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AN ANALYSIS OF THE CHARTER OF FREEDOM: MODERN MISCONCEPTION OF TERRORISM AND JIHAD

by

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Abstract

Since time immemorial, the struggle for power through terror has been a very far reaching weapon used by humans against another. The foundation of every organised society in history has always been through the use of fear and terror but on September 11th, 2001 (popularly called the 9/11 incident); this general perception became attributed to the Islamic religion and its adherents. In contrast to this perception of Islam as a religion that solidly supports terrorism, Islam is a religion deeply rooted in peaceful co-existence and deep consideration of human welfare. The widely disconcerted concept in Islam which critics have seen as akin to terrorism is Jihad. Jihad is thus seen as a concept that has gone through series of misconceptions not only from the perspective of non-Muslims but from the Muslims alike. Although a lot of articles have been written on Jihad and Terrorism, this article will attempt to discuss these concepts in line with the Charter of Medina which is the covenant of the prophet with the people of the Book serving as an authority for peaceful co-existence amongst Muslims and other faith

Keywords: *Jihad, Terrorism, Islam, Charter of Madinah*

Introduction

In the contemporary 21st century, in the international sphere, Every Muslim is seen as a Terrorist and Every Terrorist is seen as a Muslim. This is as a result of the actions of some major terrorists groups who disguise in the name of the Islamic religion, use of the language and dressing attributed to Islam and claiming of basis in the textual holy books.¹ This modern terrorism has been the lens through which Islam is viewed thus making it difficult to distinguish Islam

¹ The widely known terrorist sects include Al-Qaeda, ISIS, Boko Haram and the likes. These sects have carried out various attacks ranging from the 9/11 attack on the United States in 2001, the Nyanya bombing in Nigeria in 2014 < <http://www.vanguardngr.com/2014/04/100-perish-motor-park-bombing/> > accessed on 3rd January, 2017, Brussels bomb blast in Belgium < <http://www.bbc.com/news/world-europe-35869254> > (accessed on 3rd January, 2017) and many others.

from terrorism.² More importantly, the term 'jihad' has been equated with terrorism in the non Muslim world³.

This situation has gotten to a really hilarious stage whereby upon discovery of a person's identity as a Muslim in social spheres or intellectual discussions based on religious issues, the question usually tossed at Muslims, either directly in form of verbal attack or indirectly, is 'why are Muslims terrorists or why do Muslims kill'⁴ not 'whether or not terrorists are Muslims'.

Is Jihad the same as terrorism? Are there any differences between Jihad and Terrorism? Does Islam recommend Terrorism? Is there any indication in the Quran or the Hadith of the Prophet that recommends such cruel actions? These are the questions that need to be asked and answered in an unbiased and rational way before the categorical tagging of Islam and Muslims as a religion of terror and terrorist respectively.

Objectives of Study

This work is aimed at examining the position of the Shari'ah on terrorism and jihad and to evaluate the nature of permissibility attached to jihad (in the war sense). It also aims at identifying the areas of misconception of jihad as terrorism and vice-versa. The aim is to discuss the concepts in line with the Freedom Charter of Medina.

² According to an online book titled: 'Muhammad, Islam and Terrorism' written on www.muhammadanism.org dated 19th April, 2005 stated that "terrorism is (sic) based on what Muhammad taught and did" and succinctly, convincingly and emphatically concluded that Islam is terrorist religion and Muhammad(SAW) is a terrorist. A misunderstanding of Islam in the West has put it in a very bad light which has become a herculean task to correct due to a lot of the modern representation of what Islam is and not what Islam ought to be. One of the reasons for the synonymous attach of terrorism to Islam is also because of the incessant and continuous loud media reports on the issue.

³ Abul A'la Maududi, 'Jihad In Islam', The Holy Koran Publishing House, Beirut, Lebanon; Owoade A.A and Badr M.B., An Appraisal of Jihad under Islamic International Law

⁴ Stereotypes are perpetuated in every form of the media accompanied by gross misinformation about Islam and Muslims. This misinformation often leads to discrimination and acts of violence against Muslims. An apposite description can be seen in a description by Dr Nazir Naik in his book 'Islam and Terrorism' which states 'A case in point is the anti-Muslim campaign in the American media following the Oklahoma bomb blast, where the press was quick to declare a 'Middle Eastern conspiracy' behind the attack. The culprit was later identified as a soldier from the American Armed Forces.' <https://d1.islamhouse.com/data/en/ih_articles/single/en_Islam_and_Terrorism.pdf> accessed on 14th February, 2017.

LITERATURE REVIEW

The concept of terrorism and jihad upon which the substance of this project is premised is a trending topic of discuss in the international/ Islamic international world which has attracted the interest of different scholars who have dabbled in this field in discourse and have written on it either in the defensive or the offensive technique. However, it is noticed that in this diverse exertion of academic prowess, there is actually no write-ups in the concepts analysis with the Freedom Charter of Medina. This study will be filling this gap in the literature.

The Concept of Jihad

The word Jihad is derived from Jahada which connotes to strive, struggle or exertion or power. From this word is Mujahida which means the exertion of one's power in repelling the enemy⁵ while a Mujahid means the person who involves in Jihad for the sake of Allah in compliance to the Quran, Sunnah and principles of Islamic law.

The common English translation for Jihad is 'the Holy war'. It can be expressed as exerting one's utmost endeavour in promoting a cause⁶. Though this is not a restricted meaning as striving to establish justice or acquisition of knowledge would also be seen as jihad. One of the instances where the Quran used Jihad is: "...Those who strive (Jaahada) for Us, We guide them in our ways..."⁷

The prophet (SAW) is reported to have said: "The best Jihad is speaking a word of justice to a tyrannical ruler"⁸.

However, Jihad in Islam has to be for the cause of God else it will not be admissible nor accepted from the Mujahid i.e. It must be done according to Islamic tenets and basic principles of Islamic law. This evidence for this is found in the Quran where Allah (SWT) said: "The believers fight in the way of God and the unbelievers fight in the way of Taghut (Devil)"⁹.

It was also reported that an individual enquired from the Holy prophet (PBUH):

⁵ Khadduri M., War and Peace in the Law of Islam, (The Lawbook Exchange Ltd, New Jersey, 2006) p. 55

⁶ Asma Afsaruddin, Striving in the path of God, Jihad and martyrdom in Islamic Thought, Oxford University Press, 2013 pg. 210

⁷ Quran 22 verse 69

⁸ Abu Dawud, Sunan Abu Dawud (Muassasat al-kitab al-Thaqafiyyah, Beirut, 1408/1988, vol. 1), p. 712, Hadith 2332.

⁹ Quran 4 verse 76

What does the 'war to the cause of Allah imply? A man fights to obtain goods, another engages in battle to secure a reputation for valour. A third fights to wreak vengeance upon the other or is impelled to fight for national honour, who among these men is a fighter in the way of God?' The Holy Prophet answered: 'none, only he who fights in the way of the Lord who holds no other purpose than the glorification of God'.^{10]}

In a lecture, the word 'Jihad' was given the following description from the views of a non-Muslim:

The word 'jihad' conjures up the vision of a marching band of religious fanatics with savage beards and fiery eyes brandishing drawn swords and attacking the infidels wherever they meet them and pressing them under the edge of the sword for the recital of *Kalima*. The Artists have drawn this picture with masterly strokes and have inscribed these words under it in bold letters: 'The History of this Nation is a tale of Bloodshed'.¹¹

This illustration has led to the calling of Muslims as fundamentalists or extremists. The above quotation is simply a pure misrepresentation and basic misconception of what Jihad stands for in Islam. Though, Jihad involves war or attribute of attack but this is only resorted to in self-defence¹² but, this holy war has been renounced for the sake of the Christians i.e. people of the book based on the covenant of the prophet in the Freedom Charter of Medina.¹³

The Concept of Terrorism

The root word for terrorism is *Terrere* which means "to make tremble" in Latin. Great empires, nations and despotic society's history's fabric are rooted in terror example of which includes the first Mesopotamian Empire, Sargon of Akkad, the antiquity's first military empire, the Assyrian, whose brutal methods of retaliation were intended to crush spirits and break the will of man.¹⁴ Terrorism features individuals or groups carrying out violence directed

¹⁰ Maududi A.A., Jihad in Islam, Address delivered on Iqbal Day, on April 13, 1939, at the Town Hall, Lahore, The Holy Koran Publishing House, Beirut, Lebanon

¹¹ *Ibid.*

¹² And fight against the Mushrikun (polytheists, pagans, idolaters, disbelievers in the Oneness of Allah) collectively as they fight against you collectively. But know that Allah is with those who are Al-Muttaqun (the pious). (9:36)

¹³ The Freedom Charter of Medina from Makkatibul Rasul- prophet's letters)

¹⁴ The History of Terrorism From Antiquity to Al-Qaeda, Edited by Gérard Chaliand and Arnaud Blin Translated by Edward Schneider, Kathryn Pulver, and Jesse Browne, University of California Press.

against the public or civilians. It has the effect of spreading sudden fear preventing people from taking any safekeeping measures against health, physical or property damage. This dastardly act may be overt or covert including serial murders, burnings, bombings, maiming etc.¹⁵ Also; it is an age-long tactic of demanding for the doing of an act through violent or extreme means.

It may also be defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population or any segment thereof, in furtherance of political or social objectives.¹⁶

In essence, terrorism is the illegal and violent use of force and threat against a legally constituted government, the civilians or the public at large for the purpose of achieving a particular goal which may either be political, cultural or religious.

The Covenant of Muhammad

The charter of Medina is also known as the *Ashtiname*¹⁷ of Muhammad. It is a document which is a charter or writ ratified by the Islamic prophet Muhammad granting protection and other privileges to the Christian monks of Saint Catherine's Monastery and sealed with an imprint representing Muhammad's hand¹⁸.

This covenant has been described as a great charter unprecedented in the history of mankind and can be seen as a perfect illustration of the Islamic position on the concept of law and peace.¹⁹

¹⁵ Oladosu A.A. (PhD), Confronting the Challenges of Terrorism in Nigeria: Law and Religion to the Rescue?, Keypoints presented to the 6th Annual National Conference of MULAN, 9th Sha'aban 1433/29th June 2012

¹⁶ FBI, Quoted in teaching guide on International terrorism: Definitions, causes and responses. www.usip.com p. 8; this means that terrorism is mass violence to innocent people to gain goals that are political (Government wanting power), religious (Religion wanting followers).

¹⁷ *Āshtīnāmeḥ* is a Persian word meaning "Book of Peace", a Persian term for a treaty and covenant.

¹⁸ Ratliff, "The monastery of Saint Catherine at Mount Sinai and the Christian communities of the Caliphate."

¹⁹ In the Makkatibul Rasul, the preamble to the covenant states: this was the great charter of freedom given to Christians by the only founder of Islam. The monumental peace is unprecedented in the History of mankind and is an epitome of the empire spirit of the Islamic concept of peace and tolerance; Dehghani, M., '*Āshtīnāmeḥ*' va '*Tovāreh*', do

Content of the Covenant

This covenant in its original form was written in Arabic and has been translated to different Languages²⁰. This is the English Translation of the *Ashtiname* by Anton F. Haddad which states:

This is a letter which was issued by Mohammed, Ibn Abdullah, the Messenger, the Prophet, and the Faithful, who is sent to all the people as a trust on the part of God to all His creatures, that they may have no plea against God hereafter. Verily God is the Mighty, the Wise. This letter is directed to the embracers of Islam, as a covenant given to the followers of Jesus the Nazarene in the East and West, the far and near, the Arabs and foreigners, the known and the unknown.

This letter contains the oath given unto them, and he who disobeys that which is therein will be considered a disobeyer and a transgressor to that whereunto he is commanded. He will be regarded as one who has corrupted the oath of God, disbelieved His Testament, rejected His Authority, despised His Religion, and made himself deserving of His Curse, whether he is a Sultan or any other believer of Islam. Whenever Christian monks, devotees and pilgrims gather together, whether in a mountain or valley, or den, or frequented place, or plain, or church, or in houses of worship, verily we are [at the] back of them and shall protect them, and their properties and their morals, by Myself, by My Friends and by My Assistants, for they are of My Subjects and under My Protection.

I shall exempt them from that which may disturb them; of the burdens which are paid by others as an oath of allegiance. They must not give anything of their income but that which pleases them—they must not be offended, or disturbed, or coerced or compelled. Their judges should not be changed or prevented from accomplishing their offices, nor the monks disturbed in exercising their religious order, or the people of seclusion be stopped from dwelling in their cells.

No one is allowed to plunder these Christians, or destroy or spoil any of their churches, or houses of worship, or take any of the things contained within these houses and bring it to the houses of Islam. And he, who takes away anything there from, will be one who has corrupted the oath of God, and, in truth, disobeyed His Messenger.

Jizya should not be put upon their judges, monks, and those whose occupation is the worship of God; nor is any other thing to be taken from them, whether it be a fine, a tax or any unjust right. Verily I shall keep their compact, wherever they may be, in the

²⁰ *loghat-e mahjur-e Fārsi dar kuh-e sinā Archived* August 11, 2014, at the *Wayback Machine*. In 'Ayandeh' magazine. 1368 HŠ. p. 584.

For other translations of the *Ashtiname*, including the lists of witnesses, refer to *The Covenants of the Prophet Muhammad with the Christians of the World* (Angelico Press / Sophia Perennis, 2013) by Dr. John Andrew Morrow

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the sea or on the land, in the East or West, in the North or South, for they are under My Protection and the testament of My Safety, against all things which they abhor.

No taxes or tithes should be received from those who devote themselves to the worship of God in the mountains, or from those who cultivate the Holy Lands. No one has the right to interfere with their affairs, or bring any action against them. Verily this is for aught else and not for them; rather, in the seasons of crops, they should be given a Kadah for each Ardab of wheat (about five bushels and a half) as provision for them, and no one has the right to say to them this is too much, or ask them to pay any tax.

As to those who possess properties, the wealthy and merchants, the poll-tax to be taken from them must not exceed twelve drachmas a head per year (i.e. about 200 modern day US dollars).

They shall not be imposed upon by anyone to undertake a journey, or to be forced to go to wars or to carry arms; for the Muslims have to fight for them. Do no dispute or argue with them, but deal according to the verse recorded in the Koran, to wit: 'Do not dispute or argue with the People of the Book but in that which is best' [29:46]. Thus they will live favoured and protected from everything which may offend them by the Callers to religion (Islam), wherever they may be and in any place they may dwell.

Should any Christian woman be married to a Muslim man, such marriage must not take place except after her consent, and she must not be prevented from going to her church for prayer. Their churches must be honoured and they must not be withheld from building churches or repairing convents.

They must not be forced to carry arms or stones; but the Muslims must protect them and defend them against others. It is positively incumbent upon every one of the Islam nation not to contradict or disobey this oath until the Day of Resurrection and the end of the world.²¹

The covenant has been said to have been personally granted by the Prophet (570–632) in the second year of the Hegira, corresponding to 626 AD conferring and protecting the rights and privileges of all Christians "far and near" till the end of time²². It can be seen from the context that several clauses

²¹ Haddad, A.F., trans. *The Oath of the Prophet Mohammad to the Followers of the Nazarene*. New York: Board of Counsel, 1902; H-Vahabi: Lansing, MI: 2004

²² To affirm historical authenticity of the covenant, several certified historical copies are displayed in the library of St Catherine, some of which are witnessed by the judges of Islam. Also, to prove the true application of this covenant, several traditions about the tolerance shown towards the monastery were reported in governmental documents issued in Cairo and during the period of Ottoman rule (1517–1798), the Pasha of Egypt annually reaffirmed its protections. In 1916, Na'um Shuqayr published the Arabic text of the Ashtiname in his *Tarikh Sina al-qadim* or *History of Ancient Sinai*. The Arabic text, along with its German translation, was published for a second time in 1918 in Bernhard Moritz's *Beiträge zur Geschichte des Sinai-Klosters. The Testamentum et pactiones inter Mohammedem et Christianae fidei*

which are to the effect that Christians and the Muslims have peaceful co-relations under an Islamic rule as well as pilgrims on their way to monasteries, freedom of religion and movement, freedom to appoint their own judges and to own and maintain their property, exemption from military service and taxes, and the right to protection in war are contained in this covenant²³.

The Analysis of Charter of Madinah: a proof against terrorism in Islam

It is only right to say that the content of the above covenant is in line with the provisions of the Quran and Sunnah which points the fact that Islam is against terrorism and that Jihad is not an alternative word for terrorism. *Prima facie* the word Jihad was never used to mean fighting; rather the word Qital connotes fighting²⁴. Jihad only connotes Holy war when the Muslims are enjoined to fight to protect the Religion or the Ummah upon being attacked.

This is enunciated in the Quran where Allah (SWT) said:

Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors²⁵

In another verse, he said: ...And fight the pagans altogether as they fight you altogether...²⁶ Fighting (jihad) as can be seen is only resorted to and was used in the past even during the time of the prophet when Allah ordered them to

cultores, which was published in Arabic and Latin by Gabriel Sionita in 1630, represents a covenant concluded between the Prophet Muhammad and the Christians of the World and not a copy of the Ashtiname. See Ratliff, "The monastery of Saint Catherine at Mount Sinai and the Christian communities of the Caliphate", note 9. Mouton, "Les musulmans à Sainte-Catherine au Moyen Âge", p. 177. It is to be noted that there are arguments as to the authenticity of this covenant. Arguments for and against can be seen in <covenantsoftheprophet.com>, Spencer, R. (2014), The Hypocrisy of the Huffington Post's Praise of Muhammad, PJ Media, <<http://www.lastprophet.info/covenant-of-the-prophet-muhammad-with-the-monks-of-mt-sinai>>, Morrow, J. A., The Covenants of the Prophet Muhammad with the Christians of the World. Kettering, OH: Angelico Press / Sophia Perennis, 2013. For further reading, see Ratliff, B. The monastery of Saint Catherine at Mount Sinai and the Christian communities of the Caliphate, Sinaiticus. The bulletin of the Saint Catherine Foundation (2008), Atiya, A. S (1955). The Arabic Manuscripts of Mount Sinai: A Handlist of the Arabic Manuscripts and Scrolls Microfilmed at the Library of the Monastery of St. Catherine, Mount Sinai. Baltimore: Johns Hopkins Press.

²³ There are similarities to other documents granted to other religious communities in the Near East. One example is Muhammad's letter to the Christians of Najran, which first came to light in 878 in a monastery in Iraq and whose text is preserved in the *Chronicle of Seert*.

²⁴ Quran 22 verse 39

²⁵ Quran 2 verse 190

²⁶ Quran 9 verse 36

protect themselves against the attackers e.g. Quran 9:36, 22: 39-40 were revealed during the state of war initiated by the pagan Quraysh against the muslims.

Will you not fight the people who violated their oaths²⁷, plotted to expel the Messenger and took the aggressive by being the first to assault you? Do you fear them? Nay, it is Allah you should fear if truly you believe!²⁸

Even where there arises the need to engage in war, it is usually done in accordance with the tenets of Islamic law. This is illustrated in the actions of the prophet and his caliphs. E.g. Abu-Bakr (R.A) said:

Look! Be not dishonest. Do not deceive anyone. Do not hide the booty you get. Do not mutilate anyone. Do not kill the aged, the children and the women. Do not set fire to date-palms. Do not cut down fruit trees. Do not slaughter a goat, or a cow, or a camel, except for purposes of food. You will come across people who have given up the world and are sitting in monasteries, Leave them alone.²⁹

In addition, when Jerusalem fell under the control of Islamic government, the content of the treaty signed by Umarbn al-khattab with the Christians stated:

In the name of God, the Merciful, the Compassionate. This is the assurance of safety which the servant of God, Umar, the Commander of the Faithful, has given to the people of Jerusalem. He has given them an assurance of safety for themselves for their property, their churches, their crosses, the sick and healthy of the city and for all the rituals which belong to their religion. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land, on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted³⁰.

Dr Maher Hathout³¹ in his book gives further credence to jihad as a noble act as opposed to violent terrorism. In differentiating the two concepts, he said the following key points:

- Jihad is to be launched by the recognized and established Muslim authority, as a policy of the collectivism of the Muslims, to deter aggression. Terrorism, on the

²⁷ The prophet entered into oaths with the Jews of Medina, the peace treaty of hudaybiyyah with the Pagan Quraysh who had declared war against the prophet.

²⁸ Quran 9 verse 13

²⁹ < <http://www.answering-christianity.com/abubaker.html> > accessed on 2nd February, 2017

³⁰ <http://islam.ru/en/content/story/jerusalem-and-umar-ibn-al-khattab-ra>

³¹ Hathout, M. *Jihad VS Terrorism*. Los Angeles, California: Multi-media vera international. Dawn Books (2002), p. 65.

other hand, is committed by individuals or clandestine groups that neither represents the majority of Muslims nor did they receive any authorization from them.

- Jihad is to be declared, while acts of terrorism are born in secrecy and executed as a deadly surprise.
- Jihad is limited to combatants who represent a real danger to the Muslim military, while terrorism is usually directed to the soft spots of innocent civilians in a non-discriminatory way
- Jihad is bound to the ceasing of hostility and accepting peace if the combating enemy inclines to peace, while terrorism is launched against people who are at a state of peace to start with.

The above verses and advice from the caliphs including the instructions of the prophet in the covenant indicates that peace is what is firstly sought by the Muslims at all times. It is only instinctive for man to fight against aggression of being oppressed which thus makes jihad purely defensive. Also, jihad when made would be done in stages which involve the extension of peace agreement with the aggressor and where they opt for peace, the Muslims are encouraged to reciprocate same. This is *in tandem* with the provisions of the Quran which states:

And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He, even, is the Hearer, the Knower³²

The ways employed by the terror groups in these modern times are usually through hidden agendas, secret networks, hiding behind masks, untrue identity, random violent acts, targeting Muslims and non-Muslims innocent civilians. These are merely political or selfish propagation of individual ideologies which is not what Jihad stands for. Jihad is the fight for Allah. Furthermore, the lives of innocents/non-combatants are protected during war in Islam relying on the instructions of Abu-Bakr (RA) above and in the prophet's instructions³³. The various terrorist attacks that has been carried out by this supposed Muslims³⁴ have been totally against the tenets of Islamic law ranging from the killing of innocent civilians such as women, children and the aged, the killing

³² Quran 8 verse 61, Quran 8 verse 58, Where aggressors opt for peaceful reconciliation, Muslims are under obligation to stop the fight and enter into negotiation. And in the event of a breach of agreement, they are under obligation to inform the enemies about same and give them reasonable notice of an impending war to avoid being caught unaware.

³³ Op cit covenant of the prophet *supra*

³⁴ ISIS attacks, Al-Qaeda attacks, the series of Boko Haram Blasts in Nigeria, the infamous 9/11 incidents etc

of Muslims, attack on non-combatants, extant disobedience to the rules and covenant of the prophet of Allah, transgressing the limits of Allah etc. These acts only further strengthen the fact that the terrorists are not Muslims because the foundation of all Muslims is the utmost belief in the Allah and the messenger. Quran 4: 59 provides

O you believe! Obey Allah and obey the messenger and those in authority from among you; then if you argue about anything, refer it to Allah and the messenger, if you believe in Allah and the last Day; this is better for you and very good in the end.

The prophet (SAW) entered into a covenant with the people of the book for their protection and every Muslims as followers of the prophet are also bound by the covenant. Any contravention with this covenant can be said to be a disobedience of Allah as against Quran 4 verse 59³⁵. It is clear that the covenant was made by the prophet on behalf of all Muslims in a perpetual agreement with the people of the book:

This is a letter which was issued by Muhammed, Ibn Abdullah, the Messenger, the Prophet, and the Faithful, who is sent to all the people as a trust on the part of God to all His creatures, that they may have no plea against God hereafter...This letter contains the oath given unto them, and he who disobeys that which is therein will be considered a disobeyer and a transgressor to that whereunto he is commanded. He will be regarded as one who has corrupted the oath of God, disbelieved His Testament, rejected His Authority, despised His Religion, and made himself deserving of His Curse, whether he is a Sultan or any other believer of Islam... It is positively incumbent upon every one of the Islam nation not to contradict or disobey this oath until the Day of Resurrection and the end of the world (emphasis mine)

Also, killing in the unlawful way is not permitted in Islam. It is seen as akin to the murder of the whole community. Islam upholds the sanctity of human life in Quran 5 v 32.

That if anyone slew a person-unless it be (as punishment) for murder or spreading mischief in the land- it would be as if he slew the whole people and if anyone saved a life, it would be as if he saved the life of the whole people.

The prophet's instruction to all Muslims is that we should be protectors of the people of the book and not attack. Though, this does not override the Quranic provision of putting in a counter-attack upon being attacked. Terrorists

³⁵ supra

acts are done either based on placing ransom to the lives of civilians in return for something³⁶ which has been proscribed in the covenant.

Whenever Christian monks, devotees and pilgrims gather together, *whether in a mountain or valley, or den, or frequented place, or plain, or church, or in houses of worship, verily we ... shall protect them, and their properties and their morals*, by Myself, by My Friends and by My Assistants, for they are of My Subjects and under My Protection.(emphasis mine)

Terrorism involves destruction of properties, lives whether places of abode, or worship with disregard as to mosques or churches³⁷. It has been agreed by the prophet that non-Muslims be given the chance to practice their religion, carry on with their own activities without being disturbed.

I shall exempt them from that which may disturb them...—they must not be offended, or disturbed, or coerced or compelled. Their judges should not be changed or prevented from accomplishing their offices, nor the monks disturbed in exercising their religious order...No one is allowed to plunder these Christians, or destroy or spoil any of their churches, or houses of worship, or take any of the things contained within these houses and bring it to the houses of Islam.

Any contravention of these instructions is frowned at and not to be seen as an act of a Muslim.

...And he who takes away anything there from, will be one who has corrupted the oath of God, and, in truth, disobeyed His Messenger...

The covenant of the prophet indicates the freedom of practice of religion of the people of the book even when living amongst the Muslims. No religion has this well-provided structure of peaceful relations and co-existence with people of other faith.

Verily I shall keep their compact, wherever they may be, in the sea or on the land, in the East or West, in the North or South, for they are under My

³⁶ For instance, in Bauchi State, Nigeria, Militants staged attacked in the north eastern city of Bauchi on July 26 2009, after the arrest of some of its members. More than 50 people were killed and over 100 arrested.

³⁷ These can be seen in some series of events of the *Boko Haram* terror group that took place in Nigeria: In October 2010, deadly bomb blasts marred the celebrations of Nigeria's 50 years independence, in December, 2011, there were bomb attacks on Christmas day killing about 40 people, January 2012, more than 100 people were killed in a single-day co-ordinated bombings and shootings in Kano and Christians were ordered to quit the north, June 2012, militants claimed responsibility for attacks on two churches in Jos city and Borno State in which 1 person died and dozens were injured resulting in the angry retaliation of the killing of Muslims.

Protection and the testament of My Safety, against all things which they abhor. Should any Christian woman be married to a Muslim man, such marriage must not take place except after her consent, and she must not be prevented from going to her church for prayer. Their churches must be honoured and they must not be withheld from building churches or repairing convents.

In 2009, in the pages of *The Washington Post*, the covenant of Muhammad i.e. the charter was translated in full, arguing that those who seek to foster discord among Muslims and Christians focus on issues that divide and emphasize the areas of conflict while isolating the Quranic provisions 'But when resources such as Muhammad's promise to Christians is invoked and highlighted *it builds bridges*. It inspires Muslims to rise above communal intolerance and engenders good will in Christians who might be nursing fear of Islam or Muslims'³⁸

Should it be this same religion that should be chastised and publicly tagged a 'religion of terror'? Should it be this Islam that its adherents are being placed on psychological war through discrimination based on Hijab, beards, Muslim names etc. The Media has constantly portrayed Islam as being synonymous with terrorism when it is totally contrast to what terrorism stands for. The relationship used to link the two which is Jihad are in comparison with the wars in Islam done by the prophets and in the caliphs era forgetting that the Christians also involved in wars before with the Muslims which were as brutal and as violent³⁹. Also, the State wars carried by those who are not Muslims are more less-humane, where cruel, destructible and violent means where used are neither categorised as terrorism nor linked to their religions. These acts are thus described:

³⁸ "Khan, Muqtedar (December 30, 2009), "Muhammad's promise to Christians". *Washington Post*, retrieved 1 December 2012" cited in The Ashtiname of Muhammad, Wikipedia <www.wikipedia.com/ashtinameofmuhammed> (last modified on 4 January 2017, at 23:29) accessed on 30th January, 2017.

³⁹ Such as in the Crusade war of the Middle Ages when true Christians engaged in a holy war and brutally tortured and slaughtered thousands of Muslims for their conquest of Jerusalem where Muslims, Jews and Christians lived under Islamic rule in peace until it became a of extensive bloodshed. Love, R., What does Islam say about Terrorism? A Brief Guide to Understanding Islam. Darussalam: Houston, 2002.

The irony is that the painters are no other than those... who themselves have been engaged in an extremely unholy war for centuries on end. They themselves present the picture of robbers who armed to the teeth with all kinds of deadly weapons, have set upon the world pillaging it for the capture of new markets of trade, resources of raw material, open lands for colonisation and mines yielding valuable metals, so that they may procure fuel for their ever burning fire of avarice. They fight not for the cause of God but for the satisfaction of their lust and hunger. For them, it is a sufficient excuse for invading a nation because the territory of that nation contains mines, or their lands yield bumper crops, or oil has been struck there or they can be exploited as profitable markets for their manufactured goods or that their surplus population can be settled on the lands belonging to the intended victims. In the absence of all the other excuses, they consider it a grave crime on the part of a nation if she happens to live *en route* to a country already captured by them or the one they plan to capture. Whatever we did is now part of history, past and gone, but their deeds are a present matter witnessed by the world day and night. Asia, Africa, Europe and America—which portion of this planet has been spared from bloodbath resulting from their unholy war? Their skill is, however, commendable that they have painted our picture so gory and dark that their own picture was overshadowed and was completely hidden from the view. Our own simplicity is amazing too. When we saw this picture of ours painted by the foreigners, we were so taken aback that we never thought of looking behind the canvas and seeing the visage of the painter. Instead we started offering apologies in this manner—Sir, what do we know of war and slaughter. We are pacifist preachers like the mendicants and religious divines. To refute certain religious beliefs and convert the people to some other faith instead, that is the be-all and end-all of our enthusiasm. What concerns have we with sabres! *Yes, indeed, we plead guilty to one crime, though, that whenever someone else attacked us, we attacked him in self-defence. Now, of course, we have renounced that also. The crusade which is waged by swords has been abrogated for the satisfaction of your honour.* Now ‘Jihad’ only refers to waging war with the tongue and pen. To fire cannons and shoot with guns is the privilege of your honour’s government and wagging tongues and scratching with pens is our pleasure. (Emphasis mine)⁴⁰

The clause ‘...whenever someone else attacked us, we attacked him in self-defence...we have renounced that also. The crusade which is waged by swords

⁴⁰ Maududi A.A, *op cit*.

has been abrogated for the satisfaction of your honour...' refers to the covenant entered by Muhammad (SAW) with the Christians. Islam is a religion of peace, the word Islam itself means peace, and a religion of mercy which does not tolerate terrorism.

The Misconceptions about Islam arises from the isolated picking out of phrases from the Quran and misinterpreting them out of context to make it seem violent and connected with terrorism. An example of a verse taken from the Quran is the following:

Soon shall we cast terror into the hearts of the Unbelievers, for that they joined companions with God, for which He had sent no authority: their abode will be fire: and evil is the home of the wrong-doers⁴¹

Though this verse does talk about terror but when read together with the previous and following verses, the message passed will be understood.

O you who believe! If you obey the Unbelievers, they will drive you back to your heels, and you will turn back (from Faith) to your own loss. No, God is your protector, and He is the best of helpers. Soon shall we cast terror into the hearts of the Unbelievers, for that they joined companions with God, for which He had sent no authority: their abode will be fire: and evil is the home of the wrong-doers⁴²

These verses, to Al-Qurtubi, actually mean O believers, if you follow the disbelievers who urge you to forsake Islam and revert back to paganism; you will fall back to darkness! Hence, you will turn losers, for no one will come to your aid. But if you stay put and keep firm on the right path. Allah will protect you and will cast fear into the hearts of those disbelievers. Thus, they will not dare attack you. This is because they have rejected Allah's way and ascribed unto Him partners.⁴³ Their punishment therefore will be fire on the day of Reckoning.

Lastly, the Covenant of Muhammad which is the Charter of Freedom between Muslims and Christians is a standard document with binding effect on all Islamic political establishments and the Muslims. This gives terrorism no basis in Islam and equates in no way Jihad to Terrorism from those centuries to the present time⁴⁴. This is because Islam and its laws have always enjoyed

⁴¹ Quran 3 verse 151

⁴² Quran 3 verse 149-151

⁴³ Uahya, H., Islam is not the Source of Terrorism, But its Solution.

<www.islamdenouncesterrorism>

⁴⁴ Latif A. and Munir H.S. Terrorism and Jihad, An Islamic Perspective Journal of Islamic Studies and Culture, March 2014, Vol. 2, No. 1, pp. 69-80

immutability such that more than 2000 Islamic scholars over the last 1200 years have made fatwas on the covenant acknowledging the rights received from the prophet (SAW).⁴⁵

Conclusion

It is no longer news that since the 9/11 incident, Islam has been viewed in the negative light as a religion of error in some local and international jurisdictions. This work is aimed at discussing the fact that terrorism is alien to Jihad and Islam rather Jihad is only used in the war sense as a defensive mechanism and not as an offensive mechanism.

Islam as a religion has contributed a lot to the world and to civilization as it is today. According to Stanwood Cobb, the most significant of the Islamic activities in science and technology were as follows: medical science, chemistry, astronomy, geography and navigation, the decimal system, algebra, paper, gunpowder, textiles, agricultural products, the rise of the university and machinery⁴⁶. The salient question then is: would such a religion that values improvement of human lives legitimize Terrorism?

It is also concluded that terrorism should not and cannot be taken to be the order of the day in a religion as a result of some person's acts, a group or an individual who may use the name of such religion wrongly. This is the predicament currently faced by Islam and the Muslims.

Terrorism can be attributed to different societal or political factors like globalization. For instance, J.S. Praja stated that:

"...The Western world as a whole previously clashed with other civilizations long before the Cold War of Ideology. Firstly, there was genocide against the native ancient civilization of the Americans. Secondly, there was

⁴⁵ "Not only was the Covenant of the Prophet recognized and respected by the political and religious establishment, it was independently verified on a regular basis by the five schools of Islamic jurisprudence. The Monastery of St. Catherine's possesses nearly 2,000 fatwas from Isma'ili, Maliki, Shafi'i, Hanafi, and Hanbali scholars from 975 to 1888 CE both implicitly and explicitly acknowledging the rights that they received from the Messenger of Allah." <<http://www.lastprophet.info/covenant-of-the-prophet-muhammad-with-the-monks-of-mt-sinai>>, cited on <www.wikipedia.com/AshtinameofMuhammed> accessed on 30th January, 2017.

⁴⁶ Stanwood Cobb, *Islamic Contributions to Civilization*, Avalon Press, Washington, DC., 1963, p. 47-60

later enslavement of millions of Africans for use in the so-called New World. Thirdly, there was the phase of European imperialism and colonization of most of the world. Is the fourth phase the United States as an imperial superpower? America has now become a new form of empire, controlling millions of people through a variety of inducements and intimidations. The global development that began after the Cold War left a vacuum from the influence of the two Super Powers or West and East Block represented by the USSR and the U.S. This area is well-known as the Middle East. The victory of the West pioneered by the USA, soon followed by founding the Israel State in the middle of the Middle East countries. The State, in the eyes of the world, inflicts injustice on the Palestinians. Muslims around the world consider the invasion of the Palestinian land as the core problem that creates the rebellion of the oppressed people (Palestinians) by the powerful and unjust state institution and government (Israel). Such rebellion is called "terrorism"...⁴⁷

Since, the cruelty or destructions in the name of the West is not Terrorism then, why should the actions of some unknown terrorists group be linked to the Religion based on Unfounded Statements. Rather, the actions are for the fulfilment of some other objectives not linked to any Islamic teachings and principles. Jihad has nothing to do with terrorist as both are opposite in nature: Jihad represents blessing, a healing, protection against destruction and sufferings and a measured and calculated defence against attack with the aim of restoring justice, equality, rule of law, respect for human beings, peace and tranquility while Terrorism is pure evil attached with human suffering, destruction, no civilization and has no limits other than the endangerment of the society and the wiping out of notable human values in the world.

Though it is acknowledged that Muslims may be amongst the terrorists but Islam is not sole motivational parameter for their actions. The selective use of Quranic verses and isolated interpretation should thus be avoided and the Religion be looked at in a whole manner so as to depict its through essence which has been exemplified perfectly by the prophet(SAW) in the Covenant /Charter of Freedom.

It is therefore recommended that it is our prime duty as Muslims to explain true essence of Jihad, its basic aims and objectives as described in the teachings of Islam so as for the non-Muslims and the international world to have a clear picture of differences between terrorism and Jihad. This is the best

⁴⁷ Praja J.S., Islam, Globalization And Counter Terrorism.pdf accessed on 30th January, 2017
International Journal of Research Without boundaries, Unimaid

way to prevent and if possible abate totally the Misconceptions of Jihad and Islam. Allah says: *...Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way. Lo! Thy Lord is best aware of him who strayed from His way, and He is Best Aware of those who go aright* (An-Nahl: 125).