Guide to Peacemaking Using Islamic Principles

Commonalities between International Norms and Islamic Principles

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"Oh people! We have created you from a single pair of male and female, and We have made you into nations and tribes in order that you may know one another and not despise each other. The most honoured amongst you are those most righteous in conduct."

Quran 49:13

Glossary of Arabic Terms

Peace be upon him (PBUH):	an invocation made by Muslims whenever reference is made to the Prophet Mohammed. In the Guide, this will be fully written out in the first instance and then implied in every other instance that the Prophet is mentioned.
Adl:	justice
Ahlul al-kitaab:	people of the Book: i.e. Christians and Jews
Aqd:	contract or charter
Ansar:	supporters; the hosts in Medina
Dawlah madaniyya:	the civil state
Dawlah harbiyya:	the hostile state
Dawlah islamiyya:	the Islamic state
Dawlatal ilmaniyya:	the secular state
Dawlatal muwatana:	the citizen-based state
Fatwa:	a formal legal decree on a point of Islamic law declared by a qualified Islamic scholar
Fiqh:	Islamic Jurisprudence
Fitra:	the natural disposition within human beings towards created by God
Fitna:	division or unrest among Muslims
Hadith:	the Prophet Mohammed's sayings
Hijra:	the Prophet Mohammed's and his Companions' journey from Mecca to Medina
Hikmah:	wisdom
Hudna:	truce, ceasefire
Ibadaat:	worship
Ihsan:	beneficence
Ijtihad:	independent reasoning on the part of a jurist
Jihad:	to struggle, exert oneself, toil, or strive
Jihad al-daf:	defensive jihad
Jihad al-talah:	offensive jihad
Madhhabs:	schools of juristic thought
Maqasid al-sharia:	the intents (higher objectives, values or purposes) of Islamic law
Maslahah:	the common good, the public good
Mourchidate:	female religious guides
Mu'amalat:	Islamic rulings concerning commercial transactions
Muhajirun:	the immigrants from Mecca
Mujtahid:	an accepted authority in Islamic law
Musalaha:	reconciliation
Qist:	fairness
Qital:	violent conflict

Shura:	mutual consultation
Silm:	peace
Sulh:	reconciliation
Tawhid:	the indivisible oneness of God
Tahkim:	arbitration
Ulema:	learned scholars of religious knowledge within Islam
Umma:	the global Muslim community
Usul al-fiqh:	the sources of Islamic law and the discipline of elucidating it
Wasata/wasatiyya:	moderation

About the Authors

Ambassador Ebrahim Rasool*'s* life has been shaped by a lifelong commitment to justice and co-existence and forged through participation and leadership in the anti-apartheid struggle. His journey started in High School and continued to leadership in the United Democratic Front (UDF) and the African National Congress (ANC). He has had to make sacrifices like spending time in prison on Robben Island, where he met Nelson Mandela for the first time, and being under house arrest.

He was South Africa's Ambassador to the United States of America. Prior to that, he was a Member of Parliament in the National Assembly; Special Advisor to the State President of the Republic of South Africa; and Premier (governor) of the Western Cape Province.

Ambassador Ebrahim Rasool's social and political involvement has been faith-driven, through involvement in both the Islamic Movement (as a founder of The Call of Islam), as well as the Interfaith Movement. He mobilised Muslims and the broader faith communities to develop deeper understandings of Islam and faith under the prevailing conditions of globalisation in the world today.

Founder of the World for All Foundation, Ambassador Rasool is active in rethinking the intellectual tools for co-operative relations between faiths, cultures and communities at a global level, and establishing justice, dignity, inclusion and equity for those marginalised and excluded. He serves on the Board of the Maqasid Institute, a Consultant to the All-Dulles Areas Muslim Society, and has been appointed as a non-executive director and Chairperson of the Development Bank of Southern Africa (DBSA). He received a Bachelor of Arts and a Higher Diploma in Education from the University of Cape Town, as well as Honorary Doctorates from Roosevelt University (Humane Letters) and Chatham University (Public Service).

Dr. Houda Abadi is the Executive Director of Transformative Peace, a consulting firm that specializes in inclusive peace processes; women, peace, and security; and human rights-based approaches in preventing violent extremism. She has more than 18 years of extensive experience designing and implementing peacebuilding programs in the U.S., Europe and the MENA region. Dr. Abadi works with a wide range of stakeholders to facilitate dialogue and promote peacebuilding in sensitive conflict zones such as Afghanistan, Libya, Iraq, Palestine, and Syria. She develops programs to foster women's inclusion in peace processes; provides expertise in designing community-based and gender sensitive PVE programs that are locally owned and led; and conducts evidence based research to help shape policy decisions at the national and international levels.

Prior to founding Transformative Peace, Dr. Abadi served as the Associate Director of the Conflict Resolution Program at the Carter Center from 2014-2019. She also served as program director in two conflict transformation organisations that worked with Jewish and Muslim youth through experiential and political education. Dr. Abadi holds a Ph.D. in Political Communication from Georgia State University, a graduate certificate from Duke-UNC in Middle East Studies, and an MA in International Relations and Diplomacy, with a concentration in Middle East Studies and Conflict Resolution from Seton Hall University. She has received numerous awards, including the ISB 2019 Women of Influence Award, Luther College Young 2018 Alumni Award, Georgia State University Transcultural Conflict and Violence Presidential Fellowship, and the Atlanta Institute for Diplomatic leadership 2018 Peace builder Award. She currently serves as a council member in the RESOLVE's Research Advisory Board.

Mark Muller Stuart KC is a Professor of Practice at Edinburgh University Law School and the London School of Economic where he directs the International Norms Project. He is also the founder of Beyond Borders Scotland, a Scottish-based dialogue and peacebuilding organisation dedicated to international cultural and policy exchange. Since 2015 he has acted as a Senior Mediation Advisor to the UN Department of Political and Peace building Affair's Mediation Support Unit, advising various UN Special Envoys and Representatives, including in relation to Syria, Yemen, Libya, Sudan, South Sudan, Iraq, Georgia and Afghanistan. He also advises the Folke Bernadotte Academy (FBA) in Sweden on other peace and dialogue processes including in relation to Ukraine. He is a co-founder of the Delfina Foundation in London.

In addition, Mark is a senior advocate at Doughty Street Legal Chambers (London) and the Scottish Faculty of Advocates (Edinburgh), where he regularly advises other international bodies and INGOs on public international law and conflict resolution issues, including the Centre for Humanitarian Dialogue in Geneva. He was appointed King's Counsel in 2006, Chair of the Bar Council Human Rights Committee of the England and Wales Bar Council between 2006-14 and is a Fellow of Harvard Law School.

Over the last thirty years, he has acted in numerous test cases before different international fora, most notably the Grand Chamber of the European Court of Human rights. He has also conducted international Rule of Law and conflict-related fact-finding missions and authored a variety of reports and books on legal, IHL and conflict-related matters. See Peacemaking, the Law of Armed Conflict, and Territories Effectively Controlled by Non-State Actors, Mark Muller QC, Centre for Humanitarian Dialogue, Geneva, (2021); and Storm in the Desert, Britain's Intervention in Libya and the Arab Spring, Mark Muller Stuart QC, Berlin (2017).

Eldridge Adolfo is the Senior Advisor, Dialogue and Mediation at the Folke Bernadotte Academy in Stockholm. He has extensive experience in mediating and negotiating with armed conflict parties, process design, developing transitional arrangements, mediation and preventative diplomacy. Eldridge was previously Mediation Advisor at the European External Action Service (EEAS) and with the United Nations where he was Mediation Adviser to several Special Envoys and Special Representatives of the Secretary General (SRSG). He was a Conflict Researcher at the Nordic Africa Institute in Uppsala Sweden, and with the Swedish Defence Research Agency.

Throughout his engagement in Dialogue, Mediation and Peacebuilding, Eldridge has gained a global wealth of experience by working in diverse contexts and with a whole range of stakeholders from the highest office to grassroots actors. He has developed a whole range of innovations to inclusive peacemaking and initiated the establishment of the International Norms Project in response to the needs of a peace negotiation he was conducting. He has worked in Africa (Sudan, South Sudan, DRC, Angola, Zimbabwe, Sierra Leone, Liberia, and more), as well as in Colombia, Venezuela, Georgia, Moldova, Myanmar, Western Balkans and Afghanistan. Eldridge is currently working on Ukraine and as Presidential Adviser on Social Cohesion in the Western Balkans. He holds a Master's Degree in Political Science and International Relations from Stockholm University and has published research on Mediation and Peacebuilding; Peacebulding in Post-Modern Conflicts; on the Proximate Security Risks in Sierra Leone and Liberia; on the Regional Security Dynamics in West Africa; the Conflict Management Challenges Facing SADC, within the Zimbabwean crisis; and on Inclusive Peacemaking with the ESDC and FBA.

Acknowledgements

Foreword

This Guide to Peacemaking Using Islamic Principles, is a product of the International Norms Project that I contributed to in an effort to get the international community to take seriously the understanding of the context, religion and culture of Muslim societies. This Guide is the first step in that direction as it presents the international peace practitioners with a step-by-step guide to understanding and empathising with our religious and cultural contexts.

The Guide is a welcome and important contribution that focuses on helping create peace within the Umma, with a focus on the principles of Islam, which are of a peaceful co-existence between Muslims, and Muslims and non-Muslims. It allows the reader to understand the intents and values of Islam and its soft power for peacemaking. It goes further and explores governance models consistent with Islam and international norms. This is important when looking at the state of the world today, where many conflicts and wars have erupted, and where people are searching for a more peaceful, sensible, rights based and principled approach to domestic, regional and international affairs.

My advice to the authors was based on my knowledge and understanding of the Muslim world, my experience of facilitating negotiations between Muslims in conflict, and the insights I have gained from those experiences. I am happy to have participated in the process of developing this Guide, which will help many peace practitioners learn to understand - and using a conflict sensitive approach – provide cultural and contextually relevant support to help resolve conflicts in the Muslim world. It is an excellent first-step guide that bids farewell to any one-size-fits-all approach to peacemaking.

His Excellency Jusuf Kalla
10th and 12th Vice President of Indonesia

The publication of the Guide to Peace-Making Using Islamic Principles could not be timelier given the current level of conflict across the world. Today there are numerous conflicts across the world involving Muslim societies in one shape or another. Yet, the sad fact remains that many of the peace processes deployed by the international community to resolve these conflicts have either failed or stalled in their attempt to bring peace and stability to the Muslim world.

This introductory Guide seeks to reverse this trend by drawing upon the peace-making capacities of Islam itself to enhance contemporary forms of peace-making by making them more culturally sensitive, normatively compatible, and sustainable, particularly in relation to Muslim-majority societies affected by conflict or experiencing profound political change.

To that end, this Guide is rightly directed at the international conflict resolver and policymaker rather than the Muslim community and includes handy chapters on foundational principles, the Maqasid al-Sharia and a rights-based framework, the WPS agenda, Islam and the laws of war as well as Islamic state formation and the negotiation of transitional governance arrangements.

Based principally upon the Quran, Last Sermon, and the early experiences and treaty-making traditions of the Prophet Mohammed and his Companions, the power of the Guide partly lies in the identification of a set of near-universal, gender-sensitive, inclusive, Islamic peace-making principles located within a wider inter-connected rights-based eco-system. These principles have both the power to unite rather than divide Muslim and non-Muslim communities.

The Guide also explores important commonalities and synergies between these principles and internationally recognised normative standards concerning the laws of war, good governance and inclusive peace-making. It reminds us that many, if not all, of the norms and standards which underpin UN human rights and IHL instruments and peace-making practices derive their inspiration from different faith systems and political traditions from across the world. This is particularly apposite at a time when the idea of 'universal standards' and a neutral 'rules-based international order' have come increasingly under repeated attack.

That is why I believe this Guide, and the principles and framework identified in it, can act as a positive force for good particularly when married to other best practice forms of inclusive peace-making. At the very least, I am confident it will engender an important new dialogue about how we can together better situate contemporary processes towards those Muslim societies they are designed to help.

Martin Griffiths
United Nations Under-Secretary-General for
Humanitarian Affairs and Emergency Relief Coordinator

In the increasingly complex and changing world of peacemaking, the Folke Bernadotte Academy (FBA), a Swedish government agency for Peace, Security and Development, is striving to develop new and innovative methods to help resolve contemporary conflicts. That is why we have supported the development of methods and research to explore these possibilities in a pragmatic and responsible manner. This Guide to Peace-Making Using Islamic Principles, is a product of FBA's approach and confirms FBA's long-standing commitment to bridging the gaps between conflicting parties through its Dialogue and Mediation programmes.

The state of the world today, is that of a high number of serious armed conflicts, that have had devastating effects on the various populations. The resolution of many of these conflicts, stumble over the fact that the conflict parties do not understand – or are unwilling to understand - each others world views. This Guide makes the attempt to highlight the commonalities in different world views, and seeks to find common ground and mutual support for the establishment of rights based societies. This is consistent with FBA's support for the UN Declaration of Human Rights and FBA's principle of improving the effectiveness of sustainable conflict resolution - continuing the tradition established by the United Nations first Mediator, Count Folke Bernadotte.

Per Olsson Fridh

General Director, Folke Bernadotte Academy
Former Minister for Development and MFA State Secretary

01 Introduction

This *Guide to Peacemaking Using Islamic Principles* is the product of an innovative collaboration between Islamic scholars and peace practitioners, most notably Ambassador Ebrahim Rasool and Dr. Houda Abadi, along with mediation advisers Professor Mark Muller KC and Folke Bernadotte Academy. It is aimed at international mediators, diplomats, and policymakers – referred to in the Guide as "international conflict resolution practitioners" – rather than Muslim scholars.

The authors observed that while contemporary peacemaking frameworks deployed by global conflict resolution institutions and international experts aim to reflect best practice, they have had mixed results, including in Muslim-majority countries and regions affected by conflict or violent political change. As such, there is a need to improve contemporary peacemaking by paying attention to critical contextual issues around religion and culture as part of a search for more sustainable and locally owned resolutions.

More significantly, people in conflict-torn Afghanistan, Sudan, Yemen, Iraq and Syria and parts of sub-Saharan Africa –as well as in many other divided societies that experienced the Arab Spring – have identified an urgent need to develop more Islamically grounded, culturally sensitive approaches that comply with international normative standards and complement contemporary best practices in peacemaking.

Islam is a global religion practised by some 2 billion people worldwide. It was founded in the Arabian Peninsula in the seventh century (Common Era) by the Prophet Mohammed, Peace be upon him (PBUH).[1] Unlike other religions, however, where the holy scriptures are human interpretations of God's words and meanings, Muslims believe the Holy Quran was dictated directly to Mohammed by God in Arabic. This makes the Quran a fundamental reference point for all Muslims, including in relation to peacemaking and peacebuilding efforts.[2]

The development of this Guide is an attempt to counter widespread indifference towards using Islamically grounded principles and practices of peacemaking. It is an attempt to support global efforts at peacemaking in the twenty-first century multi-dimensional conflict environment. It seeks to remind international conflict resolution practitioners that Islamic peacemaking principles exist and can be deployed to strengthen and complement global best practices in relation to the resolution of conflict in Muslim-majority societies.

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[1] From this point, every time the Prophet Mohammed is mentioned, the parenthesis of "Peace be upon him", is meant and fully respected throughout the Guide.

[2] In this Guide we will use the shorthand 'peacemaking' for a broad array of peacemaking, peacebuilding and conflict resolution efforts.

The Guide draws upon four years of theoretical and practical work by the International Norms Project (INP), developed by the London School of Economics and Political Science (LSE) in partnership with Uppsala University and the Folke Bernadotte Academy (FBA). The research engaged a variety of academics, Islamic scholars, Muslim political leaders, local stakeholders, as well as international and local peace practitioners. INP was funded by the European Union Afghanistan Peace Support Mechanism (EU APSM), and the Swedish International Development Cooperation Agency (Sida).[3]

The INP consisted of two inter-related research projects: INP1 (June to December 2020) explored synergies and points of convergence between Islam and international standards and norms;[4] and INP2 (July 2021 to February 2022) took INP1 findings to develop a conflict resolution framework compliant with international normative standards for deployment in places affected conflict involving Muslim communities.[5] INP also brought a range of Muslim scholars and members of the ulema together with conflict resolution practitioners, gender experts and veteran Muslim political transitional leaders from across the world. Including in a two-day long online workshop in November 2020, whose findings were then stress-tested in a gender-mainstreaming workshop held in December 2020 involving experts from the 1325 Women in Conflict Fellowship Programme and Community of Practice Network supported by Beyond Borders Scotland, the Scottish Government and United Nations (see acknowledgements).

INP 1 and 2 confirmed that while contemporary peacemaking approaches often take a neutral and sometimes indifferent approach towards religion, religion continues to play a central role in politics and social life in Muslim-majority societies; and further that more conflict-sensitive and culturally grounded approaches towards the deployment of international peacemaking efforts need to be developed, particularly in contexts where conflict actors use religious institutions, practices and principles to advance their goals.

Despite the need for such approaches, a recent literature review conducted by the FBA of existing international conflict resolution manuals reveals that virtually none referenced the role that religion can play in the amelioration of conflict or how a more Islamically orientated peacemaking framework could be deployed alongside contemporary peacemaking approaches to ensure such efforts are sustainable and relevant in Muslim-majority societies.

Some peace practitioners have undoubtedly attempted to incorporate Islamic principles into their practice. However, there is no published manual or guide directed at international conflict resolution practitioners that includes a general introduction to Islamically grounded principles and practices of peacemaking that they might deploy in tandem with contemporary international best practices.

This Guide attempts to address this by identifying a set of Islamic peacemaking principles that accord with international normative standards and complement contemporary peacemaking approaches. Significantly, such peacemaking also concerns the negotiation and development of transitional and/or final status governance arrangements within Muslim-majority societies, given that the INP found that most conflicts in the Muslim world feature a demand for political change and new forms of governance.

The Guide therefore seeks to help international conflict resolution practitioners, as well as a diverse range of domestic stakeholders, think about how to negotiate an end to violence and build a set of inclusive transitional governance arrangements – and how to do so in a manner and language that is consistent with both core Islamic precepts and international norms on good governance, respect for fundamental freedoms and the rule of law.

What this Guide does not do is provide international conflict resolution practitioners with a detailed schema as to how to mediate such issues in any particular context. Rather, it aims to provide a general checklist of Islamic principles, precepts and practices used by the Prophet Mohammed which might be deployed in the service of peacemaking.

Other objectives of this Guide include helping diplomats and policymakers to understand how to better integrate Islamically grounded concepts of peacemaking into contemporary frameworks and to identify commonalities between Islam and international norms so as to overcome some of the false binaries often set up between them.

This Guide constitutes a first iterative step towards the exploration and identification of the synergies and commonalities which exist between different, but ultimately complementary, forms of peacemaking and thought systems. At the very least, the authors hope it will engender fresh reflections about the soft-power capacities of Islam and the role it can play in supporting and strengthening certain universally recognised normative standards in relation to peacemaking and the building of a just, rights-based society, however so described.

Lastly, FBA has supported the development of the research and Guide as part of its Knowledge Management and Innovations initiative. However, the content does not reflect FBA policy or positions: its content is instead the product of independent research conducted by the authors through LSE and Uppsala University, and the practical field experience of the authors.

1.1 Method: A First Principles Approach

The Guide adopts a first principles approach towards Islamic peacemaking by focusing on the Quran, the Prophetic Tradition and Last Sermon, and the life of the Prophet Mohammed and his Companions, including women. In doing so, it emphasises seven overarching Islamic peacemaking principles of near-universal application. Particular emphasis is also placed upon efforts of the Prophet Mohammed to resolve conflict within a transitional context, such as in his negotiations over the Charter of Medina.

The Guide also draws heavily on the *maqasid al-sharia*, which it treats as the intents (higher objectives, values or purposes) of Islamic law, rather than on specific, locally situated sharia rules, derived through juristic reasoning. The Islamic concept of *bay'ah* (oath of allegiance) – a means of expressing popular will and approval, including in relation to state formation, leadership and the building of transitional and final status governance arrangements in Muslim-majority societies – is also considered.

As such, the Guide tries to move beyond some of the doctrinal fault lines between Sunni and Shia traditions and other schools of Islamic thought that have emerged in different times, places, and cultural settings. Instead, it seeks to emphasise the development of an approach to Islamic peacemaking that could be accepted by the vast majority of *ulema* in and across different Muslim-majority societies.

To this end, the Guide also draws upon some of the global peacebuilding principles set out in the *UN Guidance for Effective Meditation* (UN 2012), which reference numerous international normative standards, including respect for fundamental freedoms, the rule of law, and the principles of diversity and pluralism. In short, it seeks to use principles that can unite rather than divide different Islamic traditions and enhance contemporary forms of peacemaking.

What the Guide does not claim to do is reconcile controversaries between different Islamic traditions. It recognises the diversity in Islamic schools of thought, jurisprudence, and traditions. It does not attempt to resolve the deep controversy surrounding differences in interpretations of Islam and the reluctance of conflict parties to negotiate such matters. Nor does it suggest it is either appropriate or effective for non-Muslim conflict resolution practitioners to recite Quranic and other Prophetic verses to the conflict parties as a means of getting them to realign their positions in a peace process. It is best to leave this to practising Muslims, as they are naturally more well-versed in their religion and are perceived to have the legitimacy to invoke such citations.

This Guide is principally designed to help international conflict resolution practitioners understand certain Islamic principles and concepts that reinforce peace. For the avoidance of doubt, "Muslim-majority societies" in this Guide refers to societies with a majority of Muslims in their population and where the resolution of conflict has a religious dimension, including in relation to the governance of that society. As such, they may include:

1. International conflicts involving Muslim countries;
2. Conflicts among different Muslim groups within a state;
3. Conflicts between Muslim groups or between a relatively coherent Muslim majority and a non-Muslim minority; and
4. Conflicts between a non-Muslim majority and minority Muslim groupings.

In each of these cases, substantive issues will vary, including in relation to religion and culture, but most feature some kind of debate over whether the state should be secular or religious, or defined by a particular tradition or school within Islam.

1.2 The Istanbul Conference: Stress-Testing the Thesis

The main principles of the INP framework which underpin this Guide were both considered and stress-tested at a Conference on Peacemaking and Statecraft in the Muslim World, 10–12 February 2022 (hereafter, the "Istanbul Conference"). The conference brought together 50 delegates (male and female) from the ulema – including veteran Muslim political leaders, Islamic scholars and international peace practitioners – to look at the current state of the umma (the global Muslim community) and contemporary forms of peacemaking with a view to looking at new ways to address conflict resolution in the Muslim world.

The conference invited women scholars, practitioners and activists to ensure meaningful and equal representation of women's voices. This was to ensure that any Muslim-friendly peacemaking framework it produced would have a gender-inclusive lens. Particularly in relation to the development of models of transformative governance, be they transitional or final status arrangements.

The conference unanimously concluded that the development of an Islamically grounded conflict resolution approach capable of supporting contemporary peacemaking frameworks was critical to the success of future efforts to resolve conflict in Muslim-majority societies. In its Final Communique, it recommended the INP framework be condensed into a practical guide for deployment and stress-testing in Muslim-majority societies affected by conflict (FBA and CCHS 2022).

After such a draft guide was developed by the authors, its contents were then examined by a further group of international conflict resolution experts at a FBA workshop at Traquair House in Scotland in August 2023, who shared their observations and insights on it from their perspective (See acknowledgements).

1.3 Structure of the Guide

Each chapter of this Guide is designed to build upon the proceeding one. Chapter two begins by exploring some of the approaches currently used by international conflict resolution practitioners, including in the Muslim world. In doing so, it identifies some of the differences and commonalities between Islamic and contemporary approaches, including towards the practice of mediation and the role of the mediator. Chapter three then identifies seven principles that underpin the entire ecosystem of Islamic peacemaking. It describes each of these principles in detail and how they interconnect to form a *system-wide approach* towards Islamic peacemaking, peacebuilding and state formation.

Chapter four sets out the wider philosophical and legal basis of this ecosystem and in which these principles and ecosystem might be said to operate. It emphasises the *maqasid al-Sharia* or *Intents and Values* of Islam and their relation to *fiqh ul-madhhab* and other more local schools of sharia. The chapter suggests the maqasid al-sharia, along with certain supporting legal maxims and presumptions, can provide international conflict resolution practitioners with a philosophical basis by which to ground an Islamically orientated, rights-based approach towards resolving conflict in Muslim-majority societies.

Chapter five delves further into the Quran and Prophetic Tradition to explore how the Islamic ecosystem outlined in this Guide might apply to the role of women in society and their participation in peacemaking, peacebuilding or the negotiation of transitional governance arrangements.

Chapter six then explores how the Islamic first principles have been applied by Muslims over the years in the context of war. In doing so, it details other peacemaking precepts, duties and rules of conduct developed by the Prophet Mohammed and his Companions as they sought to resolve conflict and build a just society. Such precepts and duties include the duty to negotiate an end to violence whenever and wherever possible (*hudna*); the duty to accept the binding nature of treaties (*sulh*); as well as the duty to hold consultation (*shura*).

Chapter seven then applies these principles, maxims, precepts, duties and obligations to the negotiation of Islamic forms and modes of state formation in times of conflict. As noted earlier, arguments over state formation and reform have characterised many recent conflicts in the Muslim world, such as in Iraq, Afghanistan, Sudan, Yemen, Syria, Libya and many of the other conflicts which emerged out of the Arab Spring, including in sub-Saharan Africa. The chapter identifies further obligations that may apply to the negotiation of transitional and final status governance arrangements in times of conflict, such as *wasatiyya* (broadly meaning "moderation"). The chapter ends by referencing three models of state formation that have emerged from within the Muslim world in recent years. These models present conflict resolution practitioners and parties with a range of options through which to establish a rights-based governance framework.

Chapter eight concludes.

02 Islam and Contemporary Peacemaking Approaches

Following the Istanbul Conference's recommendations, FBA commissioned an initial proof of concept report regarding the creation of a guide. It discovered most mediation manuals tended to focus on regional and international actors, including INGOs, and how to use secular mediation techniques to resolve conflicts at the track I and II levels.[6] It also found that most English-language manuals were devised almost exclusively around *Western-orientated* dispute resolution techniques to help mediators prepare for mediation and peacemaking processes.

Few of the manuals explored or referred to religious principles[7] and most excluded any reference to traditional and Islamic norms that may impact mediation efforts at the local, national, and the international level. Sensitive issues relating to gender, minority issues, inclusion and religion were often avoided. Many guides, such as the *UN Guidance for Effective Mediation*, chose to use a religiously neutral framework.

However, mediation and reconciliation within societies are hardly Western inventions. Mediation and reconciliation models have featured prominently in several cultural contexts and forms of conflict resolution, including within Muslim societies for centuries. Sulh (reconciliation), for example, is a long-standing Islamic tradition, with Quranic scriptures heralding the Prophet Muhammad as one of the most trusted mediators in Islamic history, in relation to conflicts affecting Muslims and non-Muslims alike.

Moreover, throughout the history of Islam, emissaries, mediators, envoys or dignitaries enjoyed diplomatic immunity, being both respected and protected from persecution, harassment and arrest (Safiyanu 2021). The Prophet certainly upheld principles of immunity and generosity towards envoys, even if they were an enemy (Ismail 2017), and his Companions were similarly protective of them. For instance, Abu Bakr instructed Yazid ibn Abi Sufyan that "in case envoys of the adversary come to you, treat them with hospitality" (Safiyanu 2021, 47).

Elsewhere, sulh has been continually deployed as a vital legal instrument in Islam to resolve conflict between individuals and groups in culturally appropriate ways, often in lieu of formal litigation.

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[6] See for example: UN DPPA and HD 2019; USIP 2021; Berghof Foundation 2017; UN 2012; UNITAR 2010; United Nations General Assembly 2017; Koopmans 2023; UN 2020; and OSCE 2019.

[7] USIP (2021) is an exception, but it does not directly cover the Islamic principles or focus on the negotiations of political transitional arrangements and state formation.

Approaches to Mediation

That said, some small differences of emphasis do exist over how forms of mediation are applied and viewed, about which the contemporary conflict resolution practitioner should be aware. For example, surveys of Muslim stakeholders conducted by INP found that they often did not properly understand the concept of the 'impartial' role of the mediator, as articulated by the UN Guidance for Effective Mediation (UN 2012). They understood the mediator to have a more "directive" role, exerting pressure on the parties. These differences of approach are not fatal but should be noted and understood and can even be seen as complementary where sensitively handled.

2.1 Identifying Synergies

What is incontrovertible is that Islam has long been recognised within Muslim communities as a powerful vehicle through which to promote dialogue, non-violence, peacebuilding and conflict resolution. This is because of its focus on discipline, obedience, self-sacrifice, the sharing of personal and social responsibility, and the belief in the oneness of humankind. According to Smock and Huda (2009, 8):

> **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.**

Much of the above accords with international norms and contemporary forms of comprehensive peacemaking.

A cursory glance at Islamic literature confirms that Islamic conflict resolution frameworks and structures have been used for centuries to address all sorts of interpersonal, familial and community disputes and conflicts. These are rooted in the principles of justice (*adl*), beneficence (*ihsan*) and wisdom (*hikmah*), the Islamic tradition emphasises relational networks and social cohesion such as *wasata* (moderation), *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 peace is understood as a collective responsibility and for which everyone has the potential to flourish.

Much of this can complement contemporary modes of peacemaking. It follows that if contemporary peacemaking efforts are to work effectively in Muslim environments, conflict resolution practitioners should consider promoting adherence to international peacemaking norms and principles *through* traditional, culturally sensitive and religiously orientated frameworks. The INP research suggests acceptance of international normative standards is most likely to occur through "change in people's actions stemming from normative influence".

→   Peace practitioners should be encouraged to truly enhance best practice and deploy all the tools at their disposal. To do this, they need first to better understand the local, cultural and wider historical context in which they operate, including the alternative local customs and mediating tools that may be available to them.

2.2 The Contemporary Umma: The Need for Peacemaking

This Guide readily recognises that much will depend on the local context. Different Muslim communities hold very diverse belief systems, which are often instrumentalised by warring parties for their own ends. A nuanced approach will always be required by international conflict resolution practitioners when seeking to reference or deploy Islamic peacemaking approaches.

Nonetheless, the state of the umma requires that all that can be done should be done to create new pathways to peace which respect all traditions and faiths. By focusing on commonalities, this Guide tries to fuse different Islamic modes of thinking and overcome some of the false binaries that are often encountered and to forge a consensus in favour of peace.

It is perhaps worth recalling that 70% of the world's conflicts today involve the Muslim world in one way or another. The need for more nuanced forms of peacemaking has, if anything, become more urgent. The sad fact is the Muslim world has been in the eye of the conflict storm ever since the collapse of the Ottoman Empire and the signing of the Sykes-Picot Agreement of 1916, which helped to precipitate tension within and among numerous successor states across the Middle East and North Africa, such as in Iraq, Syria and Palestine

Tensions were exacerbated after the Second World War with the onset of the Cold War and decolonisation. Major flashpoints in the following decades included the Partition of the Indian subcontinent (1947); the division of Kashmir (1948); the establishment of the state of Israel (1948) and the many Arab-Israeli wars and Palestinian intifadas that followed; the overthrow of the democratically elected President in Iran (1953) and later the Iranian Revolution (1979); the Algerian Revolution (1962); and the Soviet invasion of Afghanistan (1979).

Many of these are still unfolding today, not least in relation to the widespread instability in the Middle East and North African Region and Central Asia in the wake of the US-led response the terrorist attacks of 11 September 2001 and the numerous counter-revolutions following the Arab Spring in the early 2010s.

Since 1979, the Muslim world has also seen heart-rending examples of sectarian and internecine violence, notably civil wars in Lebanon, Iraq, Syria, Yemen, Libya and Sudan. The region has also witnessed terrible and brutal dictatorships, responsible for atrocities and systematic human rights abuses. Constant instability has resulted in acts of protest and violence across the Muslim world: street and civil resistance; campaigns for national or ethnic liberation; or the perpetration of terror-driven forms of religious extremism. Such acts of rebellion always invite a response – whether through the ever more authoritarian forms of government or external interventions resulting in coups or occupation or the proclamation of wars on terror – in which the democratic deficit grows ever wider.

While it may be claimed that certain interpretations or the instrumentalisation of Islamic principles is one factor driving conflict, Islamic approaches to mediation have a role to play in resolving it. The sad fact remains that many of the processes deployed by the international community to try to resolve some of these political tensions and conflicts have also failed to produce any meaningful long-term stability or peace.

> → In the view of the authors of this Guide, the language, character and object of these peace processes have to be tailored and nuanced to resonate with the values, language, culture and beliefs of affected communities, so that sustainable and locally owned peace efforts can blossom.

03 Towards an Islamic Ecosystem of Peacemaking: The Seven Principles

As noted in the introduction, this Guide is based upon a reading of the Quran, Prophetic Tradition, the Last Sermon, and conflict resolution practices and statecraft of the Prophet Mohammed, including his exhortation of the Islamic duty to end violence and facilitate peace wherever possible.

Together, these Islamic peacemaking principles and duties form the Islamic ecosystem of peacemaking. They emphasise that all conflict parties must negotiate, whenever possible, an inclusive and just peace, and thereafter establish representative forms of governance which are just and balanced and in which leaders manage society with due regard to communal, minority, individual and women's rights.

3.1 The Seven Principles

At the centre of this Islamic ecosystem of peacemaking stand seven interlocking principles of Islam that helped the Prophet Mohammed to advance his conception of positive peace during his lifetime. As such, they provide international conflict resolution practitioners with the means to overcome certain binaries that are often falsely said to exist between Islamic and Western conceptions of human rights, peacemaking, and statecraft.

The seven principles are not found assembled in a single place in the Quran or the other original texts but in various places throughout these texts. This Guide consolidates them, recognising that they are all intrinsic and build upon each other to form an organic part of the Islamic ecosystem of peacemaking. The seven principles are:

1. *Unity* – the idea that God is One (*tawhid*). It is a key philosophical and organising principle and fountainhead in Islam.
2. *Peace* – the name of the faith. Islam has peace as its root, and peace (*salaam*) constitutes the key greeting in human interaction.
3. *Diversity* – of people and opinion (*ikhtilaf*). It is regarded as a blessing, rather than a negative characteristic.
4. *Justice* – is both non-negotiable and intrinsic to bearing witness for God (*qist or adl*). It is comprehensive and non-discriminatory, akin to Western notions of fairness or equity.
5. *Mercy* – the primary attribute of God. It is the critical mission of the Prophet (as in *rahma*).
6. *Dignity* – the core ingredient in the human construction. It constitutes the *karam*, or dignity of the soul.
7. *Balance* – being centred is the default of the Muslim because the umma is described as moderate (*wasata*).

These seven principles have remained integral to Islam for over 1,400 years. They are also consistent with international normative standards, in which human well-being has primacy. Together, they support the advancement of *positive* peace through *transformative statecraft*, good governance systems, respect for the rule of law, and the protection of individual and communal rights and well-being. They also accord with the precepts of *inclusive* and equal peacemaking, including in relation to the role and participation of women in society and peacemaking.

→ The principles set out in the Guide have the potential to inform, enhance and supplement best practice approaches towards the resolution and transformation of conflict, particularly in relation to Muslim-majority societies or conflicts featuring some Islamic or Islamist dimension.

Unity

The primary overarching principle that governs Islam's approach to the search for peace is through unity of God, or *tawhid*. The Quran notes that, as a corollary to God's unity, that 'humanity is a single community' (Q2:213), which emanates from a single source in which all people are invested with the same ingredients. This notion of the unity of humanity is a powerful argument against discord and division. It is from this transcendent unity, and its human iteration, that the confidence is derived to ensure the integration of all creation, including women, into peacemaking and transformative statecraft processes.

Unity constitutes both the objective and purpose of humankind's existence on earth because the establishment of earthly and heavenly unity is a primary aim of God's universe. As a result, Islam cannot be indifferent or apathetic when it comes to peacemaking, as unity is fundamental, and it is not good enough to merely strive for negative peace or the absence of war. Islam requires a much more positive state of being in the form of harmonious union of all elements of society if this ideal is to be realised.

→ This places great duties and obligations on the international conflict resolution practitioner and gives them greater agency and power to act and intervene in the Muslim societies they are seeking to heal, particularly in relation to substantive issues. The international conflict resolution practitioner can act on the assumption that uniting contending forces is the norm in Islam, not the whim of parties to the conflict. The onus is on the spoilers to explain why they continue to spurn the opportunity for uniting.

Peace

The quest for peace (*silm*) occupies a central place within Islam and constitutes the very essence of the Islamic ecosystem of peacebuilding. Without it, there can be no functioning Muslim community as its very prosperity, development, humanity, and integrity depends on its positive presence. It is why the Quran instructs: "Oh believers: enter into *silm* wholeheartedly!" (Q2:208). Peace under Islam is both a strategic objective and a necessary condition by which Muslims realise and comply with God's principal goals.

An example was when the Prophet went to the city of Taif to preach, and the people not only sent him away but violently attacked him and his Companion. When asked if he wanted God to punish the people, he declined, and instead forgave them. He understood that the long-term objective was to lay the basis for subsequent generations to embrace Islam (see DIN 2019, 55–58).

There are many Quranic verses, hadith and sayings of the Prophet where he instructs Muslims to eschew violence and make peace. A famous hadith states that the Prophet 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).

Moreover, the pursuit of peace under Islam is a collective responsibility. It is why the Quran instructs: "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah. Indeed, He alone is the All-Hearing, All-Knowing" (Q8:61).

Another Quranic verse states (Q49:10):

> *And if two groups of believers fight each other, then make peace between them. But if one of them transgresses against the other, then fight against the transgressing group until they are willing to submit to the rule of Allah. If they do so, then make peace between both groups in all fairness and act justly. Surely Allah loves those who uphold justice. The believers are but one brotherhood, so make peace between your brothers. And be mindful of Allah so you may be shown mercy.*

→   These verses emphasise the need for collective peace by motivating conflicting parties to reach an agreement, by elevating the concept of community, unity, mercy and justice.

Diversity

The Islamic conception of unity has far-reaching implications, incorporating and embracing the difference and *diversity* of the world, including all tribes, nations, languages and states, whether Islamic or not. The need for diversity is also implied in the co-dependent creation of male and female. This principle of diversity is integral to Allah's conception of unity and integration. The Quran states (Q49:13):

> *Oh people! We have created you from a single pair of male and female, and We have made you into nations and tribes in order that you may know one another and not despise each other. The most honoured amongst you are those most righteous in conduct.*

The Quran teaches that all people are equal in the eyes of God and that the only defining and distinguishing character is the person's righteousness and conduct towards the other. Thus, diversity is a divinely intended phenomenon that is not merely tolerated but celebrated. Many verses from the Quran reinforce the concepts and practices of accepting religious and cultural differences (see Q11:118 and 10:19). God says (Q 17:70):

> *Verily we have honoured the Children of Adam… affirming that all humans, irrespective of gender, race, religion or socio-economic status are inherently honoured and dignified.*

The Quran (Q30:22) also states that:

> *And among his wonders is the creation of the heavens and the earth and the diversity of your tongues and colours. For in this, behold, there are messages for all those who are possessed of innate knowledge.*

This implies that exclusions on the grounds of race, ethnicity or language are against the fundamental principles of Islam. Moreover, without diversity and pluralism there can be no unity, positive peace, or vitality. Manifestations of diversity include gender, along with culture, language, and colour. The cultural exclusion and marginalisation of women and the persistence of misogyny is therefore neither sustainable nor part of the original Islamic intent.

> → For the peacemaker, the principle of diversity is important as it acknowledges that human identity – religious, ethnic, gender, or racial – is both natural and a basic human need that must be respected and righteously acted upon. It asserts that diversity has no bearing on one's closeness to God, but neither do such differences stated above qualify as markers of who deserves peace, inclusion, mercy or not. Failure to recognise identity leads to frustration and conflict. All this dovetails with international norms regarding collective, individual and minority rights, which have also found expression in the Arab Charter on Human Rights.[8]

These Quranic principles offer a distinctly modern perspective on the role of Islam as a force for tolerance and mutual recognition in a multi-ethnic and diverse world. Diversity is therefore integral to Islam, not an afterthought or modern adaptation.

Furthermore, diversity is not to be seen merely as a state of being, but instead as an *engine* for producing critical knowledge by which men and women come together and begin to know each other and their universe. For instance, the Quran states (Q5:48):

> *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.*

Thus, it is only through the discovery, recognition and celebration of difference that humankind establishes unity with God and itself. It follows that diversity and pluralism must not only be nurtured and protected but actively promoted if humankind is to achieve unity and comply with God's law and purpose.

> → Such a principle is highly important to the international conflict resolution practitioner when tasked with negotiating inclusive, transformative, and sustainable governance arrangements in which all components of society are to be drawn upon – both as process and outcome – so as to ensure their rights are respected and protected. Crucially, practitioners are not obliged to arrive at perfect uniformity or harmony but can decide which areas will remain areas of difference and establish management mechanisms to ensure that differences remain non-antagonistic.

[8]   See https://www.icj.org/wp-content/uploads/2014/10/Arab-Charter-on-Human-Rights.pdf.

Justice

The Islamic principle of diversity is not unbounded or to be pursued at any cost. It is subject to another overarching principle, justice, upon which the integrity and unity of all creation depends. According to the Quran, a primary mission of all Messengers of God is to establish justice in this world (Q57:25). 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.

> → Justice constitutes an organising principle of the universe that the international conflict resolution practitioner and conflict parties are duty-bound to respect. Justice is more than mediating right and wrong; philosophically, it is the maintenance of order and equilibrium in the world and in nature.

Moreover, Quranic notions of justice are more akin to concepts such as fairness and equity than simple binary notions of right and wrong. Quranic teachings recognise that people and societies often come into conflict and that bolstering and protecting social and economic justice within society can help prevent or mitigate conflicts that stem from class divides, marginalisation, and unequal power distribution (Q4:135).

> → The Islamic principle of justice is intimately connected with the principles of unity and diversity and is considered a collective responsibility. It is an important principle for the international conflict resolution practitioner attempting to reconcile conflict parties and diverse stakeholders.

It is only through justice that a balance between the needs of communities and those of the individual can be socially regulated and achieved. Without it there can be no proper balance. "Injustice is absolutely not permissible, irrespective of whether it is to a Muslim or a non-Muslim or even to an unjust person" (Ibn Taymiyya, 196. p 127). Justice then is not unconditional. Witness-bearing for justice only passes muster when it is also applied to yourself and your own, otherwise it is selective and lacks integrity. As God said (Q 4:135):

> *O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both.*

Furthermore, justice is not the bearing of grudges or the venting of anger because others' hatred of you is not a licence to depart from justice. Again, God commands (Q5:8):

> *O you who have believed, be persistently standing firm for Allah, witnesses injustice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is [fully] Aware of what you do.*

The Quranic term which best explains social justice is *qist,* or fairness, which entails a sense of equality and justice in distribution and a shared social project to ensure all members of society receive their fair share (Ibn Manzūr, 1990. p. 377, Abu-Nimer 2001-2002, 237–238). The pursuit and establishment of justice is considered a collective responsibility. Thus, 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 2001-2002, 237–238).

> → It is important to note that the focus on equality and justice also extends beyond the Muslim community and is meant to encompass non-Muslims as well. As such, justice constitutes a powerful principle of peacemaking for the international conflict resolution practitioner.

The Prophet chose to address and promote core universal values of equality in a society in which they had been systematically violated. 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.*

While social justice in Islam is obligatory for all people, some have claimed the pursuit of justice leaves room for violence, in so far as it is an effective method by which to achieve social justice in certain contexts. However, opponents of this viewpoint and the violence it condones point to teachings on prioritisng peaceful struggle elsewhere in the Quran, which promote the use of systematic, contextually appropriate methods of non-violent conflict resolution to achieve justice (Abu-Nimer 2001-2002, 232).

Mercy

Mercy is considered a higher virtue in Islam than fighting for justice (Abdalla 2001). That is why among Allah's own names are *The Most Compassionate Ar-Rahman*, *The Most Merciful (Ar-Raheem)*, and *The Ever Forgiving (Al-Ghafur)*. God says, "But My mercy encompasses everything" (Q7:156). The Quran is replete with verses on forgiveness, mercy, and kindness. For instance, "Keep to forgiveness (O, Muhammad) and enjoin kindness and turn away from the ignorant" (Q7:199), and "[R]epel evil [not with evil] but with something that is better – that is, with forgiveness and amnesty" (Q23:96). Also, while Islam gives room for equitable retribution (*qisas*) when wronged, it encourages the victim to choose the path of forgiveness and reconciliation. The Quran states, "The reward of an evil deed is its equivalent. But whoever pardons and seeks reconciliation, then their reward is with Allah. He certainly does not like the wrongdoers" (Q42:40).

These practices, which must be directed towards Muslims and non-Muslims alike, align with the reconciliation emphasised in Western peacebuilding and conflict resolution frameworks. Other key concepts linked to mercy, forgiveness and reconciliation include *sulh* (settlement or reconciliation), *musalaha* (reconciling between people/parties) and *tahkim* (arbitration).

The emphasis on forgiveness and mercy serves to break cycles of retribution and retaliation. The Prophet's very mission is described as "a mercy to all creation" (Q21:107). It was in this spirit that the Prophet told the defeated Meccans on his triumphant return after all the humiliations they had heaped upon him: "You may go. You are a free people!" The Prophet sought to mend broken relationships and promote peace at both the individual and societal level.

→ These verses and insights can help the international conflict resolution practitioner promote reconciliation and forgiveness – not as a last resort, but as values higher than that of fighting for justice – based on the life and deeds of the Prophet himself.

Dignity

Without human dignity, there can be no meaningful justice or sense of diversity or unity within Islam or the wider world. In Islam, human dignity is what gives human life worth. Dignity is God-given and manifests in a dignified life (Q17:70). It is also the concept that animates all the universal normative standards developed by the United Nations. The idea that human life has worth and must be both promoted and protected is at the heart of all peacemaking mandates.

The promotion and preservation of human dignity is a fundamental intent of sharia and underpins everything else. It also applies to all humans irrespective of faith, as humans are inherently dignified. Human dignity in Islam also calls for respect to be shown to the dead, hence the prohibition of harming or mutilating the dead, even if the enemy (DIN 2023, 143–151).

Human dignity, then, underpins the principles of justice, inclusion and equality, as it is what gives meaning to the Quran's emphasis on the equality of all people, regardless of origin, and the honour bestowed on humans by God through their creation. As such, its Islamic form can and should be more readily used in contemporary peacemaking processes as part of a wider call for harmony and community.

> → The notion of dignity is both an outcome of peacemaking – namely that all people are entitled to live dignified lives – but also a catalyst that animates peacemaking. The temptation to humiliate your opponent, whether in conflict or negotiation, must be avoided, so that even enemies must be left sufficient dignity to make, sell or implement the outcomes of negotiations.

Balance

The Quranic notion of *wasatiyya* is variously translated. At its most literal, it means the middlemost, denoting almost a competition to hold the centre and to avoid the extremes.

> *And it is thus that We appointed you to be the community of the middle way…*
> *(Q2:143)*

Other translations invoke the idea of Muslims as "justly balanced". Some refer to Islam as the religion of the middle way, while others speak of moderation. Each of these various translations and meanings enrich the ultimate idea that the global Muslim community is to be a community in the middle, avoiding the extremes, acting with moderation and balance.

Wasatiyya is the anchor for Islam's array of soft power. This defining characteristic is both a commitment and a methodology – a commitment to occupy the middle and to avoid the extremes, and a methodology to locate the best place and disposition from which to contribute to the world and solve its problems.

Wasatiyya, then, is both a principle for living Islam as faith as well as a principle for Muslims living in society. The Quran prescribes ease in every act of worship, and also in mu'amalat – societal matters. The Prophet's wife, Aisha, when asked about the Prophet's habits, replied (Q2:286):

> *Whenever the Prophet had a choice between two things, he would choose the easier of the two.*

Thus, extremism in certain Muslim communities may be seen as distorting a defining characteristic of Islam – its moderation, balance and location in the middle. The Prophet's warning remains apt (Ahmed, Nasai and Ibn Majah, 3057):

Beware of excessiveness in the religion. (People) before you have perished as a result of such excessiveness.

The Quran advises (Q3:159):

It is integral to the mercy of God that you deal gently with them. If you were to be severe or harsh they would have broken away from you…

This is a clear recognition that the natural disposition of people is towards moderation. Being anchored in the middle way and being committed to moderation is, therefore, a call not only to be distinguished from but to be in opposition to excessiveness (*ghuluww*), harshness (*tanattu*), severity (*tashaddud*) and extremism (*tatarruf*) –phenomena that manifest as polarity, opposites and binaries. Human beings have the capability to reconcile and harmonise, and where we are unable to reconcile polarities, we have the unique ability to manage (at least) or embrace (at best) diversity, difference, and paradox.

> → The Muslim community's imperative to be in the middle and avoid the extremes has been forgotten in many moments of conflict. Wasatiyya is a principle which encourages the negotiation of win-win results and creative compromises where contending parties can find each other somewhere in the middle.

3.2 Understanding Jihad in all its Manifestations

A discussion of an Islamic ecosystem of peacemaking would not be complete without a nuanced understanding of jihad and how it relates to broader concepts of conflict, justice and inner struggle. Jihad, which is sometimes mistakenly understood to mean 'holy war', is often said to show that Islam is inherently violent. In fact, the Arabic words for conflict (*qital*) and war (*harb*) are more associated with the notion of armed conflict. International conflict resolution practitioners should understand that *jihad*, deriving from the verb *jahada*, actually means to struggle, toil or strive.

Moreover, the Prophet encouraged peaceful rather than violent struggle and regularly spoke of patience and pacific discourse. For example, the Quran says, "let there be no compulsion in religion" (Q2:256) for "God does not love aggressors" (Q92:190). Thus, according to Cook (2015), and contrary to popular understanding, 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. Kheri (2006) adds:

It also refers to the duty of Muslims, both at the individual and collective level, to struggle against all forms of evil, corruption, injustice, tyranny and oppression – whether this injustice is committed against Muslims or Non-Muslims, and whether by Muslims or Non-Muslims. In this context, jihad may include peaceful struggle or, if necessary, armed struggle.

Not once in the Quran is *jihad* used with the sole meaning of fighting. For example, Sachedina (1990, 36–37), 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. Alwani (2003) suggests that jihad can refer to the struggle to achieve peace. 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.

> → While the Quran, Sunna and other original Islamic texts define jihad as above, there is no denying that the term has taken on negative and aggressive connotations associated with violent extremist groups. Using the Arabic words for conflict (qital) and war (harb), could allow the international conflict resolution practitioner to steer the parties away from such extremist perceptions of their situation. The arguments above, using the original texts, can also be used to push back against extremist interpretations by conflict parties.

In conclusion, the seven principles of the Islamic ecosystem of peacemaking set out here provide a rich framework for fostering social cohesion, justice, and collective peace within Muslim-majority societies. This framework emphasises the values of restorative justice, inclusion, equality, and respect for human dignity. By embracing these seven principles, international conflict resolution practitioners can cultivate environments that promote peace, stability, and unity.

Islam and a Rights-Based Peacemaking Framework: The Maqasid-al-Sharia

04

The seven principles that make up Islam's ecosystem of peacemaking do not exist in a philosophical or legal vacuum. They form part of a wider system of belief and thought within the Islamic tradition. At the centre of this tradition stand the *maqasid al-sharia* or foundational *intents*, values, purposes and objectives of the law of Islam. These inform all local forms and schools of sharia thought and interpretation that have developed in different Muslim communities and cultures around the world.

As such, the *maqasid al-sharia* is not just another school of thought. It is the fountainhead for contextual interpretations for all schools of thought, wherever they are found. This is because it focuses on understanding and articulating the intents of Islam, faith, and the sharia, rather than on any *specific rules* of conduct that may have been developed by the different schools of juristic thought (*madhahib*) in response to local contexts and conditions.

The *maqasid al-sharia* therefore helps to both frame and give further concrete expression to the seven principles, as well as the other peacemaking concepts, precepts, maxims, sayings and hadiths contained throughout this Guide. As noted by the Istanbul Conference (FBA and Center for Conflict and Humanitarian Studies 2022), it acts as the *glue* that binds the seven principles and an overarching compass for the different sharia and Muslim schools of juristic thought across the Muslim world, providing "a critical point of departure" as: it provides a foundation for Islamically-inspired normative standards and principles in relation to the relief of humanitarian suffering, the promotion of human development, respect for good governance, the advancement of fundamental freedoms, establishing the rule of law, and the establishment of inclusive governance based on popular consultation.

It follows that the maqasid al-sharia not only directs the application of Islamic legal theory (*usul al-fiqh*), within any given society or context but helps ensure that the higher intents of the Quran and Sunna are not compromised or distorted in the process of juristic reasoning (*ijtihad*). More importantly, it enables the Islamic ecosystem of peacemaking and international conflict resolution practitioners to postulate and develop a rights-based approach to Islamic peacemaking more akin to contemporary best practices in peacemaking.

4.1 The Higher Intents of Islamic Law (Maqasid al-Sharia)

▪   Islamic Legal Theory (Usul al-Fiqh)
▪   The Six Intents of Maqasid al-Sharia
▪   The Maqasid al-Sharia and the UDHR

By focusing on intents rather than on a specific application of a particular set of defined and determined rules of Islam, the *maqasid al-sharia* enables *new exigencies and contextual challenges* of human experience to be properly thought through. There is a clear subsidiarity of jurisprudence to the intents of the law in which the law must fulfil its intents. The *maqasid al-sharia* is useful to the international conflict resolution practitioner as it gives further content to the seven first principles outlined above and provides the basis of a *rights-based approach* to Islamic peacemaking.

Islamic Legal Theory (Usul al-Fiqh)

The *maqasid al-sharia* should not be confused with *usul al-fiqh*, which literally means roots or basis of Islamic jurisprudence and understanding, and without which there can be no deep understanding or well-directed development of the field of law. *Fiqh* involves the human study and formulation of rules of interpretation, obligations, prohibitions and practice, derived through juristic reasoning or *ijtihad* (Ramadan 2009, 360). It provides the ground rules for respectful interaction between reason and revelation and generates consistent methodologies of interpretation of Islamic sources that regulate the practice of *ijtihad* used by a jurist, *mujtahid*, or school of juristic thought, *madhhabs* (DIN 2021).

The fields of *usul al-fiqh* and maqasid al-sharia are critical and undoubtedly important to the development of Islamic law. While *usul al-fiqh* focuses on verifying sources of evidence and degrees of authenticity and certainty, *maqasid al-sharia* focuses on ensuring that the intents of the law are not sacrificed in *ijtihad*. As the *maqasid al-sharia* is established directly from the text of the Quran and Sunna, they therefore play a greater role in the development of Islamic law, especially in contemporary contexts.

This is because the *maqasid al-sharia* help define and situate the overarching intents of Islam within any given society rather than any specific human distillation and application (*ijtihad*) of local sharia rules (*fiqh*) developed within a particular tradition and culture, which may change and mutate over time due to new exigencies. As a well-known Islamic maxim from Islamic scholar and jurist Ibn Qayyim states: with change in circumstances comes change in rulings (*fatwa*).

The different roles played by the *maqasid al-sharia* and *fiqh* establishes both a hierarchy and subsidiarity to the system, while showing the indispensability of all to each other. That is why these intents can act as a compass for Islamic statecraft and the development of transitional and final status governance arrangements, including in times of conflict.

> →   In this way, the maqasid al-sharia provides overarching guidelines through which processes and outcomes of peace agreements can be judged, without reference to unnecessarily reductive schools of jurisprudence.

The Six Intents of Maqasid al-Sharia

As to their content, over the centuries, Islamic thinkers and scholars of all schools of Islamic jurisprudence have identified five or six intents of the *maqasid al-sharia* to help structure and govern community life and to ensure harmony and balance with Islam's overall philosophical conception of God's unity (*tawhid*), mercy (*rahmah*) and justice (*adl*). Together, these intents function as a sort of Islamic social contract or set of supra-constitutional principles with which all communities must comply.

They are the outcome of a triangulation between unity/integration, mercy, and justice. They emerged over time as a set of factors which must be preserved – namely lineage or offspring, the mind or intellect, life, religion, and property or wealth.

Classical scholars originally divided the intents into three hierarchical categories, all linked to the protection of human dignity:

- Necessities (*daruriyyat*) – relating to the preservation of faith, life, mind, wealth, offspring, and honour. These are life's necessities and the basic needs for survival of individuals, including food, medicine, shelter, and clothing.
- Needs (*hajiyyat*) – these are important conveniences and needs which are complementary to and provide essential support for the attainment and maintenance of the *daruriyyat*. Examples include hospitals, medical schools, postal services, transport systems, communication tools, economic and administrative systems.
- Adornments (*tahsiniyyat*) – relating the provision of those things that beautify life, such as art, architecture, luxury cars, interior decoration, and culture. These are the luxuries, desirables and embellishments that make life more comfortable and allow a society to secure its *hajiyyat* and *daruriyyat*. They are also regarded as important objectives (*maqasid*) because the provision or manufacturing of luxury items and services are often major employment opportunities for the less privileged.

Later scholars and schools of sharia added contextual depth to these categories. Muhammad Tahir ibn Ashur, for example, ranked objectives relating to the collective as higher in precedence to objectives relating to individuals, thus ensuring the rights of individuals have to be realised in relation to the rights of others, and not at the expense of the rights of others. These *preservations* or *protections* were originally conceived and articulated as defensive responses to anything that threatened or endangered them. Contemporary scholars have used them more dynamically to manage the increasingly complex requirements of social cohesion, mercy and justice to create the following framework of mutual rights in which the six preservations are seen as roughly analogous to fundamental human rights and freedoms (Figure 1).

Figure 1 From preservations to rights

From Preservations to Rights

- From the Preservation of Offspring derives *Rights of the Family* (Tahir ibn al Ashur)
- From the Preservation of Mind derives the *Right to Knowledge and Access to Information*
- From Protection of Honour derives *Human Dignity and Human Rights* (Yusufal-Qardawi)
- From the Preservation of the Soul derives the *Right to Freedom and Choice of the human being*
- From the Protection of Religion derives the *Right to Freedom of Belief* (al-Ashur)
- From the Preservation of Wealth derives the *Right to Pursue Human Development including access to education, services and employment, and an equitable distribution of wealth*

Source: The World For All Foundation

As such, these preservations are in keeping with a rights-based approach to individual and communal life in that all agreements and laws must be judged in terms of the extent to which they provide these fundamental protections.

Some scholars have argued that direct links exist between the fundamental protections provided under *maqasid al-sharia* and modern notions of human rights. Others have used the *maqasid al-sharia* to argue for an Islamically grounded notion of democracy, or for gender equality.

→ While controversial to some, these uses of the *maqasid al-sharia* may help the international conflict resolution practitioner counter arguments that human rights and democracy are Western concepts or are fundamentally un-Islamic.

Similarly, the Islamic scholar Rashid Rida included objectives relating to political reform and women's rights in his interpretation of the implications of *maqasid al-sharia*, thus dynamising the response to the challenges of *mu'amalat* (societal affairs, i.e. those not to do with ritual and worship). Similarly, Muhammad al Ghazali included justice and freedom. Muhammad Khatami included democracy among the necessary implications of the *maqasid al-sharia* because the former saw it as critical to justice, while the latter understood it to be the antithesis to dictatorship, which is anti-Islamic.

According to these later interpretations, under the *maqasid al-sharia* the collective precedes the individual; justice and freedom are critical to its operation; choice, inclusion, and participation are central to governance based on the popular will; political and gender reform are germane to *mu'amalat*; while human rights and dignity are essential to an improved human condition.

→ The move towards a dynamic interpretation of the *maqasid al-sharia* – away from a preservation-based language to encompass a more rights-based language – has obvious significance for the international conflict resolution practitioner.

The six intents set out above plainly exhibit clear points of convergence with universal human rights instruments and normative standards established by the international community through the UN, such as the Universal Declaration of Human Rights (UDHR) and the Sustainable Development Goals. These have also been articulated in the Arab Charter on Human Rights. They are fundamentally concerned with the protection of human dignity, human rights norms, and human development

→ As such, the intents of the *maqasid al-sharia* have real significance for the international conflict resolution practitioner because they provide an accepted matrix in relation to which a dialogue and negotiation and its outcomes can be measured – particularly those attempting to negotiate transitional and/or final status governance arrangements in relation to Muslim-majority societies. This is because it provides a practical checklist by which to judge governance structures, service delivery or other measures that must be respected by both the community and their leaders.

→   The *maqasid al-sharia* is also critical to contemporary Islamic modes of peace-making in relation to the modern world, as it sets out in concrete terms the aims and objectives of human life to be realised in communities. This collective work provides a set of objectives consistent with the challenges faced in the world today, in addition to being a bridge that connects contemporary paradigms with the core intents of Islam.

The Maqasid al-Sharia and the UDHR

Many of the rights set out in international normative standards find expression not only in the Quran and the precepts of schools of Sharia thought, but also in the *maqasid al-sharia*. A recent paper entitled *Scripturally Annotated Universal Declaration of Human Rights* (*An Islamic Perspective*), while not claiming to be 'a definitive assessment' of how Islamic texts do or do not align with obligations enumerated in the Universal Declaration of Human Rights, highlights how the *maqasid al-sharia* provides support for provisions contained in the UDHR:

> *Human beings are regarded in the Qur'an and Sunnah as equally valuable and endowed with certain inalienable rights and freedoms by virtue of simply being human. Thus, these rights are an integral part of the Islamic worldview, and it is obligatory on all Muslims, governments and organs of society to implement. So, while the framing and articulation of the UDHR may be new, the concepts, ideals and values that they try to uphold – of justice, equality and freedom of all human beings – are not new to Islam or to other enduring faiths.* [9]

→   The maqasid al-sharia is useful to the international conflict resolution practitioner as it not only situates but also explains, the relevance and purpose of international normative standards to and for Muslim-majority societies emerging from conflict. It also helps dismiss some of the false binaries that are often said to exist between Islam and the West over respect for human rights.

4.2 Other Supporting Concepts

▪   Permissibility
▪   Balance
▪   Other Useful Maxims

Such a rights-based approach is enhanced by other presumptions and legal principles within Islam, such as the concepts of permissibility and balance referred to earlier.

[9]   Da'Wah Institute of Nigeria

Permissibility

The general Islamic **principle of permissibility** holds that everything is permissible unless expressly prohibited or forbidden by Islam. Its basic assumption is people will act in accordance with a natural disposition, *fitra*, that is inherently good, and therefore pursue objectives that can be regarded as permitted unless proven otherwise. This mirrors almost exactly the approach towards the restriction of conditional rights taken by various international normative instruments – that is, it is for public authorities to justify the basis of an interference with human behaviour in accordance with law and not the other way around.

→   This principle is essential to the peacemaker when dealing with issues relating to the promotion of fundamental freedoms and the negotiation of appropriate transitional and/or final status governance arrangements that seek to protect them. This is because it prevents a simple rejectionist response to proposals, instead allowing those that are not inherently impermissible to be retained or gradually adapted.

Balance

As noted earlier, the principle of balance is recognised by early Islamic practices and the Quran. Both recognise that balances often need to be struck when it comes to rights regulating social life. Thus, we are told (Derelioglu 2019):

> *Islam represents the balance and middle way in all aspects of life. For example, it is neither spiritualist nor materialist; realist nor idealist, capitalist nor socialist; individualist nor statist; absolutist nor anarchist; worldly and hedonist nor purely other-worldly or monastic.*

Balance is therefore connected to the idea of *wasatiyya* mentioned earlier. Both emphasise the notion of the public benefit in which individual rights are subject to the imperative of the public good.

→   The principle of balance can be important when trying to negotiate or justify a difficult compromise or middle route that might need to be adopted in relation to certain contested social issues. Again, this principle is an antidote to positions which occupy the extremes or edges, either because of a genuine sense of righteousness or anger, or because it is invoked as a negotiating posture or tactic to postpone or reject a resolution.

Other Useful Maxims

Other legal maxims that may be of potential use to the international conflict resolution practitioner include the following five universal maxims of Islamic jurisprudence derived from the texts of the Quran and hadith:

- Matters will be judged by the purposes they fulfil (Al-umuru bi-maqasidiha);
- Harm must be eliminated (Ad-dararu yuzal);
- Certainty is not overruled by doubt (Al-yaqinu la yazulu bish-shakk);
- Hardship begets facility (Al-mashaqqatu tajlibu at-taysir); and
- Custom is a basis of judgment (*Al-'addatu muhakkamah*).

These maxims emphasise the need to:

- Keep the ends in mind in all affairs and be purpose-oriented in decision-making;
- Take certainty and weighing of evidence seriously, thus establishing the idea that one acts on what is certain, what is agreed and what is supported by evidence;
- Consult those who know better;
- Avoid superstitions and baseless arguments;
- Always be of service and find effective ways of removing all forms of harm and suffering from society and creation, thus establishing an imperative primarily to prevent harm, even if it postpones the doing of good – so, for example, a ceasefire may sometimes be preferable to perfect justice;
- Show compassion and give concessions, especially to those going through difficulties because the difficulty is often the harbinger of a solution if there is a relaxation of the pressure so that headroom can be increased; and
- Respect the diverse and good customs of people and their varied ways of realising the common good, thus holding the possibility that aspects of law can be subjected to the customary traditions of people.

Women's Rights in Muslim-Majority Conflict Settings

05

This chapter looks at women, peace and security and the issue of women's inclusion in public life in Muslim-majority countries in light of the seven principles, the rights-based framework of the *maqasid al-sharia*, the inclusive provisions of the Charter of Medina, and other early experiences of the Prophet and his Companions.

The first point to note is that while progress has been made in support of women's inclusion in peacemaking in some regional contexts, challenges and disparities persist. Women continue to face structural, cultural, and logistical barriers which prevent their meaningful participation in peace processes.

This chapter aims to give the international conflict resolution practitioner a more nuanced understanding of women's roles and rights in Muslim-majority societies. It discusses their further empowerment, which is so critical to building transformative and sustainable peace processes, and explores their diverse perspectives and experiences, including the intersections of culture and religion that have shaped and influenced their lived realities. It then considers strategies that could be deployed by the international conflict resolution practitioner to overcome culturally based patriarchal attitudes and practices through the harnessing of the principles and intents of Islamic law cited earlier.

The Guide recognises from the outset, however, that certain references to women in parts of the Quran – for example, Surah al-Nisa, 34 (Q4:34) – have frequently raised questions and criticisms. Yet, when examined in the broader context of the original texts, as well as the conduct, experiences, sayings and deeds of the Prophet and his Companions, there is in fact much richer material within Islamic texts and early practice that supports an altogether more inclusive and organic rendering of women's roles and rights in Muslim society.

The content of the seven principles and the six intents of the *maqasid al-sharia* as well as the provisions of the Charter of Medina and practices of the Prophet all support a more positive interpretation. Together they provide a strong foundation for the role of women in society and peacemaking by emphasising the fundamental equality of all human beings, irrespective of gender, and promoting equitable treatment, mutual responsibility and accountability of both men and women. The Islamic framework set out in this Guide inherently aligns with the pursuit of gender equality as emphasized in the Quran (Q49:13):

> *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...*

This verse explicitly expresses the moral and spiritual equality of men and women with the only defining variable being righteousness (Abadi 2022, 23). It therefore serves as a basis for recognising women as full agents and active citizens and provides a women's rights framework from a religious perspective which complements contemporary women's rights frameworks. This can be employed to promote and protect certain essential women's rights, including a woman's right to education, the right to work, the right to life, the right to health, and the right to inherit and maintain property.

> → The emphasis on values of human dignity, community, and social justice can play a major role in the application of principles of justice, inclusion and equality, and be used in peacebuilding processes as part of a wider call for harmony, social cohesion, and gender equality.

It is worth bearing in mind that the legal presumption (*istihsab*) of permissibility is critical in ensuring that limits or restrictions to such freedoms are justified with clear evidence, and that the onus of proof to restrict the roles of men or women is on whoever is denying them such rights and freedoms. Just as it is prohibited to make permissible what is prohibited (*istihlal*), it is equally prohibited and sinful to prohibit or forbid what is permissible by default.

5.1 Gender Dynamics, Norms and Human Interpretations of Divine Texts

Like all societies, past and present, Muslim-majority societies have much work still to be done in respecting and promoting gender equality, women's rights, and the social and political role of women in public life. But the fact remains that some uncontested historical references in Islam exist that challenge social and cultural practices which discriminate against women. The international conflict resolution practitioner therefore needs to first distinguish between the fundamental Islamic ideal of equality between genders and more male-dominated cultural norms and practices which have developed in specific cultural and historical settings.

The relationship between religion and restrictive or repressive social norms and practices is complicated, as is that between religion and culture. The experience and interpretation of religious information and knowledge is always influenced by culture. Gender dynamics are complex, diverse and, more often than not, influenced by a range of factors that include cultural, religious, and political beliefs and practices. As a result, religious principles are often conflated with local and/or cultural customs, ensuring customary structures enjoy more legitimacy and influence than formal political structures relating to everyday governance.

→ International conflict resolution practitioners promoting gender equality may need to disentangle the universal tenets of religious law from socially inherited customs and practices in order to open dialogue and new understandings of women's positions in society.

Making such distinctions will enable the international conflict resolution practitioner to find more religiously sensitive pathways to bring women to the forefront of peacemaking efforts in Muslim-majority societies. Understanding the gender dynamics of a conflict is critical to the development of effective strategies to promote sustainable and transformative peace. Restrictive gender roles and unequal power dynamics are often reinforced and magnified by conflict, leading to greater vulnerability and marginalisation for women and girls. The INP research suggests that when conceptions of equality and empowerment are indigenous to the community or society, they have a higher chance of being sustainable.

Approaching gender-mainstreaming through a secular lens alone may also deprive gendered frameworks from sources of legitimacy and values that might help facilitate the re-negotiation of harmful gender norms and relationships. For instance, in many Muslim countries, religious frameworks have been essential in promoting women's rights and expanding personal status or family law, such as in Morocco (Brooks 2020; Hursh 2012) and Egypt (Mhajne 2022). Conversely, the association of women's rights with secularism may invite hostility from conservative social elements.

In fact, many women in Muslim societies advocate the integration of religious and secular women's rights frameworks. Their experiences suggest the seven principles, six intents and other practices set out in this Guide can be used by the international conflict resolution practitioner to promote and protect essential rights, including a woman's right to education, to work, to life, to health, and to inherit and maintain property.

→ Examples of the Prophet's commitment to supporting and empowering women, encouraging women's participation in public life and decision-making processes, and speaking out against harmful practices, such as female infanticide, in the Quran and throughout Islamic history, can open space for women's participation and expand the roles and domains of both men and women. This includes, for instance, a modern understanding of the roles of men and women in public and private life ranging from household chores to political participation.

Historical Illustrations of Women's Participation in Public Life and Peacemaking

The international conflict resolution practitioner should refer to the numerous positive examples of Muslim women's roles, both historic and contemporary, in Islamic forms of public life and peacemaking. Women and men both played a role in pledging allegiance to the Prophet as their political and spiritual leader – the bay'ah process. Surah 60 verse 12 in the Quran talks about God asking the Prophet to accept the allegiance of the women. This illustrates that women's voices mattered, and that they were active in public life during the Prophet's time. Thus, the principles and intents cited in favour women's inclusion within Islam are supported not just by the number of women mentioned in Islamic texts and sayings but also the prominent nature of the roles they played. Examples of the various roles performed by early Islamic women can be seen in Figure 2.

Figure 2   Roles of women in early Islam

Roles of Women in Early Islam				
Political Umm Salama	**Religious** Aisha	**Military** Khawla bint al-Azwar	**Educational** Umm Sa'd Jamilah bint As'ad Ansariyyah	**Economic** Khadijah al-Kubra
▪ One of the Ummahât Al-Mu'minîn (Mothers of the Believers) ▪ Mohammed looked to her for political guidance, in particular with the Treaty of Hudaibiyah	▪ The third wife of the Prophet Mohammed praised for her knowledge and leadership ▪ She was known to assume a role of religious authority, even correcting companions including Abu Hurairah when they erred	▪ A companion of the Prophet Mohammed respected in her time and beyond it for her military bravery ▪ During the battle of Yarmouk she led a group of women against the Byzantine forces	▪ A woman who is reported to have educated men in religion ▪ Assuming the role of a teacher, she gave Quranic lessons to Dawud ibn Husayn, a companion of the Prophet	▪ The first wife of the Prophet Mohammed respected as an esteemed businesswoman ▪ Her business had a strong reputation and was larger than all the other Quraysh trades combined

Women performed a variety of intersecting roles throughout Islamic history, including early Islam. As noted above, many women assumed roles of authority in different areas as political guides, religious leaders, military figures, teachers etc... These are just examples.

Source: Transformative Peace

Elsewhere, the Quranic depiction of the Queen of Sheba provides another powerful example of a community comprehensively flourishing under a woman's leadership, even from a religious perspective. The Queen of Sheba is depicted as a strong and effective community leader who led her community to prosperity and out of harm's way.

It is noteworthy that women independently gave bay'ah to the Prophet upon accepting Islam without the involvement of their husband, father, or any other male relative. It is also notable that women, young people and children were consulted by Abdurrahman bin 'Awf, who was assigned to consult with the various individual community members of Medina, on the preference of the community regarding who should be the next Caliph after Umar bin al-Khattab, as he was interested in the opinion of the majority of the citizenry (Ibn Taymiyya, cited in DIN 2023b, 150).

Employing this Islamic framework within the domain of women, peace and security then, can provide the international conflict resolution practitioner with a constructive platform for more general gender-mainstreaming, equality and inclusion. As Abadi (2022, 16) explains:

> *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, instrumentalisation by national and foreign policy agendas, and the international community's essentialisation of women in (predominantly non-Western) conflict-affected countries.*

As some scholars have noted, "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). For example, some constitutions and legal systems within Muslim-majority societies, whether consciously or not, reinforce these patriarchal conceptions by seeing women as holding limited and prescribed roles in society – namely as mothers, wives, minorities and victims.

The assumptions underlying many family law structures – where women are equated with children within family law frameworks – evoke a minority status for women and assume that women are in some ways inferior and in need of protection. Reducing women to their familial context, through language and practice, helps to reinforce patriarchal norms that perpetuate gender inequalities within and beyond the constitutional process, especially in issues surrounding marriage, divorce, custody and inheritance.

Yet, many such ideas are a product more of socio-political institutions and cultural views than of Quranic teachings. The conflation of religious law with culturally derived norms therefore plays a big part in the current categorisation of women's rights under a special protective status or family law framework. This can often hinder the wider struggle for gender equality and the full participation of women in political and social life.

5.2 Building Sufficient Consensus: Towards Principled Inclusion

Approaching inclusion from an Islamic perspective is possible, as there are numerous tools in the Islamic toolbox to facilitate comprehensive and meaningful social inclusion.

Thus, alongside the protection of essential rights, the Prophetic Tradition can also be used by the international conflict resolution practitioner to promote alternative, healthier gender norms and constructions. It should also be recognised that for many Muslim women, the Prophet embodied positive masculinity in the way he performed household chores, mended his clothes, and behaved towards women.

> → Examples of prophetic masculinity can be used to promote gender equality by showcasing Prophet Mohammed. It can also be deployed to highlight the various roles Muslim women have played in the political, religious, and public sphere throughout history. This can be useful in generating buy-in for women's inclusion within an Islamic framework.

New frameworks need to be built that navigate tensions surrounding the need to protect women (as victims of violence) while affirming women's right to be treated as full agents and active citizens. Figure 3 illustrates a strategic framework that the international conflict resolution practitioner can employ to argue for principled inclusion.

Figure 3 Strategic framework that international conflict resolution practitioners can employ for principled inclusion

Shura council link official and unofficial processes

Engaging male religious scholars who have moral and spiritual legitimacy

Meaningful engagement of women in peace processes

Seeking Principled Approach to Inclusion

O Humanity! We created you all from a male and a female, and made you into nations and tribes so that you may know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-knowing, All-aware. (Quran 49:13)

Deploy religious framework: Quran and Prophetic tradition

No ambiguity – Define terms and understand emotional weight

Sulh

Source: Transformative Peace

→ Strategic engagement by the international conflict resolution practitioner in such issues may need to be done in conjunction with religious scholars who have moral and spiritual legitimacy, and by creating a Shura council linked to official and unofficial processes.

5.3 Strategies for Women's Rights and Participation

- Gender Mainstreaming
- Education
- Local Advocacy
- Scholarship
- Dialogue
- Language

An Islamic framework based on first principles and the experiences of the Prophet can provide the international conflict resolution practitioner with powerful tools with which to promote the four basic pillars of the Women, Peace and Security Agenda: participation, prevention, protection and relief and recovery.

Shura. The aim of shura is to facilitate a participatory and inclusive process in making informed decisions where all important elements are taken into consideration to satisfy the community's collective needs. As an important Islamic practice, *shura* and other supporting concepts can promote women's participation. The Prophet was himself required by Allah in the Quran (3:159) to "consult them in matters (of public concern)". This is a general statement which shows that all members of the community deserve to be consulted and involved in participatory decision-making processes.

There are numerous well-established contemporary strategies for the promotion of women's empowerment and inclusion, such as UN Security Council Resolutions 1325, 1840, and the Women, Peace and Security Agenda more broadly. The international conflict resolution practitioner needs to take all these strategies into consideration, including when dealing with Muslim-majority societies, and all can be supported by the Islamic peacemaking framework set out in this Guide.[10]

Gender Mainstreaming and reframing women's participation is critical. For example, it is important to ensure women's participation in constitutional and political processes extends to important decision-making bodies. There is a difference between token and meaningful representation. The relationship between women and positive constitutional outcomes is empirically solid, so their representation at those top decision-making levels is important. A socio-political lens can shed light on the institutional and sociological problems inhibiting women's participation and the perceptions that surround politically active women. A recurring problem that women representatives face is either their instrumentalisation or tokenisation.

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[10] For a more detailed account of women, peace and security within Islam, see Abadi (2022).

Education. Experience suggests that education about the positive role women can play in peacebuilding in Muslim-majority societies should focus on the collective benefits of their inclusion. The international conflict resolution practitioner should therefore try to highlight the societal interest in having women as strategic partners and active agents of peace (Abadi, 2022). In cases where women's participation has been institutionalised, such as through quota systems, women have been under-represented in key decision-making bodies and this should be corrected.

In short, too many Islamic scholarly writings on women have been produced through male dominated traditions infused with patriarchal conceptions of women. As such, they often do not align with Quranic teachings, even as they continue to constrain women's participation and access to power in both public and private spheres.

> → In discussions on reframing women's roles, international conflict resolution practitioners should emphasise a return to an examination of the original texts (Quran and Sunna), where there are abundant examples of positive women's roles. These are the divine scriptures and ought to carry much weight with religious practitioners. Based on these texts, it could be possible to speak against restrictive and harmful gender and cultural norms.
>
> → Interpretations that account for the higher intent of the maqasid al-sharia and the seven principles can be used to help frame re-interpretations of current gender norms and perspectives on women's leadership in political and religious life. The consideration of maqasid can also be useful in identifying unconscious cultural biases and misogynistic interpretations.

For example, programmes empowering women religious leaders and cultivating religious literacy, such as Morocco's Mourchidate Program, are potentially productive ways of dismantling male domination in the religious sphere.

Local advocacy. Other data suggests that constitutional reform and the formal establishment of enforcement measures to promote gender equality may not be enough unless women can implement them in practice in local settings. Local advocacy strategies sensitive to religious sentiment will almost certainly need to be developed as well.

Scholarship. Patriarchal gender norms can be challenged through engagement with religious leaders and a focus on women's religious literacy. Such strategies can transform the landscape of religious interpretation and scholarship by affecting positive change among credible religious leaders and by increasing the scholarly tools available to and the participation of women.

> → Gender mainstreaming requires the empowerment of women and the buy-in of both males and females. This ought to help with problems of male resistance and female self-exclusion as perceptions surrounding the religious and leadership credibility of women change.

Dialogue. Spaces that use dialogue as opposed to debate to discuss taboo topics can also contribute to a sense of safety and are more conducive to cognitive openness. Dialogue helps move conversation away from confrontation and the hardening of defensive positions (Robins and Jones 2009). Since Muslim-majority countries are not monolithic, it is important that dialogues account for and reflect local norms.

> → Integrate individual and collective belief systems that can resonate with pre-existing beliefs. In conversations about controversial subjects, the international conflict resolution practitioner needs to highlight the religious foundations for the renegotiation of gender norms as a way to produce constructive pathways for positive reinterpretations.

The foundations should build on the history of women's participation in politics in early Islam, including their participation in crucial community meetings and as scholars or appointed administrators, while highlighting the roots of women's seclusion in pre-Islamic Byzantine and Sassanid practices (Ansary 2009).

Language is also a critical factor. Instead of infantilising women under coarse special protection language or reducing women to their familial roles, constitutional language ought to centre on and reflect women's proven capacities to lead and the theological foundation which supports their meaningful inclusion. The complexity of the Arabic language can lend itself to numerous interpretations of Quranic verses. It is therefore important to define terms and ensure all parties have the same understanding of the vocabularies used, as some particular words can be highly politicised within specific cultural contexts.

Providing education, space, dialogue platforms and local agency to change the terms of reference from within is critical. The international conflict resolution practitioner needs to recognise that Islamic law and established principles can often hold greater credibility among local communities. The language of secularism can alienate as well as empower.

→ It should be noted that language that frames gender mainstreaming as a means to liberate women from religion can do more harm than good. In some instances, secular claims to rescue and liberate women from their religious and cultural traditions have been deployed as part of the justification of foreign invasions, which has in turn linked women's empowerment to Western imperialism. This complicates women's positions within the community and the local, national and regional religious arenas, as the women's agenda is perceived to be a cultural and religious threat to their communities. This securitisation of gender is more of an impediment than an asset to women in communities targeted by securitisation agendas.

Approaching gender equality only through a secular lens, then, may deprive gendered frameworks of religious legitimacy and values that could empower women's rights and facilitate the re-negotiation of gender norms and relationships. Examining different entry points, removing ambiguity, and ensuring that accountability mechanisms are in place are critical steps. Engaging religious leaders who are allies and have moral and spiritual legitimacy can be an effective strategy to promote women's rights, as these leaders can provide guidance and support to communities on the importance of gender equality and speak against restrictive and harmful gender and cultural norms.

It is also crucial to invest in research and dissemination on specific issues on gender justice, especially outside academia. This way, Muslim intellectuals, preachers and opinion leaders can learn about the tools that guide and regulate juristic reasoning (*ijtihad*), in particular, *usul al-fiqh*, *qawa'id al-fiqhiyyah* (maxims), and *maqasid al-sharia*, so as to appreciate the legitimacy of diverse and more egalitarian perspectives. Similarly, training programmes can be provided on contemporary Islamic jurisprudence as it applies to women. There is also a need to support more female religious scholars to talk about Islam and women's rights in public media. It is also important to train more women in mediation, advocacy, and peacebuilding processes.

→ The international conflict resolution practitioner can thus turn to an array of tools within the Islamic tradition to explain why meaningfully engaging women in peacebuilding efforts is not only permissible but critical to the development of sustainable and inclusive peace and the building of a just, fair and dignified polity in Muslim-majority societies.

06 Islam and the Laws of War: Other Practical Tools and Concepts

The Islamic conflict resolution framework detailed in this Guide is built upon seven overarching Islamic principles and the six intents of the *maqasid al-sharia.* Together, they act as both a resource for Muslims involved in conflict and a bridge to other communities. They harness the soft-power peacebuilding capabilities of Islam for international conflict resolution practitioners acting in a variety of situations.

As noted earlier, the principles and intents outlined above draw on both the Quran and the Prophetic Tradition of peacemaking. This chapter explores how the Prophet applied these principles and intents during his lifetime, including through the articulation of further Islamic duties, precepts and tools when faced with tribal conflict and the prospect of violence and war. As such, it looks at the Prophet's Last Sermon as well as his leadership and negotiation of the Treaty of Hudaibiya and Charter of Medina. The Prophet's acts of conflict resolution and treaty-making provide guidance on how to negotiate and build positive peace and a just society, all of which is relevant to the international conflict resolution practitioner.

6.1 Islam and Rules of War

The international community has developed a well-established body of rules to regulate the conduct of war and treatment of combatants and civilians in times of conflict. This is also the case with Islam. The juristic concept of jihad as war includes definite rules for its conduct. These rules distinguish classes of non-combatants from legitimate combatants and define what measure of harm is permitted against the enemy (Kelsay 2007, 197).

Central to the concept of *jihad* is the preservation and the sanctity of human life. As the Quran tells us: "And if anyone saved a life, it would be as if he saved the life of the whole people" (Q5:32); and "…do not take a life, which Allah has forbidden [to be killed], except by [legal] right" (Q17:33).

A corollary of this deeply rooted respect for human life is prohibition of the destruction or waste of resources that support human life. This principle has been applied in warfare throughout Islamic history. The first Caliph, Abu Bakr al-Siddiq, codified a series of rules for combat shortly after the death of Mohammad. These rules of combat categorically forbid the mutilation of dead bodies and the killing of children, women, and the elderly. The rules for combat included the following:

- Do not commit treachery or deviate from the right path;
- You must not mutilate dead bodies;
- Neither kill a child, nor a woman, nor an aged man;
- Bring no harm to the trees, nor burn them with fire, especially those which are fruitful;
- Do not destroy inhabited lands;
- Slay not any of the enemy's flock, save for your food;
- Do not harm those who have devoted their lives to monastic services.

These wartime prohibitions were "universally agreed upon by his contemporaries." The Quran affirms these prohibitions by commanding Muslims not to "transgress" and that "Allah does not like transgressors" (Q 2:90). The Quran is clear on this point, telling fighters (Q5:32):

> *...if anyone slays a human being – unless it be (in punishment) for murder or for spreading corruption on earth – it shall be as though he had slain all mankind, whereas, if anyone saves a life, it shall be as though he had served the lives of all mankind.*

Much of this mirrors contemporary normative standards that govern wars and the treatment of non-combatants and civilians today.

6.2 Other Important Islamic Concepts

These directions are reinforced by the following practical conflict resolution principles and directives of the Prophet Mohammed:

Fitna

Under Islam fitna, or mischievous transgression, must be avoided and relates to the first civil war within the Muslim community. As such, the concept of *fitna* is used to describe anything from "political disturbances, civil wars, doctrines that could endanger the purity of the Muslim faith, tensions between secular authorities and pious minorities" (Lifintseva, Isaev and Shishkina 2015, 528). It can have positive implications for peacebuilding and serve as a tool for promoting peace by avoiding *fitna*. The Prophet's teachings offer valuable insights into the connection between steering away from fitna and actively pursuing peace. The Prophet proclaims: "Help your brother [Muslim] whether he is an aggressor or a victim of aggression."

When a man asked the Prophet how one could help an aggressor, he replied: "By doing your best to stop him from aggression" (*Sahih al-Bukhari* 2444).

→ This underscores how avoiding fitna can serve as a platform for safeguarding the wellbeing of both Muslims and non-Muslims, and for privileging peace over conflict. Furthermore, it instills in Muslims a sense of duty to seek resolution to conflicts by helping their fellow citizens not to transgress (Huda 2010).

La Dharar (Do Not Harm) as a Point of Departure

The concept of "do no harm" also exists within the Islamic tradition to help reinforce the rules of war set out above. In the Prophetic Tradition, the Prophet declared: "Do not harm and do not reciprocate harm!" (*Ibn Majah* 2340). Harm then must be avoided. An Islamic maxim states: "Avoiding harm takes precedence over bringing good." The Prophet also said that "any means to prevent the occurrence of harm should be sought because it is better to prevent harm than to alleviate it."

> → From these Prophetic injunctions and maxims, it becomes clear that the point of departure for conflict resolution, peacemaking and governance is that harm must be prevented. This can be a helpful tool for the international conflict resolution practitioner as it places great emphasis on ceasing fighting and pursuing peace, even in cases where the conflict is seen as attempting to "bring good". It is also a maxim for judging interventions by external actors.

Hudna and the Duty to Negotiate an End to Violence

Another important Islamic concept touching upon rules regulating warfare is the Islamic imperative to negotiate an end to violence. This is called *hudna*. The literal meaning of *hudna* is pause, cessation, truce, armistice. It is derived from the word *had'ana* which means calmness or to be quiet. In Islamic jurisprudence, hudna is recognised as a binding and legitimate commitment. While the Quran has no mention of the word hudna, it is the first word used in Muslim history to mean ceasefire, specifically in the Treaty of Hudaibiya. The Treaty was concluded with the polytheist tribes of Mecca, after securing victory against the Meccans and their allies at the Battle of Trench (Khandaq).

The Treaty provided for a 10-year ceasefire between the followers of Mohammed and the Quraish, allowing the Muslims' annual pilgrimage to Mecca to take place in peace. The Prophet even conceded his title and certain rights of Muslims during the negotiations, despite objections from his companions who found them humiliating and unfair. He did so in the interests of greater peace and the long-term public good brought about by the development of peaceful relations. According to the Da'Wah Institute (DIN 2022):

> *This treaty and the many other treaties and alliances that the Prophet and the early Muslims entered with the various communities and nations laid the foundation of many similar treaties, pacts, charters, contracts, constitutions, Memorandum of Understanding (MoU), agreements and alliances that Muslim communities and nations have gone into, both domestically and internationally, for greater peace, security and public interest (maslahah).*

The actions of the Prophet and his successors show that the precepts of Islam encourage mutual understanding and cooperation, including the making of concessions where necessary, for the sake of peace and achievement of the greater common good, *maslahah*, or lesser evil (DIN 2019, 76–79).

The most common outcome of *hudna* is to force the conflicting parties to use the ascribed cessation of violence to seek a nonviolent resolution to their differences. It is therefore an important tool by which to promote and let peaceful relations develop, create a space for negotiations and give a chance for peace between the warring parties.

The original state that should prevail among Muslims and between Muslims and non-Muslims is that of peace, not war. If armed conflict breaks out, it is to be considered *temporary* as Muslims remain under a duty to pursue efforts to restore the original state of peace at the first opportunity. Muslims, then, are required to end armed conflict when peace can be achieved through negotiations and non-violent means.

According to a survey of the battles conducted by the Prophet by the Da'Wah Institute of Nigeria and considered in the Istanbul Conference (DIN 2019, 74):

> *From all the available evidence, taking up arms by the Prophet and his Companions was clearly to defend their lives, properties and secure the freedom to practice their religion without any form of oppression. Also, none of the wars that the Prophet engaged could be described as a 'holy' war in the sense of a war waged to propagate a religion or merely because the enemy held a different religion.*

It further claims that all instances of fighting at the time of the Prophet were defensive (*jihad al-daf*), and not provocative, aggressive or offensive (*jihad al-talah*) towards people of other faiths. Whatever the accuracy of this claim, the Quran, time and again, emphasises restraints on the use of violence in war:

> *...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! (Q41:34)*

> *...Do not commit aggression! God loves not those who are aggressors. (Q2:190)*

> *...Fight them until there is no more oppression and there is belief in God. But if they cease, let there be no hostility except to those who practice oppression. (Q2:193)*

> *And if anyone from the polytheists asks for your protection, grant it to them so they may hear the Word of Allah, then escort them to a place of safety, for they are a people who have no knowledge. (Q 9:6)*

→   The value of hudna is that it is morally binding and, according to the Sunna,
a position Muslims must strive for in order to reach the natural state of peace.
Thus, conflicting parties can be advised – particularly by religious scholars
– to pursue, accept and abide by a hudna.

Hudna is particularly important for the international conflict resolution practitioner as it allows for the possibility of a *temporary cessation of violence* as well as the possible development of *transitional governance arrangements* until final-status issues are agreed upon.

Sulh and the Binding Nature of Treaties

Another important concept in relation to the laws of war and the negotiation of ceasefires is *sulh* (reconciliation). It constitutes an imperative component of the Prophetic peacemaking tradition and concerns the recognition of the binding nature of peace agreements or truces. The tradition is based on the Quranic verse (Q16:91):

Fulfil the Covenant of Allah when you have entered into it, and break not your oaths after you have confirmed them; indeed, you have made Allah your surety; for Allah knoweth all that you do.

Elsewhere, the Quran states "O you who believe! Fulfil (your) obligations" (Q5:1).

Sulh is the establishment of an agreement, truce or settlement to end conflict or prevent further violence. Reducing conflict, reinforcing social solidarity and promoting a restorative rather than retributive form of justice are all goals of *sulh*, including limiting destructive conceptions of justice in the pursuit of *musalaha* — reconciliation between groups.

Broadly, *sulh* can be used by the international conflict resolution practitioner to settle conflicts that "pose a direct and immediate threat to the security and honour of family groups, and that could potentially instigate a cycle of retaliation, or blood feud" (Said and Funk 2003, 155). This focus on violent conflict differentiates *sulh* from *tahkim*, which is typically used to refer to arbitration on settled material or moral claims.

Unlike in Western judicial traditions, which strongly emphasise individual responsibility and prohibit collective punishment, in Islam victimhood and blame are conceived collectively, meaning that the families of victims are considered victims, and the families of perpetrators bear responsibility. This gives greater importance to *sulh* in Arab-Islamic contexts because it fosters a sense of moral accountability which transcends tribal loyalty. In peacemaking, it is an honourable exercise, conveying dignity.

Shura and the Imperative for Collective Wisdom and Consent

The collective obligation to settle conflicts under Islam is tied to the duty to consult, *shura*. Thus, even though the Prophet had divine inspiration and was anointed by God, he understood his role as being threefold: the conveyor of the divine injunction; a judge between people; and an ordinary human being.

As regards his first role, the Prophet was clear that there was to be no consultation because there was no discussion or negotiation about a matter decided by God, particularly in matters of creed, ethics and worship. As to his other two roles, the Prophet recognised and understood he was inspired by God, but that strategies and tactics required human wisdom for application. This was particularly so in the realm of defense, governance, and other most matters of *mu'amalat*. Thus, the Prophet followed the Quranic injunction in this regard – "Consult them about matters" (Q3:159) – and sought to model the Muslim community as one that "...conducts their affairs by mutual consultation" (Q42:38).

The application of these injunctions is seen when the Prophet faced an invading army of Quraish at Badr. He was asked whether his choice of location was divinely decreed or a matter of strategy, and when he replied that it was strategy, his companion proffered a more strategic location that eventually swung the battle in their favour. Similarly, he took the advice of a companion, Salman the Persian, on constructing a ditch around Medina, making it virtually impenetrable. These examples demonstrate that no leader is infallible or can govern without consulting others.

Importantly, *both men and women* actively participated in the process of *shura* throughout the life of the Prophet, and their opinions and advice were equally valued. There are many instances where the Prophet sought advice from women and consulted his wives on military and political issues. In fact, Umm Salama played a critical role after the Treaty of Hudaibiya when she advised the Prophet on how to break a stalemate between him and his Companions (Abadi 2022, 16). The Prophet had ordered his Companions to shave their hair, symbolising the end of pilgrimage and the need to return to Medina, but they did not want to obey him as they were still displeased at the terms of the Treaty. She advised him to shave his hair first and they would follow suit, which is what happened.

Aqd in International or Neighbourly Relations

An allied Islamic concept of use in the negotiation of ceasefires and treaties is *Aqd*. In the Prophet's era, adherence to contracts was seen as critical to the establishment of peace, unity, and justice in Medina, just as it is today. Thus, several Quranic verses command believers to fulfill their treaties, even with non-Muslims (including polytheists) and honour agreements until their expiration if the other party remains faithful. For instance, the Quran states:

> *O you who have faith, keep your agreements… (Q5:1)*

> *Fulfil Allah's covenant when you pledge, and do not break your oaths after pledging solemnly and having made Allah a witness over yourselves. Indeed, Allah knows what you do. (Q16:91).*

> *Barring the polytheists with whom you have made a treaty, and who did not violate any [of its terms] with you, nor backed anyone against you. So fulfill the treaty with them until [the end of] its term… (Q9:4)*

> *So long as they are steadfast with you, be steadfast with them… (Q9:7)*

Mohammed and his Companions entered into numerous alliances, constitutions, pacts and treaties with various non-Muslim communities for the purpose of improving international and interfaith relations, protecting mutual rights and obligations, and having more peaceful societies.

Other Maxims Concerning the Negotiation of Treaties

The Prophet's conduct and the treaties he concluded also led to the development of the following maxims in Islam, which remain universally relevant to this day:

- The general principle conferring validity of contracts is the consent of both parties, and the effective terms and conditions are what they agreed (Al-Zuhayli, 818)
- A specific harm is tolerated to ward off a general harm
- Necessities render the prohibited permissible[11]
- Need, general or specific, is treated like necessity
- Averting harm takes precedence over achieving benefit
- Private harm can be borne to ward off public harm
- The lesser evil is preferred over the greater evil
- The greater harm can be removed by the lesser harm
- Acts of those with authority over people must take into account the interests of the people.

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[11] See writings of Jalal al-Din al-Suyuti and Muhammad Uthman Shubayr, cited in Laldin 2013, 116; also see Zaydan 2015, 107.

Rules of Engagement – Lessons from *Surah al-Hujurat* (Quran 49)

Reference should also be made to *Surah al-Hujurat* (the Inner Apartments), the third in the trilogy of Medina chapters, which follows Surah al-Fath (the Victory), the chapter commending a negotiated treaty to prevent war. The *Surah al-Hujurat*'s purpose was to cohere and organise the emerging Muslim polity and to lay a template for proper conduct. It establishes necessary protocols for respectful management by Muslims of their encounters with the diverse communities and peoples, particularly after Medina's state of siege receded.

It was revealed in the ninth year after the *hijra*, also called "the year of deputations". During that period, many delegations visited Medina to seek out the Prophet, encounter the Muslim community and to pledge allegiance to Islam. In this chapter, the Quran declares the single origin of humanity and that the diversity of nations and tribes exists to facilitate knowledge of each other and to prevent hostility and dislike (Q49:13). The Quran underpins this statement of the essential unity of humankind by, among others, identifying behaviour that, if adhered to, would improve interpersonal and inter-community relationships. These protocols are helpful to the international conflict resolution practitioner in negotiating an end to violence, preventing further conflict, and achieving positive peace.

Shun rumours and verify: The Quran tells the believers that, should an "iniquitous person" bring news, "ascertain the truth lest you harm people unwittingly" (Q49:6). The danger posed by rumours is well established at a personal level but, escalated to an inter-community or international level, the danger of mistrust or slander can only be multiplied. Verification of truth is crucial.

Reconcile disputes: In the face of discord and disagreement, the Quran prescribes: "Make peace and reconciliation between your contending brothers," (Q49:10). But it warns that persistent transgression requires a firm response since the best outcome should be to "make peace between them with justice, and be fair!" (Q49:9).

Don't ridicule: How people appear or how they are presented may not be a true reflection of their worth. The Quran advises: "Let not some among you laugh at others. It may be that the latter are better than the former" (Q49:11). The Quran's denunciation of this tendency to label people, to stereotype communities, or to deal with "the other" as caricatures rather than as human moves us to overcome prejudice, discrimination, and irrational feelings of superiority.

Don't defame: The Quran identifies a number of ways in which people may be defamed: "Nor defame, nor be sarcastic to each other, nor call each other by offensive nicknames" (Q49:11). All of these fall into the category of "doing wrong". They bedevil personal and inter-community relationships and lead to discrimination or actions that demean or harm others.

Avoid suspicion: The Quran recognises the centrality of suspicion in wreaking havoc in the relations between people: "Avoid suspicion as much as possible for suspicion in some cases is a sin!" (Q49:12). Suspicion is at the heart of conspiracy theories, whose logic spuriously connects all available dots but provides no acceptable substitute for proof and evidence.

Don't spy: One of the consequences of suspicion is the desire to satisfy it through surveillance and spying. The Quran simply says: "And spy not on each other" (Q49:12). While spying and espionage are endemic in international relations, their use must generally be regarded as reprehensible.

Don't gossip: The Quran compares gossiping and backbiting to cannibalism – eating the dead flesh of another – and warns Muslims not to "speak of each other behind their backs" (Q49:12). Gossip is a hallmark of cowardice because it involves slander, defamation or rumourmongering without its subjects being able to defend themselves.

→   All of the above respond to natural tendencies in human beings that can jeopardise good relations and derail efforts of conflict resolution and peacemaking. They are simultaneously personal and social. For international conflict resolution practitioners, they may constitute part of the ethics and rules of engagement.

It follows that the Prophet Mohammed and his Companions have left the international community with a rich set of concise principles and precepts, including in relation to the transformation of conflict both in relation to Muslim and non-Muslim communities through new modes of inclusive state formation.

Islam and State Formation in Times of Conflict

07

This chapter explores principles of state formation, representative governance, and citizenship within the Islamic tradition as first applied by the Prophet Mohammed. The Prophet's negotiation of ceasefires, peace treaties, and charters of governance also offer valuable insights into the establishment of transitional governance arrangements in Muslim-majority societies affected by conflict and division.

7.1   From Strategic Patience to Strategic Statecraft

After the oppression suffered by early Muslims in Mecca, the Prophet and his Companions embarked on the hijra, the migration from Mecca to Medina, leaving behind a low-intensity conflict and economic boycott of Muslims by the Quraish. This period was characterised by martyrdom and torture of those who professed the faith of Islam, the humiliation of the Prophet and early Muslims, and repression so constant that the Muslims resettled some of their number in Abyssinia lest those in the Arabian Peninsula were annihilated.

The Prophet tried to develop alliances to provide greater protection, but all his attempts were rebuffed, sometimes violently. Notwithstanding this, the Prophet continued to favour *strategic patience* and resilience. Moreover, in his negotiations with the Medina tribes of Aws and Khazraj, the Prophet recognised that Medina was multi-religious and multi-ethnic. He saw that Islam had not yet perfected the theory of a political state and that what was needed was not power but relative peace and security. These were more important than any final governance arrangement as only behind the shield of mutual security and peace would Muslims have scope to imagine what a final polity might look like.

In Medina, the Prophet therefore used strategic patience:

▪   When dealing with the repression in Mecca;
▪   In his strategic alliances with the tribes of Medina;
▪   In his strategic retreat from Mecca to Medina through the hijra, migration;
▪   In his strategic consolidation shown in the Charter of Medina; and
▪   In his strategic governance shown by inclusive citizenship.

The Prophet concluded that when compromise and concession serve the higher values of Islam, they were not against its spirit.

Strategic patience is intimately related to the principle of balance, diversity and being moderate, as discussed earlier. The Prophet's own choices demonstrate the value of concluding and agreeing to transitional governance arrangements and processes as essential steps to achieving a more perfect final status governance arrangement.

→   The international conflict resolution practitioner can use the concept of strategic patience when trying to negotiate transitional governance arrangements based around respect for the seven principles, just as the Prophet Mohammed did in relation to his negotiation of the Charter of Medina.

Thus, it was only through trust-building and the adoption of a transitional state of conciliation that the Prophet and the emergent Medina community were able to establish relative peace and security, recuperate from the trauma of conflict, violence, and oppression, and then negotiate the Charter of Medina.

7.2 Islamic State Formation in Times of Conflict – The Charter of Medina

The Charter of Medina was negotiated by the Prophet after the hijra, when he decided to set about building a new society in Medina. It provides a powerful early example not only of Islam's peacemaking and soft-power capacities but, more importantly, of the concept of the civil state or *dawla madaniyya* as a legitimate form of Islamic state formation. This is because the Charter of Medina provided for the politics of mutual consultation, *shura*, and the incorporation of values of inclusion, equality, rights, and freedoms, and the exercise of the popular will.

The Muslim idealisation of *Medina al-munawwara* (the enlightened city), goes beyond the adoration of the Prophet, constituting a continuing reference point for the abiding values of Islam, from the *ibadat* (worship) to the *mu'amalat* (societal affairs). It is in the desire to emulate this experience that Muslims transpose the *maqasid al-sharia* to today's context, not through literal imitation but by emulation and application of Islam's intents.

It should also be recalled that the Prophet and his Companions chose to leave a society in which there was no freedom of belief or worship, where tribalism and ethnic chauvinism predominated, along with slavery and the oppression of women. The hijra, then, was in one sense an escape from extreme social exclusion and a journey towards the creation of a new type of society based more on citizenship and community and the appreciation of difference.

Before the Charter of Medina, the Prophet negotiated peace between the tribes of Aws and Khazraj, who were regarded as the *ansar* (helpers) who then united with the *muhajirun* (those had come with the Prophet from Mecca). Through the Charter of Medina, the Muslims reached out to the *ahlul al-kitaab* ("people of earlier revelation", namely the Jews and Christians) to incorporate them as citizens in the emerging community of Medina. So, while the core of this inclusive community was the unity of the ansar and the muhajirun in the community of Muslims, the Prophet also ensured an inclusive spirit between the Muslims, Jews, and Christians and even the polytheists and those suspected of hypocrisy, *munafiqin*.

> → What is significant for the international conflict resolution practitioner is that each of these components of society retained their separate identity but were also bound by the mutual rights and obligations of citizenship. It therefore constitutes the first attempt at governance in the Muslim world and a supreme example of inclusive Muslim statesmanship in a very hostile environment.

7.3 Inclusive Citizenship and the Charter of Medina

The Charter of Medina provides the international conflict resolution practitioner with grounds for advancing many of the principles and norms that underpin and govern contemporary forms of peacemaking as found in the *UN Guidance for Effective Mediation* (UN 2012). While the original text has not survived, citations can be found in hadith volumes like *Sira al-Nabawiyya* of Ibn Ishaq, and others. These writings reflect the following contemporary principles:

- *Inclusion* – all inhabitants of Medina are equal citizens, and the Charter states that "the Jews of Banu Awf will be treated as one community with the believers.
  The same applies to the Jews of Banu Najjar."
- *Equality before the law* – all inhabitants shall be equally judged before the same law.
  "When you differ on anything the matter shall be brought to God and the Prophet.
  They are judged by the same law…"
- *Freedom of belief* – each is allowed the free practice of their faith, but it should not threaten the public good. "The Jews have their own religion and so do the Muslims.
  This will also apply to their freedom."
- *Equality of obligations* – the establishments of rights is commensurate with duties and responsibilities. "The parties to this treaty are bound to help each other in the event of an attack on Yathrib [Medina]… The Jews shall contribute to the cost of war so long as they are fighting alongside the believers" (article 24).

It should be recalled that the Charter was the first of its kind agreed in Arabia. It set out an egalitarian framework or social contract to govern relations between Muslims and non-Muslims in which no one was or should be forced to convert so that all could live peacefully together and practice their respective faiths. As such, it provides the international conflict resolution practitioner with an authoritative example of an inclusive Muslim citizen-state.

7.4 Consultative and Representative Governance

Since the Prophet's time, it has been accepted that there should be some form of consultation in relation to the selection of leaders if political and religious legitimacy and piety is to be maintained. Although the *form* of consultation has gradually shifted – from consultative councils to electoral colleges, to forms of sufficient consensus such as the pledge of allegiance and to popular elections – the underlying power of the principle remains unchallenged.

While some jurists argue that *shura* specifically provides for the popular will and approval of governance arrangements, all Islamic jurists agree that shura is obligatory. Some jurists, such as Abd al-Rahman al-Kawakibi, even associate the practice of consultation with righteousness (Al-Raysuni 2011, 122). This is why numerous Islamic scholars locate *shura* as a foundational principle for governance, leadership, management of public affairs, and a pre-emptive method for Islamic conflict resolution (Al-Raysuni 2011; Abdul Cader 2017).

Shura is mandated by the Quranic and Prophetic Tradition, which is replete with examples of how the Prophet practised *shura* in deciding most issues of the Muslim community. Thus, the Prophet's Companion reports: "I never saw anyone consult his companions more often than the messenger of Allah" (*Sunan al-Tirmidhi*). Judge Ibn Atiyyah states (quoted by Al-Raysuni 2011, 9):

> *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.*

Even the Prophet Mohammad was required to consult his companions on communal matters, rendering shura both an obligation for leaders and a collective responsibility. Such involvement in the choice of leadership is inscribed in the principles of Islam (Q3:159):

> *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.*

Moreover, while scholars might disagree over just how central *shura* is to Islam, it appears to be well-established that consultation must be with the entire umma and not just with experts or elites (Abu-Nimer 2000, 259). Thus, many Quranic verses make clear that the responsibility of *shura* extends to all members of the community.

The freedom and requirement to take part in *shura* is to be seen as a right for all people, because under Islam all human beings are equal in the eyes of God. According to this analysis, participation in *shura* is not limited to any gender, as consensus among all people is an important way to promote accountability, inclusion, and transparency. The Quran describes the Queen of Sheba as a wise and strong political leader who consulted her advisors to ensure peace and safety for her kingdom (Q27:32).

This is supported by other principles which suggest that responsibility for ensuring the legitimacy of governance, the promotion of religion, and the maintenance of public interests lies with the umma, not just political leaders.

→ The Charter of Medina, together with the early Islamic practices of the Prophet, established within Islam some support for the concept of the "popular will" in relation to the approval of governance arrangements. Under the Charter, political legitimacy is rooted in the community's choice of its leaders, who remain accountable before the law and are required to act justly, and on the community's behalf. This new form of representative government places important limitations on the ruler akin to modern principles of governance and respect for the rule of law. At the heart of this system of governance lies the concept of shura.

7.5 An Inclusive Process

In summary, shura ensures a participatory and an inclusive process in the making of informed decisions, where all components and elements are taken into consideration to satisfy the community's collective needs. As such, it is said to serve the following purposes, among others:

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. Increasing support to take action;
9. Showing respect and honour to the people being consulted; and
10. Promoting goodwill and unity.

→ This is significant for the international conflict resolution practitioner because, at its core, shura relies on the freedom of expression and of thought to function properly (Abu-Nimer 2010). It is intimately tied into the general principles cited above, as well as the *maqasid al-sharia*, which form part of the Islamic ecosystem of peace in support of the unity of creation. Consultation is central to the international conflict resolution practitioner's mission (Al-Raysuni 2011, 26–39).

Thus, *shura* constitutes an extraordinarily powerful tool in any conflict resolution toolbox, particularly when the international conflict resolution practitioner is trying to negotiate inclusive post-conflict transitional governance arrangements in Muslim-majority societies.

7.6 *Wasatiyya:* From False Binaries to the Middle Way

Finally, there are other concepts within the Islamic tradition that support the peacemaking role of the umma during times of conflict. These include the Quranic notion of *wasatiyya* (Q2:143) presented earlier. This accords with the analysis presented to the Istanbul Conference about the need to return to first principles and develop new Islamic-sensitive models of transitional governance capable of transforming conflicted societies in moments of crisis and transition in the Muslim world.

→   *Wasatiyya* is an anchor for Islam whereby both the umma and international conflict resolution practitioners can shift the debate away from "a binary of extremes" and towards "a convergence of overarching values" between Islamic textual traditions and international normative standards, which could further help to construct new models of Islamic governance from the perspective of seeking out the middle way.

7.7 Potential Models of State Formation

At the Istanbul Conference, Ambassador Rasool suggested the Arab Spring demonstrates a renewed Muslim yearning for the values of freedom and more inclusive governance while retaining their identity as Muslims. From the first principles articulated above, he suggests that potential contemporary models of the state may be justified according to Islamic principles and referred to the following three potential models of a post-conflict state formation.

1.   *Dawlatal ilmaniyya – secular/impartial state*

According to the Ambassador, the *dawlatal ilmaniyya*, or secular/impartial state, is underpinned by an electoral system where government is elected through popular participation, inclusion is guaranteed, and rights are enshrined in the Constitution or a Bill of Rights. This form of secular state is democratic, inclusive, and rights-based but not necessarily secularist in the French sense of *laïcité*, where the state demands that religion is private with no public show of identity. Thus, it is neither religious nor hostile to religion. Such a state model facilitates the needs of all religious communities, either equally or proportionally. The model derives law unequivocally from a bill of rights and constitution. It is sensitive to religious sensibilities but has no obligation to legislate in accordance with a religious script or tradition. However, it would need to regulate religious practices to ensure they do not violate the civil code.

2.   *Dawlat muwatana* – the citizenship-based state

Like the secular state, *dawlat muwatana*, the citizenship-based state, is premised on popular electoral participation and is rights-based, inclusive, and oriented to serving its citizens. It exhibits strong elements of the secular state in that it is neutral or impartial regarding all religions. It strives to be equidistant to all religious communities but sensitive towards its diverse citizenry and the need to recognise aspects of personal law and acts of worship. The primary source of law is the constitution and/or bill of rights, though the state's values accord with the *maqasid al-sharia*, which could act as a primer for a bill of rights.

3.   *Dawlatal madaniyyah* – civil state

The *dawlatal madaniyya*, or civil state, is also founded on popular will and is rights-based, inclusive, and sensitive to the diverse needs of its citizens. It differs from the secular or citizenship-based state in the relationship between religion and state. The civil state recognises the majority character of the nation and therefore the country as predominantly Muslim. It derives its values from the *maqasid al-sharia* and undertakes not to violate Islam itself. It is not simply facilitative of religion but institutionalises certain aspects. However, it guarantees freedom of belief and worship for all people of all religions. The recognition of Islam, however, allows the state to derive cardinal values from the *maqasid al-sharia* but still have a constitution or bill of rights from which all laws are derived, albeit with the limitation that the state will not violate Islam. It facilitates personal and worship laws but may incorporate more aspects of sharia not discordant with the provisions of the Constitution.

Both the civil and citizenship-based models recognise the majority character of the nation as predominantly Muslim and derive values from the *maqasid al-sharia*. While the civil state could further undertake not to violate Islamic law and still have a constitution or bill of rights. It could also ensure the interpretation of sharia is not discordant with a bill of rights or the provisions of the constitution.

According to Ambassador Rasool, each of these models accords with the principles of Islam set out in this Guide and the aspiration to find a middle way between the secularist state deemed too hostile to the religious and Islamic sensibilities of Muslims and the overtly authoritarian Islamic state. To varying degrees, they all incorporate respect for the principle of popular will and participation in the selection of leaders as well as for other rights and freedoms, and respect for human dignity in accordance with the values and intents of the *maqasid al-sharia* and international normative standards, as reflected in the UN Declaration of Human Rights.

Ambassador Rasool's analysis and options menu is reproduced here (Figure 4) to promote discussion and alert international conflict resolution practitioners to certain emerging trends on post-Arab-Spring Islamic state formation. The Guide takes no view as to which one is preferable, but the models constitute important pointers to advances in Muslim thinking about governance arrangements going forward. They also provide the international conflict resolution practitioner with a menu of transitional governance options applicable in divided Muslim-majority societies affected by conflict where there is no sufficient consensus about final status governance arrangements.

Figure 4 Models of Statecraft

Models of Statecraft

Avoiding Binaries

	Harbiyyah Hostile	Ilmaniyyah Scular	Muwatana Citizen-Based	Madaniyyah Civil	Islamiyyah Islamic
Political Form	▪ Military ▪ Authoritarian/ Monarch ▪ Laicite/ Secularist	▪ Democratic ▪ Republic ▪ Constitutional Monarch	▪ Democratic ▪ Republic ▪ Constitutional Monarch	▪ Democratic ▪ Republic ▪ Constitutional Monarch	▪ Authoritarian ▪ Monarchy ▪ Illiberal Democracy
Popular Legitimacy	▪ Military Coup ▪ Hereditary Succession ▪ Elections	▪ Democratic Popular Elections	▪ Democratic Popular Elections	▪ Democratic Popular Elections	▪ Coup/ Hereditary ▪ Clerical Overreach ▪ Elections
Source of Authority	▪ Ideological/ Religious ▪ Diktat ▪ Constitutional	▪ Bill of Rights ▪ Basic Law ▪ Constitution	▪ Bill of Rights/ Basic Law ▪ Maqasid al Sharia ▪ Constitution	▪ Bill of Rights/ Basic Law ▪ Constitution ▪ MaS & some Sharia	▪ Scripture ▪ Constitution ▪ Sharia
Rights & Freedoms	▪ Repressive ▪ Illiberal Democratic ▪ Selective Freedoms	▪ Rights & Freedoms are Constitutionally Enshrined	▪ Rights & Freedoms – Convergence of MaS & UDHR – No Harm	▪ Rights & Freedoms – Convergence of MaS & UDHR, Sharia-Sensitive	▪ Rights & Freedoms as Prescribed by Sharia ▪ Patrolled by State
Governance Institutions	▪ Surveillance ▪ Security ▪ Illiberal Rule of Law	▪ Constitutional Institutional Rule of Law ▪ Citizen-Centred	▪ Constitutional Institutional Rule of Law ▪ Citizen-Centred	▪ Constitutional and Religious ▪ Institutions Protect & Guide ▪ Citizen Inclusion	▪ Surveillance ▪ Security ▪ Illiberal Rule of Law
Religion & State	▪ Religion Appropriated ▪ Religion Suppressed ▪ Populist Islamophobia	▪ Secular, but freedom of worship: equidistant & impervious to religions	▪ Neutral/ Impartial ▪ Freedom of Worship ▪ Help Religious Practice	▪ Religion-Based Freedom of Worship ▪ Enable Majority Needs	▪ Theocratic State ▪ Sharia Interpreted & Institutionalised

Source: The World For All Foundation

Such models are useful for international conflict resolution practitioners as they provide tangible examples of how the framework in this Guide can be explained and deployed in practice when dealing with Muslim-majority countries seeking to emerge from conflict. They offer a range of options, as each model is consistent with the precepts of Islamic state formation and principles of governance. Yet, all give different components in a divided society a requisite degree of protection and freedom for the medium term.

→   All three transitional middle-way models are useful to the international conflict resolution practitioner as they serve to shift the binaries from the extremes to the middle and could be adapted to different demands, circumstances, and contexts. Critically, they all guarantee freedom of belief and worship to all, and do not repress religious identity or practice, privately or publicly.

7.8 Post-Conflict Transitional Governance

The teachings of the Prophet and principles and intents explored in this Guide make clear that is the duty of all Muslims to embrace peace and end violence whenever and wherever it is possible to do so. If the goals of Islam can be achieved by peaceful means, including through the negotiation of treaties and the establishment of transitional governance arrangements, then such a course of action must be followed. The Islamic duty to do so is binding and not discretionary.

All the principles, concepts and transitional governance models referred to in this Guide have relevance for international conflict resolution practitioners, including those involved in negotiating post-conflict transitional governance arrangements in divided Muslim-majority societies. In the authors' view, transitional governance arrangements remain crucial instruments for contemporary peacemaking because when violent conflict ends, political differences rarely do.

Experience suggests that both time and agreed transitional processes are needed to continue to manage change, resolve differences and ultimately transform conflict before a new social contract or treaty is adopted. In short, transitional arrangements give societies and parties time to regroup, reconcile, and begin to reconstruct state structures without requiring each conflict party to give up on their ideological goals about how society should be organised.

Having any form of government that ensures security, justice, and political stability as opposed to anarchy (*fitna*) is a "collective obligation" (*fard kifaya*) by scholarly consensus. The nature of governments and the systems of administration are mainly a product of juristic reasoning (ijtihad) in response to context. The nature of the state therefore should not be a basis or justification for undermining the sanctity of life of citizens and political stability.

Figure 5 Evolving the transitional state

Evolving The Transitional State: from imposition to popular consent

Imposed/ Negotiate Peace	• Ceasefire → Conflict Resolution → Peace mediation • Talks About Talks → Negotiating the Future
Transitional Power Sharing	• Shared Power: Government of Unity – Sharing Responsibility • Dual Power: Geographical Spheres of Power, Neutral Center
Planning the Future	• Shifting the Binaries – Islamiyyah & Harbiyyah? • Opening the Middle – Ilmaniyyah, Muwatana or Madaniyyah?

Source: The World For All Foundation

Under the Islamic modes of peacemaking set out above, Muslims may be under a stricter duty to accept transitional arrangements if they prevent harm, provide a working peace, hold out the possibility of realising justice, and through this promote the unity of Islam over the long term. Compromise is not negative in Islam, especially when it is connected to principles such as justice or the greater good (*maslahah*). An example of this can be seen in the Prophet's compromises during the Treaty of Hudaibiya in the interest of greater peace and security.

On justice, as the theologian Ibn Taymiyya explained:

> *in as much as its affairs are based on justice, a state will persist even if its leaders have no share in the hereafter (due to lack of faith). But if justice is absent, it will not persist even if its leaders are rewarded in the hereafter for their faith.[12]*

As justice is one of the defining features of an Islamic polity, systems of governance must conform to its demands. It follows, that if a state can, whether through transitional governance arrangements or not, ensure popular participation through inclusive citizenship, based upon respect for human dignity and the enshrining of a rights-based culture, then it will be good enough according to the dictates of Islamic justice and the other principles and precepts set out in this Guide.

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[12] Ibn Taymiyya, Al-Amr bi al-Ma'ruf wa al-Nahy 'an al-Munkar, Wizarat al-Shuuun al-Islamiyyah, 1418, vol.1 p.29.

08 Conclusion

This Guide sets out a series of principles, precepts, concepts and models assembled from the Quran, Prophetic Tradition and Last Sermon, and the life of the Prophet Mohammed. By focusing on the original texts, this Guide seeks to transcend some of the doctrinal fault lines between schools of Islamic thought to promote a broader consensus in favour of peacemaking and peacebuilding. Most of the texts cited are not contested by any school of thought, though interpretations of them do vary.

The Guide does not claim to be authoritative in explaining Islamic forms and approaches to peacemaking in Muslim contexts, fully recognising the diversity in Islamic schools of thought, jurisprudence and traditions. But while the Guide does not dismiss the very real differences and tensions that exist between the various schools of thought that have emerged after the life of the Prophet or the real-life challenges of trying to reconcile these differences, it suggests that commonalties exist between them and that these mirror a range of international standards when it comes to peacebuilding and the laws of war. In keeping with wider peacemaking practice, the Guide seeks to find common ground as a basis to work from.

This Guide does not argue that conflict in Muslim-majority countries is all based around Islam or religion. On the contrary, it accepts that demands for political change and new forms of governance are often made and animated by non-religious forces and factors. Nonetheless, many of these demands are coloured by the Muslim culture in which they operate, and any attempt at conflict resolution that ignores this fact will fail, as it has many times before. Thus, while Islam or religion may not necessarily be the essential cause of a conflict, it may still be an essential part of its resolution.
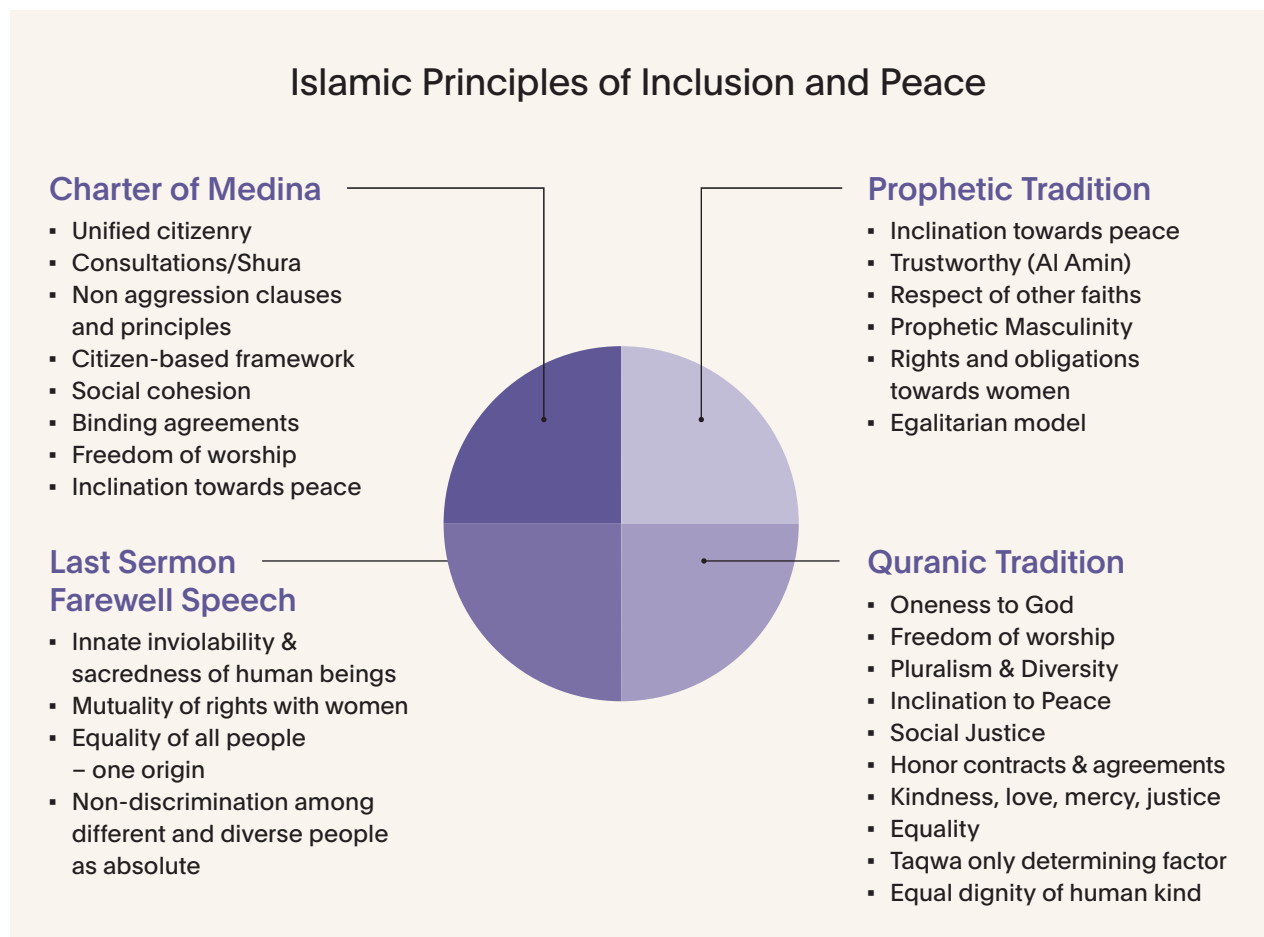
As explored earlier, this Guide draws heavily on the *maqasid al-sharia* rather than on any specific, locally situated set of sharia rules that have often been influenced by local culture and tradition. Chapter 5 in particular shows that the conflation of local traditions and culture with Islam has introduced forms of patriarchy and exclusion of women that are not consistent with the teachings and practice of the Prophet or the Quran.

The Guide also hopefully demonstrates how conflict parties, seemingly ideologically or culturally polarised, can still find points of convergence between Islamic modes of peacebuilding and universal norms, as articulated in UN instruments as well as the Arab Charter on Human Rights. In short, this Guide focuses its attention on finding ways to help the international conflict resolution practitioner to engage constructively with Islamic principles while deploying contemporary peacemaking methods to enhance their sustainability and sense of local ownership.

However, the Guide does not suggest that it is either appropriate or effective for non-Muslim conflict resolution practitioner to simply recite the Quranic and other Prophetic verses to the conflict parties as a means of getting them to realign their positions in a peace process. It is best to leave the citation of these religious verses to conflict resolution practitioners who are practising Muslims, as they are well versed in their religion and have the legitimacy to do this.

As such, the Guide seeks to provide both the international conflict resolution practitioner and conflict parties, as well as donors and supporters of peace processes, with a more Islamically grounded conflict resolution framework that can supplement existing international best practice (Figure 6). The authors hope the Guide makes Islam's peacemaking capacities more readily accessible and enables the development of more nuanced peacemaking approaches relevant to Muslim-majority societies affected by conflict or subject to calls for radical political or societal change.

Figure 6 Islamic principles of inclusion and peace

Islamic Principles of Inclusion and Peace

Charter of Medina
- Unified citizenry
- Consultations/Shura
- Non aggression clauses and principles
- Citizen-based framework
- Social cohesion
- Binding agreements
- Freedom of worship
- Inclination towards peace

Prophetic Tradition
- Inclination towards peace
- Trustworthy (Al Amin)
- Respect of other faiths
- Prophetic Masculinity
- Rights and obligations towards women
- Egalitarian model

Last Sermon Farewell Speech
- Innate inviolability & sacredness of human beings
- Mutuality of rights with women
- Equality of all people – one origin
- Non-discrimination among different and diverse people as absolute

Quranic Tradition
- Oneness to God
- Freedom of worship
- Pluralism & Diversity
- Inclination to Peace
- Social Justice
- Honor contracts & agreements
- Kindness, love, mercy, justice
- Equality
- Taqwa only determining factor
- Equal dignity of human kind

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"It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it."

Eleanor Roosevelt