# Seeking an Islamic Framework towards Peacebuilding and Women's Inclusion

Dr Houda Abadi

Executive Director, Transformative Peace

**International Norms Project**

**Abstract**

The overall purpose of this paper is to contribute to the discussion of Islam and the protection of women's fundamental freedoms, gender and inclusion, and the relationship between gender and political transitions; to be of value for the general discussion on Islamic state formation; and more specifically to assist the ongoing process of state formation in Afghanistan.

To this end, the paper has three primary objectives: 1) decolonizing and engendering conflict resolution frameworks to develop sustainable and transformative peace; 2) identifying how fundamental freedoms and rights can be negotiated, protected and promoted in Islamic-based societies which experience a significant political transition to develop strategies to ensure an engendered political transition and sustainable peace in countries such as Afghanistan; and finally, 3) drawing best practices to advance inclusive policies where fundamental rights are protected and to ensure women's meaningful participation in peace processes.

**Contents**

**Author**

Dr Houda Abadi is the Executive Director of Transformative Peace, a consulting firm that specialises in inclusive peace processes; women, peace and security; and human rights-based approaches in preventing violent extremism. She has more than 15 years of extensive experience designing and implementing peacebuilding programs in the U.S., Europe and the MENA region.

## 1. Introduction: Religion and Gender through a Conflict Transformation Lens

The field of conflict resolution is generally viewed from a heavily Western male-dominated lens, which relegates women to the periphery and ascribes legitimacy to broad, secular frameworks classified as universal (Herbolzheimer, 2011); however, its varied processes transcend borders and cultures. And as such, it can often overlook local, indigenous or religious nuances. When Western conflict resolution methods are used as the benchmark and imposed on non-Western cultures, it may undermine sustainable peace and become particularly detrimental to the community's social cohesion, peace and security. For instance, it may overlook pluralism within the targeted communities, ascribe negative meanings to religious systems, and erase the region's historical and social specificities.

Religion is often discussed as a divisive factor in conflict, but we also know that there is a rich history of mediation and conflict resolution efforts that have been led by religious actors and that draw on value-based principles. The field of conflict transformation has only recently begun to recognize a role for religion within peacebuilding processes. Faith-based mediation and conflict transformation efforts are still often sidelined or siloed from secular efforts led by government and civil society. Nonetheless, faith-based peacebuilding efforts have the potential to be more effective than secular frameworks and continue to play a significant role in shaping gender identities, addressing harmful norms, and influencing peacemaking processes, and, as such, should not be disregarded. A secular approach imposed by international bodies will not resolve tensions between women's rights and patriarchal, customary frameworks. Local customary and religious structures often enjoy more legitimacy and influence than formal political structures relating to everyday governance.

Studies have shown that the inclusion of indigenous peacebuilding mechanisms restore trust and provide a better opportunity for measures to be accepted and adopted by local communities. As such, developing a more culturally and religiously sensitive conflict resolution framework, consistent with international peacebuilding and governance norms common to all nations for use by domestic and international stakeholders involved in negotiations with Muslim-majority societies affected or emerging from conflict, such as in Afghanistan, is paramount.

The advancement of women's rights is undermined by politicizing gender and rights to serve domestic or foreign policy agendas. Women in Muslim-majority countries face a double burden. On the one hand, secular claims have been used as a trope to rescue and liberate women from their religious and cultural traditions to justify foreign invasions. This moral rescue battle to save women erases their agency and overlooks the complicated historical and political dynamics. Such reductionist stereotypes feed into a polarization that places feminism only on the side of the West, calling for change to come from outside. And, on the other hand, patriarchal interpretations of the Quran and shari'a have been used to impede women's advancement and progress. There are examples of both secular and conservative MENA governments instrumentalizing women's rights agendas while quietly undermining democratization and carrying out contradictory human rights policies.

Inclusion and gender equity provisions continue to be a major issue of political debate in all constitutional drafting processes. Within Islamic constitutional frameworks, there are varied provisions for gender equity, spanning different political, social, cultural and economic realities. The Islamic references used to invoke particular laws differ from country to country and have different saliences. The diversity of these approaches is critical in understanding how these rights are negotiated, promoted and normalized within society at large.

The overall purpose of this paper is to contribute to the discussion of Islam and the protection of women's fundamental freedoms, gender and inclusion, and the relationship between gender and political transitions; to be of value for the general discussion on Islamic state formation; and more specifically to assist the ongoing process of state formation in Afghanistan.

To this end, the paper has three primary objectives: 1) decolonizing and engendering conflict resolution frameworks to develop sustainable and transformative peace; 2) identifying how fundamental freedoms and rights can be negotiated, protected and promoted in Islamic-based societies which experience a significant political transition to develop strategies to ensure an engendered political

transition and sustainable peace in countries such as Afghanistan; and finally, 3) drawing best practices to advance inclusive policies where fundamental rights are protected and to ensure women's meaningful participation in peace processes.

## 2. Convergence Between Western and Islamic Frameworks of Conflict Resolution

In a world afflicted with an increase of proliferated armed conflict, enhancing conflict resolution mechanisms is of critical importance. However, little effort has been made to adapt to the changing international environment and to legitimize indigenous approaches or frameworks that utilize mixed approaches. When Western models of conflict resolution alone are used as the benchmark in other cultural contexts, they may delegitimize the process and not give it a chance to take root because it does not build on local ownership and sustainability. Local and indigenous conflict resolution frameworks may more likely be accepted and adopted by local communities when their underlying processes resonate with the communities affected by conflict. Integrating local and indigenous peacebuilding frameworks builds on local capacities, resources, knowledge, and realities. Hence, external efforts are not solely based on outside templates.

Principles of social cohesion, social harmony, tolerance, humility, and respect are central elements in indigenous conflict resolution mechanisms. The renewal of relationships and the well-being of the larger community is paramount. However, there is often a missed opportunity to incorporate Islamically-based principles of peacebuilding which are deeply embedded in the principles of justice and equality. This dynamic is exacerbated by the tendency of Western conflict resolution practitioners to indifferently categorize all conflicts involving Muslims as "religious", resulting in the dismissal of Islamic frameworks capable of effectively addressing tension at multiple levels (Salmi et al., 1998, p. 120). Essentializing Islam erases the historical, political and cultural factors that need to be addressed to meaningfully resolve the conflict. Peacebuilding principles espoused in Islamic conflict resolution frameworks do not run counter to Western thought; on the contrary, Islam is fundamentally rooted in the same tenets of peace, equity and justice lauded in the Western world (Rehman, 2011; Funk et Said, 2004). To fully decolonize the field of conflict resolution, more efforts are needed to include indigenous knowledge, prioritize and utilize combined approaches, including a deconstruction of false binaries between the West and the Muslim world.

In general, there are some differences between Western and Islamic conflict resolution approaches, which impact how the conflict is perceived and what types of interventions are needed. For example, Western models of conflict resolution emphasize problem-solving and tend to view conflict as a negative phenomenon, while conflict within Islam is often viewed as natural, with an emphasis on communal cooperation based on a value system (Funk & Said, 2004). In addition, Western systems of conflict resolution theories are heavily based on patterns of scientific study rather than examining the metaphysical and religious aspects of the social realm. Unlike Western approaches to conflict resolution, Islamic conflict resolution framework is value driven and places emphasis on healing and restoring relationships.

Differences, however, between Western and Islamic frameworks are also tied to the mediator's role during the reconciliation process. In Western contexts, the mediator is tasked with upholding the principles of confidentiality, impartiality and neutrality. Within Islamic context, mediators do not exist as neutral third parties; instead, the mediator is a trusted advisor capable of exerting influence through deep-rooted social networks, political power, religious virtue and prior mediation experience (Saban, 2014, p. 48). This distinction is important because it highlights the vital role that trust, social relationships, respect and knowledge play within Islamic societies. The Prophet Mohammad was one of the most trusted mediators in Islamic history (Fadl, 2003, in Sabban, 2014, p. 48). He was a trusted mediator to Muslims and non-Muslims alike.

Nonetheless, some of these overarching values and principles align with global peacebuilding frameworks. The table below summarizes some of the divergences in conflict resolution frameworks:

# DIVERGENCES IN CONFLICT RESOLUTION FRAMEWORKS

| Topics | Western | Islamic |
|--------|---------|---------|
| View of Conflict | • Generally Negative phenomenon<br>• Must be fully resolved for peace to be achieved. | • Nuanced perspective<br>• Sees conflict as natural and potentially positive<br>• Also acknowledges negativities to conflict. |
| Role of the Mediator | • Tasked with upholding the Western principles of:<br>  ○ confidentiality<br>  ○ impartiality<br>  ○ neutrality | • A trusted advisor<br>• Capable of exerting influence through:<br>  ○ deep-rooted social networks,<br>  ○ political power,<br>  ○ religious virtue<br>  ○ prior mediation experience |
| Role of Religion | Secular frameworks that often frame religion in terms of "religious conflict" only | Religion can be a useful tool for approaching not only religious conflict, but conflict widely |
| Scope of Involvement | Individualism in Conflict resolution and peacebuilding/negotiation | Emphasis on whole community (ummah) |

*Figure 1: Differences between Western and Islamic Conflict Resolution Frameworks*

However, it is important to note that Islam is not a monolith, hence conflict resolution practices in the Muslim world have different and multiple saliences due to their local cultures and contexts. As such, it is important to comprehend the fluidity of the sociocultural structures and the role that it plays in the limitations of the various modes of conflict resolution frameworks.

## Principles within Islamic Frameworks

Peace in Islam is defined as a collective responsibility that is directly tied to justice where each can live in dignity and harmony. A famous hadith states that the Prophet Mohammad (PBUH) said to his followers, "Shall I inform you of a better act than fasting, alms, and prayers? Make peace between one another: enmity and malice tear up heavenly rewards by roots" (Al Tirmidhi, 2509). The Islamic emphasis of positive peace is rooted in the principles of justice (*adl*), beneficence (*ihsan*), wisdom (*hikmah*) and dignity (*karamah);* and places emphasis on relational networks and social cohesion such as *wasata* (mediation), *sulh* (reconciliation), *hewar* (dialogue), *shura* (consultation and popular will) and *hudna* (truce/ceasefire). The end goal is the restoration of social unity and justice where everyone has the potential to flourish. Another important component of Islamic conflict resolution tradition is the binding nature of peace agreements or truce. This is based on the Quranic verse: "Fulfill the Covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed, ye have made Allah your surety; for Allah knoweth all that ye do" (Quran 16:91). There are ample Quranic

verses centering the role and responsibilities of peacemaking for the resolution of conflict between Muslims and non-Muslims. For instance, "But if the enemy inclines towards peace, do you [also] incline towards peace, and trust in Allah? For He is the one that hears and knows [all things] (8:61) .... Nor can goodness and evil be equal. Repel with what is better. Then will He between whom and you were hatred become as it were your friend and intimate" (41:34). Part of the Prophet's mode of conflict resolution was coming to terms with aggressors and respecting the contractual agreements. Hence, it becomes a duty to negotiate a political settlement to end war and move towards reconciliation.



**Elements of Islamic Conflict Resolution**

- Peace as a collective responsibility and tied to justice
- Conflict framed from a communal matter rather from an individual matter
- Emphasis placed on niyya (good intentions) and relations
- Group oriented: Social harmony, social status, relational networks
- Private consultations that enable mediators to reframe the issues and reach an agreement.
- Verbal and written agreement
- Socially and morally binding
- Values-based: traditional/religious values and norms- honor, shame, dignity, social status
- Rituals and symbols are important
- Face saving/indirect communication (prospect of shame and loss of honor constitute a considerable leverage).
- Mediators are trusted, experienced and well respected

*Figure 2: Main Elements of Islamic Conflict Resolution*

According to Smock and Huda (2009), "The fundamental Islamic principles of nonviolence and peacebuilding include the pursuit of justice; doing good; the universality and dignity of humanity; the sacredness of human life; equality; the quest for peace (individual, interpersonal, communal, regional, and international); peacemaking via reason, knowledge, and understanding; creativity; forgiveness; proper deeds and actions; responsibility; patience; collaborative actions and solidarity; inclusivity; diversity; pluralism; and tolerance" (p. 8). At its core, Islam is a perfect starting point for dialogues on non-violence, peacebuilding and conflict resolution because of its focus on discipline, obedience, self-sacrifice, the sharing of personal and social responsibility, and the belief in the oneness of humankind (Satha-Anand, 2015). Figure 2 summarizes some of the main elements of conflict resolution from an Islamic framework.

## 3. The Pursuit of Justice through Inclusion, Dignity and Equality

Social justice in Islam is obligatory for all people, with the Quran noting that the pursuit of justice is a fundamental obligation for all humanity (Alwani, 2003; Mohamed-Saleem, 2018). However, Abu-Nimer (1996) concedes that interpretations of the pursuit of justice leave room for violence in some Islamic frameworks because violence is viewed as an effective method to achieve social justice in certain contexts. Opponents of this viewpoint and the violence it condones point to teachings on active pacifism found elsewhere within the Quran, which promote the use of systematic, contextually appropriate methods of non-violent conflict resolution to achieve justice (Abu-Nimer, 1996, p. 232). This

view sees peacebuilding — rather than social justice — as the main goal of Islamist religious teachings and points to passages in the Quran that call on Muslims to resist and correct instances of injustice through activism, peaceful third-party intervention, and the quest for divine intervention (Abu-Nimer, 1996, p. 234). As such, scholars and practitioners who promote active pacifism believe that the contemporary practice of Islam should eschew violence to achieve social justice and nurture peaceful methods as a viable way to achieve social justice (Abu-Nimer, 231).

Rooted in the principles of justice, Islam contains several values, mandates and informal cultural practices that aim to advance social and economic justice that are critical to consider in the context of Islamic frameworks for peacebuilding. The Quran views social and economic justice as imperative to a society in which conflict can be managed and peacebuilding can prosper (Chapra, 2008. p. 47). According to the Quran, a primary mission of all Messengers of God was to establish justice in this world (Al-Hadid 57:25). Numerous Quranic teachings are directed towards enabling people to live with each other in peace and to fulfil their mutual obligations towards one another to ensure justice and general well-being (Chapra, 2008. p. 48). As Dr. Nazir Khan notes, social justice includes everything from macro-level political and economic dimensions to micro-level interpersonal interactions between family members, friends and neighbours (Khan, 2020). Quranic teachings recognize that people and societies often come into conflict and, as such, bolstering and protecting social and economic justice within society can help prevent or mitigate conflict that may stem from class divides, marginalization and unequal power distribution (Chaudry, Ch 16).

The intense and unequivocal stress within the Quran on justice broadly has been reflected in the writings of Muslim scholars throughout history. For example, Ibn Taymiyyah (d. 1328) wrote that: "Injustice is absolutely not permissible, irrespective of whether it is to a Muslim or a non-Muslim or even to an unjust person" (Ibn Tamiyyah, 196. p 127). Ibn Khaldun also stated that it is not possible for a country to develop without justice (Ibn Khaldun, p. 287).

The Quran predicts that injustice leads ultimately to destruction (20: 111), and as such there are numerous references within Islam to the obligation of the individual to give that which is beyond their needs (2:219), to help the poor (4:8), and to strive towards providing a baseline of equality of opportunity (Qutb), rather than a baseline of uniformity. The emphasis on charity and doing good is meant to encourage Muslims to take responsibility for social injustice, empower the underprivileged, and maintain a sense of community (Abu-Nimer, 1996, p. 237-238). Such empowerment applies to peacebuilding processes by justifying access of all parties to the negotiating table, no matter how disadvantaged or marginalized (Abu-Nimer, 1996, p. 239).

It is important to note that the focus on equality and justice also extends outside of the Muslim community and is meant to be inclusive of everyone. Several Quranic passages highlight fundamental Islamic principles – which constitute the Maqasid al Shariah or the intents and values of Islam – that converge with the Universal Declaration of Human Rights for the protection of minorities or respect for diversity: oneness of God translating to oneness of humanity (17:70); prohibition of religious compulsion (2:256), diversity of belief as divinely initiated (5:48;10:99); essential bonds of humanity between different tribes and races, spouses (49:13; 30:22; 30:21), equality between men and women (49:13; 4:1), the need for kindness in dealing with others (60:8), and the duty to honor contracts and covenants (16:91. In parallel, in his last sermon, the Prophet states: "All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a Persian (non-Arab), or of a white over a black person, or of a male over female. Only God-Fearing people merit a preference with God" (Abu-Nimer, 1996, p. 241). Situating the Prophet's last sermon in its own historical context, the prophet addressed core universal values in a society where those were systematically violated.

This new nation was guided by rights and obligations inscribed in the Charter of Medina 627 that established equality, mutual recognition of rights and responsibility between groups within a multicultural society. It is the first written constitution in Islam and a historical example of conflict resolution. Some key principles from the Quran and prophetic tradition:
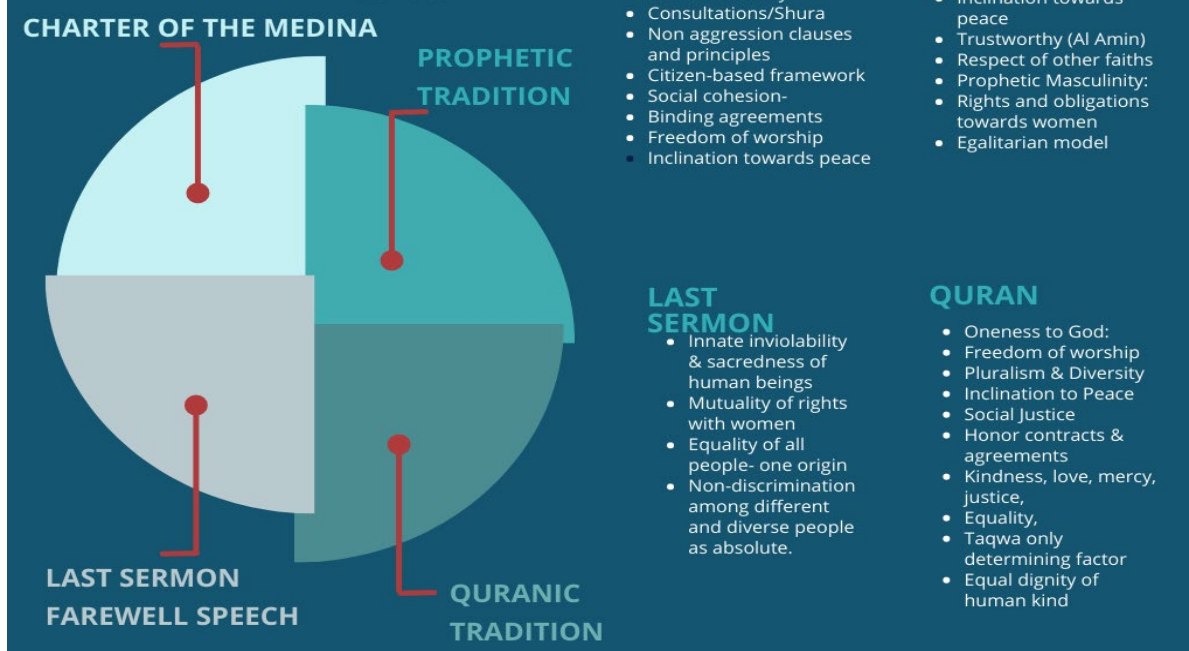
Figure 3: Visual representation of Islamic peace principles

Human dignity plays a major role in the principles of justice, inclusion and equality, and can be used in peacebuilding processes as a call for harmony and social cohesion. Featuring prominently in the Quran is an emphasis on the equality of all people, regardless of origin. The Quran states: "O people, we created you from the same male and female, and rendered you distinct peoples and tribes that you may recognize one another. The best among you in the sight of God is the most righteous. God is Omniscient, Cognizant (49:13)." Through this verse, it is important to note that men and women were created from the same essence and are differentiated only through the degree of their righteousness.

The conflict resolution field acknowledges that identity – religious, ethnic or racial – is a basic human need. Failure to recognize these identities, or discrimination with respect to them, often leads to frustration and conflict (Kadayifci, 2013. p. 8). The field also recognizes that pluralism – the principle that recognizes the worth and value of different beliefs and identities – is essential for resolving conflicts and establishing peace (USIP). This view is supported by Abu-Nimer et al. who argue that "pluralism, defined as seeking to move beyond exclusivist perspective of religion by affirming the inherent value worth of all religions" (Abu-Nimer, Khoury, and Welty 2007: 14) and respect for diversity (such as racial, ethnic, tribal, national, etc.) are cornerstones of peacebuilding and non-violence.

According to the Quran, diversity is a divinely intended phenomenon that is celebrated and not merely tolerated: "To each among you, We have ordained a law and assigned a path. Had God pleased, He could have made you one nation, but His will is to test you by what He has given you; so compete in goodness" (5:48). Other verses reinforce concepts of mutual recognition, respect and acceptance of religious and cultural differences. For example: "Had your Lord willed, He would have made mankind one nation: but they will not cease differing" (11:118). Another reads: "O mankind! We created you from a male and a female and made you into nations and tribes, that you may know one another" (49:13).

The Islamic ideal of diversity, pluralism and community is rooted in the Quranic principles of *Tawhid,* or the concept of oneness. The concept of oneness translates to unity within diversity; an environment that fosters connectedness and integration because everything and everyone is part of God's creation. This interdependency and interconnectedness of humans is thus a central aspect of this Islamic value and principle (Kadayifci, 2013. p. 9). Throughout Islamic history the notion of *tawhid* encouraged Muslims to integrate both the individual and the society without destroying cultural and ethnic differences (ibid). In fact, *tawhid* reminds Muslims of the connectedness of all beings, particularly all human communities, and calls on Muslims to work towards establishing peace and harmony among

them. According to Quran, all humans were entrusted with the notion of *khilafah* or stewardship/vicegerency (Quran 24:55; 33:72; 2:30). As representative of God on earth, all individuals are responsible in contributing towards building peace and social cohesion. As such, these principles remain a critical component for recognizing the relevance of pluralism within Islam and serve as a strong framework for Islamic peacebuilding.

## 4. The *Ummah*: Building Unity and Peace

Tied to the concept of active pacifism is the quest for peace within Islam, which includes peace with oneself through submission to God, peace in interpersonal relationships, and peace in the social realm through the advancement of social justice (Abdalla, 2001). Abu-Nimer (2000) states that peace in all domains of life can only be ensured through total submission to God and to the Islamic religion, as evidenced by verse 5:64: "Whenever they kindle the fire of war, God extinguishes it. They strive to create disorder on earth and God loves not those who create disorder" (p. 244). The Quran also emphasizes restraints on the use of violence: "But if the enemy inclines towards peace, do you [also] incline towards peace, and trust in Allah? For He is the one that hears and knows [all things] (8:61) .... Nor can goodness and evil be equal. Repel with what is better. Then will He between whom and you were hatred become as it were your friend and intimate!" (41:34) (Abu-Nimer, 244). As such, Islam encourages non-violent conflict resolution methods through the deployment of peacemaking processes such as open communication and third-party mediation. For example, the Quran states: "If two parties among the believers fall into a quarrel, make your peace between them. But, if one of them transgresses beyond bounds against the other, then fight against the one that transgresses until it complies with the command of Allah. But, when it so complies, then make peace between them with justice and be fair. For, God loves those who are fair. The believers are but a single brotherhood; so, make peace between your brothers and fear Allah that you may receive mercy" (Quran 49: 9-10).

Forgiveness, compassion and mercy also feature prominently throughout Islamic texts and are considered higher virtues than maintaining hatred or fighting for justice (Abdalla, 2001). Among Allah's own names are the Most Compassionate, The Most Merciful, and the Ever Forgiving. The Quran is replete with verses that prioritize forgiveness and kindness. For instance, "Keep to forgiveness (O, Muhammad) and enjoin kindness and turn away from the ignorant." (7:199) and "[R]epel evil [not with evil] but with something that is better—that is, with forgiveness and amnesty" (23:96). These practices, which are meant for Muslims and non-Muslims, align with the practices of reconciliation emphasized in Western peacebuilding and conflict resolution frameworks. Other key concepts linked to forgiveness and reconciliation include *sulh* (an agreement), *musalaha* (reconciliation)*, tahkim* (mediation/arbitration) and *islah* (reform).

*Sulh* is the establishment of an agreement, truce or settlement to end conflict or prevent further violence. According to Funk and Said (2004), the goals of *sulh* include limiting destructive conflict, reinforcing social solidarity, and promoting a restorative rather than retributive conception of justice in the pursuit of *musalaha* — reconciliation between groups. Broadly, *sulh* is used to settle conflicts that "pose a direct and immediate threat to the security and honor of family groups, and that could potentially instigate a cycle of retaliation, or blood feud" (Funk and Said, 2004, p. 155). This focus on violent conflict differentiates *sulh* from *tahkim*, which is typically used to settle material or moral claims. Importantly, *sulh* also differs from Western frameworks, which tend to be rooted in individualism. Within Islam, victimhood and blame are conceived collectively, meaning that the families of victims are considered victims and the families of perpetrators are considered responsible (Funk and Said, 2004, p. 156). According to Funk and Said (2004), "In Arab-Islamic contexts, *sulh* was traditionally used to foster a sense of moral accountability that transcends tribal loyalty, and to make peacemaking itself an honorable, dignity granting activity" (p. 156).

Broadly, the foundations of mediation were established in pre-Islamic history, when each tribe had its own arbitrator known for "good judgment and knowledge of tribal customs and were also respected for their justice, fairness, and superior moral qualities" (Zartman, 2020, p. 3). It was in this context that Mohammad, prior to becoming a Prophet, became known as an "honest arbitrator" both among the

Muslim community and in the Jewish community, where he frequently applied Jewish laws (Zartmann, 2020, p. 3). An example of the Prophet's inclusive mediation style was when he arbitrated among the Quraish clans, the most powerful tribe in Mecca, during the reconstruction of the Kabah. The conflict was about the honour of placing the Black Stone in the Kabah. For five days, the clans debated and were about to go to war. To compromise and ensure an inclusive process, the Prophet placed the stone on a piece of cloth and asked each clan chief to hold an edge. Then, he ordered them to lift the stone together, and he placed it in the proper place in the Kabah. The Prophet addressed the problem through an inclusive process to ensure everyone felt included and dignified. Through the peaceful resolution of the conflict, the Prophet protected the legitimate interests of all warring parties and responded to their legitimate fears.

Building on the characteristics of peacebuilding emphasized in the Quran, including patience, tolerance and forgiveness, Islam provides clear support for mediation: "And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly. The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy" (Quran: 49:9).

This idea of collective responsibility is tied to Islam's emphasis on intentional actions and deeds as a way of carrying out one's responsibilities. Abu-Nimer (2001) states that the core responsibilities in Islam include: "(1) responsibility towards Allah to be fulfilled through the performance of religious duties faithfully; (2) responsibility to oneself by living in harmony with oneself; and (3) responsibility to live in harmony and peace with other fellow humans" (p. 249). In this context, deeds are used as a concrete measure of how Muslims fulfil their responsibilities, which further align with emphasis in Western peacebuilding frameworks that encourage implementation efforts to support positive values and social transformation (Abu-Nimer, 2000).

The focus on deeds and actions is supported by the concept of *ummah*, which is defined as "one community" and is used to motivate conflicting parties to reach an agreement, achieve unity, gain strength, seek empowerment through collaborative action, and encourage people to avoid rivalries (Abu-Nimer, 2000). *Ummah* suggests that, since humans have a common origin, the basis for collaboration extends beyond the Muslim community. Quran verse 4:1 states: "O people, fear your Lord who has created you from a single soul and created from it its pair and spread from this too many men and women [...] Fear Allah, in whose name you plead with one another, and honor the mothers who bore you. Allah is ever watching over you" (Abu-Nimer, 253). A famous hadith further highlights the importance of community by stating, "the believers in their mutual kindness, compassion, and sympathy are like one body, when one of the limbs is afflicted the whole body responds to it with wakefulness and fever" (Al Bukari & Muslim).

This recognition of diversity is important, particularly from a conflict resolution perspective, because it asserts that differences in race, ethnicity, gender, and tribe have no bearing on one's closeness to God. According to the Quranic teachings, diversity was God's intentional plan. However, although the Quran is clear about the importance of honouring diversity and promoting the importance of equality, women continue to struggle under a lack of equal treatment that impacts their inclusion in peacebuilding and conflict resolution spaces.


## 5. Shura: The Art of Consultation in Islam

Within the *ummah*, there is an emphasis on inclusive practices, such as *shura* (mutual consultation), which support the pursuit of inclusive and positive peace. From the private to the public sphere, *shura* is mandated by the Quranic and prophetic tradition. The Quran highlights the centrality of *shura* in Muslim public affairs: "And those who have responded to their lord and established prayer and whose affair is [determined by] consultation among themselves, and from what We have provided them, they spend" (Quran 42:38). Other Quranic verses extend the responsibility of *shura* to all members of the

community: "So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely upon Him" (Quran 3:159).

Historically, scholars have disagreed over the centrality of *shura*; however, it is well-established that the practice of consultation requires consultation with the entire *ummah*, rather than experts or the elite (Abu-Nimer, 2000, p. 259). This is supported by other principles that suggest responsibility lies with the *ummah*—rather than political leadership—to ensure the legitimacy of governance, the promotion of religion and the maintenance of public interests. As a result, freedom is seen as a right for all people—including "the other"—are entitled to protection because of their humanity and equal positioning in the eyes of God. Within this framework, oppression is prohibited owing to the diversity of humankind (Abu-Nimer, 2000, p. 259).

The prophetic tradition is replete with examples of how the prophet practiced *shura* in deciding most issues of the Muslim community. The prophet's companion reported: "I never saw anyone consult his companions more often than the messenger of Allah" (Sunan Al-Tirmizi). The seventh century Islamic jurist Al-Hassan Albasri states: "By Allāh, no group gathers to consult (Shura), except they are guided to the best outcome because of their consultation" (Al-Bukharī, 1989). The main attributes of *shura* include knowledge, expertise and wisdom (Abdul Cader, 2017, p. 10). The aim of *shura* is to envisage a participatory and inclusive process in making informed decisions where all important elements are taken into consideration to satisfy the community's collective needs. At its core, the *shura* relies on freedom of expression and thought (Abu-Nimer, 2010). Islamic scholars have noted that *shura* is not only an Islamic practice but also a foundational principle for governance, leadership, management of public affairs and a preemptive method for conflict resolution ( Al-Raysuni, 2011; Abdul Cader, 2017).

The prophet Mohammad himself was required to consult his companions for communal matters, rendering *shura* as an obligation and collective responsibility. As quoted by Al Raysuni, Judge Ibn Atiyyah states "consultation is among the foundations and most binding precepts of Islamic law. Hence, he who fails to consult those possessed of knowledge and piety must be dismissed. This point is beyond dispute" (Al-Raysuni, 2011, p. 9). While not all Islamic jurists agreed with judge Ibn Atiyyah's dismissal, nonetheless, the centrality of consultation is undeniable in communal matters, namely in the political sphere. However, Islamic jurists unanimously agree that *shura* is obligatory. Jurists such as al-Kawakibi associated the practice of consultation with righteousness (Al Raysuni, 2011, p. 122). According to Al-Raysuni, the benefits and aims of consultation include the following 10 reasons (Al-Raysuni, 2011, p. 26-39):

1.  Determining the most correct course of action

2.  Removing subjectivity and selfishness

3.  Preventing tyranny

4.  Encouraging humility

5.  Being fair to everyone

6.  Promoting freedom

7.  Developing own intellectual capacity and critical thinking

8.  Increased support to take action

9.  Promoting goodwill and unity

10. Willingness to accept and endure unfavourable consequences

## 6. Reclaiming *Jihad*

Finally, the principles of peacebuilding within Islamic frameworks are incomplete without advancing our own understanding of *jihad* and how it relates to the broader concept of justice and inner struggle. *Jihad*—which is mistakenly said to mean "holy war," particularly by Western audiences—is often referenced to castigate Islamic doctrine by suggesting that Islam is inherently violent (Abu-Nimer, 1996). Contrary to popular understanding, however, the true meaning of *jihad* deals with the struggle for self-improvement and is one of the main methods used by Muslims to settle internal and external differences (Cook, 2015). In his early writings, the Prophet encouraged peaceful rather than violent struggle and regularly spoke of patience and pacific discourse (Rothman, 2018, p. 97). From an Islamic framework, war is an aberration and the resort to war is strictly regulated, while peace is the preferred state of affairs.

Using Islamic history and Quranic interpretation, Sachedina (1990) differentiates between *Qital* and *Jihad*. *Qital*, which translates as fighting, is different from *Jihad*, which means struggle and striving (p. 36-37). In other words, he argues that *Jihad* in the Quran is consistently used and defined as the overall religious struggle, personal purification or collective effort to establish Islamic social order. In parallel, Dr. Taha Jaber al-Alwani (2003) suggests that "there is no other concept that will match the meaning of peace in Islam except *jihad*." He points to the importance of using *jihad* in conflict resolution to promote peaceful growth and suggests that its application can be used to effectively foster dialogue and address conflict at multiple levels (Alwani, 2003). *Qital*, on the other hand, means killing and fighting which is militaristic. Similarly, the juristic concept of *jihad* as war includes definite rules for its conduct, rules that distinguish classes of noncombatants from legitimate combatants, and defines what measure of harm is permitted against the enemy.

Tied to the concept of *Jihad* is the preservation and the sanctity of human life. As mentioned in the Quran: "And if anyone saved a life, it would be as if he saved the life of the whole people (5:32)," and "[…] do not take a life, which Allah has forbidden [to be killed], except by [legal] right. This He enjoins on you so that you may understand" (17:33). Tied to this deeply rooted respect for human life is prohibitions on the destruction or waste of resources that support human life. This principle has been applied in warfare throughout Islamic history. For example, the first caliph, Abu Bakr, is quoted as saying: "Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, or an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services, leave them alone" (Abu-Nimer, 2000, p. 242). Within Islamic jurisprudence, there are definite rules of conduct, rules that distinguish classes of noncombatants from legitimate combatants and define what measures of harm are permitted against the enemy (Kelsay, 2007, p.197).

In terms of Afghanistan, for instance, the Taliban claims *Jihad* as being justified to defend Islam and the *ummah* (nation) against Western transgression and humiliation. As such, the Taliban's public arguments are constructed around the permissibility of self-martyrdom and jihadist operations. The permissibility of self-martyrdom operations is analogous to the permissibility of the Muslim *ummah*'s self-defense. Their narratives try to associate a substantive normative connection between defensive action and threat posed that is grounded in the culpability of the aggressor. It is important, however, to also recognize that the Taliban have evolved and are rational and pragmatic actors. The Taliban of the 1990s is different from the current Taliban. To have the Taliban renounce military *Jihad*, it is important to refer back to Islamic sources and have alliances with well-respected and legitimate religious scholars that would support the process and provide legal arguments. While some have publicly denounced the

use of military *jihad*, children are still recruited and used in combat roles, in particular in the northeastern region.[1] Senior leaders will need to make concessions and talk to their supporters.

## 7. Moving Beyond Essentializing of Women, Peace and Security

Women's full and equal inclusion in peace processes is necessary for building sustainable and transformative peace. According to the United Nations (2020), "Including women in peace processes adds a broader range of perspectives and increases inclusivity and diversity. This enhances the ability of peacemakers to address a broader range of stakeholders and their concerns, which has proven to lead to more sustainable peace." The Security Council Resolution 1325, the milestone resolution on women, peace and security, was the first to recognize the gendered impact of armed conflict on women and girls and to give credence to their essential contributions to the conflict prevention, peacebuilding, and conflict resolution fields (Shephard, 2015). Women were finally recognized for their critical role as active agents for peace and security and, as such, urged all actors to increase the participation of women in peace processes. The resolution comprises four basic pillars: participation, prevention, protection, and relief and recovery (United Nations, 2020). Since its inception, nine resolutions on WPS have been adopted (1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467, 2493), further promoting the importance of expanding traditional safety concerns to acknowledge the link between the protection of women's rights and the maintenance of peace and security (Seedat, 2016, p. 5).

While the UNSCR 1325 is critical for bringing gender issues to the forefront and providing a global framework that can be used and adapted across diverse contexts, there is a significant gap between what these policies call for and what is implemented on the ground. For instance, it does not go far enough to question or dismantle the institutions, structures and socio-cultural norms that undermine the value of women's voices, even when they have secured access and participation (Bond, 2012). Gender mainstreaming, when applied tokenistically, also fails to acknowledge the other intersecting forms of discrimination and oppression faced by women in conflict as a result of their race, ethnicity, rural status or social class (Baldoumus et al., 2020). In parallel, due to the lack of accountability and enforcement measures, the implementation of 1325 is limited where women are, at times, tokenized to meet donor requirements rather than genuinely engaging them as partners and active agents of peace.

A reductionist approach to gender mainstreaming has the effect of essentializing women as holding narrowly prescribed roles in conflict and post-conflict transitions, including victims of sexual and gender-based violence in need of protection, inherently peace-seeking mothers and war-widows, or potential "participants" who possess local knowledge but who are in need of empowerment (Martin de Almagro, 2017). This is not to say that women cannot also be victims in war. During war, women disproportionately suffer because of economic exclusion; decreased access to social services and freedom of movement; the burden of care; and failing rule of law and governance systems that privilege those in possession of arms and physical force (PeaceWomen, 2016). According to the United Nations (2003), women represent the group most impacted by conflict. Jennifer Turpin (1998) writes that, "Women suffer from war in many ways, including dying, experiencing sexual abuse and torture, and losing loved ones, homes, and communities. Many people assume that women are unlikely to die in wars, since so few women serve in the armed forces worldwide. But women, as civilians, are more likely to be killed in war than are soldiers" (p. 3). While conflict resolution processes increasingly consider the voices of women, their participation is often hindered by male-dominated social and community beliefs that devalue women's participation in societies. Power dynamics are gendered and deeply rooted (Theidon, 2007, p. 18).

Reductionist understandings of women's representation in conflict rely on assumptions that women represent a monolithic entity, that their identities as women transcend other racial, ethnic, religious or

---

[1] UN General Assembly, The situation in Afghanistan and its implications for international peace and security., 29 November 1983, A/RES/37/37, https://www.refworld.org/docid/3b00f0195d.html [accessed 1 September 2020]

class identities, and that their experiences of conflict and their goals for peace are all the same. While essentializing women's roles in peace and security may justify and mobilize broad-based support for women's decision making, they also perpetuate stereotypes that women lack agency and limit the discursive spaces within peace and security that women are permitted to occupy (Bond, 2012). Due to these implicit biases, women's inclusion in peace processes heavily limits their participation in "women's rights" and "women's issues", even though they represent half of the population. Other critical issues, such as food security, education, economy and peacekeeping, are placed at the periphery. Lastly, solely focusing on women's victimization further justifies securitization and militarization over addressing root causes.

Other obstacles include the systematic exclusion of women from the rural, conservative and marginalized communities in peace processes. Women who get a seat at the table tend to be from elite or liberal backgrounds that are viewed as being conducive to a WPS agenda, and that a wide range of women--including marginalized and conservative women --are excluded from these processes altogether (Baldoumus et al., 2020). Indeed, as Martin de Almagro observes, when current WPS efforts are analyzed through an intersectional and post-colonial feminist lens, "it becomes evident that there is a competent, a troublesome, and an invisible woman participant" and that the WPS agenda is exclusionary when it "creates, naturalizes, and gives legitimacy to certain representations of the subject position of the 'woman participant,' while troubling or silencing others" (Martin de Almagro, 2017).

Addressing and bridging these various gaps to achieve gender equality and women's rights requires not only a grounded understanding of how intersectionality and root causes of conflict manifest in local contexts, but a strong awareness of how power dynamics are perpetuated by international structures (Baldoumus et al., 2020). It means not just engaging or supporting women's groups and activists who support a liberal WPS agenda, but also those who hold traditional or conservative views about women's rights in conflict and post-conflict settings (Pratt and Richter Devroe, 2013). It means extending support to non-elite women, women from rural and marginalized areas. Finally, it asks that we support local women's initiatives and forms of non-violent political agency that draw on indigenous tools and approaches rather than simply adding women into existing WPS peacebuilding structures and methodologies (Pratt and Richter Devroe, 2013).


## 8. A Gendered Approach to Understanding Conflict

Study after study demonstrate that women's voices are crucial to reducing conflict, advancing stability and building lasting peace. Yet, women's participation in peace processes still remains low. Women continue to face patriarchal gender norms and sociopolitical constraints - they are sidelined, underrepresented and pushed into supporting roles. The Council on Foreign Relations (2020) cites research from Hudson et al. (2009), Caprioli (2005) and Fearnon (2009) stating that "higher levels of gender equality are associated with a lower propensity for conflict, both between and within states." This is further supported by research from Nilsson (2009) showing that peace agreements are 64% less likely to fail when women's organizations and civil society are involved in the agreement and implementation process. Moreover, a UN study found that women's participation in peace agreements increases the sustainability of agreements by 35% and peace agreements negotiated with women involved are more likely to last beyond 15 years.[2] Yet, out of 31 peace processes between 1992-2011, only three had women-led mediators, none had female signatories, and only 14 had female representation on the negotiating team (Council of Foreign Relations, 2020).

As previously discussed, security studies as a discipline has historically centred a male-dominated, militaristic lens that largely ignored marginalized groups. Rooted in scientific and structural theories, it has tended to address macro- and state-level social and governance issues (Newman, 2001). Insecurity, however, is not limited to times of war or government systems and is not experienced equally by all segments of society. Women, in particular, face insecurity in a broad continuum of non-militarized spaces that warrant increased attention (Seedat, 2016, p. 3). Ignoring the role of gender in conflict leads

---

[2] https://wps.unwomen.org/participation/

to incomplete and selective conflict analysis and solutions (Lewis, 2013, p.1). As a result, Seedat (2016) argues that the main impact of a feminist analysis of security can be found in a recognition of the need to increase women's participation in security and peacemaking practices because of their unique experiences in conflict and situated social knowledge (p. 3). As such, it is important to gain women's input and ensure their genuine participation for building lasting peace.

Feminist security frameworks promote the development of a nuanced, multidimensional definition of security that pushes for the cessation of all forms of violence, including structural, ecological and physical violence (Tickner, 1997, in Seedat, 2016). Clarke (2013) expounds upon this idea by highlighting the cycle created by failing to look at security from a holistic, feminist perspective. This cycle suggests that war, which is often driven by gendered capitalistic processes and patriarchal gender norms, is incapable of fully addressing women's security concerns, even though women's issues are often used as a securitized justification for war (Seedat, 2016, p. 5). Broadly, war often leads to the increases in disempowered masculinities which produce elevated levels of domestic violence in post-conflict settings (Clarke, 2013). Feminist security frameworks promote a more complex and comprehensive definition of security that embodies an intersectional approach to peacebuilding.

Third wave feminism has championed the reformulation of security concerns to include an expanded definition of security that rejects sexual and gender-based violence, poverty and the proliferation of harmful gender norms (Sjoberg and Martin, 2007). At its core, this reformulation acknowledges the connection between violence in the domestic and social spheres and violence in war; both are violations of the human security of women (Seedat, 2016, p. 4). Mohanty (2003) suggests that any analysis of women and security should be "[…] anchored in the place of the most marginalized communities of women—poor women of all colors in affluent and neocolonial nations; women of the Third World/South or the Two-Thirds World" because such an analysis is necessary to ensure efforts to promote social justice are equitable and inclusive. She goes on to state that, "This particularized viewing allows for a more concrete and expansive vision of universal justice. This is the very opposite of 'special interest' thinking. If we pay attention to and think from the space of some of the most disenfranchised communities of women in the world, we are most likely to envision a just and democratic society capable of treating all its citizens fairly" (Mohanty, 2003, p. 511). Her aim is to build a decolonized, cross-border feminist community with the notion that common differences can form the basis of deep solidarity.

### 9. Engendering the Peace Processes: The Role of Women

Notwithstanding the advantages of ensuring women are included in formalized global conflict resolution and peacebuilding mechanisms, their involvement continues to be primarily through informal means (Shephard, 2015, p. 67). Herbolzheimer highlights this dynamic by suggesting that, "If sustainable peace is to be achieved, peace processes cannot afford to neglect constructive contributions. There is therefore a need to design options to further bridge the gap between the formal peace talks and the parallel informal peacemaking activities" (p. 7). Shephard (2015) supports this view and argues that women must be given a seat at the peace table and the opportunity to contribute to or lead the "drafting, interpretation, and application of the rule of law created during the transition into peace" (p. 58). Moreover, special attention needs to be paid towards the inclusion of women from various different backgrounds and intersectionalities, to avoid tokenizing women from elite or liberal backgrounds and excluding marginalized and conservative women altogether (Baldoumus et al., 2020). The questions we need to ask are not only why women are needed at the peace table but also which groups of women.

Due to women's ability to effectively prevent, mitigate and resolve conflict at local levels, greater attention must be paid to ensuring women are included in higher-level processes. According to Shephard (2015), "Peace agreements and reconstruction are more sustainable and effective when women are involved in the peace-building process" (p. 53). With women's inclusion in these higher-level processes, the content of these peace agreements will more likely address socioeconomic inequalities, human insecurity and community well-being. However, women's participation does not automatically

guarantee gender-sensitive peace agreements. As such, gender-specific provisions are equally important to ensure the interests of men and women are addressed and met.

Research suggests that women tend to adopt collective conflict management styles that are rooted in collaboration, compromise and accommodation, producing more constructive outcomes for contesting parties and, supporting the development of harmonious, long-term relationships (Shephard, 2015, p. 57). A large part of this is tied to the role women play in the transmission of tradition and culture throughout the world (Manoogian, 2007). Hirsch and Smith (2002) state that, "What a culture remembers and what it chooses to forget are intricately bound up with issues of power and hegemony, and thus with gender" (p. 6). This suggests that women are in a unique position to promote broad societal buy-in for peace and conflict resolution processes. However, this will not happen until women are not instrumentalized and, instead, recognized as strategic partners and as active agents of peace.

Globally, women are largely absent from high-level government, defence and security positions, which means they are also absent from track-one processes (Shephard, 2015, p. 58). However, there is a need to move beyond monolithic categorizations to better assess the needs and capacities of affected communities using an intersectional approach. For women, it is about more than getting a seat at the table: conflict resolution processes should be deeply connected to societal concerns, which include issues that impact women. Unfortunately, the exclusion of women is often tied to patriarchal traditional values and roles and, in this context, viewed as normal (Herbolzheimer, 2011). In parallel, it is important to note that in many peace processes, women and issues related to inclusion and equality are typically considered irrelevant and secondary.

This is no different than what Muslim women experience in their local contexts. While Muslim women played an active role in conflict resolution, their contributions have been less valued or discounted in mainstream educational and religious curricula. As the mother of the first believers, Khadija supported the Prophet Mohammad and protected him with her political power and influence. Prophet Mohammad consulted his wives on military and political issues. Umm Salama, for instance, played a critical role in the Treaty of Hudaybiyyah. She was known for her sound judgement, political savviness and intelligence. She advised the Prophet Mohammad on how to break the stalemate. The prophet listened and followed her wise advice. In a time where misogyny directly resulted in girl infanticide, this role modelling behaviour served as a direct message to the community that women are savvy political leaders and should be respected. Similarly, the Queen of Sheba was cited in the Quran as an exemplary leader who consulted with her people, showcasing diplomacy and her inclination to peace. This goes directly against the claims of women not being able to uphold political leadership positions.


## 10. Navigating Women's Rights in Post-Conflict, Muslim-Majority Settings

Individuals and groups advocating for women's rights and gender equality in Muslim-majority countries during post-conflict transitions face many barriers. These include patriarchal, cultural and tribal norms at the local level, instrumentalization by national and foreign policy agendas, and the international community's essentialization of women in (predominantly non-Western) conflict-affected countries.

While the Quran espouses justice and equality, which guarantees the rights of both genders in equal measure (*Musawah*), Islamic scholarly writings on women's rights continue to be a product of male-dominated traditions that promote a patriarchal understanding of how women fit into society (Al-Hibri, 2000). The constitutions and legal systems of Muslim-majority countries can often reflect these patriarchal conceptions of women as holding limited and prescribed roles in society, namely as mothers, wives, minorities and victims in need of protection. This has led to the entrenchment of prevailing sociocultural norms in many Muslim nations and regions that view women in ways that do not align with the Quran's teachings (Patoari, 2019). Patriarchal, tribal and cultural norms constrain women's participation and access to power in both public and private spheres. It should be said that "Muslim-majority countries" are not homogenous in their local norms and cultures both on an interstate and intrastate basis, and so the particular barriers faced by women vary across different contexts. Moreover, many of the local sociocultural norms that constrain gender in Muslim-majority countries are

framed or justified in religious or Islamic terms but are in fact juridical interpretations (*fiqh*) of religious law (*shari'a*) rooted in tribalism and patriarchal customs or traditions (Tønnessen, 2014).

While a constitution is not the only mechanism for understanding and evaluating social, political and legal aspects of a country, it serves as a strong indicator for understanding a nation's ideals and values. The framing of women within these documents is of the utmost importance for reflecting an accurate picture of the strengths as well as vulnerabilities of women within societies. This framing requires gender-mainstreaming, but at the same time also requires that these countries and actors engaged in constitutional drafting address the differential vulnerabilities that women and girls face through a lens of inclusivity. The key issue is to not further re-victimize women but empower women and men to see the benefits of women's inclusion in the public sphere, while simultaneously considering an Islamically-based framework. As Irving notes, "One cannot overestimate the significance of the choice of words in constitutional drafting" (Irving 38).

The two most contentious issues with women's rights and Islamic law that continue to be debated within the Muslim world can be categorized into the following areas: (1) family law, which addresses marriage, divorce, child custody and inheritance; and (2) the right to exercise high state functions. In terms of personal status, women continue to suffer from inequalities resulting from the patriarchal and male-dominated interpretation of the Quran. Women's rights categorized under a special protection status or family framework hinder women's equal and full participation in political and social life. Equating women with children evokes a minor status and calls for special consideration and protection. Such an association feeds into an underlying and erroneous assumption that women are in some way inferior to men and has the potential to limit the struggle for equal participation in public life. While designating special protection for women is essential, as they are the primary victims of conflict, ensuring their agency and recognizing them as full citizens is paramount.

Out of 40 constitutions evaluated, nine countries use a citizen-based framework for designating rights and do not include gendered language, while the remaining 31 make mention of women through various lenses and categorizations. The framing of women in conjunction with children and in the context of motherhood and the family unit was referenced more than 38 times across 21 countries and was one of the most common framings of women. Family law or personal status codes (*mudawana*), which contain laws and norms on issues such as marriage, divorce, custody and inheritance, are often cited as a main source of the inequalities faced by Muslim women in Muslim-majority countries (Tønnessen, 2014; Lomazzi, 2020).

In a December 2021 workshop that brought female religious scholars and leaders from the MENA region to discuss Islam and the quest for women's inclusion and rights, Dr Sanaa Alsarghali, UNESCO Chair on Human Rights, Democracy and Peace at An-Najah University, Palestine, stated that it was crucial for women to be involved in constitutional institutions – such as the Constitutional Court – to ensure that the interpretation of the law and judgements were gender sensitive and made with women in mind. However, in the 2016 Palestine Constitutional drafting, women were sidelined, discussions were kept secret, and specialists were only included in technical committees. One obstacle was that women only recently had access to the same level of legal education. As a result, there were fewer female constitutional lawyers with the requisite experience to sit on the constitutional court. A proposed suggestion was to apply different selection criteria so that women could be represented in this vital constitutional institution. She further argues that it is crucial to use gender-sensitive language to not revictimize women and close the gaps of ambiguity. As Irving rightfully argues, "The selection of words invariably includes choices about gender, regardless of whether the framers are conscious of this" (Irving, 2008, p. 40). The lack of constitutional clarity allows the interpretation of articles according to the ideological beliefs of the current presiding constitutional judges. The framing and choice of words can become a battleground. This risk is increased when women are absent or underrepresented in the constitutional drafting commissions.

Within shari'a, personal status codes constrain women's rights in private spaces, and may, depending on the country, reinforce inequalities in women's rights to inherit property, condone women's coercion into marriage, limit their guardianship and custody rights to their children, or prohibit them from seeking

divorce (Lomazzi, 2021). In some contexts, with strict implementation, shari'a may also limit women's legal rights, freedom of movement and their roles in institutions (Religion, Development, and the United Nations, 2012). The constitutions of Egypt, Saudi Arabia, Pakistan, Bangladesh, Afghanistan, Iraq, Morocco, Yemen, Libya, Sudan, Somalia, Niger, and Gambia all include, to varying specificities, quotas for women's inclusion in government, yet women who do secure access to positions of power may still be excluded from secular or male-dominated spaces and hierarchies as a result of the particular practicalities of negotiating public roles with religious and cultural duties (Religion, Development, and the United Nations, 2012).

At times, women may find loopholes to circumvent discriminatory provisions by, for instance, writing clauses in their contracts to protect them against polygyny, or to secure assets for their daughters to address inheritance inequities. While Morocco promotes women's rights, inheritance remains a contentious and divisive issue. For instance, Article 19 of the Moroccan Constitution states: "man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural, and environment character…", yet, women cannot be equal in inheritance, which remains governed by the family code, which itself is derived from Islamic interpretation.


## 11. Double Burden: Instrumentalization of Women's Rights

The advancement of women's rights can be transformative when viewed from a socio-political rather than a solely religious perspective. Women in Muslim-majority countries face a double burden: secular claims to rescue and liberate women from their religious and cultural traditions have been partially deployed to justify foreign invasions. Secular arguments blame Islam for laws in Muslim-majority countries that are oppressive to women, but many women in these countries ardently defend Islam as a supportive religion steeped in peace, justice and equality (al-Hibri, 1997, p. 2). Abu Lughod questions whether Muslim women really need saving and states "Could we not leave veils and vocations of saving others behind and instead train our sights on ways to make the world a more just place"? (789). Instead, she calls for an appreciation of difference that can form the basis of solidarity and partnership. As Mohanty states, "by knowing the differences and particularities, we can better see the connections and commonalities because no border or boundary is ever complete or rigidly determining" (Mohanty, 226).

In Afghanistan, for instance, the instrumentalization and historical positioning of women's rights is a major impediment to women's freedom and advancement. The framing of women's rights is constrained by the Taliban's use of religiously grounded arguments and the West's partial justification for the occupation as liberating Afghan women from oppression and their burqa. With such mistrust and aversion to Western-driven programming, even well-intentioned international human rights norms and the Afghan Constitution had become labelled as being too foreign, and Afghan women's rights organizations found that cases based solely on the Afghan Constitution relating to inheritance, maintenance, divorce and separation were being rejected. Formal laws that derived from an Islamic legal perspective were far more acceptable. Organizations that engaged with faith-based leaders and were exposed to Islamic experiences were more able to change views on women's roles.

Similarly, Seedat (2017) argues that "[…] women's rights concerns enter the securitization agenda with potentially disastrous effects for Muslim communities rendered targets of securitization agendas" (p. 5). She highlights the work on Tania Saeed (2016) who argues that the securitization of religion functions prominently in the negative association made between women's rights and Islam and has been used to justify the West's continued incursions into Muslim nations (Seedat, 2017, p. 5).

There are examples of both secular and conservative MENA governments instrumentalizing liberal women's rights agendas while quietly carrying out contradictory agendas behind the scenes. In September 2021, Tunisian President Kais Saied nominated the MENA region's first woman prime minister after seizing broad control over the government and stripping the prime minister's office of major powers several months before (Foroudi, 2021). Historically, Tunisia's first president Bourguiba was known as a staunch reformer on women's rights, but women from both leftist and religious opposition movements faced discrimination and oppression under his regime (Foroudi, 2021).

Western governments also instrumentalize women's rights in Muslim-majority countries to achieve foreign policy goals. Martin de Almagro (2017) points out that the UNSCR 1325 National Action Plans of many Western countries focus on foreign policy goals in countries deemed to have socio-cultural norms that contribute to inequality and violence, while minimizing or ignoring the inequalities and violence at home. Foreign military interventions, such as those led by the USA in Afghanistan are often justified by the need to save or protect women and children, when in reality, the interventions themselves threaten the physical and psychological integrity of the entire population and equate women as being children themselves (Foroudi, 2021). Beyond the hypocrisy and double standards, these foreign policy agendas risk further alienating local populations from liberal women's rights agendas by promoting an "us" versus "them" paradigm where "traditional" or "less-developed" countries must be fixed through NAPs or military intervention while "modern," "civilized" or "Western" countries are exempt from this kind of foreign governance or control (Martin de Almagro, 2017).

In sum, the international mechanisms designed to facilitate women's rights in peace and security often undermine themselves by failing to acknowledge and redress inherent power dynamics, ignoring the heterogeneity of women's experiences and concerns, and, in particular, ignoring the need to engage individuals, groups and resources that come from traditional, indigenous and conservative positions.


## 12. Negotiating Women's Rights: Integrating Religious and Traditional Frameworks

While religious frameworks for women's rights are most often neglected or essentialized in post-conflict contexts, there is a need to integrate both religious and secular women's rights frameworks to overcome the challenges noted above. Given the centrality of religion in many Muslim-majority communities in public and private life and their close ties to cultural and tribal norms of the communities, religious frameworks offer a way to justify new understandings of women's positions in society and to prioritize the voices, customs and practices of local communities.

Within Islam, there is great potential for reinterpretation or *ijtihad* to respond and reflect on the current realities on the ground. Islamic feminism and related schools of thought posit that the Quran supports the principles of equality and justice for all human beings but that the practice of equality in today's Muslim societies has been corrupted by patriarchal ideas, customs and practices--the interpretations of which are monopolized by the state (Tønnessen, 2014). Operating through an Islamic framework, rereading of Islamic texts through a humanist lens becomes essential to opening new possibilities based on dignity, justice, and equality. Women's voices have to be included and become part of the Islamic fiqh. Islamic feminism can support the integration of religious and secular frameworks for women's rights in conflict-affected contexts in a number of ways.

First, it is important to note that there are many examples of women close to the Prophet in the Quran and the Hadith who took on leading roles in public and private life, including in times of conflict. Elius (2012) notes the prevalence of women, including Aisha the Prophet's wife, in battlefields, as heads of household, and in positions of religious and political leadership. The Prophet's treatment of women and his expansion of rights such as inheritance and marriage at the dawn of the Islamic era also embodies values of equality and social justice (Deutche Welle, 2020). Some scholars have also pointed to the need to understand the later period when constraints were placed on women's rights and movement within the context of the tumultuous, transitory Medinan period (Halverson & Way, 2011). Finally, Islamic feminists also point to the "ethical voice of the Quran" that frames the spiritual, moral and biological origins and duties of women and men in equal terms (Anwar, 2007).

Islamic feminist scholars note that the complexity of the Arabic language can lend itself to numerous interpretations of Quranic verses. Some of these interpretations have led to harmful practices. One example is the word *qawwamun* in the Sura an-nisa' verse 4:34, which is always translated as male guardian and used to constrain women's autonomy in family and public life. Riffat Hassan interprets this word as "breadwinner" rather than "male guardian", which changes the meaning of the verse (Tønnessen, 2014). Many Islamic feminists are relying on Maqasid Shari'a to reconcile these

differences and justify changes to legal rights frameworks that are gender conscious and respect human rights.

Finally, Islamic feminists point to the need to make the act of interpretation of shari'a more accessible and to ensure Muslim women are capable of understanding how religious knowledge is produced and producing interpretations of the Quran and shari'a as being fully compatible with women's rights. Local access to interpretation is often limited by political situations, lack of exposure to the literature on Islamic feminists, funding, time and resources (Tønnessen, 2014). Promoting religious literacy among women at local levels can help to overcome these barriers. Moreover, in looking to the local experiences of Muslim women and their agency, it is important to "expand the definition of power" and recognize the roles women are already playing in peacebuilding and development, particularly parallel networks in hospitals, schools and informal networks that support the community (Religion, Development, and the United Nations, 2012).

More significantly, it becomes essential to reference Muslim women's roles, both historic and contemporary, to challenge patriarchy and provide a gender-inclusive framework for women's roles, rights and responsibilities within an Islamic framework. For instance, women's active participation in selecting the Prophet to lead Muslims could be deployed when discussing Muslim women's rights to participate in the electoral process and political life. Similarly, women played a prominent role in the preserving and cultivating Hadith or the Prophet's sayings. The foremost of these women was Aisha, the Prophet's wife, who was considered one of the most important and respected figures in the transmission and development of Hadith. She was a distinguished political and religious leader. She was known for debating Islamic law with her male companions and was consulted before any major fatwa or religious edict. She is considered one of the most important and respected figures in the development, growth and understanding of Islam. After the Prophet's death, many women excelled in important public positions in partnership with men in the cultivation of the prophetic tradition. These women came from diverse backgrounds and their gender did not prevent them from rising in the ranks of Islamic scholarship.

Despite women's early contributions to Islamic jurisprudence, Muslim women face significant challenges to religious education. Men have heavily dominated the religious sphere. Therefore, the lack of religious literacy among women concerning their rights is a significant challenge that needs to be addressed. It is also essential to use prophetic tradition to extract examples of positive masculinity, including that of the Prophet himself. The need to use Islamic frameworks for women's empowerment was heavily stressed during the December 2021 workshop that brought female religious scholars and leaders from the MENA region to discuss Islam and the quest for women's inclusion and rights. A senior Moroccan female religious scholar shared her challenges in gaining access to preach in the mosques in the late 1980s. At that time, the Moroccan constitution allowed only Muslim Moroccan men to preach inside the mosque. In her fight to change that law, she cited the Surah Al Tawbah, Verse 71, to showcase that God does not differentiate between men and women. It states, "the believers, both men and women, are guardians of one another. They encourage good and forbid evil, establish prayers and pay alms, and obey Allah and his messenger…". This verse was powerful during her negotiations with the Ministry of Religious Affairs. Finally, after a two-year battle, the article in the constitution was changed, and she was not only granted permission to preach but opened the door for other women. Many more women are breaking the glass ceiling and opening the space for the younger generation of women; however, such initiatives are often not well known beyond the direct circles of impact.

Similar efforts were undertaken in Kenya to respond to the inter-clan tensions that escalated in the Wajir District between 1992-1993—resulting in 2,000 deaths and the displacement of 300,000 people. Dekha Ibrahim referenced how her religious and spiritual identity as a Muslim informed her peacebuilding work (Herbolzheimer, 2011, p. 3). She engaged with youth and elders to promote the Wajir Peace and Development Committees, in a time where women had limited roles in decision making and formal peacebuilding roles. She stated, "Participation in a peace process is not about the mathematics of number and percentages in relation to who is in majority or minority. It is about plurality, diversity, participation and ownership of all affected by the conflict" ( Herbolzheimer, 2011, p. 3).

Similar efforts were undertaken in Somalia, where male elders are traditionally tasked with brokering peace through formal dialogue and mediation proceedings. However, women were successful in acting as a first channel for dialogue between the warring parties and in mobilizing resources to support demobilization and peacebuilding efforts (Herbolzheimer, 2011, p. 5). Unlike men's primary focus of achieving a political statement, women's vision of sustainable peace included access to livelihood opportunities, education, truth and reconciliation, and community services (Herbolzheimer, 2011, p. 5).

In Libya, women played a historic role in the mediation of inter-community conflict and continue to do so despite the growing militarization of Libyan society. They have been at the forefront of calling for peace in Libya and for a greater role for women in peace processes at national and international levels. The Libyan Women's Empowerment Commission (LWEC) and the Government of National Accord (GNA): Women's Empowerment Unit emerged as platforms for women within the political arena. These platforms have criticized women's exclusion from public life in Libya, and from internationally-mediated political negotiations in particular. However, female representation in government has fallen 50% short of meeting its proposed quota, and the new Prime Minister justified this shortfall by explaining that there were not enough female candidates for ministerial positions to meet his initial commitment (Dabaiba, 2021).

While the above case studies demonstrate how Muslim women have harnessed their backgrounds to implement constructive change, numerous challenges still prevent women from meaningfully participating in political processes and transitional peacebuilding. Some of these challenges include societal and structural barriers, economic exclusion, threats to personal safety, and stigma. Since patriarchy has reduced women's access to Islamic jurisprudence despite their early contributions, it is critical to encourage and provide opportunities for women in Islamic feminist jurisprudence and religious studies. This is key in advocating for their rights. We see a few countries, such as Morocco, Tunisia and Malaysia, that have included women's religious leaders. However, this still represents a minority and not equally mainstreamed. When these conceptions of equality and empowerment are indigenous to the community, they have a better chance of being sustainable. However, representation of women in politics and peacemaking who come from rural and conservative backgrounds outside of city centres is still lacking. Nonetheless, the above case studies do highlight that Islamic framework can be harnessed to justify and encourage women's inclusion in peacebuilding, and Muslim women can empower each other to bring about change.

## 13. Zooming into Afghanistan: Challenges and Opportunities

Afghanistan's long decades of war, conflict and trauma have violated women's rights and hindered women's full and equal participation in socio-political and economic life. The Taliban made gender a hallmark in their political identity and messaging, based on the assumption that men and women are not equal. For decades, women's rights were used as a bargaining and negotiating tool by internal and external forces. Restrictions on Afghan women's rights should not be viewed in isolation, but part of the democratization and protection of human rights for all. Women's full participation in all aspects of life in Afghanistan is integral for sustainable peace, and critical for Afghanistan's future and development. Afghan women's rights organizations expressed concern about the exclusion of women from peace talks between the Taliban and the USA, demanding "firm and explicit guarantees that Afghan women's gains be protected" in any dialogues (Afghan Women's Network, 2019).

On paper, women in Afghanistan enjoy a wide spectrum of freedom and rights. Gender equality was supported in the 1964 Constitution and subsequent constitutions, because Afghanistan is party to several international instruments providing protection and equal rights, including the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights; and the Convention on the Elimination of Discrimination Against Women (CEDAW). The Convention on the Political Rights of Women of 1953 establishes the right to vote, run for and hold office. In the 2004 Constitution, Articles 22 and 44 provide equality to both men and women, with Article 22 stating that "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden" and that men and women "have equal rights and duties before the law" (Constitution of

Afghanistan, 2004). Article 44 guarantees that Afghanistan "shall devise and implement effective programs to create and foster balanced education for women" (Constitution of Afghanistan, 2004). The 2008 Afghanistan National Strategy, the 2008 National Act for Women of Afghanistan, and the various ministries, underscore gender equality as a cross-cutting theme for Afghanistan's development. The 1977 Afghan Civil Code gives women the right to inherit and own property, sets the minimum age for marriage (Articles 70 and 71) and allows women to freely choose their partner and initiate separation (Article 80).

Some of these legal protections have translated into practice. Between 2000 and 2018, female life expectancy rose from 57 years to 66 years. In terms of education, the average length of schooling increased from 0.6 years in 2000 to 7.9 years in 2018. In parallel, 27.4% of parliamentary seats are held by women, and 11.4% of adult women have reached at least a secondary level of education. There is an increase in activism and work by various NGOs for women's rights, with the creation of Legal Aid Referral Centers to support women legally. To address gender-based violence, Family Response Units with female staff have been set up in police stations equipped to help victims of sexual abuse, child marriage and forced marriage (Alvi, 2011).

Unfortunately, there are four major impediments to women's rights in Afghanistan. These include: 1) lack of implementation and enforcement of policies and laws; 2) battle of religious interpretation; 3) customary law; and 4) the historical positioning of Islam and its instrumentalization in Afghanistan. Afghanistan ranks as the second most dangerous country for women (Thomson Reuters Foundation, 2018), with murder of women among the most prevalent forms of violence, and perpetrators enjoying impunity (UNAMA, 2018). Afghanistan is listed as 153 out of 160 countries in the United Nations Development Programme's 2015 Global Gender and Inequality Index. The maternal mortality rate is seven times higher than the global average. In the 2010 parliamentary elections, 16% of all candidates were women (Hozyainova, 2014), with a small percentage of women represented in the police, army, judiciary, and the attorney general's office. Despite Afghanistan being a member of the International Labour Organization and ratifying the 1951 Convention for the equal remuneration of men and women workers for work of equal value, this has not materialized in practice, and the female labour participation rate, at 19.5%, is one of the lowest in the world (UNDP, 2018).

The courts and society at large still act within the framework of customary law that restricts women's rights in personal, economic and political spheres. Women have a limited public role. In response to the increasing number of attacks on women who participate in public life, social media messages were circulated to discredit, harass and humiliate women candidates and their families. High rates of sexual violence on Afghan women in public life (Bibler and Rafique, 2019) became a driving force in discouraging women from running for office and participating in political life. Sexual favours were demanded of women candidates in exchange for financial or political support, with the Afghan government forced to constitute an Independent Human Rights Commission to investigate these allegations (Gul, 2020). In July 2020, this Commission reported 5,655 cases of violence against women and girls between December 2019 and June 2020 (UN General Assembly, 1983). These numbers are underreported due to the culture of stigmatization around these highly sensitive issues.

The framing of women's rights is constrained by the Taliban's use of religiously grounded arguments and the West's partial justification for the occupation as liberating Afghan women from oppression and their burqa. In both, women's bodies are used as sites of political contestation and power. With such mistrust and aversion to Western-driven programming, even the well-intentioned international human rights norms or the Afghan Constitution can be labelled as foreign, and Afghan women's rights organizations found that cases based solely on the Afghan Constitution relating to inheritance, maintenance, divorce, and separation were rejected (Hozyainova, 2014). The diversity of political and theological debates over gender equality highlights the importance of framing and how gender equality needs to be continually negotiated, articulated, and contested in policy formulation forums and practices. The Taliban might insist on certain Islamic principles, but it remains ambiguous how it deploys Islamic references. It is critical to define the terms and concepts to close the gap of ambiguity. For instance, what does the Taliban mean when it refers to inclusivity or respect for women's rights according to Islamic tenants? The use of appropriate terminologies is of utmost importance to building

sufficient consensus and promoting discussion between groups across ideological and political divides.

With Islamic law having more credibility among the community, and with greater opportunity for progressive interpretation, women's rights advocates have increasingly adopted the Islamic legal framework to promote women's rights and respond to the customary laws that have been discriminatory towards women. In rural communities, Afghan law was seen as legitimate only if it was established that it was consistent with the Quran and the Sunnah. Formal laws explained from an Islamic legal perspective were far more acceptable than if based solely on Afghan and international law. Organizations that engaged with faith-based leaders and were exposed to other Islamic experiences were more willing to change their stance on the role of women (Hozyainova, 2014). But challenges remain, in terms of a lack of safe space and absence of positive Islamic practices, that make this work extremely difficult and dangerous (Hozyainova, 2014), and it is essential to engage with faith-based leaders as a source of legitimacy and credibility with local communities.

## 14. Islamic Support for Gender Equality and Inclusion

Gender equality, mutual responsibility, and accountability are supported by Islamic law and enshrined in the Quran: "O people, indeed, We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the noblest of you in the sight of Allah is the most righteous of you ..." (49:13). This verse is explicit in expressing the moral and spiritual equality of men and women, where the only defining variable is based on righteousness. In addition, Islam's egalitarian message guarantees women their unalienable rights, namely the right to education, the right to work, the right to life, the right to health, the right to inherit and maintain property, and the right to choose their spouse and keep their names. In parallel, the Prophet embodied positive masculinity in the way he performed household chores, mended his clothes, and behaved towards women.

Throughout the history of Islam, Muslim women have played a prominent role in the political, religious and public sphere. Women who actively participated in politics include Hind bint Yazid al Ansariyah and Akrashah bint al Utroush. Heads of State include Shajarat al Durr of Egypt and Queen Arwa of Yemen (Al Hibri, 1997). Scholars have stressed the role of strong Muslim women, both historic and contemporary, who challenge the milieu of structural patriarchy and provide a gender-inclusive framework for women's roles, rights, and responsibilities within an Islamic framework. This includes women's active participation in selecting the Prophet to lead Muslims. They came to him as a delegation and extended their allegiance or vote of confidence. These uncontested historical references can be deployed when discussing Muslim women's rights to participate in the electoral process. Similarly, women have played a prominent role in the preservation and cultivation of Hadith or the Prophet's sayings, the foremost being Aisha, the Prophet's youngest wife, who is considered one of the most important and respected figures in the transmission and development of Hadith, in addition to being a distinguished political and religious leader.

Yet Muslim women face significant challenges in religious education, which has been heavily dominated by men. One of the main difficulties in advancing women's rights in Muslim-majority countries is the lack of religious literacy among women on their rights (Al Hibri, 1997). However, as with other discourses, such as popular participation, traditional Islamic legal discourse on women and gender continues to justify inequality and entrench ancient patriarchal tribal customs and culturally infused interpretations of Quranic texts resulting from patriarchal bias (Mir-Hosseini, 2006). It is essential to distinguish between fundamental Islamic ideals of equality between genders and the male-dominated cultural norms and practices.

A secular approach imposed by international bodies will not resolve these conflicts. The international community needs to distance itself from the patriarchal interpretations of Islam as authoritative and give Muslim women space and agency to change the terms of reference from within. It is critical to encourage and provide opportunities for women in Islamic feminist jurisprudence and religious studies.

A few countries, such as Morocco, Tunisia and Malaysia, have led efforts to include women's religious leaders, albeit a minority.

It is important to note that the Hanafi school of thought, and others, were a product of their cultural and historical contexts. The cultural component gave rise to certain political and social assumptions that still impact family law in most Muslim countries today (Al-Hibri, 1997). As these jurists themselves recognize, laws change with changes in time, place and customs (Al-Hibri, 1997). Most importantly, the Hanafi and other Islamic schools of thought work under four basic principles with regard to Islamic laws: (1) they change with the passage of time, place or circumstance; (2) the need to avoid harm; (3) they can be disregarded if based on a cause which itself disappeared; and (4) they serve the common good and commonwealth. Unfortunately, these principles are not always applied and reflect a male perspective, and at times political authorities (Al-Hibri, 1997). The laws derived from holy texts are human interpretations and hold a multiplicity of positions and opinions.

Abu Hanifa notes that Islam gave women the right to contract in business without interference or need for guardianship. The same principle should apply to marriage. While the Hanafi view of *wali* or guardian serves as an advisory role, he still has the power to stop a marriage if it is determined unfit. The patriarchal stereotype of women as irrational, emotional, dependent and impulsive plays a role in how this is translated into practice. Protectionist arguments to deny political liberties have raised social inequities. The woman, in need of protection, feeds the underlying assumption that "women are created of men and for men; women are inferior to men; women need to be protected; men are guardians and protectors of women, and male and female sexuality differ, and the latter is dangerous to the social order" (Mir-Hosseini, 2006, p. 643). So, in these cases, protection takes precedence over agency and individual freedoms.

Mediators can draw on the Hanafi Islamic jurisprudence when showcasing the diversity of Islamic opinion on the subject matter. Syria, Egypt, and Jordan all follow Hanafi Islamic jurisprudence. For instance, under Hanafi law, women possess intellectual parity and have the necessary attributes to serve as witnesses. While the Taliban might insist on certain Islamic principles, it remains ambiguous how they deploy Islamic references. Drawing on key Islamic precedents may bring the convergence between the Taliban's default of gender hierarchy and the body of Afghan laws that are perceived to be derived from Islamic sources.
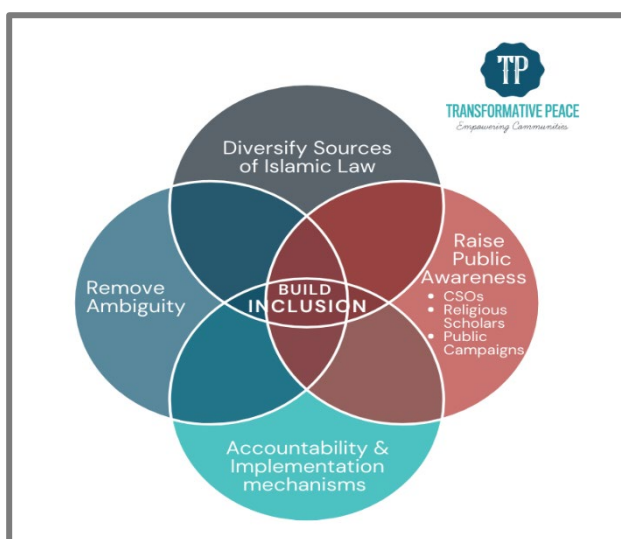


*Figure 4: Strategies for Building Inclusion*

In addition, a religious council to rule or guide religious affairs and ensure the state legislation's conformity with the Shariah might be helpful and would respond to the fears of the Taliban. The Religious Council could play a crucial role if seen by the general public as legitimate. It could exert political and social influence, especially during a political transition. While there is considerable diversity of views and approaches, the primary function of a Religious Council remains the same in most majority-Muslim countries: (1) offer guidance to the state in matters of Islamic laws; and (2) offer a re-interpretation of Islamic religious texts to respond to the changing socio-political realities. This authority is often cited in the constitution and its prerogatives are fixed by law or decree of the presidency. For example, the Council of Oulemas in Morocco set the minimum age of marriage for both males and females to 18, conditioned polygamy to the wife's explicit consent, and validated a young woman's marriage without the permission of her guardian. The composition of the Council influences the direction it takes: the more reformists that are included, the more it advocates for humanist, open and modern jurisprudence.

The diagram above lists four strategies to building inclusion, consisting of the following: removing ambiguity, diversifying sources of Islamic law and examining different theological entry points, ensuring accountability mechanisms are in place, and lastly engaging with the public to advocate against restrictive and harmful gender and cultural norms.

## 15. Conclusion: Seeking a Principled Approach to Inclusion and Peacebuilding

As this paper argues, principles of human rights, equality, inclusion, and justice are not in contradiction to Islam, on the contrary, they are part of the foundational pillars of Islam. The great medieval jurist, Ibn Qayyim al-Jawziyyah stated, "The foundation of the Shari'ah is wisdom and the safeguarding of people's welfare in this life and the next. In its entirety it is about justice, mercy, wisdom, and good. Every rule which replaces justice with injustice, mercy with its opposite, the common good with mischief, and wisdom with folly, is a ruling that does not belong to the Shariah, even though it might have been so claimed according to some interpretation ..." (I'lam al-Muwaqi'in an Rabb al-Alamin, vol.1, p. 182). The intents or objectives of the laws are to safeguard the community's well-being and ensure justice. This opens space for *ijtihad* or sound juristic reasoning to respond to Islamic contexts' actual social and political circumstances. This is important as discriminatory laws are viewed as social and political in nature, rather than stemming from immutable religious teaching.

However, there is a plurality of interpretation within the jurisprudence over law and governance, political power, civic life, and ritual practice, varying through time and context. The diversity of political and theological debates over gender equality highlights the importance of framing and process, either in terms of language choice or of the methods and approaches we use. The plurality of interpretation within Islamic jurisprudence affects how gender equality is continually negotiated, articulated and contested. Nonetheless, as argued throughout the paper, Islamic frameworks can be harnessed to justify and encourage women's inclusion in peacebuilding, respond to customary laws that have been discriminatory towards them, and empower Muslim women to change the terms of reference from within.

In parallel, to advance a more inclusive agenda and to ensure Muslim women's meaningful participation in peace processes, it is essential to address strategies to overcome barriers, constitutional mechanisms that empower and protect women, and ways in which we can build consensus and inclusion. Addressing harmful norms and barriers to inclusion through indigenous and Islamic-friendly peacebuilding frameworks is more likely to be accepted and adopted by the local communities. The full and equal inclusion of women is a prerequisite for building sustainable and transformative peace.

## 16. Ten Main Recommendations for Moving Forward:

1. Language matters and it can evoke visceral emotions. Language can either be used to protect women's freedoms or to discriminate against them. As such, it becomes critical to frame the conflict constructively to encourage productive communication, define the terms and concepts to close the gap of ambiguity and build sufficient consensus.

2. Include women in the negotiations, peace talks, and in all constitutional institutions. Women's voices and perspectives are critical to local dialogues, better policies, and more equitable peace agreements. International organizations need to also role model these types of initiatives within their own delegations to normalize women in positions of leadership.

3. Women's rights should not be viewed in isolation but as part of the democratization and protection of human rights for all. Social and economic rights are essential and facilitate women's meaningful participation in political processes. A whole-of-society approach will enable different entry points where gender equality is not a zero-sum game.

4. Inclusion of women from various backgrounds is critical. Avoid a saviour mentality and instrumentalization of women. Addressing differential vulnerabilities and unequal power relations will lead to normative change and increased participation.

5. A secular approach imposed by international bodies will not resolve these conflicts. The international community needs to distance itself from the patriarchal interpretations of Islam as authoritative and give Muslim women space and agency to change the terms of reference from within.

6. Constitutional development should not be viewed as a one-off moment of achieving a constitution. It is often iterative and, in fact, understanding the processes of review and changing the constitution over time is important. In addition, it should not be divorced from on-the-ground realities and ongoing political negotiations. In addition, human rights issues and measures for effective implementation, core to holding the government accountable, need to be on the table from the very beginning of the peace process.

7. Mediators can draw on Islamic jurisprudence when showcasing the varied Islamic opinions on the subject matter. Differences in worldview must be taken into consideration. Integrating indigenous forms of conflict resolution in non-Western contexts is important for building legitimacy, responding to local needs, and building on local capacities and knowledge.

8. Promoting inclusion and diversity through a humanist reading of the Quran and Prophetic tradition is key to gender equality and addressing gender bias. These teachings need to be widespread to raise community awareness and to address harmful and restrictive practices. The goal is to empower women and girls while also drawing men and boys in gender-transformative ways. Muslim women's active roles, historic and contemporary, in socio-political and religious life is still not mainstreamed within the general Muslim public as the production of religious knowledge is still heavily dominated by men. This is important as social and cultural norms remain the biggest hurdles in achieving gender equality.

9. Engage male faith-based scholars who have moral and spiritual legitimacy as allies and advocates. Provide concrete suggestions of how they can support positive behaviour and attitudes of men. Legitimacy and trust are critical elements for constructive and sustainable peacebuilding.

10. Women's religious literacy and education is critical for reclaiming their own narratives and rights. When conceptions of equality and empowerment are indigenous to the community or society, they have a higher chance of being sustainable. It is important to draw in women who are resistant to change and distinguish between fundamental Islamic ideals of equality between genders and the male-dominated cultural norms and practices. Interpretation of shari'a needs to be made more accessible to ensure Muslim women are capable of understanding how religious knowledge is produced and participate in its production.

**Works Cited:**

1325 National Action Plans (NAPs). (2021). Retrieved from http://1325naps.peacewomen.org/

Abdalla, A. (2000-2001). Principles of Islamic Interpersonal Conflict Intervention: A search within Islam and Western literature. *Journal of Law and Religion*, 15(1/2), 151–184. https://doi.org/10.2307/1051517

Abdalla, A., Akay, L. H., Hassanzadeh, A., & Tabari, M. Islamic Perspectives on Peace and Conflict Resolution Teaching and Training Manual.

Abdul Cader, A. (2017). Islamic principles of Conflict Management. *International Journal of Cross Cultural Management*, 17(3), 345–363. https://doi.org/10.1177/1470595817740912

Abu-Lughod, L. (2002). Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others. *American Anthropologist,* 104(3), (2002): 783-90. Print.

Abu-Nimer, M. (1996). Conflict Resolution Approaches: Western and Middle Eastern Lessons and Possibilities. *The American Journal of Economics and Sociology*, 55(1), 35–52. http://www.jstor.org/stable/3487672

Abu-Nimer, M. (1996). Conflict resolution in an Islamic context: Some conceptual questions. *Peace & Change*, 21(1), 22–40. https://doi.org/10.1111/j.1468-0130.1996.tb00253.x

Abu-Nimer, M., & Kadayifci-Orellana, S. A. (2008). Muslim peace-building actors in Africa and the Balkan Context: Challenges and needs. *Peace & Change*, 33(4), 549–581. https://doi.org/10.1111/j.1468-0130.2008.00518.x

Afghan Women's Network (2019). Afghan Women's Public Statement on Doha Peace Talks. Available at: http://awn-af.net/index.php/cms/press_detail/1506/12

Ahmed, Z. (1971). Socio Economic Values of Islam, and Their Significance and Relevance to the Present Day World. *Islamic Studies*, 10(4), 343–355. http://www.jstor.org/stable/20833043

Al-Hibri, A. (1997). Islam, Law, and Custom: Redefining Muslim Women's Rights. *American University Journal of International Law and Policy*, 12(1).

Al-Hibri, A. (2000). An introduction to Muslim women's rights. Windows of faith: Muslim women scholar-activists in North America, 51-71.

Al-Khalidi, F.K. (2018). International conflict resolution methods between the western and Islamic models: a comparative study. Department of Islamic Studies, College of Science and Arts, Al-Kamil Branch, University of Jeddah, Saudi Arabia.

Al-Raysuni, A. & Translator: Nancy Roberts. (2011). *Al-Shura: The Qur'anic Principle of Consultation* (1st ed.). International Institute of Islamic Thought (IIIT).

Alon, I., & Brett, J. M. (2007). Perceptions of time and their impact on negotiations in the Arabic-speaking Islamic World. *Negotiation Journal*, 23(1), 55–73. https://doi.org/10.1111/j.1571-9979.2007.00127.x

Alvi, H. (2011). Women in Afghanistan: A Human Rights Tragedy Ten Years after 9/11. Human Rights and Human Welfare: A Forum for Works in Progress, working paper 66. http://www.du.edu/korbel/hrhw/workingpapers/2011/66-alvi-2011.pdf

Alwani, Z. (2003). Peace, Jihad & Conflict Resolution. *American Journal of Islam and Society*, 20(1), 166-169.

Anwar, Z. (2007, September 30–October 6). Islam and Women's Rights [Paper Presentation]. University of California, Berkeley and Los Angeles Distinguished Visitor Program, Berkeley, California, USA.

https://escholarship.org/content/qt3cv6d3df/qt3cv6d3df_noSplash_3fd8e929f457cff904a11b2a07d6fa9a.pdf

Baldoumus, A., Banerjee, P., Bhagwan-Rolls, S., Evans, A., Hersi, A., Kaya, Z., Kezi-Nwoha, H., Smyth, F., & Tonelli, A. (2020). Transforming power to put women at the heart of peacebuilding: A collection of regional-focused essays on feminist peace and security. Oxfam Discussion Paper. https://doi.org/10.21201/2020.6447

Bangura, A. K. (2005). Chapter 5: Peace Through Equity: Islamic Perspectives on a Just and Cooperative World Order. In Islamic Peace Paradigms (1st ed., pp. 113–146). Kendall Hunt Publishing.

Bangura, A. K. (2005). Chapter 4: Peace Through Coercion: The Problem of Force in Islamic Politics. In Islamic Peace Paradigms (1st ed., pp. 73–112). Kendall Hunt Publishing.

Bangura, A. K. (2005). Chapter 6: Peace Through Conciliation: Forms of Islamic Conflict Resolution. In Islamic Peace Paradigms (1st ed., pp. 147–178). Kendall Hunt Publishing.

Berdikeeva, S. (2019). Hajer Sharief: Young Libyan Woman and Peace-Building Activist. Inside Arabia.

Bibler, S. and Rafique, N. (2019). New Assessment on Violence Against Women in Elections in Afghanistan. https://www.ifes.org/publications/new-assessment-violence-against-women-elections-afghanistan

Bond, J. (2012). Victimization, Mainstreaming, and the Complexity of Gender in Armed Conflict, 11 Santa Clara Journal of International Law. 225. http://digitalcommons.law.scu.edu/scujil/vol11/iss1/9

Boutha, T., Kadayifci-Orellana, S. A. & Abu-Nimer, M. (2005) Faith Based Peacebuilding: Mapping and Analysis of Christian, Muslim, and Multi-faith Actors. Released by the Salam Institute for Peace & Justice and the Clingendael Institute.

Chaudhry, A. (2013). Domestic Violence and the Islamic Tradition. Oxford University Press. https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199640164.001.0001/acprof-9780199640164.

Chaudhry, A. S. (2011). "I WANTED ONE THING AND GOD WANTED ANOTHER…": The Dilemma of the Prophetic Example and the Qur'anic Injunction on Wife-Beating. *The Journal of Religious Ethics*, 39(3), 416–439. http://www.jstor.org/stable/23019998

Chaudhry, M. S. (2003). Chapter 16: Fundamentals of Islamic Economic System. http://www.muslimtents.com/shaufi/b16/b16_16.htm#II-%20Islamic%20Concept%23II-%20Islamic%20Concept

Clarke, Y. (2013). Gender and peacebuilding in Africa: Seeking conceptual clarity. *Africa Peace and Conflict Journal*, 6(1), 87-91.

Constitution of Afghanistan, 3 January 2004. https://www.refworld.org/docid/404d8a594.html

Cook, D. (2015). Understanding Jihad. University of California Press.

Council on Foreign Relations. (2020). Women's Participation in Peace Processes. https://www.cfr.org/womens-participation-in-peace-processes/

Derelioglu, A. (2019). *The Islamic Concept of Social Justice as a Means of Peace-Building Attainment within the Framework of Human Dignity and Social Relations,* 18th International Conference on Social Sciences, Lisbon.

Deutsche Welle. (2020). Women's rights in Islam: Fighting for equality before the law. https://www.dw.com/en/womens-rights-in-islam-fighting-for-equality-before-the-law/a-53539222

Elius, M. (2012). Islamic View of Women Leadership as Head of the State: A Critical Analysis. *Arts Faculty Journal*, 4, 195–205. https://doi.org/10.3329/afj.v4i0.12941

Foroudi, L. (2021). Tunisia's Foremost Fisherwoman and the Political Uses of Feminism. Meshkal. https://meshkal.org/?p=2118

Gopin, M. (1997). Religion, violence, and conflict resolution. *Peace & Change*, 22(1), 1–31. https://doi.org/10.1111/0149-0508.00035

Gul, R. (2020). World Report 2020: Rights Trends in Afghanistan, 16 January. https://www.hrw.org/world-report/2020/country-chapters/afghanistan

Hak, N. A., Khan, H.A., & Mehmood, M.I. (2016). Women involvement in dispute resolution at the community level from Islamic perspective: a case study in Malaysia and Pakistan. International Conference on Women and Peace-building. https://www.researchgate.net/publication/317342091_Women_involvement_in_dispute_resolution_at _the_community_level_from_Islamic_perspective_a_case_study_in_Malaysia_and_Pakistan

Halverson, J. R., & Way, A. K. (2011). Islamist Feminism: Constructing Gender Identities in Postcolonial Muslim Societies. *Politics and Religion*, 4(3), 503–525. doi:10.1017/s1755048311000435

Hashmi, S. H. (Ed.). (2002). *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*. Princeton University Press. http://www.jstor.org/stable/j.ctt7t420

Herbohlzheimer, K. (2013). Muslim women in peace processes: Reflections for dialogue in Mindanao. Conciliation Resources. https://www.c-r.org/resource/muslim-women-peace-processes-reflections-dialogue-mindanao.

Hirsch, M., & Smith, V. (2002). Feminism and cultural memory: An introduction.

hooks, b. (2000). Where we stand class matters. New York: Routledge.

hooks, b. (2014). Ain't I a Woman: Black Women and Feminism. 2nd edition. Boca Raton, FL: Taylor and Francis, an imprint of Routledge.

hooks, b. (2014). Feminism Is for Everybody Passionate Politics. 2nd ed. Florence: Taylor and Francis.

hooks, b. (2014). Yearning: Race, Gender, and Cultural Politics. [Online]. London: Taylor and Francis.

hooks, b. (2015). Feminist theory: from margin to center. New York: Routledge.

Hozyainova, A. (2014). USIP Special Report: Shariah and Women's Rights in Afghanistan. Washington, DC: United States Institute of Peace. https://www.usip.org/sites/default/files/SR347-Shariah_and_Women%E2%80%99s_Rights_in_Afghanistan.pdf

Huda, Q. (2011). Crescent and dove: Peace and conflict resolution in Islam. United States Institute of Peace Press.

Hudson, V. M., Caprioli, M., Ballif-Spanvill, B., McDermott, R., & Emmett, C. F. (2009). The heart of the matter: The security of women and the security of states. *International Security*, 33(3), 7-45.

Irani, G.E., & Funk, N.C. (2000). Rituals of Reconciliation: Arab-Islamic Perspectives. Kroc Institute.

Irving, H. (2008). *Gender and the Constitution- Equity and Agency in Comparative Constitutional Design*. Cambridge University Press.

Kadayifci, S., Nimer, A., & Mohammed-Saleem, A. (2013). Understanding an Islamic Framework for Peacebuilding. Islamic Relief Worldwide.

Kamali, M. H. (2009). Diversity and pluralism: A Qur'anic perspective. *ICR Journal*, 1(1).

Kelsay, J. (2006). Arguing the Just War in Islam. Cambridge, England: Harvard University Press. P. 197.

Khan, M. A. (1990). Elimination of Poverty in the Islamic Economic Framework. *Islamic Studies*, 29(2), 143–162. http://www.jstor.org/stable/20839991

Khan, N. (2020, February 4). *Divine Duty: Islam and Social Justice*. Yaqeen Institute for Islamic Research. https://yaqeeninstitute.org/read/paper/divine-duty-islam-and-social-justice#ftnt7

Köse, T., & Beriker, N. (2012). Islamic mediation in Turkey: The role of ULEMA. *Negotiation and Conflict Management Research*, 5(2), 136–161. https://doi.org/10.1111/j.1750-4716.2012.00094.x

Lagarde, C. & Ostry, J. (2018). Economic Gains from Gender Inclusion: Even Greater than You Thought. International Monetary Fund.

Laluddin, H. (2016). A review of three major sociological theories and an Islamic perspective. *International Journal of Islamic Thought*, 10(1), 8–26. https://doi.org/10.24035/ijit.10.2016.002

Lewis, D. (2013). The multiple dimensions of human security through the lens of African feminist intellectual activism. *Africa Peace and Conflict Journal*, 6(1), 15-28.

Lomazzi, V. (2020). Women's Rights and Shariʿa Law in the MENA Region. In Migrants and Religion (pp. 231–250). Brill. https://brill.com/view/book/edcoll/9789004429604/BP000010.xml

Malik, A. M. (2012). Jihad: conflict-resolution or its antithesis? *Strategic Studies*, 32(2/3), 203–211. https://www.jstor.org/stable/48529368

Manoogian, M. M., Walker, A. J., & Richards, L. N. (2007). Gender, genocide, and ethnicity: The legacies of older Armenian American mothers. *Journal of Family Issues*, 28(4), 567-589.

Marshall, K., Hayward, S., Breger, E., & Jackson, S. (2011). Women in Religious Peacebuilding. United States Institute Of Peace.

Martin de Almagro, M. (2017). Producing Participants: Gender, Race, Class, and Women, Peace and Security. *Global Society*, 32(4), 395-414. doi:10.1080/13600826.2017.1380610

Mir-Hosseini, Z. (2006). Muslim Women's Quest for Equality: Between Islamic Law and Feminism. *Critical Inquiry*, 32(4), 629–45.

Moghadam, V. M. (2002). Islamic Feminism and Its Discontents: Toward a Resolution of the Debate. *Signs*, 27(4), 1135–1171. https://doi.org/10.1086/339639

Mohamed-Saleem, A. (2018). Understanding principles and community practices related to non-violence and conflict resolution from an Islamic tradition. Meezan.

Mohanty, C. (2003). "Under Western Eyes" Revisited: Feminist Solidarity through Anticapitalist Struggles. *Signs,* 28(2), 499-535.

Mohanty, C. (1991). "Under Western Eyes" Feminist Scholarship and Colonial Discourse." In Third World Women and the Politics of Feminism, ed. Mohanty, Chandra Talpade, Ann Russo, and Lourdes Torres. Indianapolis: Indiana University Press.

Nagarajan, C. (2018). Culture/ Religion/Tradition vs Modern/ Secular/ Foreign. *Feminist Dissent*, (3), 114-146.

Newman, E. (2001). Human security and constructivism. *International Studies Perspectives*, 2(3), 239-251.

Newman, J. (2013). Between Feminism and Islam: Human Rights and Sharia Law in Morocco, Zakia Salime. *Journal of Middle East Women's Studies*, 9(1), 130–133. https://doi.org/10.2979/jmiddeastwomstud.9.1.130

Nilsson, D. (2009). Crafting a secure peace: Evaluating Liberia's comprehensive peace agreement 2003. Department of Peace and Conflict Research, Uppsala University.

OSAGI Gender Mainstreaming. (2021). United Nations. https://www.un.org/womenwatch/osagi/gendermainstreaming.htm

Patoari, M. H. (2019). The Rights of Women in Islam and Some Misconceptions: An Analysis from Bangladesh Perspective. Beijing Law Review, 10(5), 1211.

Pely, D. (2008). Resolving Clan-Based Disputes Using the SULHA, the Traditional Dispute Resolution Process of the Middle East. *Dispute Resolution Journal*, 63(4), 80-88.

Picchi, M. (2017). Islam as the Third Way: Sayyid Quṭb's Socio-Economic Thought and Nasserism. *Oriente Moderno*, 97(1), 177–200. https://www.jstor.org/stable/48572296

Poletti, A. (2021). Libya: Who are the five influential women ministers in the new government? The Africa Report.

Pratt, N., & Richter-Devroe, S. (2013). Women, peace and security: new conceptual challenges and opportunities. Norwegian Peacebuilding Research Center. https://www.peacewomen.org/assets/file/pratt__richter-devroe_noref_unscr_1325_feb_2013_edited_changes_accepted.pdf

Qutb, S. (1949). Social Justice in Islam. Islamic Publications International.

Ramsbotham, O., Woodhouse, T., & Miall, H. (2011). Contemporary Conflict Resolution: The prevention, management, and transformation of deadly conflicts. Polity Press.

Rehman, U. (2011). Conflict Resolution and Peacemaking in Islam: Toward Reconciliation and Complementarity between Western and Muslim Approaches. *Islamic Studies*, 50(1), 55–69. http://www.jstor.org/stable/41932576

Religion, Development, and the United Nations, ed. Azza Karam (Social Science Research Council, 2012).

Rothman, N. C. (2018). Jihad: Peaceful applications for society and the individual. *Comparative Civilizations Review*, 79(79), 7.

Sabban, N. (2014). Contemporary Conflict Resolution and Islamic Conflict Resolution: Similarity and Differentiation on the Theoretical Level. *Jurnal Hubungan Internasional*, 3(1), 44-50.

Sachedina, A. (1990). The Development of Jihad in Islamic Revelation and History. In J. T. Johnson and. Kelsay (Eds.), Cross, Crescent and Sword: The Justification of War in Western and Islamic Traditions (pp.35-51). Greenwood Press.

Saeed, A. (2008). The Qur'an: an introduction. Routledge.

Said, A. & Funk N.C. (2003). Peace in Islam: An Ecology of the Spirit, Harvard University Press.

Saikal, A. (2016). Women and jihad: combating violent extremism and developing new approaches to conflict resolution in the Greater Middle East. *Journal of Muslim Minority Affairs*, 36(3), 313–322. https://doi.org/10.1080/13602004.2016.1216628

Salem, P. E. (1993). A critique of western conflict resolution from a non-western perspective. *Negotiation Journal*, 9(4), 361-369.

Salmi, R., Majul, C. & Tanham, G. *Islam and Conflict Resolution: Theories and Practices*. University Press of America, 1998.

Satha-Anand, C. (2015). The Nonviolent Crescent. Spiritual traditions, 243.

Seedat, F. (2016). Women, religion and security. *Agenda*, 30(3), 3-10. DOI: 10.1080/10130950.2017.1294842

Siddiqua Chaudhry, A., Muers, R., & Rashkover, R. (2009). Women Reading Texts on Marriage. *Feminist Theology*, 17(2), 191–209. https://doi.org/10.1177/0966735008098723

Shepherd, C. K. (2015). The role of women in international conflict resolution. *Hamline Journal of Public Law & Policy*, 36(2).

Sjoberg, L., & Martin, J. (2007). Feminist security studies: Conversations and introductions. *ISA Compendium Project*, 50-59.

Smock, D., & Huda, Q. (2013). Islamic peacemaking since 9/11. United States Institute of Peace. https://www.usip.org/publications/2009/01/islamic-peacemaking-911

Soliman, H. (2009). The Potential for Peacebuilding in Islam. *Journal of Religion, Conflict, and Peace*. http://www.religionconflictpeace.org/volume-2-issue-2-spring-2009/potential-peacebuilding-islam

Theidon, K. (2007). Gender in transition: Common sense, women, and war. *Journal of Human Rights*, 6(4), 453-478.

Thomson Reuters Foundation (2018). The World's Five Most Dangerous Countries for Women 2018. http://poll2018.trust.org/country/?id=afghanistan

Tønnessen, L. (2014). Islamic Feminism [Public Lecture]. Ahfad University for Women, Omdurman, Sudan. https://www.cmi.no/publications/file/5289-islamic-feminism-a-public-lecture-by.pdf

Turpin, J. (1998). Many Face Women Confronting War. In L. A. Lorentzen & J. Turpin (Eds.), *The Women War Reader* (p. 3). New York University Press.

United Nations. (2020). Women, Peace, and Security. Political and Peacebuilding Affairs.

United Nations Assistance Mission in Afghanistan. (2018). Injustice and Impunity: Mediation of Criminal Offences of Violence against Women (Rep.), May 2018, p. 8. https://unama.unmissions.org/sites/default/files/unama_ohchr_evaw_report_2018_injustice_and_impunity_29_ may_2018.pdf

United Nations Development Programme. (2018). Human Development Indices and Indicators 2018: Statistical Update, UN, New York. https://doi.org/10.18356/656a3808-en

United Nations General Assembly. (1983). The Situation in Afghanistan and its Implications for International Peace and Security, 29 November, A/RES/37/37. https://www.refworld.org/docid/3b00f0195d.html

United Nations Support Mission in Libya. (2016). EU, UN Women, Libyan Women and International Actors Meet in Tunisia to Ensure Women's Engagement in Decision Making in Libya. UNSMIL.

United States Institute of Peace. (n.d.). *Crescent and Dove: Peace and Conflict Resolution in Islam*. https://www.usip.org/publications/crescent-and-dove-peace-and-conflict-resolution-islam

Vehapi, F. (2013). Conflict Resolution in Islam: Document Review of the Early Sources. Dissertations and Theses. Paper 1446. https://doi.org/10.15760/etd.1445

Yamani, A. Z. (2002). Social Justice in Islam. *Islamic Studies*, 41(1), 5–34. http://www.jstor.org/stable/20837162

**Appendix A Quran Verses and Hadith (Prophet's Sayings) on Peace, Pluralism and Compromise**

"The servants of the Most Merciful are those who walk upon the earth in humility, and when the ignorant address them, they say words of peace." (Quran 25:63)

"So turn aside from them and say words of peace, but soon they are going to know. (Quran 43:89)

"Peace, a word from a Merciful Lord." (Quran 36:58)

"If the enemy inclines to peace, then incline to it also and rely upon Allah. Verily, it is He who is the Hearing, the Knowing." (Quran 8:61)

"So if they remove themselves from you and do not fight you and offer you peace, then Allah has not made for you a cause for fighting against them." (Quran 4:90)

"To thee We sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety: so judge between them by what God hath revealed, and follow not their vain desires, diverging from the Truth that hath come to thee. To each among you have we prescribed a law and an open way. If God had so willed, He would have made you a single people, but (His plan is) to test you in what He hath given you: so strive as in a race in all virtues. The goal of you all is to God; it is He that will show you the truth of the matters in which ye dispute." (Quran 5:48)

"O mankind! We created you from a single (pair) of a male and female, and made you into Nations and tribes, that Ye may know each other (Not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you." (Quran 49:13)

"Fulfill the Covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed, ye have made Allah your surety; for Allah knoweth all that ye do." (Quran 16:91)

"We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice. And We sent down iron, wherein is great military might and benefits for the people, and so that Allah may make evident those who support Him and His messengers unseen. Indeed, Allah is Powerful and Exalted in Might." (Quran 57:25)

And [on that day all] faces will be humbled before the Ever-Living, the Sustainer of existence. And he who bears injustice will despair. (Quran 20:111)

They ask you about wine and gambling. Say, "In both there is great sin, and some benefits for people. And their sin is greater than their benefit." And they ask you as to what they should spend. Say, "The surplus". This is how Allah makes His verses clear to you, so that you may ponder. (Quran 2:219)

If the relatives (who are not heirs) and the orphans and the needy are present at the time of distribution, give them some of it, and speak to them in fair words. (Quran 4:8)

"O people, we created you from the same male and female, and rendered you distinct peoples and tribes that you may recognize one another. The best among you in the sight of God is the most righteous. God is Omniscient, Cognizant." (Quran 49:13)

"To each among you, We have ordained a law and assigned a path. Had God pleased, He could have made you one nation, but His will is to test you by what He has given you; so compete in goodness." (Quran 5:48)

"Had your Lord willed, He would have made mankind one nation: but they will not cease differing." (Quran 11:118)

"Whenever they kindle the fire of war, God extinguishes it. They strive to create disorder on earth and God loves not those who create disorder." (Quran 5:64)

"But if the enemy inclines towards peace, do you [also] incline towards peace, and trust in Allah? For He is the one that hears and knows [all things]." (8:61)

".... Nor can goodness and evil be equal. Repel with what is better. Then will He between whom and you were hatred become as it were your friend and intimate!" (41:34)

"If two parties among the believers fall into a quarrel, make your peace between them. But, if one of them transgresses beyond bounds against the other, then fight against the one that transgresses until it complies with the command of Allah. But, when it so complies, then make peace between them with justice and be fair. For, God loves those who are fair. The believers are but a single brotherhood; so, make peace between your brothers and fear Allah that you may receive mercy." (Quran 49: 9-10)

"Keep to forgiveness (O, Muhammad) and enjoin kindness and turn away from the ignorant." (Quran 7:199)

"[R]epel evil [not with evil] but with something that is better—that is, with forgiveness and amnesty." (Quran 23:96)

"O people, fear your Lord who has created you from a single soul and created from it its pair and spread from this too many men and women […] Fear Allah, in whose name you plead with one another, and honor the mothers who bore you. Allah is ever watching over you." (Quran 4:1)

"And those who have responded to their lord and established prayer and whose affair is [determined by] consultation among themselves, and from what We have provided them, they spend." (Quran 42:38)

"So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely upon Him." (Quran 3:159)

"And if anyone saved a life, it would be as if he saved the life of the whole people." (Quran 5:32)

"[…] do not take a life, which Allah has forbidden [to be killed], except by [legal] right. This He enjoins on you so that you may understand." (Quran 17:33)

**Hadiths**

Aisha reported: Whenever the Messenger of Allah, peace and blessings be upon him, would invoke peace while sitting in prayer, he did not sit but long enough to say: "O Allah, you are Peace and from you is peace. Blessed are you, O Majestic and Generous." (Source: Sahih Muslim 592)

Abu Huraira reported: The Messenger of Allah, peace and blessings be upon him, said: "You will not enter Paradise until you believe and you will not believe until you love each other. Shall I show you something that, if you did, you would love each other? Spread peace between yourselves." (Source: Sahih Muslim 54)

Abdullah ibn Umar reported: A man asked the Messenger of Allah, peace and blessings be upon him, "Which Islam is best?" The Prophet said: "To feed the hungry and to greet with peace those you know and those you do not know." (Source: Sahih Bukhari 28)

Ammar ibn Yasir, may Allah be pleased with him, said: "Whoever has three qualities together will have gathered the faith: equity with yourself, offering peace to the world, and spending from small amounts." (Source: Sahih Bukhari 28)

Ali ibn Abu Talib reported: The Messenger of Allah, peace and blessings be upon him, said: "Verily, after me there will be conflicts or affairs, so if you are able to end them in peace, then do so." (Source: Musnad Ahmad 697)

Abdullah ibn Salam said: When the Messenger of Allah, peace and blessings be upon him, came to Madinah [in the time of the Hijra], the people rushed towards him and it was said, "The Messenger of Allah has come!" I came along with the people to see him, and when I looked at the face of the Messenger of Allah, I realized that his face was not the face of a liar. The first thing he said was: "O people, spread peace, feed the hungry, and pray at night when people are sleeping and you will enter Paradise in peace." (Source: Sunan Ibn Majah 1334)

Abdullah ibn Amr reported: The Messenger of Allah, peace and blessings be upon him, said: "Worship the Most Merciful and spread peace." (Source: Sunan Ibn Majah 3694)

Urwah ibn Ruwaim reported: I saw Abu Umamah Al-Bahili greet with peace whomever he would meet among the Muslims and non-Muslim citizens and he would say: "This is the greeting for the people of our religion, an assurance of security for the people of our covenant, and the name among the names of Allah that we spread between us." (Source: At-Tamheed Ibn Abdul Barr)

"The believers in their mutual kindness, compassion & sympathy are just like one body, when one of the limbs is afflicted, the whole body responds to it with wakefulness and fever." (Al Bukhari and Muslim)

"All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a Persian (non-Arab), or of a white over a black person, or of a male over female. Only God-Fearing people merit a preference with God."

A famous hadith states that the Prophet Muhammad said to his followers, "Shall I inform you of a better act than fasting, alms, and prayers? Make peace between one another: enmity and malice tear up heavenly rewards by roots." (Al-Tirmidhi, 2509)

THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■■

LSE
for Africa

LSE
Firoz Lalji Institute
for Africa

www.lse.ac.uk/africa