of *Jihad* is *Jihad Asghar* (battle War), is lesser or minor *Jihad*, is *al-qital* or armed struggle. *Jihad Asghar* is a *Jihad* that is waged against the enemy of freedom of conscience, it is called lesser or minor *Jihad*. This type is classified as waging a holy war against enemies, whether offensive or defensive is immaterial. This is the *Jihad* that has been attacked by unjust and misleading propaganda in an effort to equate it with mere bloodshed.<sup>35</sup> Because no war can be holy! unless Allah recognises that in such circumstances. The need to defend yourself for the sake of your faith falls under *Jihad Asghar*. So, for *Jihad* to be categorised under this sub-heading and be accepted in Islam it should confirm with these two conditions:<sup>36</sup>

i. It is in defence.

ii. The aggressors are trying to prevent you from practicing your faith. Because the purpose of life is to worship Allah<sup>37</sup> if someone prevents you from worshipping Allah, then you should reason with them, if that fails, then Islam permits us to migrate to where we can worship. But if they follow us and still prevent us from worshipping Allah, then we are permitted to fight them as a means establishing our freedom of belief and worship.<sup>38</sup> It is only under these two situations that a Muslim is permitted to fight as a *Jihad* in the course of Allah.

### **Relating Boko Haram's Misinterpretation**

The concept of *Jihad* in Islam is deeply rooted in the principles of peace, self-purification and justice. It encompasses two primary forms: *Jihad al-Nafs* (the greater *Jihad*) and *Jihad Asghar* (the lesser *Jihad*). Each type serves specific purposes and is governed by clear ethical and moral guidelines. However, Boko Haram has misinterpreted and

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<sup>35</sup> Ibid no. 31.

<sup>36</sup> Samuel Bar, '*Jihad* Ideology in Light of Contemporary Fatwa' (2006) <<file:///C:/Users/MY%20PC/Documents/ISLAMIC%20HUMANITARIAN%20LAW/Jihad%20Ideology.pdf>> Accessed 10 October, 2024

<sup>37</sup> Ibid no.31. 154

<sup>38</sup> Ibid no.34

misapplied these concepts to justify their actions, which fundamentally contradict Islamic teachings.

*Jihad al-Nafs*, the internal struggle against one's desires and base instincts, is regarded as the most significant form of *Jihad*.<sup>39</sup> This type of *Jihad* focuses on self-purification, moral development and spiritual growth. It requires discipline and a commitment to overcoming inclinations toward evil, striving instead for righteousness and peace.

Boko Haram completely disregards this foundational principle of *Jihad*. Instead of promoting inner peace and moral integrity, they propagate violence, coercion and terror. Their acts of forcing people including women and children to join their group reflect a failure to engage in *Jihad al-Nafs*, as their actions are driven by greed, hatred and the desire for domination rather than self-purification and the establishment of peace.

*Jihad Asghar*, the lesser *Jihad*, refers to physical or armed struggle and is permissible only under stringent conditions. This type of *Jihad* is intended to defend the faith or protect freedom of worship when all peaceful means have been exhausted. It must adhere to strict legal and ethical standards, including the prohibition of harm to innocents, non-combatants and those not directly involved in hostilities.<sup>40</sup>

Boko Haram grossly misinterprets *Jihad Asghar*, using it as a pretext for their violent campaigns. Their actions, such as targeting civilians, destroying places of worship and forcing individuals into their ranks, contradict the conditions under which armed struggle is permitted in Islam.<sup>41</sup> Furthermore, their aggression is not defensive or aimed at protecting freedom of belief; instead, it aims to instil fear and establish control, which Islam categorically forbids.<sup>42</sup>

One of the most egregious aspects of Boko Haram's misinterpretation is their practice of forcibly recruiting individuals, including women and

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<sup>39</sup> Ibid no. 31 154

<sup>40</sup> M. Chiroma., *Civilian Protection in Armed Conflicts: The Complementarity of International and Islamic Humanitarian Laws*. (Ahmadu bello University Press Limited, 2019) 47-86

<sup>41</sup> Ibid

<sup>42</sup> Sahih al-Bukhari, Hadith 10 "The Messenger of Allah (peace be upon him) said: 'A Muslim is one from whose tongue and hand others are safe.'"

children, into their group. This act directly violates the principles of both *Jihad al-Nafs* and *Jihad Asghar*. Islam emphasizes that participation in any form of *Jihad* must be voluntary, undertaken with full understanding and sincerity. Coercion undermines the spiritual and ethical foundation of *Jihad*, reducing it to mere oppression.

The Qur'an explicitly emphasizes freedom of belief and the absence of compulsion in matters of faith:

"There is no compulsion in religion. The right path has become distinct from the wrong path."<sup>43</sup>

Boko Haram's actions starkly contradict the true teachings of Islam regarding *Jihad*. By ignoring the greater *Jihad* of self-purification and distorting the lesser *Jihad* into unjust violence, they misrepresent the core values of Islam. Their reliance on coercion, especially in forcing individuals to join their cause, is a blatant violation of Islamic principles, which prioritize justice, compassion and ethical conduct in all forms of struggle.

## 6. Principles and Rulings on Jihad

The foundational principles of *Jihad* can be derived from the guidance imparted by Caliph Abu Bakr, the first Caliph, to Yazid bin Abu Sufyan during his engagement in *Jihad* on the Syrian coasts. This advice, which subsequently became the code of conduct for Muslim armies, can be summarized as follows:

“When you travel, do not drive your comrades so much that they get tired on the journey. Do not be angry upon your people and consult them in your affairs. Do justice and keep them away from tyranny and oppression, because a community that engages in tyranny does not prosper, nor do they win victory over their enemies. When you become victorious on your enemies, do not kill their children, old people and women. Do not go even closer to their date palms, nor burn their harvest nor cut the fruit bearing trees. Do not break the promise once you have made it and do not break the terms of treaty once you have entered into it. You

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<sup>43</sup> Qur'an 2:256 English Translation by Yusuf Ali

will meet on your way people in the monasteries, the monks engaged in the worship of Allah, leave them alone and do not disperse them. Let them please themselves and do not destroy their monasteries and do not kill them. May peace of Allah be upon you.”<sup>44</sup>

From the foregoing, it is imperative for Muslims engaged in *Jihad* to uphold the rights of civilians residing in the conflict zone, who are not participants in the war. It is essential to safeguard their lives, properties and freedom under all circumstances. Any act of aggression or oppression by individuals involved in *Jihad* must be strictly prohibited.<sup>45</sup> Destruction of homes and crops through violence and arson is unacceptable. Specifically, the elderly, women and children must be spared from harm in any situation. Moreover, it is crucial to preserve places of worship and refrain from harming religious leaders of any faith.<sup>46</sup>

Moreover, the following conditions must be taken into consideration before engaging in *Jihad* against enemies.<sup>47</sup>

- a. The nobility of purpose; no personal interest or private gains should be aimed behind which Jihad is being waged.
- b. Fighting should be only against combatant not defenseless civilians who are not in the battlefield and are not equipped or trained to be engaged in combat.
- c. Preserving the lives of captives and treating them humanely.
- d. Preserving the environment, which includes a prohibition on killing animals or cutting trees or destroying harvests or polluting rivers or wells or demolishing houses.

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<sup>44</sup> Al-Ajuz, Ahmad Muhi al-Din. *Manahij al-Shari'ah al-Islamiyyah: lil-thaqafah al-Islamiyyah wa-al-ma'ahid al-diniyyah wa-al-madaris al-thanawiyyah*. Vol. 1. Beirut: Mu'assasah al-Ma'arif, 1969. 345.

<sup>45</sup> Ibid no.40

<sup>46</sup> Sunan Abi Dawud no. 4302, vol.4 p.114; good (hasan) according to al-Albani in *Shahih al-Jami' al-Saghir* no.3384, vol.1. 638.

<sup>47</sup> Ibid no.31 155

e. Preserving religious freedom of worshippers in their homes, churches or synagogues.

f. Killing and attacking people by surprise is prohibited. Abu Hurayrah narrated that the Messenger of Allah said;

“A believer is not to kill (others) by surprise. Faith is a deterrent to killing.”

Ibn al-Athir said: “Killing (here) means taking others by surprise and killing them while they are unprepared.”<sup>48</sup>

The hadith means that faith is a deterrent to attacking others suddenly while they are unprepared. The Prophet’s words ‘a believer is not to attack (others) by surprise’ is a clear prohibition against deception in combat.

a. The enemy must be from among those whom Muslims are permitted to fight, rather than the enemy with whom Muslims have a truce. It is impermissible to attack the enemy under the cover of night because it is a violation of the security pact between them in terms of lives, wealth and honour.

b. It is impermissible to use human shields save in a state of war and under specific conditions detailed by jurists.

Generally, going by the above, the Holy Quran says:

"Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors."<sup>49</sup>

Muslims must not transgress the "jus in bello" (shown below) in their wars against others; the war which is supposed to be justly wage in the cause of Allah. According to the above verse of the Holy Qur'an, war in Islam should have two characteristics: first, it should only be directed to those who are actually involved in such a serious matter e.g. combatants; second, it should be also conducted as carefully as

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<sup>48</sup> Ṣaḥīḥ al-Bukhari, vol 4. no 296

<sup>49</sup> Qur'an, 2:190 English Translation by Yusuf Ali

possible. This means it is essential that no more killings or destruction take place than the occasioned by necessities.

Innocent people such as non-combatants "civilians" i.e. women, children, elders and whoever does not participate in the conflict, should not be molested,<sup>50</sup> not civilian installations or trees and crops be destroyed. This general rule was explicitly stressed in the following instructions made by the Holy Prophet (PBUH) and his caliph Abu Bakr (r.a.a.).

The Prophet's commandments run as follows:

"Fight with the name of Allah and in the path of Allah. Combat those who disbelieve in Allah. Fight, yet do not cheat, do not break trust, do not mutilate, do not kill minors."<sup>51</sup>

Therefore, the following categories of persons should be mercifully treated whenever Muslims come into conflict with others:

i. Women and children are not to be killed in any case. Thus, when al-Imam Malik<sup>52</sup> was asked whether Muslims should kill enemy women and children who are somehow taking part in fighting, as if they stand on the ramparts and throw stones at the Muslims and cause confusion in their ranks, he answered: "The Prophet has forbidden the slaying of women and children"<sup>53</sup>. However, some other jurists such as Abu Hanifa and al-Awzai<sup>54</sup> are of an opinion similar to the rule adopted by International Humanitarian law, that immunity of women and children is conditional upon their taking no part in military action.<sup>55</sup>

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<sup>50</sup> Abu Ja'far Muhammad Ibn Jarir al-Tabari, *Jami' al-Bayan'an Ta'wil Ay al-Qur'an*, vol. 2 (Dar al-Ma'arif, 1954) 107.

<sup>51</sup> Ibid

<sup>52</sup> Ibn Jarir al-Tabari, *Kitab Ikhtilaf al-Fugaba*, 1st edition, ed. J. Schacht (Leiden: E.J. Brill) 8.

<sup>53</sup> Sahih Muslim, *The Book of Jihad and Expeditions*, Hadith 1744 b: "It is narrated by Ibn 'Umar that a woman was found killed in one of these battles; so the Messenger of Allah, may Allah bless him and grant him peace, forbade the killing of women and children."

<sup>54</sup> Ibid no.52. 9

<sup>55</sup> Al-Ghunaimi, *International Humanitarian Law*. (1<sup>st</sup> Edn. Egypt Art, 1982) 76

ii. Elderly men and men suffering from an incapacitating chronic disease are also immune. Upon their immunity most jurists agreed, unless they involved themselves in the matter of war by giving useful advice or counsel, then they became leaders of unbelievers<sup>56</sup> about whom the Holy Qur'an says:

“But if they violate their oaths after their covenants and taunt you for your faith, - fight ye the chiefs of unfaith, for their oaths are nothing to them...”<sup>57</sup>

iii. Monks, including all non-Muslims who devoted their lives in worshipping Allah. Al-Rakshi in general says in this connection: "killing is permitted by reason of fighting, but if they "non-combatants" stay behind closed doors, they cause no direct or indirect harm"<sup>58</sup> Al-Awzai was asked whether it is permitted to kill monks by whom the enemy could be guided. He said they shall not be killed on the account of suspicion, but only if they actually acted as guides."<sup>59</sup> Thus, al-Shafi came to the same conclusion, when he said: "monks whether they are of cells or of deserts and all whoever devoted their lives to monastic life, should not be killed and this was with reference to Abu Bakr's commandments."<sup>60</sup>

iv. People such as craftsmen, wage earners and farmers are not to be killed as long as they do not take part in the battle and also those who accompany the army without any involvement in the hostilities, such as merchants. "These people are given immunity because they are builders of prosperity and devote their efforts to civic matters; and Islamic law does not have for object the destruction or undermining of civilization and prosperity."<sup>61</sup>

However, the categories of persons shown above are not restrictive. In other words, any other category of people recognized by Modern International Law as civilians e.g. medical missions can simply be

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<sup>56</sup> Ibid

<sup>57</sup> Qur'an, 9:12 English Translation by Yusuf Ali

<sup>58</sup> Ibid no.55. 76

<sup>59</sup> Ibid no.52. 10

<sup>60</sup> Ibid.

<sup>61</sup> Ibid no.55. 76

regarded as such by the Islamic law of war. Henceforth, it is imperative to recognize that the slaying of non-combatants constitutes a violation of the bounds set by Allah. Consequently, civilians who are not engaged in combat should not be subject to lethal actions, whether under suspicious or unsuspecting circumstances, directed by an individual or a group of combatants.

Boko Haram's approach to *Jihad* fundamentally contradicts the core Islamic principles outlined by the Prophet Muhammad (PBUH) and Caliph Abu Bakr (RA). These principles emphasize the protection of civilians, including women, children and the elderly, prohibiting their harm during conflicts. Boko Haram's attacks on innocent people, including civilians, violate this crucial rule. Additionally, the preservation of property, such as homes, crops and religious sites, is essential in *Jihad*. The principle of not launching surprise attacks on unprepared enemies is also ignored by Boko Haram's ambush tactics. Furthermore, Islam stresses respecting agreements and truces, which Boko Haram repeatedly breaches. The humane treatment of captives is another key tenet that Boko Haram fails to uphold. In essence, Boko Haram's violent actions represent a distortion of *Jihad*, violating the ethical and legal conduct of warfare outlined in Islam, which promotes mercy, justice and the protection of non-combatants.

## **7. Conclusion**

This paper has examined the true nature and significance of *Jihad* in Islam, emphasizing the need to distinguish authentic Islamic teachings from the distorted interpretations propagated by extremist groups such as Boko Haram. *Jihad*, in its proper understanding, is a multifaceted concept encompassing personal, social, and defensive struggles aimed at strengthening faith, promoting justice, and pursuing noble causes. It is not synonymous with indiscriminate violence or terrorism. The study has highlighted that the ethical and legal principles governing *Jihad*, as established by the Qur'an, the teachings of Prophet Muhammad (PBUH), and early Islamic leaders such as Caliph Abu Bakr, prioritize the protection of civilians, respect for non-combatants, preservation of property, and the maintenance of peace and justice. Legitimate armed *Jihad* must be declared by a rightful authority, guided by consultation with experts, and conducted under strict ethical and legal oversight. The misapplication of *Jihad* by groups like Boko Haram, including attacks on women, children, religious leaders, and societal

infrastructure, represents a gross distortion of these principles. Such acts not only violate Islamic law but also undermine societal stability and distort global perceptions of Islam. In light of these findings, this paper concludes that reclaiming the true essence of *Jihad* requires a comprehensive approach: enhancing religious education, promoting ethical awareness, issuing authoritative legal opinions (fatwas) clarifying the boundaries of *Jihad*, and implementing legislative and policy frameworks that reinforce peaceful coexistence. Through these measures, Muslim communities and society at large can counter extremist misinterpretations and ensure that *Jihad* remains a path of striving for righteousness, justice, and the promotion of social good, in full alignment with Islamic teachings.