



CONCEPT OF JIHAD IN ISLAM AND TERRORISM; CORRECTING THE MISCONCEPTIONS

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Abstract

The religion of Islam is known to be a peace loving entity, it prides of being a perfect template for any given civilization that aspires a peaceful society. However, one of its core doctrines had been a source of concern, the concept of Jihad, which -amongst others- presupposes a warfare expedition had attracted torchlight of criticism for being the source of inspiration for terrorist organizations in modern time. The criticism waxes stronger on the strength that most of these terrorist organizations often disguise by adorning in Muslim dress and claim to be fighting in the name of Islam. It is however, contradictory, that Islam, as a religion that prides as the source of peace and tranquility, will at the overturn serve as a source for terrorism. This paper adopts the doctrinal research methodology to examine the concept of Jihad in juxtaposition with terrorism with the objective of determining the veracity of the claim that Islam is a religion of peace or whether the claim by some dastard terrorist groups of deriving their inspiration and strength from the concept of Jihad in Islam is, indeed, true?. The research found that the allegation that the concept of Jihad serves as the bedrock for terrorism is faulty in fact and evidence.

Keywords; Jihad, Terrorism, Peace, Islamic Law, Religion

1. INTRODUCTION

Peace and insecurity are two unavoidable phenomenon of human existence,¹ they in fact exist inevitably with human existence i.e. in so far as human continue to exist

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peace and insecurity shall continue to exist. It is this reality that mandated the coordination of efforts in war and crime management in order to ensure the existence of relative peace and tranquility in human society. The philosophical fields such as peace studies and peace and conflict resolution had been given serious attention for the foregoing reason².

Every human society, regardless of its religious and cultural orientation, makes effort to ensure peace; the effort of religion of Islam in this regard is however loudly pronounced. This is evident in the teaching and numerous evidence of the textual sources of law in Islam. In numerous instances in the Glorious Qur'an, peaceful co-existence even with adversaries is encouraged³.

However, Shariah being a realistic legal system takes notice of the fact that absolute peace may not be achievable and, therefore, legislates rules of war technically described as *jihad*. *Jihad* is permitted in cases of dire necessity to either build a defense against oppression or initiate a war with the mandate of restoring a hitherto lost peace into a given society. Thus; the permission to engage in war under this system is only legislated in extreme circumstances and as last resort; it is neither a tool to compel adherence to Islamic religion nor to forcefully convert non-Muslims. Rather, the reason for the legislation is to ensure in the society, undisputable, the set of rules on *jihad* serves as pace-setter for other legal system⁴.

However, emergence of terrorist groups at both international and local levels claiming to be Muslims and particularly hiding under the sacred concept of *jihad* led to a confused view as championed by the Western world in recent time. The groups such as Al-Qaeda, ISIS, Taliban, Boko Haram etc., incessantly engaged in acts of terrorism but unfortunately claim, albeit wrongly, to be fighting in course of Allah. These paradoxical occurrences have impacted on not only the Western world views but also non-Muslims' about the peace making credentials of Islam.

Against the foregoing, this paper sets out to interrogate the misconceived notion that terrorism actually gets inspiration from Islam. The paper examines some relevant provisions of Shariah the concept of *jihad* and its objective, it analyzes terrorism, its objectives in order to showcase the disparities between *jihad* and terrorism.

¹Ilija katje et al, 'The Essence of Phenomenon of Peace and the Notion of Peace Building' (2018) VOJNO DELO, 8, DOI: 10.5937/vojdolo1808005K, <https://scindeks-clanci.ceon.rs/data/pdf/0042-8426/2018/0042-84261808005K.pdf> accessed on the 4 May, 2023.

²Theo Neethling, 'The importance and significance of peace studies with special reference to South Africa's political-security role in Africa'(2006) 71(2, 3, 4) Koers, 491-518

³See Al-Qur'an Suratu-Taobah verse 6, Suratun-Nisa'i verse 90 & 94.

⁴J Parrot, Jihad in Islam: Just-War Theory in the Qur'an and Sunnah (Yaqeen Institute for Islamic Research) 3.

2. ISLAM AND PEACEFUL CO-EXISTENCE

Peaceful co-existence is a fundamental, inevitable and indispensable component of any human community, individual growth, and survival of humanity⁵. Peace is inestimable to the continued existence of human race. At the heart of every faith, community, and culture lies the need to advance peace and peaceful co-existence to enhance productive, meaningful, sustainable and tranquil societies.

In Islam, the decree of the Law Giver as contained in the Qur'an is that Muslims are allowed to deal with people of other religion justly and kindly as Allah loves those who deal with equity:

Qur'an Chapter 60 Verse 8 provides thus:

Allâh does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allâh loves those who deal with equity

Furthermore, even though Islam does not approve the practice of other religions other than it⁶, it at the same time abhors the desecration of the sanctity of other religions⁷. This regulation is put in place by Islamic law in order to forestall all possible means of destabilizing the society and invariably eroding the cherished peace.

Islamic law does not allow the initiation of offensive attack on a friendly neighbor community and in fact, encourages the making of a peaceful pact between an Islamic society and a non-Islamic neighbour society with the view to fostering peaceful co-existence; this was practically implemented by Prophet Muhammad (may Allah be pleased with him) himself. He in fact, accepted some unfavorable terms and conditions in the treaty of Hudaibiyyah in the interest of ensuing peace with his non-Muslim neighbors.⁸ Interestingly, a major theme of Hudaibiyyah treaty is the protection of sanctity of human life which is in tandem with principle of Shariah.

In the bid to showcase sacredness of human life, Islam prohibits unlawful killing of human being. In fact, unlawful killing has been equated with the killing of the entire human race. To this end, Almighty Allah says:

For that reason, We decreed for the Children of Israel that whosoever kills a person not in retaliation for a killed, nor (as a punishment) for spreading disorder on the earth, is as if has killed the whole mankind, and whoever saves the life of a person is as if he has saved the whole of mankind. Certainly, Our messengers

⁵ Ilija katje et al, 'The Essence of Phenomenon of Peace and the Notion of Peace Building'

⁶ See Al-Qur'an, suratu Az-Zumar verse 7

⁷ Al-Quran, suratu Al-An'am verse 108

⁸ S Q Muhammad, Foreign policy of hadrat Muhammad (SAW) (Kitab Bhavan, 1991) 135-137.

have come to them with clear signs. Then, after all that, many of them are to commit excesses on earth.⁹

The Prophet of Allah, Muhammad (May Allah be Pleased with Him) is reported to have said:

O people! do not aspire for a war with the enemy and pray to Allah for peace and security in the world. If perforce you have to fight the enemy, then adopt patience and perseverance and then remember that Paradise is under the shadow of the sword.

In another Hadith, the Messenger of Allah, Prophet Muhammad (May Allah be Pleased with Him) was reported to have said that: 'A woman entered the (Hell) Fire because of a cat which she had tied neither giving it food nor setting it free to eat from the vermin of the earth'¹⁰

Islam places so much premium and importance on human life that it makes it the number one object to be protected by the Shariah, an examination of the objectives of the various legislations in Islamic law will reveals that, the law sets out to jealously guard and protect human life before any of its other items¹¹. It worthy to note that the sanctity of human life is so highly placed by Islamic law that it is prohibited for anyone to willfully terminate his/her life even at the point of serious pain.¹²What the law prescribed in this instance is a hearty supplication to Allah to grant any of the best between life and death and not to specifically supplicate for death.¹³

3. NO COMPULSION IN RELIGION

Islam did not begin with war rather it is a religion of peace which began with peaceful proclamation of monotheism¹⁴ by the Prophet who is widely known to be a man of perfect peace¹⁵. Historically, shortly after proclamation of oneness of Allah, the Prophet and his companions found themselves in an unbearable persecution for their belief, eventually resulting into forcing them out of their own town, Makkah, to Madinah by the idolaters., The Prophet never wish to leave his beloved home town to Madinah rather he imposed, upon himself and the early Muslims, the undesirable decision to allow peace to reign. All these demonstrated the practical peaceful teachings of Islam and peace-loving conduct of Muslims.

⁹ Qur'an Chapter ((Al-Maidah) 5: verse 32

¹⁰Muhammad bn Ismail Al-Bukhari, Sahih Bukhari 3318 (1st edn Daru bn Al-Haytham, 2004)

¹¹ A Khallaf, IlmUsulFiqh, (1st edn Daru Al-Ghad Al-Jadeed, Cairo, Egypt, 2010) 219-228.

¹² Muhammad bn Salih Al-Uthaymeen, SharhuRiyadhi As-Saliheen, (1st edn, Vol. 2, Daru At-Taqwa) 333-336

¹³ The prophet was reported to have said 'No one of you should wish for death for reason of any harm that befell him...' the hadith was narrated by Muhammad BnIsmaeel Al-Bukhari,Saheeh Al-Bukhari, Hadith No. 5671, (1st edn Daru bn Al-Haytham, 2004) 280.

¹⁴ Qur'an chapter (Al-Ikhlās) 112

¹⁵M W Khan, The Prophet of peace: Teachings of the Prophet Muhammad (Penguin books, New Delhi 110-017, India, 2009)

Also, there are direct instructions from Allah that there is no compulsion in Islam.¹⁶ These Qur'an injunctions imply that no Muslim should impose his faith on others. Thus, there is no need to force anyone to embrace Islam. In fact, Allah has made it explicitly clear that whoever He enlightens his heart and his mind, will embrace Islam and whoever He blinds his heart and seals his hearing and sight will never embrace it.¹⁷

The reason for the revelation of this Ayah¹⁸ was linked to the Ansar: Ibn Jarir recorded that Ibn `Abbas said that before Islam when (an Ansar) woman does not bear children who survives, she would vow that if she gives birth to a child who remains alive, she would raise him as a Jew and when Banu An-Nadir¹⁹ were evacuated from Al-Madinah some of the children of the Ansar were being raised among them, and the Ansar said, `We will not abandon our children. Then, Allah revealed the verse 256 of Suratu Al-Baqarah.

Another relevant Hadith of the Prophet was that of Imam Ahmad in which Anas said that the Messenger of Allah told a man to embrace Islam and the man replied I dislike it, then, the Prophet said, even if you dislike it.

It is noteworthy that, the best of all mankind²⁰ and the role model for all Muslims²¹ did not wage war simply because a person or group of persons refused to accept Islam. Then, on what and on whom authority a group will engage in act of terrorism and claim to be fighting in the course of Allah?, When Allah has forbidden, in strong term, the killing of human being²², destruction of property, rebellion²³ and any form of terrorist act.

4. THE CONCEPT OF JIHAD

The word *Jihad* is derived from the root word *jahd* which means striving, struggling or exerting oneself. The meaning of *jihad fi sabilillah* is to struggle in the way of Allah. This meaning is supported by provision of verse 21 of Surtau Al-Ahzab.

It is also pertinent to understand that that the word 'strive' used in the quoted verse envisages different meanings of *Jihad*, each with its specific context. Thus, the common understanding of *Jihad* as only war was faulted by the tradition of the Prophet that was reported as follows; 'A man asked the prophet which *Jihad* is

¹⁶Qur'an Chapter (Al-Baqara) 2:256

¹⁷ Qur'an Chapter (Al-Qasas), verse 56

¹⁹ A Jewish tribe

²⁰Qur'an Chapter (Sad)68: verse 4

²¹Qur'an Chapter (Al-Ahzab) 33:verse 21

²² Qur'an Chapter (An-Nisai); Verse 93

²³ Qur'an Chapter (Maidah) 5; verse33

best?, the prophet said: “ The most excellent *Jihad* is to say the word of truth in front of tyrant”²⁴

The word *Jihad* has been subjected to different meanings based on the circumstance. Another example is, if a person forces his camel or horse to travel so as to surprise the violators of his peace before morning is called *Jihad*, if a person appeals to his kinsmen to spread the opinion of true faith, it is *Jihad*.²⁵

Therefore, if *jihad* is associated with the word *fi sabilillah*, it means to struggle or to fight in the way of Allah, a struggle which can be done by hand or oral means. The Islamic concept of *jihad* is understood merely as war activities as proposed by Western thinkers and some Muslim thinkers is erroneous. *Jihad* literally means earnest, therefore those who are earnestly striving in a beneficial cause are called mujtahid²⁶. *Jihad* carried out in any field, for example, studying and teaching earnestly. Scientific activity is also referred to as *jihad* in Allah's way. Therefore, the notion of *jihad* is very broad, ranging from seeking and teaching knowledge, earning a living, supporting a family, and so on.²⁷

The understanding of the Holy Prophet about *jihad* also revealed that combative jihad or war is just one of the various *Jihad* a Muslim can take part in. In fact, the Prophet in some instances, places more premium on some other acts of worship and good behaviors over the warfare *jihad*. For instance the prophet advised a companion to rather serve his parent instead of undertaking the warfare *Jihad*. The prophet noted that the service to parent is in his case more rewarding.

Therefore, from above explanation and in line with the authorities cited, the term *jihad* does not strictly mean war or to engage in war, it connotes performing all form of good deeds and striving in the way of Almighty Allah.

5. OBJECTIVES OF JIHAD

Human society always remains vulnerable to the emergence and spread of undesirable trends and activities that adversely affect the collective interests of human life, in this world and in the Hereafter. Islam, the religion of peace, prosperity and salvation, therefore, does not brook such things and enjoins positive efforts for ensuring the common good of all. For instance, when injustice, inequality, lawlessness and sedition break out, and the use of force becomes indispensable, *Jihad* is waged.

The purpose of *jihad* is to enable Muslims live in peace and help them achieve betterment in their worldly and religious affairs. However, it does not imply that *Jihad* is waged only for the benefit of the Muslims alone: in fact, the fruits of *Jihad*

²⁴ The hadith was reported by a number of compilers of hadith such as Abu Daud, At- Tirmidhi, and IbnMajah, on the authority of Abu Sa'id al-Khudri

²⁵Leitner G W, Misconceptions about the Islamic Concept of Jihad, aaiil.org, accessed 12 Nov. 2022

²⁶ A Latif and H S Muni ‘Terrorism and Jihad, An Islamic Perspective’, (2014) 2(1) Journal of Islamic Studies and Culture, American Research Institute for Policy Development, 69-80

²⁷ A Latif and H S Muni ‘Terrorism and Jihad, An Islamic Perspective’.

are guaranteed for humanity at large, irrespective of religious affiliations. As the Quran clarifies:

“Did not Allah check or repel one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure”.²⁸

As evident from this verse of the Holy Quran, it is evident that had the hand of the unjust and the miscreants not been stopped through *Jihad*, their criminal actions would not have spared places of worship of any community of believers. It has also been underscored that the worst form of sedition is to destroy places of worship.

6. PERMISSION TO FIGHT AGAINST AGGRESSION

While Islamic law permits defensive war against aggression, it condemned offensive war.²⁹ This would be clear if we cast our minds at the wars fought by the Prophet and the early Muslims. The permissibility of *Jihad* against aggressors can be gleaned from words of Allah when He says:

To those against whom war is made, permission is given (to fight), because they are wronged; and verily, Allah is most powerful for their aid;(They are) those who have been expelled from their homes in defiance of right, (for no cause) except that they say, “our Lord is Allah”. Did not Allah check one set of people by means of another, there would surely have been monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid his(cause);-for verily Allah is full of strength, Exalted in might, (able to enforce His Will).³⁰

Allah prescribed *Jihad* at the time, when the Makkah idolators went too extremes to persecute Muslims, to expel the Prophet and resolved to kill him; when they forced His companions into exile here and there, so that some went to Ethiopia and others later went to Al-Madinah then Allah prescribed combative *Jihad* vide the Ayah against the enemy. Hence *Jihad* is to defend oneself or one’s community or nation and to attack the aggressors and this is the view of all the four sunni school of thought.³¹

7. CONCEPT OF TERRORISM

According to Terrorism Prevention Act, terrorism is defined to mean an act which is deliberately done with malice, aforethought and which may seriously harm or damage a country or an international organization, and is intended or can reasonably be regarded as having been intended to either unduly compel a government or international organization to perform or abstain from performing any act, seriously

²⁸ Qur’an Chapter (Al-Hajj) 22: verse 40

²⁹ A H Bello, Concept of jihad and its nature in Islam, www.academia.edu, accessed 13 Nov. 2022

³⁰ Qur’an Chapter (Al-Hajj) 22:verses 39-40

³¹ Al-Mirghnani A A, *Al-Hidayyah, Sharih Bidayatul Mubtadi*

intimidate a population, destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization or otherwise influence such government or international organization by intimidation or coercion.³²

An act of terrorism involves or causes an attack upon a person's life which may cause serious bodily harm or death, kidnapping of a person, destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss, the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the aforementioned purposes

Furthermore, terrorism involves the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority, the release of dangerous substance or causing of fire, explosions or floods, the effect of which is to endanger human life, interference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life, an act or omission in or outside Nigeria which constitutes an offence within the scope of a counterterrorism protocols and conventions duly ratified by Nigeria”.

Terrorism has also been defined to mean an intentional form of violence that involves targeted attacks which are designed to intentionally scare, intimidate, to terrorize for a political or religion purposes.³³ Attacks are usually directed at immediate targets such as people, events, or institutions and a wider audience whom protagonists aim to intimidate, shock or threaten³⁴. By so doing, terrorists intend to arouse support for their political or religious discourse while undermining rival, usually dominant ideologies as part of an overarching strategy to win concessions or defeat the declared enemy. These forms of political or religious violence can be relatively inexpensive and undertaken by small number of activists. Hence acts of terrorism are considered to be a form of asymmetric warfare, committed by marginalized groups who often resort to such tactics because they lack more conventional resources and avenues for engagement. However, this opinion overlooks the strategic, clandestine use of violence by national governments or their complicit supporters.³⁵ Such government actions are usually classified under the reactive heading of counterterrorism.

Since September 11 2001, perceptions of terrorism have been dominated by impressions of contemporary ‘Islamic’ groups. Yet terrorism is a well-established

³²Terrorism (Prevention) Act, 2022, Laws of the Federation of Nigeria

³³S Vertigans, International Encyclopedia of the Social & Behavioral Sciences, (2nd edn, 2015) 237-243

³⁴S Vertigans, International Encyclopedia of the Social & Behavioral Sciences.

³⁵S Vertigans, International Encyclopedia of the Social & Behavioral Sciences.

strategy that has been implemented by groups across historical periods and ideological spectrum including religious ideologies.

The US and other Western countries in general claim that the perpetrators of the 9/11 attack were following the doctrine of *Jihad* in Islam in order to fight against America and its allies around the world. Since that time the doctrine of *jihad* serves as a common enemy to be fought with terror by America and its allies against some Islamic countries that are allegedly harboring terrorists.³⁶

8. OBJECTIVES OF TERRORISM

The objectives of terrorism include achievement of worldly political and other material gains which in turn may take the shape of geographical expansion, political influence, economic dividends, subjugating certain people or coercing them to serve as agents and proxies, gaining military supremacy or political sovereignty. If some misguided individuals and group misuse the concept of '*Jihad*' as a conduit for pursuing their extremist agenda, one must not be misled by their actions to confuse *Jihad* with terrorism. Whatever be the objective of an individuals or a group, if their actions are in conflict with the injunctions of Islam regarding *Jihad fi Sabilillah*, such would only qualify as acts of terrorism, plain and simple. The basic difference between the two sets of objectives is that in case of *Jihad*, the objectives are centered around elimination of social evils such as injustice, exploitation, lawlessness and sedition aggression, to mention but a few, while terrorism fosters these very evils. As such clearly, while *Jihad* is a virtue and a commendable concept, terrorism is essentially harmful for humanity.

Secondly, *Jihad* is never for man-made objectives and personal aggrandizement of whatever kind: it is solely launched for the supremacy of the Will of Allah in the form of Allah's commandments, enjoining the noble and forbidding the ignoble.

Thirdly, in case of terrorism, there is no limit, no restriction, no scruple, no discrimination between what is innocent and what is not: it is a brute application of pressure tactics, including the use of arms and torturous measures even against the innocent civilians. In case of Islam, these are neither allowed in theory, nor tolerated in practice. According to Islam combat-based *Jihad* is allowed only as a last resort in situations where any civilized culture or system in modern world would also allow such an option.

9. JIHAD AND TERRORISM; ANY NEXUS

As explained earlier on, *Jihad* and terrorism are essentially two divergent, mutually exclusive concepts. *Jihad* is primarily meant for the reformation of unhealthy trends and developments in society while terrorism leads to destruction and obliteration of the whole fabric of society.

³⁶Osama Bin-Laden, '*Jihad*, and the sources of international terrorism' (2003) 13(3) J.M.B Porter (Indiana International and comparative Law review, 884.

Terrorism involves calculated perpetration of crimes against humanity, including physical and mental torture of soldiers as well as non-combatant civilians, destruction of public and private property, and destroying civil and military infrastructure to instill fear and harassment among the masses. None of these things are brooked or characterized in *Jihad*. In fact, unlike terrorism, *Jihad* is never initiated for the fulfillment of : it aims only at the establishment of an social order in accordance with Allah’s commandments as revealed through his Messenger.

Jihad seeks to resist all those forces which destroy the peace and prosperity of in humane society, whether such forces operate apparently for political ascendancy or other material gains. There is nothing that narrows the gap between the two, no matter how one may try to drag the actions of a few misguided individuals and groups into the fold of *Jihad*. It would be highly unjust and misleading to equate the wrong actions of a few with the noble concept of *Jihad*. *Jihad* can and should be seen in the light of the teachings of Quran and Sunnah, and not on the basis of the actions of this or that outfit.

The list of terrorist groups wrongly claiming to be Muslim is shocking.³⁷ However, they are in stark contrast with the teachings of Islam and they cannot by any strength of imagination be deemed to be engaging in *Jihad*.

From the analysis above, some salient features of *Jihad* in accordance with Islamic Law includes:

- a. It must be defensive and not offensive

The terrorist claiming to be engaging in holy war worldwide cannot justified their action on this ground. None of these groups are persecuted, threatened, tortured and forced to move from their country and hometown for the sole reason of declaring that Allah is one or deprived right to freedom of religion as in the case of the Prophet and early Muslims. The absence of this condition makes their claim baseless and unsupported by Shari’ah.

The combative *Jihad* was authorized only after the Prophet migrated along with His followers from Makkah to Madinah, having being persecuted and finally expelled from their country running from persecution and inhuman torture. This is unlike what we see from the terrorist groups today.

- b. Permission must be given to engage in *Jihad*

³⁷ Palestine organizations: Abu Nidal Organization; Al-Aqsa Martyrs’ Brigade; Hamas; Palestinian Jihad (PIJ); Abu Sayyif (Philippines); Al-Qaeda; Islamic Armed Group (GIA; Algeria); Asbat al-Ansar (Lebanon), Gama’a al- Islamiyya (Egypt); Harakat al Mujahidin (HUM; Pakistan); Islamic Jihad Group (Egypt); Islamic Movement of Uzbekistan (IMU; Uzbekistan); Lashkare Tayyiba (LT), Lybian Islamic Fighting Group (GICM); Al-Qaeda; Salfist Group for Preaching and Combat (GSPC; Algeria); Tanzim Qaidam al- Jihad fi Bilad al- Rafidayn (Iraq). List of terrorist organization available at www.state.gov, accessed 13 Nov. 2023.

As evidenced from the history of the Prophet, the Prophet endured persecution of the Makkah idolaters for over thirteen years, He ran away from them in search for peace yet they ran after him.

Despite all these frustrations, the Prophet did not fight back the oppressors until he is permitted by Allah to so do³⁸ and none of the early Muslims engaged in any war except after declaration by the leader or by person in authority.

Again, the terrorist act of the mindless groups cannot be justified or equated with the concept of *Jihad* on this score. They are simply on their own frolic, astray and not within the instructions and teaching of Islam.

c. Recognized/ Sanctioned by Law

One of the fundamental objectives of Shari'ah is to preserve life³⁹ and does not in way favour illegal killing⁴⁰ or war except in accordance with Islamic Law. In fact, the advent of the Prophet and Islam put end to wars in the Arab peninsula and beyond. Thus, Islamic law does not sanction war barring in exceptional circumstances leading to untold hardships and deprivation one's freedom to worship Allah. As such, the terrorist act of groups claiming to be fighting in the course of Allah is not sanction by Shari'ah. In fact, it is strongly condemned.

d. Peaceful dealing with Non-Combatants

*Qur'an Chapter 60 Verse 8: "Allâh does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allâh loves those who deal with equity"*It was explained that, the above verse relates to how Muslims are expected to relate with the non-believers. The direction of the Qur'an is that it is not forbidden for Muslims to deal with people of other religion justly and kindly as Allah loves those who deal with equity. The occasion of the revelation of the verse was captured by Ibn Kathir as follows:

It is further narrated by Ahmad on the authority of Abdullah bin Zubair that once, Qutailah, the mother of Asma bint Abu Bakr came upon her daughter, with a gifts of mastigures and butter, and she was a pagan, so Asma refused to accept her gifts and admit her to her house. A'ishah asked the Messenger of Allah (may Allah be pleased with him), thereupon Almighty revealed: "As regards those who fight you not for (your) Faith nor drive you out of your homes, Allah forbids you not from dealing kindly and justly with them: for Allah loveth those who are just." On that

³⁸Qur'an Chapter (Baqara) 2:verse 256

³⁹J Auda, Maqasid al-Sharia as philosophy of Islamic Law: A systematic Approach, www.muslim-library.com , accessed 12 January. 2024

⁴⁰ Qur'an Chapter (An-Nisai) 4 : verse 93

the Messenger of Allah (P.B.U.H) ordered Asma (R.A.) to accept her gifts and admit her in her house."⁴¹

As afore-stated, *Jihad* and terrorism are two different concepts. *Jihad* is basically meant for the eradication of harmful trends and developing society, while terrorism directs to destruction of the people and society. Terrorism involves committing crimes against humanity with physical and mental torture of armed personnels as well as civilians, destruction of public and private properties and infrastructure to inject fear and harassment among the masses, while *Jihad* is against these things. In fact, *Jihad* is obligatory against such actions. Unlike terrorism, *Jihad* is never done to pursue worldly objectives: it aims only at the establishment of an order according to Allah's commandment. Nothing can fill the gap between two, no matter how one tries to portray actions of individuals and groups into *Jihad* as it is highly unjust and misleading to equate the wrong actions of a few with the noble concept of *Jihad*.

10. CONCLUSION AND FINDINGS

There is no iota of doubt that some groups of terrorists virtually in all continents claim to be fighting in the course of Allah. This claim is blatantly wrong as demonstrated above. The rule that *jihad* in the context of holy war is permitted must always be accompanied with caveat that it is only in exceptional circumstances as demonstrated in this paper.

A check into the principles of *Jihad* other relevant concept in Islam, revealed the weakness of the claim that terrorism gains inspiration and basis from *Jihad*. The research found that Islamic law creates a wide range of distance between its principles and practices from the heartless, mindless, illegal and destructive conduct encouraged by terrorism. Islam is a religion of peace and it condemns all forms of terrorist act.

⁴¹Al-Hafiz Ibn Kathir, *The Exegensis of the Grand Holy Qur'an* (Trans; M Mahdi al-Sharif) (Vol. 4 Dar Al-Kotob Al-Ilmiyah, 2006) 530-531