

Boko Haram Jihad Claim in Nigeria and the Sanctity of Life and Property in Islamic law

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Vol.2, Issue 2 | July 2019

KEYWORDS

Boko Haram, Jihad,
Maqāṣid al-sharī'ah, ,
Security of Life and
Property.

ABSTRACT

Like many countries, Nigeria faces serious acute security challenges due to heinous activities of the deadly group known as *Boko Haram* (lit. Western Education is Prohibited (*Haram*)). Right from her emergence till date, this militant group has been terrorizing lives and properties of innocent citizens of the country under the guise of *Jihad*. But, this *jihad* claim is baseless in the light of the group's wanton violation of life and property, the two of the five necessary human interests (*maqāṣid daruriyyah*) which the *Shari'ah* seeks to protect. Therefore, this paper studies the *Boko Haram Jihad* claim *viz-a-viz* her wanton violation of life and property which are regarded by the Islamic law as inalienable human rights as underscored in the theory of *maqāṣid al-sharī'ah* (Objectives of *Shari'ah*). Relevant materials were consulted in libraries to carry out the research. *Inter alia*, it becomes clear from the findings that the concept of *Jihad* is a sacred duty in Islam, but it has been abused by *Boko Haram* as evident in her unjustifiable violation of life and property of innocent citizens. This is against the principles of the Qur'an and the Sunnah, which the group always claims to defend. The paper argues that, while *Jihad* is sanctioned in Islam, it is guided by rules and regulations. Because life and property are sacrosanct in Islam and nothing can justify their violation as being perpetrated by *Boko Haram* in Nigeria. Hence, the group's *jihad* claim is far from the truth because her activities contradict the lofty objectives of Islamic law (*maqāṣid al-sharī'ah*) which seek to protect life and property etc. The paper recommends that groups and individuals must have proper understanding of Islam in order to propagate it correctly. Otherwise, the religion of peace would be mistaken for violence and terrorism. Also, the government of Nigeria should ensure fair hearing and justice in dealing with any insurgent groups. This is necessary in view of unfortunate extra-judicial killing of the *Boko Haram* leader which turned out to be a seed of violence in the northern part of the country.

Introduction

Nigeria is a multi-religious society where Muslims enjoy the same citizenship together with Christians

and Traditional worshippers. Predominantly, the northern part of the country can be regarded as the region of Muslims in Nigeria given their large population there. In the southern region, there are also Muslims albeit with a smaller population than the northern region. Over the years, the religion of Islam has been misrepresented by insurgent groups through their violent attacks on innocent citizens which include Muslims and non-Muslims. In the eighties, the violence was kick-started by Maitesini and the baton of violence was handed over to *Boko Haram* in 2009.ⁱ Like her predecessor, *Boko Haram* also operates in the north and unleashes terror on the innocent people under the guise of *Jihad* in order to defend Islam and establish an Islamic government. Despite their destruction of life and property, which contradicts the principles of Islam, many people still regard *Boko Haram* group as Islamic. As a consequence, the abuse of the concept of *Jihad* by these insurgent groups has portrayed Islam and Muslims in a bad light. However, the concept of *Jihad* is a genuine struggle by which justice and peace are restored in society. After any attack, media always reports that *Boko Haram* leadership has claimed the responsibility and audio and video clips to justify their claims go viral. With the exception of the discerning minds, many observers, among Muslims and non-Muslims alike, would readily believe these claims and regard the insurgent group as truly Islamic. But a right-thinking person cannot but wonder how and why the life of man has become so cheap to terminate by a so-called Muslim group despite the fact that life of man and his property are sacred in Islam, the very religion the insurgent group claims to represent and defend.

As a matter of fact, man is distinct among numerous creatures of the Supreme Creator, mainly because of his intellectual capacity with which Allah has endowed him. Thus, his life and property together with religion, intellect, and family have been consecrated in the Law of his Creator. These five values are necessary objectives (*maqasid daruriyyah*) which the Islamic law seeks to achieve through its various commands and prohibitions. They are rightly conceived under the theory of *maqāsid al-sharī'ah*. (objectives of Islamic law).

Against this background, this paper focuses on *Boko Haram*. The idea is to interrogate the *jihad* claims of the insurgent group in view of its wanton violation and destruction of life and property, which are parts of universal and necessary objectives of Islamic law. It shall be made clear that the group *jihad* claim is a far cry from what the concept stands for, namely justice and peace. More so, the indiscriminate destruction of life and property by the group is a convincing proof that it neither represents nor defends Islam. This is because the religion consecrates life and property and other human values namely religion, intellect, and family.

The paper starts by shedding the light on the emergence of *Boko Haram* insurgent group. This shall be followed by the concept of *Jihad* as well as the theory of *maqāsid al-sharī'ah*. under which the sanctity of life and property will be discussed. Then, the paper concludes with some recommendations.

Emergence of *Boko Haram*

Boko Haram is a household name in Nigeria for negative reasons. It is an insurgent group that claims to defend Islam through violence. The group's name is a combination of Arabic and Hausa languages which means 'western education (*Boko*) is prohibited (*Haram*). It is associated with violence and destruction of life and property of innocent Nigerians, irrespective of race religious and political affiliations. The emergence of this dreadful group can be discussed from two perspectives, namely as an ideological cum attitudinal trend and as a militant group. As an ideological cum attitudinal trend, the inception of *Boko Haram* could be traced back to the pre-independence period when the Northern people of Nigeria, who were/are mostly Muslims, stood against the British imperialists. They rejected everything about the colonial force including her system of education which was considered to be at variance with the Islamic system of education. Because of this, many parents refused to enrol their wards in the schools established by the British colonial masters. This negative attitude towards western education was premised on the belief that once a Muslim child studied in the western system of education he would be Christianized as a result. This belief was not unconnected with the fact that western education was introduced into Nigeria by Christian missionaries explicitly to promote literacy and implicitly to spread Christianity. In actual fact, historical evidence shows how many missionary schools used to discriminate against Muslim pupils and compel them to compromise their Islamic identity to embrace Christianity as a pre-condition for the acquisition of western education.ⁱⁱ In view of the inherent danger which the western education posed to their most cherished religion, i.e. Islam, many northerners, therefore, had the impression that: *Boko Haram* (western education is forbidden). As such, they preferred to enrol their wards into the traditional schools i.e. *Makaranta Allo* for religious education, where their Islamic identity would be secured. At that time, the concept was mainly a mere expression of extreme dislike for the western system of education which did not go beyond attitudinal trend.ⁱⁱⁱ In other words, the concept was not associated with violence of life and property at that material time.

However, the concept of *Boko Haram* assumed the militant status only in 2009. Reasons for this deadly graduation from a peaceful status to a violent one could be controversial. However, the unfortunate extra-judicial killing of the group leader, Muhammad

Yusuf in 2009 can be regarded as the immediate cause that triggered the present violent posture of the group. The group went beyond passive negative attitude towards western education to declare *jihad* against anything that has to do with western systems. It seeks to replace the western system of government, namely, democracy, with an Islamic system of government where the *Shari'ah* law would be fully implemented.^{iv} Till date, the group has carried out deadly attacks on the people of Nigeria with wanton loss of lives and properties. The worst-hit part of the country is the North-east, precisely Yobe, Maiduguri the birth place of the group.

It has, however, been observed that there are three types of *Boko Haram*, namely religious *Boko Haram*, criminal *Boko Haram* and political *Boko Haram*. The first type refers to the Muhammad Yusuf led group that is bent on challenging western heritage in Nigeria especially its education system, and anxious of establishing an Islamic state. The second type consists of miscreants and hoodlums who harass people and rob them of their valuables under the guise of *Boko Haram*. The third type is believed to be unscrupulous politicians that promote violence and unleash terror on innocent citizens to achieve political goals.^v

Thus, ever since her emergence, the *Boko Haram's* identity has remained ambiguous. But the first type of *Boko Haram* (the religious *Boko Haram*) seems to be widely, but wrongly accepted by the general public. This wrong identification of the group with Islam necessitates the study of sanctity of life and property in the religion with a view to exposing the falsehood embedded in the claim. Another reason for this paper is the group claim to be engaging in *Jihad* to defend the course of Allah. This claim has been given prominence especially by western elements with the ulterior motif of denigrating Islam and its principles such as *Jihad*. In fact, some researchers have wrongly considered *Boko Haram* so-called *Jihad* activity as being inspired by the one carried out by Shaykh Uthman Dan Fodio and his lieutenants in the 19th century.^{vi} But proper understanding of circumstances that surrounded the Shaykh Uthman *Jihad* and those of *Boko Haram* would definitely reveal a fundamental difference between both. Unlike the current senseless killings embarked upon by *Boko Haram* members, the *Jihad* spearheaded by Shaykh Uthman and his lieutenants was purposeful; it was meant to correct fundamental deviations from the mainstream religion as a result of syncretic practices by some so-called scholars. In view of the misconception of *Jihad*, this concept would be properly studied after which the sanctity of life and property as parts of higher objectives of Islamic law shall be discussed.

The Concept of *Jihad* in Islam

Members of *Boko Haram* group carry out their heinous atrocities that endanger life and property in the name of *jihad*. Owing to its wrong conception by both Muslims and non-Muslims, the concept of *Jihad* has thus been abused. However, conceptually, *Jihad* is a conscious and persistent struggle against one's soul and evil elements with the sincere objective of repulsing injustice and anarchy and promoting justice and stability in society.^{vii} This struggle could be both spiritual and physical, though, the concept is commonly but wrongly confined to the latter dimension of it. In the early period of Islam, the physical dimension of *Jihad* was undertaken by the pioneer Muslims under the command of Prophet Muhammad (*Ṣallallâhu 'alaihi wa Sallam*). It was precipitated by the persecution which they suffered at the hand of unbelievers in Makkah for thirteen years without retaliation. When the persecution became tense and unbearable, the Prophet was divinely commanded to migrate with his followers from Makkah, their birthplace, to Madinah. This migration was a huge sacrifice which the Prophet had to make to allow for peace and forestall possible confrontation between his followers and idol worshippers which could lead to a deadly civil war amongst people of the same tribe. When they arrived in Madinah, they were received warmly by the *Ansar*, the helpers in Madinah who unanimously agreed to Prophet Muhammad's leadership. But despite this forced migration, the idol worshippers of Makkah were still not comfortable as they planned to attack the nascent Muslim community in Madinah. To this offensive attack, the Muslim community was left with no less option than to brace up for a defensive struggle, namely *Jihad*, to repel injustice and chaos and establish justice and peace in the Arabian Peninsula. Throughout his ten years stay in Madinah, the Prophet and his committed followers were forced by aggressive attacks of the unbelievers to undertake such defensive struggles intermittently. The lofty objective of those struggles can only be appreciated when circumstances leading to them are well studied and understood. Therefore, against the widely held wrong belief, *Jihad* does not suggest "holy war" fought with the ulterior motive, namely to exterminate non-Muslims just on account of their belief system which is different from Islam. As a matter of principle in Islam, a mere difference in belief is not a ground to wage war against non-Muslims who are at peace with Muslims. In fact, Muslims are allowed to enjoy a cordial relationship with friendly and peaceful non-Muslims. This is an important principle of *Jihad* which was laid down in the Qur'an and was sincerely applied by the Prophet in his relation with non-Muslims both in Makkah and Madinah. Allah says:

Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you

show them kindness and deal with them justly; surely Allah loves the doers of justice. Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the unjust. (*Mumtahanah*: 8-9)

On the other hand, the spiritual dimension of *Jihad* is a sustained internal struggle by Muslim to overpower his soul to make it subservient to the worship of the Almighty Allah. This internal type of *Jihad* which is largely spiritual in nature is more difficult and demanding than the external type which is physical struggle.^{viii} According to Imam Ghazali, the difficulty in the struggle against self (i.e. spiritual type of *Jihad*) is due to two factors; one, because the soul against which one must struggle resides in one's body; two, it is dear to self.^{ix} Yet one must take control over it lest it misleads. Also, Muslims engagement in the spiritual struggle against self is more recurrent than the physical one. For instance, a Muslim while fasting is embarking on a sustained struggle against his soul as he must avoid lawful things such as food, drinks, and sexual affairs with his spouse from sunrise to sunset. Likewise, he must strive to avoid all temptations which could dissuade him from observing the canonical prayers five times a day. Also, to pay Zakah and observe *Ṣawm* (fasting), he must 'fight' his soul which might harbour greed that could dissuade him from giving Zakah to the poor and other beneficiaries. Finally, to perform pilgrimage, he must prevail over his soul which could be making the spiritual journey appear to him risky and costly. Without exception, all acts of worship involve consistent struggle against self (*jihad*) in order to be able to carry them out as expected.

Moreover, the physical dimension of *Jihad* is governed and regulated by a number of principles whenever it becomes necessary. This type of *jihad* may not be embarked upon in an arbitrary manner. As a matter of principle, its necessity should be determined by a constituted authority as the last option. Then, vulnerable members of society like old people, women, and children must be spared. Likewise, trees, places of worship such as churches, synagogues, and monasteries must not be attacked.^x Above all, it must not be carried out to promote mischief and injustice in the land.

It is obvious from reported cases that the *Boko Haram* "*jihad*" is fundamentally flawed. Members of this group carry out attacks indiscriminately against Muslims and non-Muslims. Also, places of worship like churches and mosques and public places such as hospitals and police stations are not spared. In fact,

camps built for Internally Displaced People (IDP) are not immune to *Boko Haram* attacks. More absurd is the fact that old people, women, children, and physically challenged persons have fallen victims to *Boko Haram* attacks. These absurd attacks are reported on the pages of the dailies locally and nationally. Perhaps, the most inhuman onslaught of *Boko Haram* was the abduction in 2014 March, of over 200 schoolgirls in a boarding school located in Chibok. The government has been able to secure the release of some of the captives, yet, the majority of them are still in captivity. Four years after this, on February 19, 2018, a large number of school girls of Government Girl's Science and Technical College were equally abducted in Dapchi located in Bulabulin Local Government Area of Yobe State. Also, in January 2016, 85 people were reportedly killed by *Boko Haram* members in three villages Dalori, Walori, and Kofa in Maiduguri. Among the victims were women and children while over 100 people were also injured in the same attack. Sad enough, the assailants reportedly set ablaze about 300 houses after carting away livestock and food items.^{xi} On the 15th of February 2016, an old woman was killed when the room she was sleeping was reportedly set ablaze by *Boko Haram* militants in Madagali village of Adamawa.^{xii} On February 26, 2016, it was reported that Gambo Lawan, a 12-year-old, lost his limb to deadly *Boko Haram* bombing in Maiduguri.^{xiii}

Given the above, one is clear that the *Boko Haram* group contradicts the teachings of Islam, and as such, it cannot claim to represent Islam. Their conception and application of *Jihad* are faulty and erroneous. Rather than ensuring peace and stability, justice and fairness, the *jihad* of *Boko Haram* promotes instability, injustice, and chaos.

It is no gainsaying that these *Boko Haram* attacks have devastating effects on life and property of innocent people who have committed no wrong at all. Despite the fact that life and property are sacred values which are jealously protected in Islamic law, the very divine legal system whose implementation the group claims to aspire. In the following paragraphs, life and property shall be discussed as parts of five fundamental values thus protected in Islamic law through the theory of *maqāṣid al-sharī'ah*.

The theory of *Maqāṣid al-Sharī'ah* (Objectives of Islamic Law)

Sharī'ah is a divine legal system which regulates the mundane and spiritual activities of Muslims. Both the Qur'an and the Sunnah (Prophetic traditions) serve as its primary sources, while Allah is the Supreme Lawgiver. Given its divine nature, *Sharī'ah* is free from errors and inconsistencies which affect all man-made laws. It is a purpose-oriented legal system.

This purposefulness of the law is the main thrust of the theory of *maqāṣid al-sharī'ah*. The theory has been defined by different scholars in various ways. For instance, according to al-Fasi, it is "the ultimate purposes (of *sharī'ah*) and secrets put by the Lawgiver behind every rule of Islamic law".^{xiv} On his part, al-Raysuni explained the theory as "the ultimate purposes laid down by the Lawgiver for the benefit of mankind".^{xv} Still, Muhammad al-Yubi has defined it as "meanings and wisdoms considered by the Lawgiver in the legislation generally and particularly with the purpose of realizing human benefits".^{xvi}

Despite the difference in expressions, all the above definitions explain the theory of *maqāṣid al-sharī'ah* in terms of objectives, purposes, secrets or goals that lie behind every command and prohibition by the Lawgiver. These objectives are characterized with *maṣlaḥah* which presupposes the realization of benefits and repulsion of harms, all for the benefit of mankind.

Importantly, according to many classical jurists such as al-Juwayni, al-Ghazali, and al-Shatibi, life and property are among five higher objectives of Islamic law; others include religion, intellect, and progeny.^{xvii} These five objectives come under the category of *daruri* which is the first among the three categories of *maqāṣid al-sharī'ah*. The second and third categories, namely *haji* and *tahsini* are fundamentally inferior to the category of *daruri*, principally because the latter has to do with those five things which are considered as necessary universals (*al-kulliyah al-daruriyyah*) of humanity. This submission was an outcome of a comprehensive inductive study of the primary as well as secondary sources of Islamic law. What lends credence to the primacy of these five rights is the fact that upon violation of any of them, the Lawgiver has sanctioned *hadd* punishment against the culprit.^{xviii} And no other rights are given similar protection and recognition in Islamic law. In addition to this, experience has shown that these five rights constitute the basic interests of every human being.^{xix}

Sanctity of Life in Islamic law

Basically, human life is composed of two major elements: body and soul. The latter is spiritual in nature while the former is material and each has a peculiar value and function. These two elements must be protected and preserved if a meaningful life is to be realized. The protection and preservation of either element must not be at the expense of its counterpart. In Islam, body - though a material entity - is not to be subjected or exposed to danger. Neither is it acceptable for one to be totally preoccupied with the body while being neglectful of or indifferent about the soul. To ensure smooth interplay,

equilibrium must be maintained between both. This explains why the Sharī'ah has laid down various rules and regulations with the sole purpose of ensuring a harmonious relationship between body and soul for the overall good of human life.

Therefore, as an amalgam of soul and body, human life is generally regarded by Islamic law as sacred and inviolable.^{xx} It is a grievous sin to terminate human soul without legal justification. According to Allah (SWT), termination of human life without legal justification is akin to killing the entire human race.^{xxi} In addition, the Prophet (SAW) has described blood as one of the three inviolable rights belonging to every individual, which must not be abused.^{xxii} More so, infanticide, that is, the barbaric act of burying the female child alive which was prevalent during the period preceding the advent of Prophet Muḥammad (SAW) has been utterly condemned in Islam.^{xxiii} Likewise, euthanasia and suicide^{xxiv} practices are against the sanctity and inviolability of life as enshrined in the Sharī'ah.

The more practical and stringent measure taken by the Sharī'ah to safeguard human life against violation and abuse is the prescription of capital punishments against homicide and bodily harm (i.e. *jināyāt*). In Islamic penal system, there are five types of homicide, namely: intentional or premeditated homicide (*qatl'amd*), quasi-intentional killing (*shibh'amd*), accidental killing (*khata'*), what is considered to be like the third type (*mā jarā majrā al-khata'*), and indirect killing (*al-qatl bi al-tasabbub*). In each case, specific punishments should be carried out on the offenders, with the first one attracting the severest form of penalty. If the murder has been proved beyond all doubts to be of a premeditated type, the murderer faces retribution punishment (*qiṣāṣ*) or compensation (*diyāh*).^{xxv} In the case of bodily harm, however, the victim will be given two options, namely, retaliation or financial compensation (*arsh*).^{xxvi} These measures serve as punitive for the offender as well as a deterrent for everyone in society.

As a final point, human life is so precious in the estimate of the Sharī'ah that in extreme cases (i.e. *ḍarūrah*,^{xxvii} when his life is at risk), man is allowed to eat or drink forbidden types of food or medications and to wear what is considered by the *Shari'ah* to be unlawful if doing otherwise would lead to his death. In fact, he is also allowed to utter words of disbelief under duress when faced with a death threat. But while making such disbelief statement, his conviction must be intact, unshaken.^{xxviii} This legal license (*rukhsah*) of allowing what is otherwise prohibited has given rise to a popular principle in Islamic jurisprudence to the effect that: Necessity renders unlawful things permissible (*al-ḍarūrāt tubīḥ al-maḥzūrāt*). Nonetheless, scholars have stipulated conditions that regulate this legal license in order to avoid abuse. That is, the principle of necessity may

not be invoked arbitrarily without considering the following: the threat to his person must be real and imminent; he must have exhausted all lawful means with no avail before resorting to legal license; hunger, thirst, and sickness must have been confirmed to be very terrible and unbearable before unlawful food, drink and medication can be taken. Finally, under such extraordinary circumstance, man is permitted to consume non-halal food, drinks, and drugs only the minimum amount that will sustain him to remain alive.^{xxxix} All these provisions are to ensure the protection of human life against destruction.

Sanctity of Property in Islamic law

Property or money is regarded in Islam as a material necessity for man with which to meet his insatiable needs. Clothing, shelter, and food are essential needs for human survival and sustenance. Generally, the word “money” is used to denote gold and silver and property owned by individuals. For the Arabs, money is the translation of *mal* in Arabic and it refers to camel mainly due to the fact that it is the most common livestock in their region. In the modern day, however, currency, paper money or gold and silver readily come to mind when the word “money” is mentioned.^{xxx} But, in broader Islamic parlance, money entails material wealth that includes fertile land and everything that grows on it like crops and trees, as well as animals that feed on it. It also denotes all kinds of property that can be purchased and acquired.^{xxxi}

Acquisition of money in this broader sense is among fundamental human rights which the Shari‘ah has granted every human being. It must be earned however through legitimate means in accordance with the dictates of the Lawgiver. To this end, the Islamic law has approved various financial transactions and contracts among people in order to ensure even circulation of money. Trade and commerce, rent, lending, gift, endowment are some financial transactions through which money can be circulated. These transactions are regulated so that injustice and mischief can be checked. Nevertheless, transactions in forbidden things like swine, blood, and alcohol are utterly against the Islamic principles. Likewise, uncertainty in the contractual transactions (*gharar*) and usury (*ribā*) are unlawful according to Islamic law, just as dubious means of earning money e.g. forgery, fraud, etc. are also forbidden. In essence, Islam decrees that money must be earned through various lawful financial transactions as mentioned above. In addition, taking possession of property that belongs to others unduly contradicts the Shari‘ah principle of justice and equity. This explains why theft has been forbidden and amputation as a punitive measure has been sanctioned against a thief.^{xxxii} In the same vein, banditry, robbery, and

property vandalization are all forbidden as far as Islamic law is concerned.

Not only did the *Shari‘ah* prohibit unlawful possession of other people’s properties, it also prohibits individuals against abusing or squandering their properties. In a Qur’anic passage^{xxxiii}, Allah has regarded those who spend their money in an extravagant manner as ‘brothers’ of the Satans, whom have been severely cursed.

Islam places a high premium on the sanctity of property even at the time of war. As highlighted above, among the ethics of *Jihad* according to the Prophet is that property of the opponent such as farmland, worship buildings, and livestock should not be destroyed.

Conclusion

The paper has discussed *Boko Haram*, a dreadful insurgent group that has been terrorizing Nigeria since 2009. Till date, it is responsible for the destruction of lives and property of many innocent citizens-Muslims and non-Muslims. The group abhors western education and civilization generally, hence the name *Boko Haram* which literally means *Western Education is Prohibited*. To justify their violence, members of the group claims to be carrying out *Jihad* with a view to establishing an Islamic state. The inherent fallacy in this claim has been exposed through the explanation of the concept of *Jihad* which is all about the restoration of justice and peace as against injustice and instability which the group has been perpetrating in the land. Also, the destruction of life and property by the group is but a clear indication which has shown that it does not represent Islam in any way. This is because, both life and property- of Muslims and non-Muslims alike- are sacred in Islam, together with religion, intellect, and family which are five fundamental human values that the divine legal system seeks to protect against violation and abuse. This clarification is inevitable in order to debunk the group’s claim of defending Islam which might be readily accepted by the gullible minds among Muslims and non-Muslims, on the basis of which they might see Islam as the religion of terrorism.

It is important to conclude that Islam is a religion of peace and justice. But unfortunately, more often than not, many groups that claim to belong to and defend Islam are far removed from the very ethos of the religion. This is because of their ignorance of the religion and some of its important principles and concepts such as *jihad*. Inevitably, their lack of understanding of this and other concepts leads them

to misapplication of such, as a result of which they present Islam in a bad light. Therefore, a proper understanding of Islam, as well as its practice by the Prophet and his companions is the key to its correct representation, especially in the contemporary period. With this elucidation, observers and analysts should know that Islam as a religion is better understood, not through actions of its adherents in most cases, but through its very sources including the Qur'an and the practical life of the Prophet.

As observed earlier, the upsurge of *Boko Haram* was largely provoked by the extrajudicial killing of its leader Muhammad Yusuf in 2009 right inside the custody of the security personnel. Having arrested the man, a reasonable decision would have been to give him fair hearing in the court of law. This would have allowed him to defend himself and the government would have been justified to take any action afterward if it could establish, beyond reasonable doubt, the allegations levelled against him. This unjust act of the security apparatus must be probed by the government in the spirit of justice. When those behind it are brought to the book, a similar arbitrary measure would not recur in the future. And the nation would be saved of unnecessary killing of innocent life and destruction of property.

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17. Gamal Eldin Attia, *Towards Realization of the Higher Intents of Islamic Law: Maqāṣid al-Sharī'ah A Functional Approach*, (Herndon: International Institute of Islamic Thought, 1431/2010), pp.16-20

^{xviii}, For instance, concerning violation of sanctity of life, see Q5: 45

19. Kamali, Hashim Mohammad, *Principles of Islamic Jurisprudence*, (Malaysia: Ilmiah Publishers, 2009), p. 40
20. See Q17:33 "Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law)"
21. Consider for instance, Q5:32 "On that account: We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our apostles with clear signs, yet, even after that, many of them continued to commit excesses in the land"
22. The Ḥadīth goes thus: "everything about a Muslim may not be violated by a fellow: his blood, dignity, and property" al-Bukhārī, Abū'Abdullah Muḥammad bn Ismā'īl, *Ṣaḥīḥ al-Bukhārī: al-Jāmi' al-Ṣaḥīḥ al-Mukhtaṣar*, ed. Muṣṭafā Dīn al-Bugā, (Beirut: Dār Ibn al-Kathīr, 1987, 2ndedn.), vol.1, p.37.
23. Consider Q17:31 " Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin".
24. Euthanasia is the practice of killing without pain a person who is suffering from a disease that cannot be cured, while suicide is the act of killing yourself deliberately. Both acts are forbidden in Islam based on Q4:29-30 "O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful! If any do that in rancour and injustice,- soon shall We cast them into the Fire: And easy it is for Allah". and Q2:195 "And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction; but do good; for Allah loveth those who do good".
25. The word *diyah* is usually, but wrongly, translated as 'blood money'. This is incorrect. In the Oxford English Dictionary, 'blood money' means 'a reward for bringing about the death of another'. As such the word 'compensation' is more appropriate. See Muhammad Abdel Haleem, 'Compensation for Homicide in Islamic Sharī'a', in *Criminal Justice in Islam: Judicial Procedure in the Sharī'a*, ed. Muhammad Abdel Haleem, et al, (London-New York: I.B. Tauris, 2003) p. 100
26. Hallaq, B. Wael, *Sharī'ah: Theory- Practice-Transformation*, (New York: Cambridge University Press, 2009), p. 320-322
27. Consider for instance Q2:173 "But if one is forced by necessity, without wilful disobedience, nor transgressing due limits,- then is he guiltless. For Allah is Oft-forgiving Most Merciful".
28. Q16:106 "Anyone who, after accepting faith in Allah, utters Unbelief,- except under compulsion, his heart remaining firm in Faith - but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty". Ibn'Abbās reported that this verse was revealed with respect to 'Ammār IbnYāsir who was forced by the infidels to utter words of belief. When he informed the Prophet (SAW) of the incident, he assured him that there was no problem about his faith as long as his conviction was intact in his heart. See IbnKathīr, *Tafsīr al-Qur'ān al-'Aẓīm*, p. 358
29. Al-Zuhaylī, Wahbah, *Nazariyyah al-Ḍarūrah al-Shar'iyyah: Muqāranatanma' al-Qānūn al-Waḍ'ī*, (Beirut: Dār al-Fikr al-Mu'āshir and Damascus: Dār al-Fikr, 4thedn., 1997), pp. 65-68.
30. Al-Kibiyy, Sa'd al-Din Muhammad, *al-Mu'āmalāt al-Māliyah al-Mu'āshirah*, (Beirut-Damascus-Oman: al-Maktab al-Islāmī, 1423 / 2002), p.15
31. Ammarah, Muhammad, *Qāmūs al-Muṣṭalaḥāt al-Iqtisādiyyah fi al-Ḥaḍarah al-Islāmiyyah*, (Beirut- Cairo: Dār al-Shurūq, 1413/1993), p. 503
32. This is according to Q5:38 "As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power"

- 33.** See Q 17: 26-27“...but squander not (your wealth) In the manner of a spendthrift. Verily spendthrifts are brothers of the evil ones; and the evil one is to His Lord (himself) ungrateful”.