GIWPS Georgetown Institute for Women, Peace and Security

United States Institute of Peace

Islam and Negotiation

Action Guide for Muslim Women

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ISLAM AND NEGOTIATION ACTION GUIDE

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Acknowledgments

The authors would like to thank Women Forward International, Rockefeller Brothers Fund, GWL Voices for Change and Inclusion, and United States Institute of Peace for their generous financial support, without which this work would not have been possible. We are grateful to all our reviewers who have read the whole and parts of the manuscript at different stages of the project. We are particularly grateful to our reviewers Palwasha Kakar, Belquis, Ahmadi, Mohammad Osman Tariq, Dr. Juan Diaz-Prinz, Dr. Negar Ashtari Abay, and Dr. Kathleen Kuehnast from United States Institute of Peace and Dr. Basma Abdelgafar, Vice President at Maqasid Institute for reading the manuscript carefully and for providing valuable feedback and comments. Their comments were provided in their individual capacities, not as representatives of their respective organization. We are grateful to Ambassador Melanne Verveer, Ambassador Roya Rahmani, Dr. Palwasha Hassan, Fatiha Serour, Juli Blasco, Dr. Mohammed Abu Nimer, Dr. Daisy Khan, Dr. Jessica Smith, Sarah Rutherford, Dr. Robert Nigel, Lina Tori, Allie Smith, Clara Chiu, Jess Keller, Melissa Shields, Mahek Ahmed for their support, assistance, and vision at various stages of the research. Finally, special thanks to our research assistants Hoda Al-Haddad and Youmna Al-Madani for their valuable research, translation of Arabic texts, thoughtful and critical reflections, comments, and writing parts of the text. This work would have not been possible without their excellent contributions, sincere commitment, and hard work.

Glossary of Key Terms

adalah or adl:	Arabic for justice.
afu and musamaha:	pardoning and forgiveness.
conflict:	An inevitable aspect of human interaction, conflict is present when two or more individuals or groups pursue mutually incompatible goals. Conflicts can be waged violently, as in a war, or nonviolently, as in an election or an adversarial legal process. When channeled constructively into processes of resolution, conflict can be beneficial. See also violence.
conflict resolution:	Efforts to address the underlying causes of a conflict by finding common interests and overarching goals. It includes fostering positive attitudes and generating trust through reconciliation initiatives and building or strengthening the institutions and processes through which the parties interact peacefully.
conflict transformation:	A recently developed concept that emphasizes addressing the structural roots of conflict by changing existing patterns of behavior and creating a culture of nonviolent approaches. It proposes an integrated approach to peacebuilding that aims to bring about long-term changes in personal, relational, structural, and cultural dimensions. Recognizing that societies in conflict have existing systems that still function, conflict transformation focuses on building up local institutions as well as reducing drivers of conflict.
fiqh:	Arabic for Islamic jurisprudence, it means deep understanding or comprehension, and refers to the interpretation and explanation of *Sharia* by Islamic legal scholars.
fuquha (singular: *faqih*):	Islamic legal scholar(s).
fitrah:	the original nature or the constitution of all human beings according to Islam.
khayr and ihsan:	doing good.
khilafah:	stewardship.
Hadith:	reports on the Sunnah, constituting one of the major legal sources of jurisprudence in Islam.
ijma:	consensus of the community, particularly the community of the *ulema* (religious scholars and jurists); applies only to legislative matters.
ijtihad:	process of making legal decisions through systematic legal/intellectual reasoning.
ikhtilaf:	Arabic for diversity, disagreement, or difference in opinion and views. *Ikhtilaf al-fiqh* or *ikhtilaf al-fuqaha* refers to differing legal opinions of early jurists.
istihsan:	juristic preference.
istislah:	Consideration of public benefit when resolving problems. It means "to deem proper," and is

istishab:	presumption of continuity.
jihad:	It comes from the Arabic word *jahada*, which literally means "to strive," "to struggle," "to exert effort," or "to toil." It is often used to mean struggling for the cause of God by means of speech, property, wealth, or life.
jihad al-nafs:	the struggle against the baser self or the ego.
maslaha/istislah:	Public good and welfare. *Masalih mursalah* refers to consideration of the public good.
maqasid:	Objectives of Law. It refers to the Islamic legal doctrine that focuses on the goals and purposes of law within the Islamic moral-ethical framework.
mediation:	A mode of negotiation in which a mutually acceptable third party helps the parties to a conflict find a solution that they cannot find by themselves. It is a three-sided political process in which the mediator builds and then draws upon relationships with the other two parties to help them reach a settlement.
naskh:	Removal of something by something else—annulment. Refers to Quranic revelation superseding or canceling the earlier ones on a similar theme/topic.
negotiation:	Process of communication and bargaining between parties seeking to arrive at a mutually acceptable outcome on issues of shared concern. The process typically involves compromise and concessions, and is designed to result in an agreement, although sometimes a party participates in negotiations for other reasons (e.g., to score propaganda points or to appease domestic political forces). *Pre-negotiation* refers to preliminary talks to agree on such issues as the format, procedures, time frame, participants, and sometimes the scope of the formal talks. *Endgame* refers to the final stages of a negotiation, when substantive progress has been made but important details remain to be ironed out and the agreement hammered into final form
Peace Be Upon Him: (PBUH)	Prophets of God are honored by Muslims with this saying when their name is mentioned. These letters are abbreviations for the words which are the English equivalent of *sallallaahu 'alayhi wa-sallam*; hence, you may see "SAW" used instead.
rahman and rahim:	compassion and mercy.
ra'y:	personal judgment, or individual opinion, speculative legal reasoning in the absence of precedent.
ripeness:	Period in a conflict when parties are most likely to be open to negotiation, usually owing to conditions of a mutually hurting stalemate. A conflict is said to be ripe when it has reached such a stalemate and all the parties have determined that their alternatives to negotiation will not get them what they want or need. It is also possible for third parties to help create a perception of ripeness by introducing alternative ways of framing a conflict or by providing actual incentives or disincentives.
sabr:	Arabic for patience.
salam/silm/sulh:	Arabic for peace/reconciliation.

Sharia:	Meaning "path" or "way" to be followed, in classical Islam it refers to the divine and unchanging rules that guide all aspects of public and private life, such as religious rituals, family life, business, crimes, and warfare.
shura:	consultation.
siyar:	the ethical principles, rules, and regulations that constitute Islamic Law of Nations.
Sunnah:	Arabic term meaning habit, practice, customary procedure, or action sanctioned by Islamic tradition. It is used to refer to the sayings, practices, living habits, and example of the Prophet Muhammad (PBUH).
taqwa:	to be God-conscious, piety based on being aware of God or remembering God.
tawhid and *wihdat al-wujud:*	oneness of God, and principle of unity of God and all being.
qanun:	Also called *siyasa*, it refers to the laws that were made by Muslim rulers for the public good according to their own philosophies of government and ideas about how best to maintain public order, rather than through interpretation of scriptures by Islamic legal scholars.
qital/harb:	Arabic for fighting.
qiyas:	The practice of drawing an analogy from a similar case in primary sources by discovering the effective cause and reason behind a given rule when a solution to a problem is not given in the Quran and the Hadith.
ulfa:	Arabic word for love and harmony.
ulema (singular: alim):	religious scholars and jurists.
ummah:	the Muslim community.
urf and adat:	Custom and traditions, collective habits of people. Considered a source of *ijtihad* by all main schools of *fiqh* if it meets certain requirements including that it must not contradict the Quran and the Sunnah, must be prevalent and widespread, and must be in practice before the time of the incident/case.
violence:	Psychological or physical force exerted for the purpose of threatening, injuring, damaging, or abusing people or property. In international relations, violent conflict typically refers to a clash of political interests between organized groups characterized by a sustained and large-scale use of force. Structural violence refers to inequalities built into the social system; for example, inequalities in income distribution.

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CHAPTER I:

Introduction

Introduction provides the framework and general information regarding the Action Guide and how it can be used to support negotiations. It introduces the relationship between religion and peacebuilding, and how religion relates to negotiations. This introductory chapter also provides a foundational background on the Islamic faith and Islamic sources that inform negotiation processes.

Why This Action Guide

This Action Guide is designed as a practical tool to assist Muslim negotiators, particularly Muslim women negotiators, to more effectively organize, strategize, and negotiate in contexts in which Islam informs the negotiation process, participants' worldviews, and key issues. It aims to provide guidance on how prophetic examples, Islamic texts, principles, values, symbols, and rituals can be useful where religious values, beliefs, and practices play an important role in the negotiation process. This Action Guide also aims to help non-Muslim negotiators and mediators who are interested in gaining a better understanding of the central Islamic values, principles, and practices that may play a role in negotiation and mediation processes.

For the purposes of this Action Guide, negotiation is defined as a process of shared decision-making under conditions of uncertainty and potential conflict.[1] Negotiation takes place between or among two or more parties in an interdependent relationship and is designed to reach a mutually acceptable agreement for resolving perceived incompatibilities, differences, and interferences. Negotiation is part of our daily lives, as we often find ourselves in situations in which we have to negotiate in our personal, social, and professional lives. We negotiate with different kinds of people for a variety of different reasons. As an integral aspect of human relations, negotiation is one of the most common tools to resolve conflict and build peace. We negotiate when we are doing business deals and buying or selling in the markets. We negotiate with our parents, children, spouses, and other family members. We negotiate our rights and obligations, governance structures, and we negotiate to help end conflicts. Negotiation skills are essential for everyone—men and women, young and old—who must interact with others to accomplish their goals and objectives.

This Action Guide recognizes that each negotiation context is unique and is informed and shaped by the historical, political, and religio-cultural contexts of the negotiations despite the existence of universal aspects. Each negotiation process must consider context specificities and adjust to the constantly changing circumstances. Religion, as a powerful constituent of cultural norms and values, is deeply implicated in individual and social conceptions of peace and conflict resolution processes such as negotiation and mediation. Religious values and beliefs may significantly impact negotiation processes, key issues, and outcomes, especially in contexts in which religious teachings play a significant role in the social, political, and cultural life of a community and its customs.

1 United States Institute of Peace (USIP), "Global Campus Course on Negotiation" accessed May 1, 2022, https://usip-global-campus.mn.co/posts/negotiation-micro-what-is-negotiation. See also I. W. Zartman, "Negotiation as a Joint Decision-Making Process," *Journal of Conflict Resolution* 21, no. 4 (1977): 619–638, http://www.jstor.org/stable/173615; and I. W. Zartman, ed. *The Negotiation Process: Theories and Applications* (London: Sage Publications, 1978).

Understanding the role of religion in a conflict and its resolution is vital for negotiators and mediators participating in several ongoing negotiation processes. Peace negotiations between the representatives of the Islamic Republic of Afghanistan and the Taliban, who refer to themselves as the Islamic Emirate of Afghanistan, present a case in point. During these negotiations, the Taliban have been using religiously grounded argumentation, an ambiguous Islamic vision that aspires to establish an "Islamic system of governance" and to exclude women not only from the peace process but also from social, political, and economic life in Afghanistan. To support their position and achieve their political objectives, the Taliban draw on their understanding of Islam.[2] In the context of Afghanistan, the use of religious language and a reliance on Islamic arguments provide a certain level of legitimacy and thus power to those who use it, and therefore are part of the political negotiation strategy. For that reason, in order to address and respond to the Taliban's claims and demands effectively, it is imperative to learn this language and have a strong grounding in Islamic tradition and sources.

Peace talks in Afghanistan are not the only example in which religion plays a key role in the negotiation process. Religion plays an important role in a number of different peace processes involving both Muslim and non-Muslim negotiators.[3] However, most literature on negotiation focuses on secular negotiation models derived from the experiences of experts and scholars in North American and European contexts. While these models offer valuable guidance and insight, their "one size fits all" approach may not reflect the realities, values, and systems of meaning of all parties involved. Recognizing significant differences between different contexts and understanding central values, principles, and practices that inform parties' priorities, decision-making, and negotiation styles can offer critical opportunities to move the negotiations toward peaceful resolution of the conflict and toward establishing sustainable and just peace.

Within contexts in which Islam plays an important role, negotiation approaches need to be rooted in the religio-cultural framework of the communities. There are different approaches and models within Islamic contexts as well; this Action Guide presents *an* Islamic perspective of negotiation and peacemaking in order to support negotiators involved in peace processes in which Islam plays a critical role. Muslim communities have valued wise leadership, negotiation, and peaceful resolution of conflicts since they first established themselves in political communities.[4] Negotiation and peacemaking mechanisms to resolve interpersonal and interstate conflicts nonviolently have been an integral aspect of the Islamic tradition since the time of the Prophet Muhammad (PBUH). An understanding of and sensitivity to the Islamic faith can be invaluable in negotiation processes.

It is important to note that Islamic culture is neither static nor uniformly distributed among Muslims. Islam is the religion of more than 1.8 billion people[5] around the world and includes many different linguistic, cultural, and ethnic groups with their own historical, cultural, and political experiences. There is more than one Islamic culture depending on geography and

2 Although the Taliban claim they are following the Hanafi school of thought, in reality their approach is not in line with this school of thought. The Hanafi school of thought is more open and gives more rights to women. For instance, Hanafi school of thought does not recognize face as Awrat, thus does not require women to cover it; Hanafi school of thought also allows women to work in the justice sector even as judges. The Taliban's approach to these issues clearly contradicts the Hanafi tradition. For more information regarding the Taliban's understanding of Islam, see Anver Emon, Anver, Rumee Ahmed, and Ayesha S. Chaudhry, *Governing Afghanistan with The Taliban: A Guide for Negotiators* (Rockledge Research, 2020).

3 S. Ayse Kadayifci-Orellana and Tarek Maassarani, *Religion and Mediation Action Guide*, ed. Tarek Maassarani, Martine Miller, and Susan Hayward (Washington, D.C.: USIP, 2021).

4 S. Ayse Kadayifci Orellana, Mohammed Abu-Nimer, and Amjad Mohamed-Saleem, *Understanding an Islamic Framework for Peacebuilding* (Birmingham, UK: Islamic Relief Worldwide, 2013), http://policy.islamic-relief.com/publication/.

5 Jeff Diamant, "The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Populations," Pew Research Center, April 2019, accessed February 4, 2022, https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations/.

demography as well as various subcultures within each community. With the exception of the main articles of belief and rituals, Islamic understandings and practices are constantly evolving and changing in accordance with the experiences and contexts of the society within which it is necessarily embedded; therefore, it cannot be reduced to a single dimension. Over the course of history, Islam has developed into different theological and legal schools of thought and sects, the primary division being between the Sunni and Shia sects. Despite their unique cultural, political, and social differences, Islamic teachings play an important role in the socio-political life of many Muslim communities, and religion is one of the key components of people's identity both as a cultural framework and as a religious creed. Islamic values and beliefs also have a profound impact on decision-making and negotiation behavior, whether related to business or international peace negotiations.

Who Is This Action Guide For?

This Action Guide is designed to support Muslim negotiators, specifically Muslim women negotiators, in a number of different negotiation settings ranging from official negotiations such as official first-track diplomacy to unofficial negotiations such as business negotiations or back-channel negotiations between and among different groups, including nongovernmental organizations, community leaders, and private citizens, when Islam is an important part of the context informing the worldviews, customs, and practices of the parties. Additionally, this Action Guide offers specific strategies and tools that are designed to empower women in negotiation processes.

This Guide will be helpful not only for Muslim negotiators involved in official and unofficial peace and conflict resolution processes but also for non-Muslims involved in negotiations with Muslims by providing them a better understanding of how Islam informs the other party's negotiation approaches.

How to Use This Action Guide

This Guide recognizes that negotiations do not end with the signing of the official peace agreements but continues to be an important aspect of post-conflict peacebuilding and is an integral part of our daily lives during times of peace. While negotiations at the official level receive the most attention, the majority of negotiations take place during the post-conflict phase and at times of peace as an integral part of our daily lives. In the post-conflict phase, negotiations may include discussions regarding post-conflict peace and security, justice, and reconciliation; establishing a political and economic governance system; and identifying the rights and duties of citizens and the government, among others, and may involve diverse groups such as civil society organizations, women's groups, and political parties. As a key feature of human relations, negotiations in our daily lives may take place in the market when we are selling or buying goods, in business when we are negotiating contracts, or at home when we are negotiating with our children, spouses, parents, or other relatives. The tools and skills this Guide offers can be applied to all formal and informal peace negotiations as well as to negotiations that take place in the aftermath of the conflict and during our daily lives.

With that in mind, this Action Guide consists of two main sections. The first section provides an Islamic framework for resolving conflicts peacefully and imparts specific negotiation skills and

tools anchored in this framework. With examples from the Islamic holy texts and the prophetic tradition, it first introduces Islamic values and principles that inform conflict resolution tools such as negotiation, mediation, and reconciliation. It then coalesces the prophetic approach to negotiation with the principled negotiation approach[6] to offer practical skills and tools to negotiators. This section also includes various strategies for female negotiators to overcome some of the specific challenges they face during negotiations. For users to practice the skills and tools offered in this Guide, this section also includes historic and current-day case studies, short simulations, and other exercises.

The second section of the Guide provides Islamic legal and theological arguments regarding gender justice. It also offers negotiation exercises and case studies that support the founding of women's rights. In many contexts, various religious groups have been using religious ideology and arguments to reject democratic institutions, undermine the human rights of Muslims and non-Muslims alike, and not only exclude women from the official and unofficial peace processes and negotiations but also limit their meaningful contribution to the social, political, and economic lives of their communities. Often, these groups take advantage of the lack of knowledge in Islamic scholarship that is built on the Quran and Sunnah (sayings and practices of Prophet Muhammad [PBUH]).

As many Muslim scholars have shown, Islamic tradition offers a strong framework to build democratic and equitable social, economic, and political institutions that respect and value human rights, including women's rights. But lack of access to this knowledge that is grounded in Islamic holy texts, prophetic tradition, and historical examples disempowers women in particular during negotiations. Although there have been a number of efforts to empower Muslim women during negotiations, no other toolkit linked these negotiation skills with Islamic principles and practices, providing theologically grounded arguments, supported by Quranic guidance and prophetic wisdom, to help them negotiate democratic institutions and governance systems, human rights, and women's rights. For that reason, this second section aims to provide the necessary knowledge and expertise to address the power imbalance during negotiations. Further, this section provides case studies and exercises to help users develop arguments and negotiation strategies when they are negotiating gender justice.

Understanding the Impact of Gender on Negotiation

One of the main aims of this Action Guide is to empower Muslim women to become successful negotiators in their personal, social, and professional lives, as well as in peace processes that take place nationally and internationally. Therefore, this Action Guide incorporates gender as a central organizing principle.

Gender goes beyond biological sex to refer to the expectations and characteristics a society places on women, men, girls, boys, and gender minorities, and is one of the most significant aspects of an individual's identity.[7] As a deeply ingrained aspect of identity, it influences one's

6 "Prophetic approach" refers to the conflict resolution and negotiation skills used by Prophet Muhammad (PBUH) during the conflicts he experienced. "Principled negotiation" refers to the negotiation approach articulated by Roger Fisher, William Ury, and Bruce Patton of the Harvard Negotiation Project in their book *Getting to Yes: Negotiating Agreement Without Giving In,* 2nd ed. (New York: NY**:** Penguin, 1991). These approaches will be explored in detail in the first section of this Action Guide.

7 Owen Fraser and Mark Owen, *Religion in Conflict and Peacebuilding Analysis Guide* (Washington DC: United States Institute of Peace, 2018), https://www.usip.org/sites/default/files/Religion-in-Conflict-and-Peacebuilding.pdf. Gender is also one of the first social differences, or "the first political order" as Valerie Hudson, Donna Lee Bowen, and Perpetua Lynne Nielsen call it. See Valerie Hudson et al., *The First Political Order: How Sex Shapes Governance and National Security Worldwide* (New York: Columbia University Press, 2020).

perceptions, beliefs, and values, and determines the way that individuals experience other aspects of their identity such as religion, ethnicity, class, and race.[8]

Gender and gender stereotypes impact negotiations in a variety of ways. According to the Office of the United Nations High Commissioner for Human Rights: "A gender stereotype is a generalized view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by, women and men."[9] Gender stereotypes can harm individuals when they hinder a person's ability to make choices, develop their skills, pursue their career goals and participate in decision-making processes that have an impact on their lives.

Gender stereotyping and relegating women to specific roles in society can have negative effects on women's participation in negotiations. Gender stereotypes, intersecting with other identity markers, often have a particularly significant impact on certain groups of women such as women from minority or indigenous groups, women with disabilities, women with lower economic status, and migrant women.[10] Research on gender and negotiation shows that gender stereotypes constrain women negotiating access to resources and opportunities, and that they can impact the negotiation performance and behavior of men and women in negotiations.[11] One of the reasons for this is the way that men and women are socialized. Individuals hold beliefs about their own and others' behaviors, based on what is seen as appropriate behavior for a role that an individual fulfills.[12] These beliefs are informed by religious and cultural frameworks as well as individual and community experiences, and are not always static but may change over time. These beliefs shape gender stereotypes, appropriate roles and behavior for men and women. In many societies, traditional gender roles expect men to be the providers and breadwinners for their families. Men are expected to be aggressive, self-oriented, and ambitious, whereas women are expected to be the caretakers of the family; manage house chores; raise children; attend to the needs of men; and be warm, obedient, empathetic, kind, and caring. Within this framework, women are expected to operate in the private domain of the home, and men are expected to operate within both public and private realms. Also, women's access to decision-making and negotiation processes may be limited by beliefs and perceptions that stepping outside their domestic and female-dominated community spaces may pose danger to women and their families' reputation as well as to the men they encounter. However, it is important to recognize that these are general human traits, not inherent to any particular gender.

These stereotypes and beliefs also influence social, economic, and political institutions, and patriarchal structures that discriminate against women and exclude them from meaningfully contributing to their society. They can contribute to the creation of structural and normative barriers that prevent women from having access to social, political, and economic resources, and from participating in key decision-making processes that influence their lives. These barriers that discriminate against women and lead to gender inequality also have significant impact on the peace and security of their communities because, as studies show, women's equality and

8 Ibid., 12.

9 Office of the United Nations High Commissioner for Human Rights (UNHCR), "Gender Stereotyping and the Judiciary: A Workshop Guide," *Professional Training Series* 22 (New York and Geneva: 2020), https://www.ohchr.org/en/issues/women/wrgs/pages/genderstereotypes.aspx.

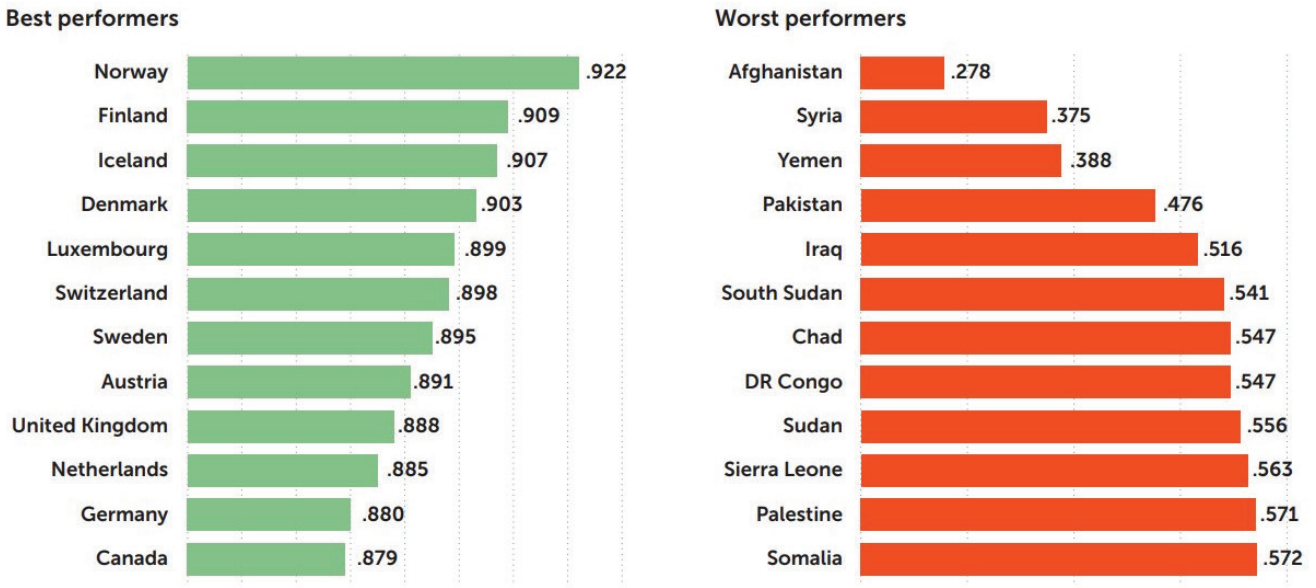
10 Ibid.

11 H. R. Bowles, *Psychological Perspectives on Gender in Negotiation: The Sage Handbook of Gender and Psychology* (London: Sage Publications, 2013), 465–483.

12 A. H. Eagly, *Sex Differences in Social Behavior: A Social-Role Interpretation,* 1st ed. (New York, NY: Psychology Press, 1987).

meaningful participation in society is important for sustainable peace and prosperity.[13] These studies show that countries that display higher levels of gender inequality are more likely to become involved in civil conflict, the violence is likely to be more severe, and post-conflict peace appears to be more fragile compared to countries where women have a higher status.[14] Valerie Hudson also finds that there is a strong and statistically significant relationship between the physical safety of women and relative peacefulness of states.[15] These findings are also in line with the data provided in the Women, Peace and Security Index of 2021/2022, in which the worst performing countries in terms of gender inequality, as shown in Figure 1, are also countries that have been experiencing some of the worst conflicts during the last decade.[16]

FIGURE 1. THE DOZEN BEST AND WORST PERFORMERS ON THE WPS INDEX 2021



These stereotypes and normative and structural barriers also exclude women from participating in official and unofficial negotiations. In many contexts, negotiation processes, whether it is between states or between two people in the market, take place mainly in the public domain, which is often reserved for men.[17] Formal peace negotiations are often mistakenly presumed to only concern armed actors, and because women are usually a minority and are rarely among the leadership of such armed groups, they are not included in these negotiations. Furthermore, effective negotiation is associated with traditionally masculine traits such as dominance, assertiveness, and rationality rather than traits that are considered feminine, such as being

13 See, for example, Georgetown Institute for Women Peace and Security (GIWPS) and Peace Research Institute Oslo, *Women, Peace, and Security Index 2017/18*: *Tracking Sustainable Peace Through Inclusion, Justice, and Security for Women* (Washington DC: GIWPS and PRIO, 2017), 10, https://giwps.georgetown.edu/wp-content/uploads/2019/11/WPS-Index-Report-2017-18.pdf ; Valerie Hudson et al., "The Heart of the Matter: The Security of Women and the Security of States," *International Security* 33, no. 3 (Winter 2008–9): 7–45; and E. Forsberg and L. Olsson, "Gender Inequality and Internal Armed Conflict," in W. Thompson, ed., *Oxford Research Encyclopedia of Politics* (Oxford: Oxford University Press, 2016).

14 Forsberg and Olsson, "Gender Inequality and Internal Armed Conflict."

15 Hudson et al., "The Heart of the Matter," 7-45; and GIWPS and PRIO *Women, Peace, and Security Index 2017/18*, 41

16 Georgetown Institute for Women, Peace and Security and Peace Research Institute Oslo, *Women, Peace, and Security Index 2021/22: Tracking Sustainable Peace Through Inclusion, Justice, and Security for Women* (Washington DC: GIWPS and PRIO, 2021), 16, https://giwps.georgetown.edu/wp-content/uploads/2021/11/WPS-Index-2021.pdf.

17 Laura J. Kray and Leigh Thompson, "Gender Stereotypes and Negotiation Performance: An Examination of Theory and Research," *Research on Organizational Behavior* 26 (2004): 103–182.

cooperative, emotional, and intuitive.[18] Consequently, while both men and women take part in negotiations in personal and social life, women are often excluded in official peace negotiations. For instance, between 1992 and 2019, women constituted only 13 percent of negotiators, 6 percent of mediators, and 6 percent of signatories in major processes around the world.[19] Therefore, to ensure women's participation in peacebuilding and negotiation, it is as important to change these structural and normative barriers as it is to build the capacity of women to negotiate.

In reality, women are highly effective negotiators. Negotiators, whether they are men or women, bring a diverse set of skills and experiences.[20] Because of gender norms and the ways in which women and men are socialized, some women tend to value and effectively demonstrate empathy, strong and clear communication, and collaboration, among others, and therefore are excellent problem solvers. Women excel in negotiations especially when they have negotiation experience, have a good understanding of their sources of power, have information about the bargaining range, and negotiate on behalf of others.[21] In fact, women's meaningful participation in peace processes is a predictor of peace, and when women are involved in peace processes as negotiators, mediators, or signatories, the probability of a peace agreement lasting at least two years increases by 20 percent and the probability of a peace agreement lasting fifteen years increases by 35 percent.[22] This evidence suggests that when women participate in peacebuilding, they offer perspectives and solutions that include more comprehensive approaches to issues that are often overlooked by their male counterparts. Ranging from cease-fires and transitional justice concerns to matters of health care, housing, education, transportation, child welfare, and natural resource management issues, issues prioritized by women affect not only them but also their families and communities, impacting the well-being of future generations.[23] Therefore, women's meaningful participation in negotiations is essential for the peace to be sustainable.

In order to empower the meaningful participation of Muslim women in negotiations, this Action Guide will include a number of different strategies they can employ to increase their effectiveness, identify their sources of power, and take advantage of their skills sets. It will also provide a religious framework rooted in the Islamic holy texts and Sunnah, as well as historical examples that support women's participation in negotiations.

Understanding the Role of Religion in Peacemaking

Religious and cultural values and traditions play significant roles in peacemaking and negotiation when religion is an important aspect of the context in which the negotiation is taking place. Religious traditions are vast, complex bodies of wisdom built over generations and their foundational sources, such as holy texts and interpretation of oral traditions, express the experiences of the sacred that lead to the formation of the religious community. Religion, as a system of beliefs and practices, relating to the sacred and uniting its adherents in a community,

18 Emily Amanatullah and Michael Morris, "Negotiating Gender Roles: Gender Differences in Assertive Negotiating Are Mediated by Women's Fear of Backlash and Attenuated When Negotiating on Behalf of Others," *Journal of Personality and Social Psychology* 98 (2010): 256–267, DOI: 10.1037/a0017094.

19 Council of Foreign Service, "Women's Participation in Peace Processes," https://www.cfr.org/womens-participation-in-peace-processes/.

20 This point will be further explained in chapter 3.

21 J. Mazei et al., "A Meta-Analysis on Gender Differences in Negotiation Outcomes and Their Moderators," *Psychological Bulletin* 141, no. 1 (2015): 85.

22 UN Women, "Women's Participation and a Better Understanding of the Political," *A Global Study on the Implementation of the United States Security Council Resolution 1325* (2015), https://wps.unwomen.org/participation/#:~:text=%E2%80%9C%5BP%5Deace%20processes%20that,peace%20agreement%20lasting%2015%20years.%E2%80%9D; and Jana Krause, Werner Krause, and Piia Bränfors, "Women's Participation in Peace Negotiations and the Durability of Peace," *International Interactions* 44, no. 6 (2018): 985–1016, DOI: 10.1080/03050629.2018.1492386.

23 M. O'Reilly, A. Ó. Súilleabháin, and T. Paffenholz, *Reimagining Peacemaking: Women's Roles in Peace Processes* (New York: International Peace Institute, 2015).

has a powerful hold on people's way of thinking, acting, and perception of interests. Religion answers some of the most profound questions regarding right and wrong, life and death, good and evil, among others.

Religious traditions are often intertwined with the cultural, political, social, and economic character of a time, place, and a people. Virtually all religious traditions contain a variety of different interpretations and understandings of how the religious creeds and practices are understood and implemented. USIP's *Religion in Conflict and Peacebuilding Analysis Guide* defines religion as "a human response to a perceived nonphysical reality concerning the origin, meaning, and purpose of life. It is typically organized by communities into a shared system of symbols."[24] From an Islamic perspective, religion, or *al-din*, is much wider and entails a way of life guided by divine revelation as understood by those believing in and practicing its tenets.

Five interrelated dimensions of religion have been articulated in a systematic and comprehensive way by Owen Frazer and Mark Owen in the Analysis Guide.[25]

TABLE 1

DIFFERENT DIMENSIONS OF RELIGION	
Religion as a set of ideas	A shared set of teachings, doctrines, norms, values, stories, and narratives that provides a framework for understanding and acting in the world
Religion as a community	A defined group of followers and believers that provides individuals with a sense of belonging to something bigger than themselves
Religion as an institution	The formal structures, leaders, and organizations associated with religious communities
Religion as symbols and practices	The many visible, lived manifestations of a religion, from buildings to dress to ceremonies and rituals
Religion as spirituality	A personal experience that provides a sense of purpose and connectedness to something greater than oneself, as well as a powerful source of motivation

How Religion Relates to Negotiation

While negotiation is a timeless practice used by different communities throughout history to resolve conflicts and end hostilities, it is influenced and shaped by the unique historical, political, and cultural context in which it is taking place. Within this context, religious values and practices of the parties play an important role in the negotiation process as well as its outcomes. During the negotiation process, religion can serve either as a divider or as a connector.

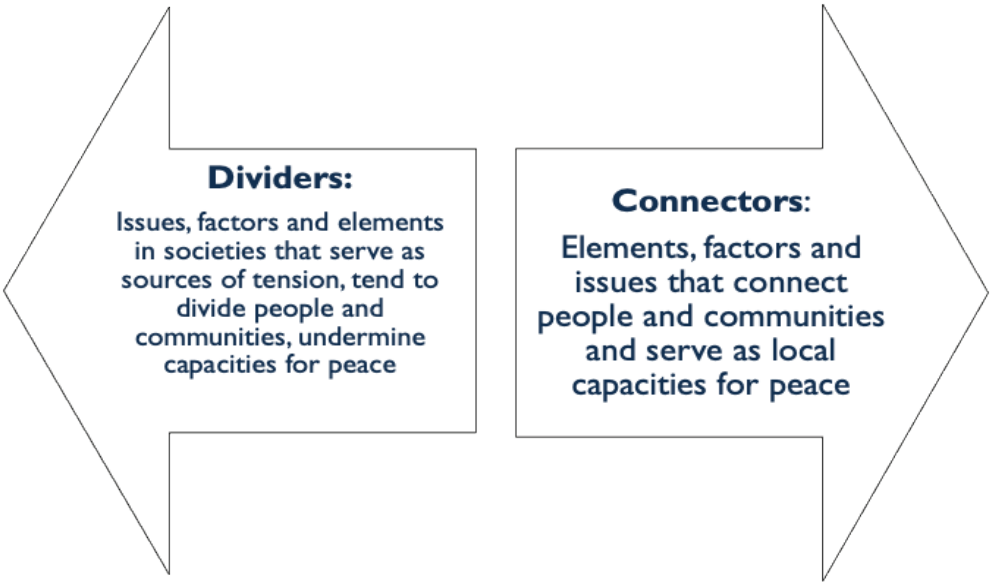
Conflict contexts can be characterized by two key driving forces of social dynamics. The first driving force is "conflict dividers," which refer to the issues, factors, and elements in societies that serve as sources of tension and tend to divide people and communities. The second driving

24 Fraser and Owen, *Religion in Conflict and Peacebuilding Analysis Guide*.

25 Ibid.

force is "conflict connectors," which denote those elements, factors, and issues that connect people and communities and serve as local capacities for peace.

Figure 2. Dividers and Connectors



- ***Religion as a divider:*** Religious identities can be a divider especially when parties identify themselves along different religious lines or different interpretations of religion during the negotiation process. Religion can also be a divider when religious texts, narratives, and images are used to foster suspicion and mistrust as well as to justify marginalization of various groups and the use of violence against others. In these instances, religious identities, narratives, and images divide communities and/or make negotiation more difficult.
- ***Religion as a connector:*** Religion can be a connector when religious identity brings parties together or when religious values, principles, and narratives are used to find just and sustainable solutions to the conflict and to inspire reconciliation and justice. Peacemaking values embedded within the religious tradition, such as compassion, kindness, forgiveness, and humility, can help rebuild trust and inspire reconciliation.

The five dimensions of religion identified in Table 1 help us understand how religion can be a divider (a source of conflict) and a connector (a source of peace) during negotiations. For instance, religion *as a community* and as a *source of identity* may be a source of shared identity that brings parties together across different lines. Religion as *a set of ideas* refers to a shared set of teachings, doctrines, norms, values, stories, and narratives that provides a framework for understanding and acting in the world. These frameworks inform how parties think and act during negotiations. Religious teachings, norms, values, and narratives may be used to support peace and tolerance, may encourage those in conflict to participate in negotiations, and may inspire coming to an agreement that is just and fair to all parties. Religion *as symbols and practices* may be included in the negotiation process to encourage parties to listen to and hear one another with an open heart and with a dedication to a peaceful solution to the conflict. Religion *as spirituality* can be a powerful motivator to find a just and lasting solution to the conflict. Finally, *as an institution*, religious structures, resources, and leaders may offer negotiators and organizers broad networks, channels of communication, and logistical and

financial resources to support the preparation phase, actual negotiations, and post-negotiation follow-up and implementation of the agreement phases. Therefore, understanding the important roles of different dimensions of religion identified in peacemaking and negotiation processes is important for successful negotiations.

The Islamic Faith

Islam, as the religion of more than 1.8 billion people[26] around the world, includes many different linguistic, cultural, and ethnic groups. Islam is followed by about 24 percent[27] of the world's population and is one of the fastest growing religions in the world. The word "Islam" means "submission to God's will to the exclusion of anything else" and is derived from the root *slm*, which is also closely related to Arabic words *salam* and *silm* (peace and reconciliation).

Islam plays an important role in the socio-political life of many Muslim communities and is one of the key components of people's identity both as a cultural framework and as a religious creed. Islamic tradition derives its legitimacy by virtue of the sanctity of its roughly 1400-year-old rules and customs derived from its holy texts, such as the Quran, believed by Muslims to be the word of God, and the Sunnah (prophetic teachings) which contain sacred truths that form the basis for Islamic ethics, politics, and law, and inform the actions of Muslims.[28] Islamic holy texts, tenets and values provide Muslims with a common vocabulary, a set of values and principles, create a unified Muslim community (*ummah*) and inform how Muslims conduct themselves individually and collectively. Muslims are always reminded to be God-conscious (*Taqwa*), which motivates them to do righteous deeds, and to be fair and just even in challenging contexts. Islamic values and beliefs thus have a profound impact on decision-making and negotiation behavior both during business and international peace negotiations.

Division and Diversity Within Islam

Because Islam is a global religion with followers on every continent, it is not possible to talk about a single, static Islam. Reflecting this diversity—and as a result of unique cultural, political, and social evolution of each community—Islam is often expressed and practiced in varying ways by different communities from one place to another and throughout history. As a result, there is more than one Islamic culture depending on geography and demography as well as various subcultures, within each community. Also, over the course of history, Islam has developed into different theological and legal schools of thought and sects, the primary division being between Sunni and Shia sects.

The Sunni-Shia split dates back to 632 C.E. After the death of the Prophet Muhammad (PBUH), his followers disagreed over who should succeed him. Shias believe that Ali, the fourth caliph, the Prophet's son-in-law and nephew, should be the successor, whereas Sunnis believe that Abu Bakr, and after him Omar, were the legitimate successors.[29] Despite these divisions, Muslims share fundamental beliefs and practices such as belief in one God, Allah in the Quran, the holy status of the Quran as the word of God, that Muhammad was the final prophet and messenger

26 Diamant, "The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Populations."

27 Michael Lipka, "Muslims and Islam: Key Findings in the US and Around the World," Pew Research Center, 2018, https://www.pewresearch.org/fact-tank/2017/08/09/muslims-and-islam-key-findings-in-the-u-s-and-around-the-world/#:~:text=There%20were%201.8%20billion%20Muslims,the%20fastest%2Dgrowing%20major%20religion.

28 Kadayifci-Orellana, Abu-Nimer, and Mohamed-Saleem, *Understanding an Islamic Framework for Peacebuilding*.

29 There are a number of different narratives regarding the origins and history of Shia Islam. While some scholars, such as Raghib Sharjani, explain the start of Shiis with the death of Hussain, grandson of Prophet Muhammad, in 690 C.E., others argue that the split happened when Abu Bakr was named as successor instead of Ali. Analysis and examination of these different narratives are beyond the scope of this Action Guide. See Sayyed Hossein Nasr, Hamid Dabashi, and Sayeed Vali Resa Nasr, *Shi'ism: Doctrines, Thought and Spirituality* (Albany: SUNY Press, 1988).

of God, and acceptance of the five pillars of Islam. Where they differ is on questions of political and religious leadership, and interpretations of Islamic law.

Understanding Shariah and Fiqh

Shariah, often mistakenly referred to as Islamic law, is one of the critical features of the state and political system in Islam, both of which are derived from Islamic sources including the Holy Quran, Hadith, and Sunnah of the Prophet (PBUH) as well as through *ijtihad* (process of legal reasoning). It is important to stress that, while Islamic Law is part of the *Shariah*, the *Shariah* is broader than Islamic law, and is not monolithic, unified, nor uncontested; in other words, there is no specific book that encompasses it. Although there are some disagreements about the origin of the Arabic word, Islamic scholars often agree that *Shariah* means "path" or "way" to be followed. In classical Islam, it refers to the divine and unchanging rules that guides all aspects of public and private life such as religious rituals, family life, business, crimes, and warfare. "*Shariah* is a fundamental source of legislation rather than a temporal political authority."[30] It is both the basis of law and the ethical system and informs legal systems in Muslim contexts.[31]

Fiqh (Islamic jurisprudence), which means "deep understanding" or "comprehension" in Arabic, refers to the interpretation and explanation of *Shariah* by Islamic legal scholars (*fuqaha*, singular *faqih*). *Fiqh* articulates rules and regulations of behavior and defines what is permissible and not permissible in Islam. *Fiqh* deals with the observance of rituals, morals, and social legislation. *Fiqh* rules are what people mean when they refer to Islamic rules on divorce, inheritance, property, and so on.[32] Aware of their imperfect and potentially flawed understanding, Islamic scholars have often disagreed with one another and agreed to disagree (*ikhtilaf*)[33], as long as the rulings did not transgress limits set by the Quran and Hadith and Sunnah. For that reason, the authority of *fiqh* is grounded in the sincerity of the jurisprudential reasoning that generates it, and as long as the legal conclusions and opinions (*fatwa*) result from sincere legal reasoning (*ijtihad*), they are considered legitimate.[34]

Fiqh is not the only type of law that existed in classical Islam. Another form of law was called *siyasa* or *Qanun*, and referred to the laws that were made by Muslim rulers for public good according to their own philosophies of government and ideas about how best to maintain public order rather than a through interpretation of scriptures by Islamic legal scholars.[35] Historically, *fuqaha* did not develop *fiqh* as a law of the state and did not assign any legislative role to the state but made a juristic distinction between *fiqh* and *siyasa* with *fuqaha* having the authority to interpret the *Shariah*.[36] Works that dealt with political issues, such as *Kitab al Kharaj* by Abu

30 Mahgoub Mahmoud el-Tigani, "Islamic Law, Human Rights and International Law: A Critique of Mahmoud Taha and An-Naim Part II," *Islamica: The Journal of the Islamic Society of the London School of Economics in Association with the Muslim Academic Trust* 2, no 4 (Spring 1998): 62–71, 63.

31 For a more detailed summary of the distinction between the terms *fiqh* and *shariah*, see Tamir Moustafa, "Islamic Law, Women's Rights, and Popular Legal Consciousness in Malaysia," *Law and Social Inquiry* 38, no. 1 (Winter 2013): 168-88; and Asifa Quraishi-Landes, "The Sharia Problem with Sharia Legislation," *Ohio North University Law Review* 41, *University of Wisconsin Legal Studies Research Paper* No. 1361 (August 28, 2015): 545, https://ssrn.com/abstract=2652896. See also Yūsuf Al-Qara□āwī, *al-Ijtihād fī al-sharī'aal-Islāmiyya,* (Kuwait: Dār al-qalam, 1996).

32 Quraishi-Landes, "The Sharia Problem with Sharia Legislation," 545, 549. https://ssrn.com/abstract=2652896

33 *Ikhtilaf* in Arabic means diversity, disagreement, difference of opinion and views. *Ikhtilaf al fiqh* or *ikhtilaf al fuqaha* refers to differing legal opinions of early jurists. Based on a *Hadith*, cited in al-Nawawi's commentary of *Sahih Muslim*, a book on *waqf*, which states "diversity among Muslim people is a blessing (*Ikhtilafu ummati rahma*)," diversity of opinion among the jurists was highly respected. In his History of Islamic Legislation, Shaykh Muhammad al- Khudri (d. 1927) describes how *ikhtilaf* has been one of the prominent characteristics of *fiqh* throughout its history, existing since the days of the Companions of the Prophet Muhammad, namely during the period 11–40 AH / 633–660. This practice led to the development of the ethics of disagreement, or *usul-al fiqh*. Some of the earliest books on *ikhtilaf* include works by Abu Yusuf (d. 798) and Muhammad Hasan Shaybani (d. 803), both disciples of Abu Hanifa (d. 767), the founder of the Hanafi school, as well as Muhammad b. Nasr al-Marwazi (d. 905) and the *Ikhtilaf al-fuqaha* (Disagreement among jurists) of Ibn Jarir al-Tabari (d. 932) is one of the most recognized works in this field. For more on *ikhtilaf* see Mohammed Hasim Kamali, "The Scope of Diversity and Ikhtilaf (Juristic Disagreement in the Sharia)," *Islamic Studies* 37, no. 3 (1998): 315; Taha Jabir al-Alwani, *Adab al Ikhtilaf fi'l Islam,* 3rd ed. (Herndon Va: al- Ma'had al'Alami li'l Fikr Islami. P, 1987).

34 Qurashi-Landes (2015), 545.

35 Ibid.

36 Muhammad Khalid Masud, "Teaching of Islamic Law and Sharī'ah: A Critical Evaluation of the Present and Prospects for the Future," *Islamic Studies* 44, no. 2 (2005), 165-189.

Yusuf Ya'qub ibn Ibrahim (d.798) or *al-Ahkam al Sultaniyyah* by Abu'l Hasan Ali ibn Mohammed al-Mawardi (d.1058), among others, were not part of the *fiqh*. "Consequently, public laws were generally regarded as a prerogative of the state, sometimes expounded as a doctrine of *Siyasa* as public law side by side with the laws of the *Shariah.*"[37] *Qanun* were not extrapolated from the holy scriptures by the *fuqaha* and were "typically pragmatic, governance-related laws, covering topics like taxes, security, marketplace regulation, and public safety—i.e., things necessary for public order, but about which the scripture says little.[38] *Qanun* mainly came from the separation of religion and politics, and the separation of *fiqh* from *qanun* resulted in a "separation of powers" in Muslim societies between those who study scripture and those who hold political power.[39] *Qanun* or public law gained a more central role in the nineteenth century with the rise of constitutional movements in the Muslim world as law gradually became associated with policy.

Maqasid (Objectives of Law) and Maslaha (Public Good and Welfare)

Maqasid is the Islamic legal doctrine that focuses on the goals and purposes of law within the Islamic moral-ethical framework, linking it very closely with the idea of *maslaha*, especially when it is qualified as *Masalih Mursalah* (consideration of public good) under Maliki jurisprudence.[40] The origin of *maqasid* is commonly attributed to the Umar bin Khattab, the second rightly guided caliph. In consultation (*shura*) with his advisors, Umar created numerous public institutions, guidelines, and policies including an office of the ombudsman, where residents of all lands under his authority could bring forward complaints against public officials, and he instituted strong anti-corruption and consumer protection policies by appointing officers to monitor, investigate, and penalize illegal commercial activities.[41]

While the *maqasid* was not developed during the time of Umar, they were developed over time based on the ways in which Umar and other rightly guided caliphs governed their state. Based on the verses of the Quran, the Sunnah and Umar's example, Muslim scholars argued that *maslaha*, pursuing of public good is the purpose of law and governance in Islam. Maqasid, rooted in *maslaha,* reminds policy-makers that governance and laws in an Islamic community must ensure public welfare and benefit, and prevent harm. Muslim jurists point out that the Quran "promotes social responsibility and positive bonds between people because of their common ethical responsibility towards one another."[42] In the Quran, Muslims are urged to improve their communal life, to support one another, and to combat poverty. For example, the Holy Quran (16:90) states:

> *Verily, Allah commands justice and the doing of good and giving to kin [or those in proximity],*
> *and He forbids all immorality, and what is reprehensible and aggression; He instructs you, that you may be reminded.*

37 Ibid, 166.

38 Quraishi-Landes (2015), 550.

39 Khaled Abou El-Fadl, "Islam and the Challenge of Democratic Commitment," Fordham International Law Journal 27, no. 4 (2003), 26; and Quraishi-Landes (2015), 550.

40 See Mashood Baderin, "Establishing Areas of Common Ground between Islamic Law and International Human Rights," *The International Journal of Human Rights* 5, no. 2 (2001), 72-113, 84; and Wael B. Hallaq *A History of Islamic Legal Theories: An Introduction to Sunnī uṣūl Al-Fiqh* (Cambridge: Cambridge University Press 2008), 112-113; and Muhammed Adil Khan Afridi, "Maqasid Al-Sharia and Preservation of Basic Rights: Under the Theme 'Islam and Its Perspectives on Global and Local Contemporary Challenges,'" *Journal of Education and Social Sciences* 4 (June 2016), https://www.jesoc.com/wp-content/uploads/2016/06/KC4_143-1.pdf.

41 For historical roots of maqasid studies, see Basma I. Abdelgafar, *Public Policy: Beyond Traditional Jurisprudence: A Maqasid Approach* (London: III, 2018), 17-20 and 53-75.

42 A. Sachedina, *The Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2001), 76.

Muslim scholars agree that this verse encompasses the overall purpose of *Shariah*[43] to do good works and pursue justice, and that every legal ruling must comply with the goals and aims of Islamic moral-ethical principle. Interests or the welfare of the people is divided into three categories: the necessities (*daruriyyat*), the needs (*hajiyyat*), and the luxuries or complementary interests (*kamaliyyat* or *tahsiniyyat*). Necessities are those interests on which people's life depends and the neglect of which will lead to injustice and disorder. Many Muslim jurists agree that the overall objectives of the law (*maqasid*) are to preserve and protect the six necessities (*daruriyyat*), including the preservation of faith, life, mind/intellect, property/wealth, progeny, and honor/dignity. These necessities are considered inviolable by Muslim jurists who have asserted that the law must further one or more of these objectives.[44] Thus, many detailed legal instructions in Islamic law can be traced back to the preservation of one of these areas. Ibn Taymiyya (d.1328) also includes other Islamic values central to the *maqasid*, such as justice, virtue, constitutional rights, and scientific excellence, among others.

Needs complement the necessities, the neglect of which will lead to hardships and difficulties. Luxuries, on the other hand, lead to improvement and fulfillment of the lives of individuals. The law and political policies of the government must fulfill these interests in descending order of importance: first the necessities, then the needs, then the luxuries. It is important to note that the contemporary study of *maqasid* has greatly evolved these classical objectives and made significant additions to our understanding of *maqasid al-shariah*. More contemporary studies take account of modern complexities and the need for contextualization of what may be considered necessities, needs, or luxuries.

Sources of Islamic Law

For Muslims, the Quran is the foremost source of social, political, legal, and ethical frameworks in Islam. Other sources include recorded sayings (Hadith) and practices (Sunnah) of the Prophet, as well as the conduct of his companions. These sources contain sacred truths that form the basis for Islamic ethics and inform actions of believers. Whenever these sources are silent on an issue, Islamic religious scholars (*ulama*) apply hermeneutical approaches such as rational analysis (*ijtihad*), consensus (*ijma*), or analogy (*qiyas*) to establish Islamic rule and preferences.

TABLE 2

SOURCES OF ISLAMIC LAW	
Holy Quran	For Muslims, the Holy Quran is the source of all divine guidance, commandments, and moral and ethical behavior, and is the primary source of Islamic Law.
Hadith and Sunnah	Hadith and Sunnah, often collectively referred to as Sunnah, are considered the second primary source of Islamic law.
Ijtihad	The process of making a decision through independent legal reasoning based on the Quran, Sunnah, and Hadith, and their application to reality.

43 Baderin, "Establishing Areas of Common Ground between Islamic Law and International Human Rights," 83.

44 Abdelgafar, *Public Policy,* 19.

1. The Holy Quran: The First Source of Islamic Law

For Muslims, the Holy Quran is the source of all divine guidance, commandments, and moral and ethical behavior, and is the primary source of Islamic law. The Quran is the unchangeable and direct word of Allah, and it is the unchallenged source of Islamic beliefs, practices, and codes of conduct. While there are some disagreements on the origins of the word, many scholars agree that the word "Quran" is derived from the Arabic root "*qara'a*," which means "to read" or "to continuously read" or "*qarana*," which means "to gather or collect."[45] The word *al-quran* is used to mean "the reading," "the recitation," or "the collection."[46]

The Quran contains 114 *surahs*, or chapters, which are divided into *ayats*, or verses. *Surahs* differ in terms of their length: the longest *surah* contains 286 *ayats* and the shortest has only three. Chapters are also divided according to two different periods of Prophet Muhammad's (PBUH) life, namely the Meccan period (610-622 C.E.) and the Madinan period (622-632 E.C.)

The Quran was revealed to Prophet Muhammad (PBUH) over a period of 23 years (610-632 C.E.), during which many developments took place and thus revelations include practical and political responses to the actual events of the day. This aspect of the Quranic revelation is the basis of the principle of *tadrij* (gradualism). Ninety-three chapters were revealed during the Meccan period and twenty-one chapters were revealed during the Madinan period. This division into two separate periods becomes important for the understanding and interpretation of the Quran in the field of *asbab al-nuzul*, the field that studies the occasions and circumstances of the revelation of Quranic verse, which is a field of *fiqh*. Legal rules and norms that are derived from the Quran directly are considered immutable, and other norms and rules cannot contradict them.

2. Sunnah and Hadith: The Second Source of Islamic Law

Hadith and Sunnah, often collectively referred to as Sunnah, are considered the second primary source of Islamic law. Within the context of *fiqh,* Sunnah refers to all that is issued by the Messenger of God, Muhammad (PBUH), This includes his sayings, deeds, implicit approval of deeds, or sayings of his companions. In Islamic law, the Sunnah provides agreements, details, or explanations of the rules set in the Quran. For example, the Sunnah provides the details of how to perform prayers or how to pay the zakat. Also, if there is no rule or regulation regarding an issue within the Quran, *fuqaha* look to the Sunnah to see if there are any guidelines there. As such, it is the second primary source of Islamic law.

Prophet Muhammad's (PBUH) sayings and practices were recorded by his companions during lifetime and also after his death. The proliferation of the Hadith and the Sunnah called for criteria to distinguish authentic and fabricated Hadith and Sunnah. With that aim, especially in the ninth and tenth centuries, scholars collected traditions of Hadith and Sunnah, and assessed their authenticity by verifying the chain of narrators (*isnad*) and examining the subject matter (*matn*). The trustworthiness of the narrator was judged (*ilm ar-rijal*) based on the narrator's moral character, intelligence, piety, and good memory.

In many instances, the Quran provides general guidelines on and explanations of rules and jurisprudence, not detailed ones. By elaborating on the Quran and providing important

45 Farid Esack, *The Quran: A Short Introduction"* (Oneworld: Oxford, 2002), 30.

46 Esack, *The Quran,* 30.

details when Muslims cannot understand Quranic guidance or when Quranic guidance is not stated definitively, the Sunnah becomes an important source of guidance.

3. Ijtihad: Legal Reasoning as a Source of Islamic Law

Over the past 1,400 years, Islam has expanded to different parts of the world with different cultural and linguistic traditions. As societies changed over the course of history, so did the needs and problems that emerged as a result. Islamic law, while informed by the Quran and the Sunnah (see box 1), also evolved from Arab customary law to absorb local customs and practices of the conquered territories after the expansion of the Islamic state, as long as they did not contradict the Quran.[47]

Because, for Muslims, the Quranic message is eternal, scholars of the Quran contend that a response to any societal change must have been incorporated within the Quran as well. Therefore, answers to emerging new problems must be based on the Quranic principles, and those laid out by the Prophet (PBUH) and through the process of *ijtihad*. It is the duty of Muslim scholars to reinterpret God's rules and regulations for Muslims, especially since Islam penetrates all aspects of the life of Muslims—personal, social, political, and economic. In the face of new challenges or problems, renewed guidance can be legitimized through a demonstration that it is derived from sacred scripture but had not yet been discovered, articulated, and operationalized. This guidance becomes apparent only after the application of *ijtihad* (systematic intellectual reasoning) to principal sources of Islam in order to respond to the current problems.

BOX 1

THE HADITH REGARDING THE JUSTIFICATION FOR IJTIHAD IN ISLAMIC TRADITION

The Prophet (*sallallaahu 'alayhi wa-sallam*) sent Mu'aadh (*radiyallaahu 'anhu*) to Yemen and asked him:

"How will you judge the cases (that come to you)?"

He replied:

"I will judge according to the Book of Allah."

"But if you do not find it in Allah's book, what will you do?" the Prophet (sallallaahu 'alayhi wa-sallam) asked.

He said:

"I will refer to the Sunnah of the Prophet of Allah (*sallallaahu 'alayhi wa-sallam*)."

"But if you find it in the Sunnah, what will you do?" the Prophet (*sallallaahu 'alayhi wa-sallam*) asked again.

He replied: "I will exercise my judgment without failure."

Hearing this the Prophet (*sallallaahu 'alayhi wa-sallam*) patted Mu'aadh (*radiyallaahu 'anhu*) on the shoulder and said:

"Praise be to Allah, who has guided the Messenger of His Messenger to what pleases His Messenger."

This Hadith has been reported in the Musnad and Sunan collections of Hadith with a good *isnaad*. Ahmad, Musnad V:230, 236, 242; al-Daarimee, Sunan, Muqaddimah, 30; al-Tirmidhee, Sunan, Ahkaam, 3; Abu Dawood, Sunan, Adhiyah, 11.

47 Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore, MD: The John Hopkins Press, 1955), 20.

Therefore, interpreting the Holy Text through *tafsir* (exegesis), and understanding God's will through *ijtihad* (the process of making a legal decision by independent interpretation of the Quran, Sunnah, and Hadith) became an important area of study within the Islamic tradition. This area of study was called *usul al-fiqh* (fundamentals of jurisprudence). *Usul al-fiqh* is considered one of the most important forms of knowledge in Islamic scholarship. It encompasses opinions and discussions of the *fuqaha* on the nature and sources of law, and acceptable methodologies through which Islamic rules and laws can be reached. Concrete legal problems are resolved through an in-depth analysis of these main sources by trained scholars, and a body of legal texts called *fiqh* comes into life after this process.

Ijtihad has taken on a number of forms and includes a variety of different techniques such as *qiyas* (analogical reasoning), *ijma* (consensus of opinion), *naskh* (abrogation), *ra'y* (subjective option), and taking into consideration *urf* and *adat* (customs and tradition). Additionally, it also includes discussions of various principles that guide the process of *ijtihad* such as *istihsan* (juristic preference), *maslaha* and *istislah* (consideration of public interest and benefit), *istishab* (presumption of continuity), and *adalah* (justice).

TABLE 3

FORMS OF IJTIHAD	
Ijma	Consensus of the community, particularly the community of the *ulema* (religious scholars and jurists) and applies only to legislative matters.
Qiyas	The practice of drawing an analogy from a similar case in primary sources by discovering the effective cause and reason behind a given rule when a solution to a problem is not given in the Quran and the Hadith.
Naskh	Removal of something by something else—annulment. Refers to Quranic revelation superseding or canceling the earlier ones on a similar theme/topic.
Ra'y	Personal judgment, or individual opinion, speculative legal reasoning in the absence of precedent.
Istislah	Consideration of benefit when resolving problems. Meaning "to deem proper," it is related to *maslaha* (public interest). A judge reaches a decision by determining first what is most beneficial to the community as a whole, then what benefits the local community, and then what benefits the individual.
Urf wa Adat	Custom and traditions, collective habits of people. Considered a source of *ijtihad* by all main schools of *fiqh* if it meets certain requirements including that it must not contradict the Quran and the Sunnah, must be prevalent and widespread, and must be in practice before the time of the incident/case.

Legal Schools of Thought in Islam

The practice of *ijtihad* led to different interpretations of the Quran and the Hadith and to *ikhtilaf* (disagreement) among *fuqaha* in regard to *fiqh* and *usul al-fiqh*, and religious scholars started to group themselves around a leading scholar. This resulted in the development of different Islamic legal schools in both Sunni and Shia Islamic traditions. All these schools agreed that the Quran and the Sunnah were the main sources of the law but differed in their choice and emphasis on the particular techniques they preferred to derive laws. Also, each Muslim could choose the school of thought they wanted to follow and change it later if they chose to do so.

In Sunni jurisprudence, among these different legal schools, four of them emerged as the most prominent. These were the *Maliki* school based on the works of jurist Malik bin Anas of Madina (718-795 C.E.); *Hanefi* school based on the works of Abu Hanifa from Kufa (699-767 C.E.); *Shafi* school based on the works of al-Shafi'i (767-820 C.E.); and *Hanbali* school based on the works of Ahmad bin Hanbal (780-855 C.E.). The existence of different schools of law was not considered harmful to the Islamic tradition.

In Sunni jurisprudence, these four schools of law were accepted as the only legitimate legal schools by the tenth century, and Muslim scholars concluded that the work of legal interpretation was exhausted, and *fiqh* was considered to be completed. Therefore, Islamic scholars after the tenth century dedicated themselves to the study of the works of these four jurists and writing commentaries about them. The decision to stop reaching new laws was considered as the closing of the gate of *ijtihad* by some of the scholars. Today, however, that assertion is largely rejected.

In Shia jurisprudence, the main schools of jurisprudence include *Zaydi*, *Jafari*, and *Ismaili*. Founded in the eighth century, the Zaydi school of thought is one of the earliest schools of Shia *fiqh* and currently the second largest group in Shia Islam. Today, the Zaydi school of thought is most prominent in Yemen. The Jafari school, named after the sixth Imam, Jafar al-Sadiq (d. 748), is a school of jurisprudence in the Twelver Shia Islam, and was recognized and accredited by al-Azhar University in Cairo as the "fifth" school, in 1959. The Ismaili school of jurisprudence, founded during the Fatimid dynasty in North Africa, is the third main school of thought in Shia Islam, and Qadi Abu Hanifah al-Numan (d. 974) is considered to be its founder. Today, Ismailis are mainly in Pakistan and India, but they can be found in different parts of the Muslim world, including Bangladesh, Malaysia, Yemen, Jordan, Iraq, South Africa, and East Africa, among others. In Shia Islam, using *ijtihad* was never considered stopped.

TABLE 4

***MADHABS* (SCHOOLS) IN SUNNI JURISPRUDENCE**			
	Founder	**Key principles and tools**	**Where**
Hanafi	Imam Abu Hanifa Numan bin Thabit (699-767)	Most flexible school; employs both *qiyas* and *ijma*, but also relies heavily on *ra'y* (personal or subjective opinion), *istihsan, urf.*	Jordan, Lebanon, Pakistan, Syria, Turkey, Afghanistan, Central Asian republics, and the United Arab Emirates. Hanafi school also is the predominant school in regard to family- and personal-law issues in Bangladesh, Egypt, India, Iraq, Pakistan, Syria, and, for significant minority populations, in Iran and Malaysia.
Shafi	Imam Muhammed Bin Adris al-Shafi (767-820)	Relies on Quran, Hadith, Ijma, Qiyas; occasionally uses *urf*.	Eastern Egypt, Malaysia, Indonesia, Thailand, Somalia, Sri Lanka, and parts of Yemen.
Maliki	Imam Malik bin Anas (713-795)	Relies on Quran, Hadith, *ijma, qiyas, istishan, ra'y*, and *urf*; also relies heavily on the practice (Sunnah) of the people of Madina as a source of law.	North and West Africa, with the exceptions of some parts of Egypt, Bahrain, the United Arab Emirates, and Kuwait.
Hanbali	Imam Ahmad bin Hanbal (789-855)	Traditionalist and scripturalist; emphasizes Quran and Sunnah; accepts *istislah* (consideration of public interest) but limits the use of *istishab* (presumption of continuity) and has an ambiguous and at times contradictory position on *istihsan* (judicial preference) as a source of law.	Saudi Arabia and Qatar; and there are various madrassas (Islamic schools) around the Muslim world with Hanbali influence.

CHAPTER 2.

Building Peace After Conflict

"Faith is a restraint against all violence. Let no mu'min [a believer] commit violence."

SAHIH COLLECTION OF ABU DAWUD

This chapter introduces the Islamic values of peacemaking and peacebuilding by focusing on Islamic texts and the Prophet's practice. It will specifically focus on the Islamic tradition of peace and the often narrowly understood concept of jihad. With examples from religious texts and prophetic tradition, it introduces key Islamic values of peacemaking and peacebuilding. It will also provide historical and current case studies and exercises to engage users and help build their skills with themes based on real-life contexts.

What Is Peacebuilding?

Peace building is a dynamic process of resolving conflict and rebuilding societies after conflict. It includes a whole host of mechanisms and practices that aim to prevent and terminate conflicts and establish just and peaceful societies. Engaging different segments of the society—such as political and religious leaders, civil society, and grassroots organizations—peacebuilding includes activities such as negotiation, mediation, and reconciliation processes that aim to establish just and peaceful societies.

The field of peacebuilding and negotiation is often associated with a secular Western context; however, many communities have developed tools and approaches to resolve conflicts peacefully and have engaged in conflict resolution tools such as mediation and negotiation. Like many others around the world, Muslim communities have valued wise leadership, consultative decision-making, and peaceful resolution of conflicts since they first established themselves into political communities. Inspired by Islamic values and the practices of Prophet Muhammad, they have developed various tools and mechanisms to settle conflicts peacefully.

Islamic Approaches to Conflict

Islamic tradition and scholarship recognize that life involves disagreement and conflict. Peacebuilding refers to mechanisms and structures that can prevent, terminate, transform, or resolve conflict. While some of these tools and mechanisms are similar to secular Western approaches, there are also various differences between them. Some of the key aspects of Islamic approaches to conflict include the following[48]:

Nature of Conflicts

Islamic tradition views conflict as a normal social phenomenon, but a deviation from the essential nature (fitrah) of sound-minded individuals. Therefore, based on the verses such as the following, Muslims are instructed to take action to resolve conflicts and restore harmony.

48 This section is based on Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding.*

If two parties among the believers fall into a fight, make ye peace [sulh] between them [. . .] make peace between them with justice, and be fair; for Allah loves those who are fair (and just). (Q49:9)

> *Obey Allah and His Apostle; and fall into no disputes, lest ye lose heart and your power depart; and be patient and persevering: for Allah is with those who patiently persevere.* (Q8:46)

Community Orientation

Islamic teachings emphasize the importance of the common good, social and divine harmony, justice, social responsibility, and accountability. They call for solidarity and collaboration within the community. Conflicts that divide communities and undermine solidarity among the *ummah* are seen as harmful and must be avoided. Conflicts especially rooted in tribalism, racism, and nationalism (*asabiyya*), among others, are strongly discouraged in Islam as the Hadith in Sahih Collection of Abu Dawud states:

> *He is not one of us who proclaims the cause of tribal partisanship, and he is not of us one who fights in the cause of tribal partisanship, and he is not one of us who dies in the cause of tribal partisanship.*[49]

Therefore, conflict resolution systems in Islam call for involvement of all community members to resolve conflicts and the need for establishing the structures that allow for broad communal involvement.

Individuals and Communities as Agents of Change

As part of God's divine plan, Islam recognizes that change is necessary and unavoidable. Positive change according to Islam brings people closer to God and God's creation through doing good works that bring about justice and harmony. Individually, change takes place first at an inner level through a struggle between one's soul and ego, and at an external level through struggling with injustices in the community and society more broadly. Islam also recognizes that lasting change must come from within and that individuals must be proactive in bringing about the changes they would like to see in their communities as stated in the verse:

> *God does not change the condition of a people unless they change what is in themselves.* (Q13: 11)

Centrality of Emotions

Conflicts often give rise to emotions such as anger, revenge, or embarrassment. Understanding the emotional needs of the parties and transforming or containing negative emotions is central to resolving conflicts. Islam recognizes that human beings have powerful emotions that need to be taken into account when addressing conflicts. Managing the emotions of the parties as well as the communication between them is the responsibility of third parties, although expressive emotional reactions are perceived as normal aspects of the process. Thus, spontaneous and emotional acts are considered part of conflict resolution, and parties are allowed to express their

49 Narrated by Tirmidhi and Abu Daud. See footnote 21 in Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding,* 27.

feelings and to vent.[50] The role of emotions while interacting with others and the importance of not provoking negative emotions is reflected in the following verses:

> *The believers are but a single Brotherhood, so make peace and reconciliation between your two (contending) brothers; and fear God, that ye may receive mercy. (Q49:10)*

> *O ye who believe! Let not some men among you laugh at others: it may be that the (latter) are better than the (former). Nor let some women laugh at others: it may be that the (latter) are better than the (former). Nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames; ill-seeming is a name connoting wickedness (to be used of one) after he has believed, and those who do not desist are (indeed) doing wrong. (Q49:11)*

> *O ye who believe! Avoid suspicion as much (as possible), for suspicion, in some cases, is a sin. And spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would abhor it. . . . But fear God, for God is oft-returning, most merciful. (Q49:12)*

Although negative emotions such as anger, hate, and fear are considered part of the human experience, they are harmful to group unity and harmony, and, hence, from a conflict resolution perspective, they must be transformed. For instance, the following Quranic verse associates the suppression of anger with doing good:

> *Those who spend [in Allah's cause—deeds of charity, alms, etc.] in prosperity and in adversity, who repress anger, and who pardon men; verily, Allah loves al-muhsinun (the good doers).* (Q3:134)

Individuals are encouraged to discuss and express their feelings, and in many Muslim communities, individuals often engage in "heart-to-heart" conversations in which interruptions with expressions of empathy and support are quite common. The Prophet (PBUH) is recorded to have said:

> *The strong is not the one who overcomes the people by his strength, but the strong is the one who controls himself while in anger.*[51]

> *Therefore, while strong emotions are part of conflict processes, Muslims are strongly advised to manage these emotions in order to establish peaceful relations and resolve conflicts.*

Face-Saving and Restoring Dignity

Emotions are also closely related to dignity and honor. Islam recognizes honor and dignity as an important right and calls for protection of the dignity and honor of every individual. Since shame, honor, dignity, and reputation are the driving forces toward ultimate resolution, conflict resolution processes pay special attention to saving face of all involved, especially the offender. They avoid humiliating the parties further and look for ways to restore the dignity, honor, and

50 Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding,* 29.

51 *Sahih Al-Bukhari* 135, narrated by Abu Huraira. See also Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding,* 29.

respect of the parties. Therefore, Muslims are required to avoid humiliation and find ways to restore the dignity of all parties by finding ways to save face and to restore the dignity, honor, and respect of the parties. A Quranic verse (Q17:70) exhorts people to dignify each other as God has created all humans with dignity.

Emphasis on Restorative Justice

One of the key aspects of conflict resolution efforts in Islam is the emphasis on restorative justice rather than retributive justice. Restorative justice is clearly supported by the Quran and Prophet's (PBUH) tradition. The Holy Quran urges Muslims to restore justice, accept responsibility, and be repentant, stating that God "forgives all sins" (Q39:53). The Quran asks Muslims to be forgiving and merciful while seeking justice. Although retributive justice may be permitted in certain contexts, various verses clearly indicate that Islam places a strong emphasis on reconciliation and restorative justice, as shown in the following verses:

> *O ye who believe! Fair retribution is prescribed for you in cases of murder . . . but if the culprit is pardoned by his aggrieved brother, this shall be adhered to fairly, and the culprit shall pay what is due in a good way. This is an alleviation from your Lord and an act of mercy. If anyone then exceeds these limits, grievous suffering awaits him. Fair retribution saves life for you, people of understanding, so that you may guard yourselves against what is wrong.* (Q2:178-9)

> *O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves, your parents, or your kin, and whether it be (against) the rich and poor.* (Q4:135)

> *O ye who believe! Stand out firmly for God as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just; that is next to piety. And fear God, for God is well acquainted with all that you do.* (Q5:8)

> *Nor can goodness and evil be equal. Repel (evil) with what is better. Then will he between whom and thee was hatred become as it were thy friend and intimate!* (Q41:34)

> *The recompense for an injury is an injury equal thereto (in degree). But if a person forgives and makes reconciliation, his reward is due from Allah, for (Allah) loveth not those who do wrong.* (Q42:40)

The aim of restorative justice in Islam is to repair the relationships that were broken by the conflict and to heal the wounds caused by it. It aims to bring parties to the conflict as well as the community in general together to talk about the events, seek to repair the harm done and prevent it from happening again. Customary conflict resolution approaches that have emerged in Muslim societies, such as *sulh* in the Middle East, *xeer* in Somalia, and *jirga* in Afghanistan, among others, view wrongdoing as an offense both against the individual and the community. It involves offenders, victims, and the whole community through a participatory dialogue process to address the needs of the parties. These processes aim to restore a sense of justice and reestablish order and harmony within the community by healing broken relationships,

compensating victims, and providing offenders with opportunities to show remorse, apologize, and make amends. Such acts empower victims and affected communities, while reaffirming collective values, minimizing retributions, and maximizing the restoration of community harmony through a collective decision-making process. Acceptance of responsibility, repentance (*tawba*), apology, and suitable compensation, which open the possibility for *qisas* (retribution that entails pardon with compensation), are encouraged by invoking unity, harmony, and Islamic principles such as forgiveness and reconciliation.

Binding Nature of Agreements

Another important aspect of peacebuilding and resolving conflicts in Islam is the binding nature of peace agreements or arrangements. As *sulh* (reconciliation) is a form of contract (*'aqd*), it is legally binding both on an individual level and at the community level. Based on the Quranic verse:

> *Fulfill the covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed ye have made Allah your surety, for Allah knoweth all that ye do.* (Q16:91)

Islam considers observance of treaties and oaths a religious duty and, thus, critically important. The Treaty of Hudaybiyyah was seen as a binding agreement that had conditions that were symbolic yet had the effect of bringing about a binding period of peace. Similarly, although mediation is a nonbinding process, it becomes morally binding when the parties to the dispute agree to the recommendation of the mediators. In Islamic tradition, agreements are often declared and agreed in a public forum with a handshake and become binding to all those present and not present. Some Muslim cultures consider "a shake of hands, or a community and social gathering . . . more binding than a million papers"[52] in interpersonal and community disputes.

Centrality of Social Norms and Islamic Values and Rituals

The majority of secular Western approaches to peacebuilding and negotiation focus on individual interests, positions, desires, and needs, and tend to emphasize the centrality of rational decision-making processes based on cost-benefit analysis. Islam, on the other hand, asks Muslims to take into account the interests of the community and to invoke Islamic values, principles, and rituals as they search for a just and fair conflict resolution that would be in accordance with divine guidance as stated in the Quran. Muslims aspire to model their behavior after the values and examples mentioned in the Quran as well as the Sunnah of the Prophet (PBUH). Therefore, the conflict resolution process in Islam is based on Quranic stories, prophetic wisdom, and examples drawn from Islamic history that emphasize the importance of resolving conflicts peacefully, justly and restoring harmony among God's creatures. "As Muslims aspire to model their behaviors after Quran and Sunnah, it becomes a task of Muslim conflict interveners to replicate the process of restoring Islamic principles by clarifying to conflicted parties the misperceptions and negative practices that for long have influenced their lives."[53]

Islamic tradition has a rich and well-established set of norms, values and rituals in regard to peace and conflict resolution. Some of these values include unity, patience, common good,

52 Mohammed Abu-Nimer, "Conflict Resolution Training in the Middle East- Lessons to be Learned," *International Negotiation* 3, no. 1 (1998), 111, DOI: https://doi.org/10.1163/15718069820848120.

53 Mohammed Abu-Nimer, "Conflict Resolution in an Islamic Context: Some Conceptual Questions," *Peace and Change* 21, no. 1 (January 1996): 22-40.

forgiveness, and reconciliation. These values and norms are based on the Quran and the Sunnah and the practices of the rightly guided caliphs, and inform Islamic peacemaking traditions such as negotiation. Rituals also play an important role in peacebuilding in Islam. Conflict-resolution practices in a number of different contexts often end with a ritual of gathering the whole community together in a public space and declaring the agreement to all those present; when concluding a dispute settlement in the Middle Eastern context, drinking traditional coffee and sharing a meal is an essential component of the process.

Jihad: Its Meaning and Significance in Islam

Jihad, often mistranslated as "holy war" against external forces, is one of the most misunderstood concepts in Islam by Muslims and non-Muslims alike. Contrary to the general belief, jihad does not mean war; it comes from the Arabic word *jahada*, which literally means "to strive," "to struggle," "to exert effort," or "to toil." Within the context of the Quran and the Hadith, it is often used to mean struggling for the cause of God by means of speech, property, wealth, or life, as the Quranic verse "Strive in the cause of God" (Q22:78) indicates. Not once in the Quran is the word jihad used with the sole meaning of fighting. The most commonly used words for fighting, in the literal sense, in both the Quran and the Hadith literature are "qital" and "harb."

Thus, jihad is a continuous process throughout the life of a believer and has three aspects:

- First, *jihad al-nafs* or the struggle against the baser self or the ego. In this, its most common sense, jihad refers to the unceasing effort that an individual must make toward self-improvement and self-purification. This understanding of jihad is also supported by the Hadith. Based on the Hadiths shown below, the greater jihad (*jihad al-akbar*) refers to the inner struggle to purify the self and behave in a manner that furthers rather than disrupts the divine harmony:

The Prophet (PBUH) is recorded to have said:

"The best jihad is for one to perform jihad against his own self and against his desires."[54]

"We have returned from the minor jihad (war) to the major jihad (against the self)."[55]

"Jihad against one's own self in the cause of Allah is the best jihad."[56]

"The true mujahid is he who performs jihad bi an-nafs (struggle in/within one self) in the obedience of Allah."[57]

The Prophet (PBUH) was asked, "What kind of jihad is best?" and he replied, "A word of truth before an oppressive ruler."[58]

- Second, jihad in the sense of striving, using peaceful means, to communicate God's word to others through scholarship and dialogue, inspired by compassion and concern for others, even if this is not reciprocated. This can include talking truth to power as it is recorded in the Hadith.
- Third, jihad may relate to confronting one's enemies and to remain firmly committed to the

54 Collected by al-Tabarani, authenticated by al-Albani, no 1129.
55 Collected by Al-Bayhaqi, al-Iraqi, Ajluni.
56 Collected and authenticated by Imam Ahmed, no. 24004.
57 Collected by Ahmad, al-Hakim, at-Tabarani.
58 *Sunan an-Nasa'i*, no. 4209.

faith under all conditions. In this sense, jihad, properly understood, is a peaceful struggle, not a military or physical confrontation, and should be preferably performed by nonviolent means. Depending on the circumstances and those involved, the best type of jihad may take several different forms. Ibn Taymiyya, for example, argued that jihad is achieved sometimes by the heart, sometimes by the tongue, and sometimes by the hand, and suggested two sacred rules for jihad by the tongue and by the hand: understanding and patience.

Other forms of jihad may include talking truth to power by advising a tyrannical ruler or engaging in da'wah (inviting to Islam), exercising discipline and self-restraint, performing pilgrimage to the Ka'aba, taking care of one's parents, studying for the sake of God and teaching others beneficial knowledge, and defending one's community by taking up arms only as a last resort. Self-defense against overt aggression is the unique condition that allows reciprocal violence without transgression.

Ethics of Just War (Qital or Harb) in Islam

Jihad also refers to fighting and war; however, Islam also provides strict ethical rules and regulations regarding when Muslims are allowed to go to war, how jihad can be fought and ended, and relations between states. These ethical principles, rules, and regulations constitute Islamic Law of Nations called *siyar* and are an extension of Islamic law.[59] Islam asks Muslims to strive actively towards establishing just social, political, and economic systems, and to eliminate sources of violence and conflict. Therefore, the central aim of jihad is to put an end to all forms of violence, including systemic structural violence rooted in these unjust systems.[60]

Working for justice does not necessarily mean waging war. In fact, during the first 13 years of Islam, Muslims were not given permission to fight but be patient even when they faced ridicule, humiliation, injustice, and persecution. When persecution became unbearable, the Prophet and his followers migrated (*Hijrah*) to Yathrib (later known as Medina), which gave Muslims refuge. Even after that, Meccans continued to threaten Muslims and sent a letter to the leaders of Yathrib who had given protection to Muslims, threatening them with extermination. It is within this desperate context that the Quranic verses (Q 22:39-40) gave Muslims permission to fight to defend themselves.[61]

The Quran is clear that Muslims are not allowed to be aggressive or initiate wars, as it states:

> *Fight (qatilu, in Arabic) in the cause of God those who fight (yuqatiluna) you, but do not commit aggression, for God loves not the aggressor.* (Q2:190)

The Quran also teaches:

> *Let there be no compulsion in religion.* (Q2:256)

> *Invite (all) to the way of your Lord with wisdom and beautiful preaching.* (Q16:125)

59 Islamic Law of Nations—often referred to as *siyar*—which regulates the relationships between Muslim states and others, rules, ethics, and conditions of war and peace, was articulated by a number of different Muslim jurists dating back to seventh and eighth centuries. The most important jurist to write on the *siyar* is Mohammed al-Shaybani (d. 750), who wrote the book *Introduction to the Law of Nations* at the end of the eighth century. However, Shaybani was not the first or the last to write about *siyar*; some of the other jurists who wrote in this area include Al-Sha'bi (d. 723), Sufyan al-Thawri (d. 778), Abu Hanifa (d. 796), and Awza'i (d. 774). For a translation of Shaybani's book into English, see Majid Khadduri, *The Islamic Law of Nations: Shaybani's Siyar*.

60 See the Quranic verses on Justice (*adl*) in p. 54.

61 See Kadayifci-Orellana et.al, *Understanding an Islamic Framework for Peacebuilding.*

Even then, the means used were not independent of moral scrutiny.

The verses of the Quran and the Hadith relating to warfare (qital and harb) can generally be classified into three main groups:

- Verses dealing with the conditions for military engagement or commencement of warfare
- Verses concerning the conduct of war after it has commenced
- Verses related to the conditions of military disengagement and termination of warfare

The Quran and the Hadith make it clear that peace and nonviolent resolution of conflicts are the preferred methods in Islam. Fighting (qital/harb) is allowed only under very extreme conditions, as in the case of when there is no other way to repel oppression or injustice (Q2:191 and Q 4:75). The Quran and the Sunnah have clear restrictions on and rules regarding when and how wars can be fought.

The Quran (Q2:190) is very clear that Muslims are prohibited from undertaking offensive violence and are not allowed to be aggressive or to initiate wars. Division and fighting among Muslims are particularly prohibited, and Muslims are told that they are brothers and sisters of one another. They are urged to work together and not become divided (Q3:103-105).

According to Islam, waging war requires a justifiable reason (*illah*) by a legitimate authority, and opponents must be warned beforehand. Justifiable reasons include when Muslims are persecuted because of their religious beliefs and when they are attacked. Therefore, military jihad can only be used as a last resort and only defensive wars are allowed. Even then, the Quran commands Muslims to make peace, if the opponents ask for peace:

> *But if the enemy inclines toward peace, do you (also) incline toward peace, and trust in Allah, for He is the one that hears and knows (all things). Should they intend to deceive you—verily Allah suffices you. (Q8:61-62)*

According to Islamic ethics of jihad, intention (*niyyah*) is very important. Both the Quran and the Hadith make it clear that jihad cannot be waged for personal gain in any form. In fact, Muslims are prohibited from fighting for gaining money or territory (unless it is to gain back what has been unjustly taken from them), power, revenge, or hatred. Various Hadiths warn Muslims that fighting for the sake of material gains, conquest, or even honor in the eyes of fellow men, will earn no reward and is not allowed. *Jihad al-nafs*, the struggle to purify one's intention, which strengthens one's willpower and ensures all deeds are in accordance with Allah's guidance, is therefore the prerequisite of all other forms of jihad, including military jihad.

TABLE 5

ETHICS OF WAR IN ISLAM	
Rules of When War Is Permitted	**Rules of Engagement During War**
• Only as last resort, in self-defense when Muslims are attacked or persecuted • Opponents must be given warning • Must be waged by a legitimate authority • Intention must be for the sake of God not for any personal gain	• Must be proportional to the attack • Must separate combatants and noncombatants* • Noncombatants must not be killed, tortured, or hurt in any way • Prisoners must be treated well, must not be tortured or hurt • Fallen enemies must be treated with honor and respect; they cannot be beheaded or mutilated • Religious sites, including all houses of worship, must be protected and not attacked • Land, trees, produce, and animals, including those of the opponent, cannot be damaged or killed
*Noncombatants include women, children, the blind, the old, monks and hermits, the insane or delirious, those who are physically incapable of actual fighting, and servants.	

Islam also lays down strict rules of engagement regarding the acts that are permissible during war (see Table 5). These regulations include strictly distinguishing between combatants and noncombatants and forbidding the killing of noncombatants, which include women, children, the blind, the old, monks and hermits, the insane or delirious, those who are physically incapable of actual fighting, and servants. Inhumane acts such as torture, rape, mutilation of bodies, and burning of prisoners are absolutely prohibited. Killing hostages as well as massacring innocent people are not allowed even if the enemy has resorted to such actions. The Prophet (PBUH) stated in several narrations that among the worst sinners are those who initiate hostilities or kill people without a just cause. The Prophet (PBUH) even forbade Muslims from desiring to fight anyone and asked them to be patient. Therefore, a Muslim is not allowed to desire in his or her heart violent retaliation upon the enemy. Based on these examples, Muslim scholars such as Ibn Taymiyya said, "Indeed the matter of benevolence and forgiveness takes precedence over the matter of vengeance and revenge."[62] Furthermore, Muslims are required to treat prisoners well, and execution of prisoners of war, even if the enemy resorts to these actions, is not allowed. Islam also prohibits unnecessary devastation of enemy lands and destruction of harvest; cutting trees, especially fruit trees; or harming the enemy's animals.

BOX 2

CASE STUDY
Instructions Given by the First Rightly Guided Caliph Abu Bakr before He Sent His Army on an Expedition to the Syrian Borders

Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.

62 Taqī al-Dīn ibn Taymīyah, *Minhāj al-Sunnah al-Nabawīyah* (Riyadh: Jāmi'at al-Imām Mu□ammad ibn Sa'ūd al-Islāmīyah, 1986), 4:327.

Islamic Approach to Peacebuilding

Peace in Islam

The Islamic conception of peace begins with its attribution as a divine name since the Arabic word for peace—*salam*—is one of the ninety-nine names of God (Q59:23)[4]. There are many references to peace (*salam, silm, sulh*, etc.) in the Quran that suggest that peace, together with justice (*adl*) is a central message of Islam (Q3:83; 4:58; 5:8; 10:25; 16:90; 42:15; 57:25). These references make it clear that peace in Islam is not limited to a negative understanding of peace that is often defined in a passive sense, as the absence of war, oppression or tyranny but that it actually refers to a process in which human beings strive to establish foundations for interacting with God's creation—human and nonhuman alike—in harmony and to institute just social, economic, and political structures where they can fulfill their potential. This approach seeks to attain peace through nonviolent means rather than violence. Nonviolence, defined as "a set of attitudes, actions, or behaviors intended to persuade the other side to change its opinions, perceptions, and actions,"[63] is now recognized as crucial to sustainable peacebuilding efforts. According to proponents of nonviolence in Islam, nonviolence is the preferred method in Islam to address all forms of violence, as the Quran commands.

Prophet Muhammad as the Model Peacebuilder

The Quranic conception of peace has been best put into practice by Prophet Muhammad's (PBUH) attitude toward peace and his diplomacy. He (PBUH) preferred peaceful regulation of conflicts and peaceful resolution of enmity. Tyranny, which is a system that perpetuates injustice, is viewed as one of the greatest evils that must be removed. Based on the Quranic verse "We did send to every community a messenger (with a teaching): worship God and shun the evil one" (Q16:36), scholars such as Jawdat Sa'id of Syria argue that "the Prophets came with the message to avoid wicked tyranny and they disclosed that the tyrant could not continue to exist without our obedience to him."[64]

Islamic Principles and Values of Peacebuilding[65]

Various principles and values inform Islamic approaches to peacebuilding.[66] All of these values and principles are rooted in the Quran and put into practice by the Prophet (PBUH). Based on these values and principles, the Islamic understanding of peace can be defined as a process through which human beings can establish foundations for interacting with one another and with nature in harmony, instituting just socioeconomic structures so that human beings can flourish and fulfill their potential. Consequently, tyranny, discrimination, and oppression—which perpetuate injustice—toward any group in the Muslim society are viewed as being among the greatest threats to peace and harmony.

Pluralism, diversity, and human solidarity through the principle of tawhid (the oneness of God)
Tawhid and *wahdat al-wujud* (oneness of God and principle of unity of God and all beings) form the basis of Islamic universalism, tolerance, and inclusivity, as everything emanates from God

63 Mohammed Abu-Nimer, *Nonviolence and PeaceBuilding in Islamic Theory and Practice* (Gainesville, FL: University Press of Florida, 2003), 14.

64 Abdul Aziz Said, "Peace –or-non-violence in history and with the Prophets," Forum on Islam and Peace in the 21st Century (unpublished manuscript, Washington, D.C.: American University, 1997), 5.

65 This section is based on Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding.*

66 Ibid.

and everything is part of His creation irrespective of species, race, nationality, creed, or gender. The Islamic approach to peacebuilding recognizes that discrimination based on religious, ethnic, racial, or gender differences is often one of the main factors that contribute to conflicts and encourages pluralism and respect for difference and diversity. The Quran explicitly states that the existence of diversity (e.g., different religions and nations) is God's design that has to be celebrated as stated in the following verse:

> *To thee we sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety, so judge between them by what God hath revealed, and follow not their vain desires, diverging from the Truth that hath come to thee. To each among you have we prescribed a law and an open way. If God had so willed, He would have made you a single people, but (His plan is) to test you in what He hath given you, so strive as in a race in all virtues. The goal of you all is to God; it is He that will show you the truth of the matters in which ye dispute. (Q5:48)*[67]

The state of unity, oneness, and uniqueness belongs to God only, and all God's creation lives in the domain of diversity and is interdependent and interconnected. This aspect of tawhid reminds Muslims of the connectedness of all beings, particularly all human communities; calls on Muslims to work toward establishing peace and harmony among them; and encourages them to integrate both the individual and the society without destroying cultural and ethnic differences. Therefore, all human beings are brothers and sisters in humanity. Social solidarity in Islam is reflected in the idea of kinship, particularly in the concept of the *ummah* (nation/community) as the Hadith highlights. Islam stresses that the source of creation is one, and thus the whole of humanity is a single-family descending from a single father and mother (i.e., Adam and Eve). As conflict and war between mankind results in the corruption and the ruin of the earth and all that inhabit it, Islam calls upon Muslims to collaborate and to actively pursue unity and harmony, to address sources of conflict, and to establish peaceful communities.

Universality, dignity, and sacredness of humanity through the principle of fitrah (the original nature of human beings)

Islamic traditions affirm the sacredness of human life and recognize the worth and dignity of each human being as stated in the Quran: "And if any one saved a life, it would be as if he saved the life of the whole people" (Q5:32). Sacredness and dignity of human life is rooted in the Quranic principles of fitrah (the original constitution of human beings). Fitrah rejects notions of innate sinfulness, and recognizes that all humans are related and derive from the same pure origin (Q4:1, 6:98) and confirm that every human being is created innocent, pure, true and free, inclined to right and virtue and endued with true understanding about . . . his [or her] true nature" (Q17:70). This principle recognizes the goodness that is inherent in each and every human being at birth, whether male or female, regardless of religious, ethnic, or racial background (Q17:70, 95:4, 2:30-34, 33:72). It also recognizes that each individual, whether male or female, is furnished with reason and has the potential to be good and to choose to work for the establishment of harmony. Thus, reason must be honored, because reason is the mechanism by which moral choices of right and wrong are made. According to the Quranic tradition, this faculty enables human beings to accept the "trust" of freedom of will, which no other creature was willing to accept (Q33:72). The quality of fitrah furnishes each individual with the prospect of being perfect (*insan kamil*), as they can all discover the basics of what is right

67 See also Quranic verse 49:13, referenced above.

and what is wrong through their rational mind. It also reminds Muslims that only God knows the heart of a human being, and therefore God is the only judge (*hakeem*), and that at any point in his or her lifetime, each individual, no matter what they have done in their lifetime, has the potential to repent and turn to God.

Social empowerment by doing good (khayr and ihsan) through the principle of khilafah (stewardship)

Peacebuilding requires the involvement and social empowerment of community members to take action to transform conflict. "Social empowerment and involvement through *ihsan* and khayr are also important paths to justice and peace in the Islamic tradition"[68] The Quran recognizes the capacity of human beings to do good in the face of adversity and evil, and to change their conditions as stated in the Quran: "Surely, Allah does not change the condition of a people until they change their own condition" (Q13:11). This, therefore, empowers them to change their condition by doing good and shunning evil. This is also supported by the Quranic verse:

> *And the believers, men and women, are protecting friends of one another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey Allah and His messenger. As for these, Allah will have mercy on them. Lo! Allah is mighty, wise. (Q9:71)*

This verse clearly urges Muslims to forbid evil and do good and be just. Social empowerment and involvement to do good is closely tied to the Quranic principle of *khilafah* (stewardship) (Q24:55), which states:

> *Allah has promised, to those among you who believe and work righteous deeds, that He will, of a surety, grant them in the land, inheritance (of power), as He granted it to those before them; that He will establish in authority their religion the one which He has chosen for them; and that He will change (their state), after the fear in which they (lived), to one of security and peace: "They will worship Me (alone) and not associate aught with Me." If any do reject Faith after this, they are rebellious and wicked.* (Q24:55)

Every man and woman, as a steward of the resources that God has placed on the earth (Q2:30, see also 33:72), is responsible for taking care of God's creation thereof. Islamic teachings regard peace work as a collective responsibility. Muslims are expected to further maintain good and honorable interpersonal relationships. The Quran promotes social responsibility and positive bonds among people because of their common ethical responsibility toward one another. Muslims are urged to improve their communal life, to support one another, and combat poverty. Therefore, irrespective of their gender, ethnicity, and race, they are responsible for the order on the earth as they are God's representatives (Q2:30, 33:72) and, as vicegerents of God, Muslims must struggle to make life on the earth safe and peaceful, resisting violence in all its manifestations.

Pursuit of justice, equality, and fairness through the principle of adl (justice)

Peacebuilding perspectives recognize that justice (*adl*) is central to establishing sustainable peace. As a form of structural violence, unjust social, political, and economic systems often deprive communities of their basic needs and rights and lead to grievances and resentment.

68 Abu-Nimer, *Nonviolence and PeaceBuilding in Islamic Theory and Practice*, 55.

As such, they are often a major cause of conflict. Therefore, just social, political, and economic systems and institutions are a prerequisite for resolving conflicts. The Quran recognizes that peace cannot be attained unless a just order is first established; therefore, justice is the overriding principle and it must transcend any consideration of religion, animosity, race, or creed. Justice, therefore, is an integral aspect of the Islamic discourse of peace, since the Quran clearly states that the aim of religion is to bring justice: "We sent aforetime our messengers with clear signs and sent down with them the book and the balance (of right and wrong), that men may stand forth in justice" (Q57:25). The Quran constantly reminds Muslims about the value of justice, which is a divine command, and not an option. as the following verses indicate:

> *God commands justice and good-doing . . . and He forbids indecency, dishonor, and insolence.* (Q16:90)

> *O ye who believe! The law of equality is prescribed to you.* (Q2:178)

> *O ye who believe! Stand out firmly for God as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just; that is next to piety; and fear God, for God is well-acquainted with all that ye do.* (Q5: 8)

> *O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves, your parents, or your kin, and whether it be (against) the rich or the poor.* (Q4:135)

These verses show that justice is the essential component of peace according to the Quranic message; therefore, it is the responsibility of all Muslims to work toward the establishment of justice for all, including social and economic justice (Q4:135, 57:25, 5:8, 2:178, 2:30, 16:90). Muslims are asked to resist and correct the conditions of injustice, which are seen as a source of conflict and disorder on earth (Q27:52). The Quranic notion of justice is universal and valid for all beings, extending to men and women, Muslim and non-Muslim (Q4:135, 5:8, 2:178). The Quran calls on Muslims to mobilize and act against injustice, even if a Muslim originates the injustice (Q4:135).

Transformation of relationships and re-humanization through the principles of rahman and rahim (compassion and mercy)

During conflicts, opponents often dehumanize one another and strip one another of human qualities. Rehumanizing the opponent and learning to live with each other is an important aspect of peacebuilding processes. The Quranic principles of *rahman* (compassion) and *rahim* (mercy) are two main principles that can facilitate this process. The centrality of compassion and mercy is evident in the Quran, as all chapters but one start with this recitation. God states "My mercy extends to all things" (Q7:156). Also, Muslims are asked to invoke the *rahman* and *rahim* before they take any action with the words "Bism Allah al-rahman al-rahim" ("We begin in the name of Allah Who is compassionate and merciful") because all actions must be dedicated to God, who is Himself merciful and compassionate. Mercifulness and compassion are key qualities of the prophets as well. The Quran refers to the Prophet Muhammad (PBUH) as "mercy to the worlds" (Q21:107). The Hadith "God is not merciful to him who is not so to mankind" reminds Muslims that they must show mercy toward others, especially when they themselves are seeking God's mercy. Thus, a true Muslim must be merciful and compassionate to all human beings, irrespective of their ethnic or religious origins or gender. A Muslim should not be insensitive to the suffering—physical, economic, psychological, or emotional—of other beings, nor should a Muslim be cruel to any creature, and torture as inflicting suffering or willfully hurting another human being or another creature is unacceptable according to Islam.

Reconciliation and healing through the principles of afu and musamaha (pardoning and forgiveness)

Building true peace cannot be achieved without reconciliation and the healing of wounds and painful memories of war and conflict. Reconciliation and healing are key elements in Islamic traditions of peace. *Afu* (pardoning or forgiveness) is an act of *ihsan* (goodness) and the Quran urges Muslims to adopt *afu* as a way to reconcile. The Quran stresses that forgiveness is of a higher value than maintaining hatred or vengeance as the believers are urged to forgive when they are angry as the following verses show:

> *Those who avoid the greater crimes and shameful deeds—when they are angry even then they forgive.* (Q42:37)

> *The recompense of an injury is the like thereof, but whosoever forgives and thereby brings about a reestablishment of harmony, his reward is with God; and God loves not the wrongdoers.* (Q42:40)

The Quran relates that human life on earth started with an act of forgiveness by God (Q2:36-38) and advocates sincere forgiveness as the preferred path to establish God's harmony on earth. The Quranic narration of the story of Joseph (PBUH) and his brothers emphasizes how he forgave them and treated them with respect and honor. Muslims are asked to acknowledge their own wrongdoing, repent, and ask for forgiveness, because the Quran informs Muslims that serving the divine is the way to implement repentance (*tawba*). Even the Prophet (PBUH) himself was told by God to forgive in the verse "Keep to forgiveness (O Muhammad) and enjoin kindness and turn away from the ignorant" (Q 7:199). Muslims have recognized that the most gracious act of forgiving an enemy is his who has the power to take revenge as it was exemplified by the Prophet (PBUH) himself when he forgave all those who previously had persecuted and fought him, when he entered Mecca. Upon arrival in Mecca, the Prophet assured the people as follows:

> *There is no censure from me today on you (for what has happened is done with). May God, who is the greatest amongst forgivers, forgive you.*[12]

This act of forgiveness was the basis of his reconciliation efforts to establish peace between the Muslims and the Meccans, who had persecuted the Muslims and fought them previously; this allowed the Prophet (PBUH) to win over friends among his former enemies and made it possible for Muslims to build their community in peace.

Nonviolent and creative solutions to problems through the principle of sabr (patience)

Another value which is critical to the Islamic conception of peace is patience (*sabr*), which is the focus of many verses of the Quran and is referred to indirectly in many others. The Quran constantly urges Muslims to suspend judgment; be patient, when it says, "And endure patiently whatever may befall thee" (Q31:17); and endure difficulties (Q7:137 and Q14:12-13). But being patient does not mean remaining passive in the face of oppression and injustice. Muslims must work toward establishing just and peaceful societies without transgressing limits with violence (see box 3). Taming their tendency to transgress, these *mujahidin* (people who undertake *jihad*) exert energy to overcome the selfish promptings of their egos. For this reason, the Quran equates them with "the patient ones" (*sabirin*) in verse:

> *We shall put you on trial so that we know those among you who strive in the cause of God (mujahidin) and are the patient (sabirin).* (Q47:31)

BOX 3

CASE STUDY ON PATIENCE: GHAFFAR KHAN OF PATHANS

Patience, as a powerful Quranic value emphasized by Ghaffar Khan who established the world's first and only known nonviolent army in the North-Western Province of today's Pakistan during the struggle against the British in the early 20th century. Khan stated: "I am going to give you such a weapon that the police and the army will not be able to stand against it. It is the weapon of the Prophet, but you are not aware of it. That weapon is patience and righteousness. No power on earth can stand against it. . . . When you go back to your villages, tell your brethren that there is an army of God, and its weapon is patience. Ask your brethren to join the army of God. Endure all hardships. If you exercise patience, victory will be yours.

Source: Johansen 1997: 57.

Quest for peace through ulfa and mawadda (principle of loving-kindness)

Loving-kindness is an important aspect of peacebuilding in Islam that is rooted in the conceptions of *ulfa* (love/harmony) and *mawadda* (friendship). Transforming former enemies into friends and establishing collaborative and supportive relations between people and communities is important for building just and peaceful societies in Islam. Loving-kindness is an important tool to do that. Islam views love as a source of creation and function of human beings and is often associated with peace, mercy and forgiveness as in the verses:

> *And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love [mawadda] and mercy between your [hearts]: Verily in that are Signs for those who reflect." (Q30:22)*
>
> *"It may be that Allah will grant love (and friendship) [mawadda] between you and those whom ye (now) hold as enemies. For Allah has power (over all things); and Allah is Oft Forgiving, Most Merciful."* (Q 60:7)

Since *al-Wadud* (the Loving-kindness, affection, amity) is one of the 99 names of God (Q 11:90), the source for humans to love one another and all creation is rooted in the loving nature of God Himself. According to al- Ghazali, "Loving kindness among the servants of Allah involves desiring for the creation of Allah what he desires for himself, and the highest part of that is to prefer them over himself..." [69] The spirit of fellowship, the mutual love/ affection between believers as brothers and sisters in faith is central to unity and harmony. The Prophet (PBUH) emphasized the importance of affection, mercy, and compassion in his Hadith, where he said "The parable of the believers in their affection, mercy and compassion for each other is that of a body. When any limb aches, the whole body reacts with sleeplessness and fever."[70]

The role of love in uniting people to create harmonious relations is evident in Surah al Anfal, which was revealed after the Battle of Badr that took place between the Meccans and Muslims in Medina. In verse (Q 8:63) God tells Muslims that "*He has united their hearts (with love)*." This verse clearly indicates the importance of brotherly love to bring unity and harmony among people especially after a bitter war. The relationship between peace and God's love are also clear in other verses that call for restraining anger, forgiveness, and justice, all key components of peace according to Islamic tradition (Q3:134; 5:96; 60:8).

69 Abū □āmid al-Ghazālī, *Al-Maqṣad al-asná fī sharḥ asmā' Allāh al-ḥusná* (Misr: al-Maktabah al-Allamiyah, 1904-5), 122, https://babel.hathitrust.org/cgi/pt?id=mdp.39015027016735&view=1up&seq=4; for an alternative translation, see Abū □āmid Ghazālī, David B. Burrell (Translator), Nazih Daher (Translator), *The Ninety-Nine Beautiful Names of God* (Cambridge, UK: Islamic Texts Society, 1999), 118–19.

70 *Ṣaḥīḥ al-Bukhārī*, no. 6011.

The Islamic concept of love has often encouraged Muslims in their work for peace and justice. For example, Sheikha Cemalnur Sargut stresses the need for love, compassion and mercy to build a peaceful world. In one of her inspirational speeches, she summarizes the Islamic perspective of peace rooted in Divine Love:

> *"We should be in a state to forgive and love others, then Allah will not be leaving us alone and He will shower His choicest blessings on us… Let us unite and let us be the one committed to spread the message of Allah; of His love, compassion, peace and tranquility to humanity at large which is now reeling under hatred, violence, wickedness."*[71]

EXERCISE 1

PROPHET'S RESOLUTION OF THE KA'BA DISPUTE

Purpose: Encourage participants to analyze the Prophet's (PBUH) approach to resolving conflict.
Materials: Flip chart, markers, this handout
Time: 40 min
Procedure:

- Divide the groups into smaller groups to reflect on the discussion questions
- Participants have 20 minutes to discuss
- Participants come back to large group discussion and share their responses for 20 min

Discussion:

- What Islamic principles or guidance related to peace and conflict resolution do you see reflected in the actions of the Prophet (PBUH) in the Case-Study?
- What can this case-study teach us in terms of Islamic approach to peace and resolving conflicts?

In the years before Muhammad's holy mission, it happened that the tribes around Mecca decided to rebuild their temple, the Kaaba. In those days, the Kaaba was simply a yard enclosed by a wall. Their plan was to build a higher, thicker wall and add a roof.

A dispute arose in Mecca during the reconstruction of the Ka'ba. All tribes of Mecca had joined hands in raising the new building. They had compiled the best material available for the construction. Each tribe had chosen a section of the wall and started pulling down the stones. The sacred Black Stone, built into the east corner, had been removed carefully and set aside.

They all worked harmoniously and laboriously until it was almost done. But a dispute arose when it was time to restore the Black Stone. At last, they had gotten down to the foundation laid by Abraham. They had begun to rebuild, and the wall had grown steadily higher. But when the time had come to raise the Black Stone back to its place, they could not agree on which tribe would have the honor. All the tribes, who had worked so hard, want to have this honor. Dispute escalates. Alliances fall apart and tribes are ready to fight. They pledge themselves to death and take part in a ceremony that symbolizes their determination to offer the ultimate sacrifice. Tension is really high and continues for four days. On the fifth day, they agree to the suggestion of the oldest living Qurayshite, to accept an arbitrator, the first man who enters the temple the next morning. Chiefs wait anxiously until the morning.

With the dawn of the next day, young Muhammad enters the temple. When they see him, they agree to his arbitration because he is known as the 'trustworthy one.' Muhammad is now tasked with resolving the dispute that has troubled the chiefs for days. This is a challenging task because any mistake could lead Mecca into a bloody war. It is recorded that Muhammad is not nervous or anxious. He proceeds to pronounce his decision as an arbitrator, a decision which at once satisfies the claims of all the contesting parties and averts bloodshed.

He asks for a sheet of cloth. They brought one, and Muhammad spread it on the ground. Then he took the Black Stone and placed it in the center.

"Each tribe will choose a man to hold the cloak by its edge. Then all will raise the stone together."

This was done, and Muhammad himself set the stone in place. Then all the tribes were satisfied, and work went on with no further dispute.

71 Sheikha Cemalnur Sargut is a Turkish Sufi mystic. She is widely popular among the young in Turkey. Her teachings focus on the application of Sufi principles and ethics in daily life. Cited in Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding,* ft. 15.

TABLE 6

QURANIC VERSES ON CONFLICT AND JIHAD	
Taqwa	"Oh, you who believe! When you hold secret counsel, do it not for sin and wrong-doing, and disobedience towards the Messenger (Muhammad SAW) but do it for Al-Birr (righteousness) and Taqwa (virtues and piety), and heed Allah unto Whom you shall be gathered." (Q58:9)
Nature of Conflicts	"Obey Allah and His Apostle; and fall into no disputes, lest ye lose heart and your power depart; and be patient and persevering: For Allah is with those who patiently persevere." (Q8:46) "If two parties among the believers fall into a fight, make peace [sulh] between them [...] make peace between them with justice, and be fair; for Allah loves those who are fair (and just)." (Q49:9)
Individuals and Communities as Agents of Change	God does not change the condition of a people unless they change what is in themselves. (Q13: 11)
Centrality of Emotions	Those who spend (freely) whether in prosperity or in adversity; who suppress anger and pardon (all) people; and God loves those who do good. (Q3:134)
Face Saving and Dignity	We have indeed honored the Children of Adam and carried them on land and the sea and provided them what is good [and pure] and preferred them over much of what we created, with [a notable] preference. (Q17:70)
Restorative Justice	"O ye who believe! Fair retribution is prescribed for you in cases of murder ... but if the culprit is pardoned by his aggrieved brother, this shall be adhered to fairly, and the culprit shall pay what is due in a good way. This is an alleviation from your Lord and an act of mercy. If anyone then exceeds these limits, grievous suffering awaits him. Fair retribution saves life for you, people of understanding, so that you may guard yourselves against what is wrong" (Q2:178-9) "Let harm be required by an equal harm, though anyone who forgives and puts things right will have his reward from God Himself– He does not like those who do wrong. There is no cause to act against anyone who defends himself after being wronged, but there is cause to act against those who oppress people and transgress in the land against all justice– they will have an agonizing torment– though if a person is patient and forgives, this is one of the greatest things." (Q42:40-3)
Binding Nature of Agreements	"Fulfill the Covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed, you have made Allah your surety; for Allah knoweth all that ye do." (Q16:91).

Jihad	"And those who engage in jihad (striving) in Our (cause), We will certainly guide them to Our paths." (Q29:69) "And whoever engages in jihad (striving), he does so for his own soul" (Q29:6) "Fight (*qātilū*, in Arabic) in the cause of God those who fight (*yuqātilūna*) you, but do not commit aggression, for God loves not the aggressor. (Q2:190). "For tumult and oppression are worse than slaughter" (Q2:191) "And why should you not fight in the cause of God and of those who, being weak, are ill- treated (and oppressed)? Men, women and children, Whose cry is "Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from You One who will protect; And raise for us from You, One who will help!" (Q4:75) "And strive for Allah with the endeavor which is His right." (Q22:78) "Go forth, light armed or heavy armed, and strive with your wealth and your lives in the Way of Allah. (Q9:41) Lo! those who believed and left their homes and strove with their wealth and their lives for the cause of Allah, and those who took them in and helped them: these are protecting friends of one another." (Q8:72) "Permission is given to those who are being fought because they have been wronged. Verily, Allah has power to give them victory. Those who have been driven from their homes without right, only because they said, 'Our Lord is Allah.' If Allah did not check some people by means of others, many monasteries, churches, synagogues, and mosques, in which the name of Allah is often mentioned, would have been torn down" (Q: 22:39–40.) "To those against whom war is made, permission is given (to fight), because they are wronged; - and verily, Allah is most powerful for their aid (Q22:39)
Peace making	"But if the enemy inclines towards peace, do you (also) incline towards peace, and trust in Allah: for He is the one that hears and knows (all things). Should they intend to deceive you — verily Allah suffices you" (Q8:61-62) "Whenever they kindle the fire of war, God extinguishes it. They strive to create disorder on earth and God loves not those who creates disorder" (Q5:64); And so not dispute with the People of the Book, except with what is better, unless it is with those who commit injustice among them and say: "We believe in what was sent to us and that which was sent to you. Our God and your God is one; and we are to Him Muslim [submit with exclusivity]" (Q29:46)

TABLE. 7

HADITH ON CONFLICT AND JIHAD	
Community Orientation	"He is not one of us who proclaims the cause of tribal partisanship, and he is not one of us who fights in the cause of tribal partisanship, and he is not one of us who dies in the cause of tribal partisanship." *Sahih Collection of Abu Dawud*
Overcoming Anger	The strong is not the one who overcomes the people by his strength, but the strong is the one who controls himself while in anger." *Sahih Collection of Bukhari (6114)*
Character of Muslims	"Faith is a restraint against all violence, let no Mu'min [a believer] commit violence" *Sahih Collection of Abu Dawud.* "A perfect Muslim is one from whose tongue and hands mankind is safe, and a true emigrant [muhajir] is one who flees from what God has forbidden" *Sahih Collection of Bukhari*
Jihad	The Prophet (PBUH) is recorded to have said: "The best jihad is for one to perform jihad against his own self and against his desires." *Collected by al-Tabarani, authenticated by al-Albani, no 1129* "We have returned from the minor *jihad* (war) to the major *jihad* (against the self)" *Collected by Al-Bayhaqi, al-Iraqi, Ajluni* "Jihad against one's own self in the Cause of Allah is the best Jihad" Collected and authenticated by Imam Ahmed, no 24004 "...The true mujahid is he who performs *Jihad bi an-Nafs* (struggle in-within one-self) in the obedience of Allah..." *Ahmad, al-Hakim, at-Tabarani* The Prophet (PBUH) was asked, "What kind of jihad is best?" and he replied "A word of truth before an oppressive ruler" *An-Nasa'i, no.4209*
Rules of Engagement	Verily, the most tyrannical of people to Allah Almighty is one who kills in the sacred mosque, one who kills those who did not fight him, and one who kills with the vindictiveness of ignorance. *Aḥmad ibn Ḥanbal, al-Musnad (Cairo: Dār al-Ḥadīth, 1995), 6:296, no. 6757; declared authentic (ṣaḥīḥ) by Aḥmad Shākir in the comments.* The Prophet (PBUH) forbade Muslims from desiring to fight anyone, "Do not wish to meet the enemy in battle, but if you meet them, be patient." *Ṣaḥīḥ al-Bukhārī, 4:63, no. 3026.* The fourth righteous Caliph □Alī ibn Abī □ālib رضي الله عنه (d. 661) reports that engraved upon the Prophet's (PBUH) sword were the sayings, "Maintain relations with those who cut you off, speak the truth even if it is against yourself, and be good to one who is evil to you." *Ibn al-Aʾrābī al-Baṣrī, Muʿjam Ibn al-Aʾrābī (Riyadh: Dār Ibn al-Jawzī, 1997), 2:744, no. 1507;* □Ā□ishah similarly reports that it was written on the handle of his sword, "Verily, the worst of people in insolence are those who strike at whoever did not strike at them and a man who kills those who did not fight him." *al-Bayhaqī, al-Sunan al-kubrá, 8:49, no. 15896*

TABLE. 8

ISLAMIC PRINCIPLES OF PEACE AND QURANIC VERSES	
Principles	**Quranic Ayat**
Tawhid (unity and oneness)	O mankind! We created You from a single (pair) Of a male and a female, And made you into Nations and tribes, that you may know each other (Not that you may despise each other). Verily The most honored of you in the sight of God is (he who is) the most heedful. And God has full knowledge and is well acquainted (with all things). (Q49:13) To you We sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety: so, judge between them by what God has revealed, and follow not their vain desires, diverging from the Truth that has come to you. To each among you have we prescribed a law and a method. If God had so willed, He would have made you a single people, but (His plan is) to test you in what He has given you: so strive as in a race in all virtues. The goal of you all is to God; it is He that will show you the truth of the matters in which you dispute (Q5:48)
Adl	Oh, you who believe! stand out firmly for God as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear God for God is well-acquainted with all that you do. (Q5: 8) We sent aforetime Our messengers with clear signs and sent down with them the book and the balance (of right and wrong), that people may stand forth in justice." (Q57:25). "Oh, you who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves, your parents or your kin, and whether it be (against) the rich and poor..." (Q4:135); God commands justice and good-doing... and He forbids indecency, dishonor, and insolence" (Q16:90); Oh you who believe! The law of equality is prescribed to you" (Q2:178).
Fitrah (sacredness and dignity of human life)	And He gives you all that you ask for. But if you count the favors Of God, never will you be able to number them. Verily, the human is given up to injustice and ingratitude. (14: 34) He it is Who has brought you into being from a single soul, then there is (for you) a resting place and a depository; indeed, We have detailed the proofs for a people who understand" (Q6:98) And if any one saved a life, it would be as if he saved the life of the whole people (Q5:32) Oh mankind! Heed your Lord, Who created you from a single being, and created from her mate, and from them twain scattered (like seeds) many men and women and heed Allah, through Whom you demand your mutual (rights), and the wombs. Indeed, Allah is ever, over you, an Observer." (Q4:1) And the human supplicates for evil as he supplicates for good. And the human is ever hasty. (17: 11) It is He Who gave you life, will cause you to die, and will again give you life: truly the human is a most ungrateful creature! (22:66) We did indeed offer the Trust to the Heavens and the Earth and the Mountains; But they refused To undertake it, Being afraid thereof: But the human undertook it;— He was indeed unjust and foolish. (33:72)

Khilafah (Stewardship)	God has promised to those among you who believe and do good that He will establish them in the earth" (Q24:55) Oh David! We did indeed make you a vicegerent on earth: so judge you between the people in truth (and justice) and do not follow [your own] desire, for they will mislead you from the Path Of God: for those who go astray from the Path Of God, is a penalty grievous, for that they forget The Day of Account. (Q38:26) For each (such person) there are (angels) in succession, before and behind him: They guard him by command of God. Verily, God will not change the condition of a people until they change what is in themselves. And when God wills for a people punishment, there can be no turning it back, and there is not besides Him any patron. (Q13:11) The believers, men and women are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers practice regular charity and obey God and His messenger. On them will God pour His mercy: for God is Exalted in power Wise. (Q9:71) Behold your Lord said to the angels: "I will create a successor on earth." They said "Will you place therein one who will make mischief therein and shed blood? While we do celebrate Your praises and glorify Your holy (name)?" He said: "I know what you know not." (Q2:30)
Rahman (compassion) and Rahim (Mercy)	Then will he be of those who believe, and enjoin patience, (constancy, And self-restraint), and enjoin deeds of kindness and compassion. (Q90:17)
Afu (forgiveness)	The recompense of an injury the like thereof: but whosoever forgives and thereby brings about a reestablishment of harmony, his reward is with God; and God loves not the wrongdoers" (Q42:40) Keep to forgiveness (O Muhammad) and enjoin kindness, and turn away from the ignorant" (Q7:199) Those who avoid the major sins and immoralities, and when they are angry even then forgive. (Q42: 37)

Sabr (Patience)	And endure patiently whatever may befalls you" (Q31:17) And We made a people, considered weak (and of no account), inheritors of lands in both the east and the west, - lands whereon We sent down Our blessings. The fair promise of your Lord was fulfilled for the Children of Israel because they had patience and constancy, and We levelled to the ground the great works and fine buildings which Pharaoh and his people erected (with such pride)" (Q7:137). And we shall surely bear with patience all the harm you do us" (Q14:12-13). We shall put you on trial so that We know those among you who strive in the cause of God (mujahidin) and are the patient (*sabirin*)" (Q47:31). If any good befalls you it grieves them; but if some misfortune overtakes you they rejoice at it. But if you are constant and do right not the least harm will their cunning do to you for God compasseth round about all that they do. (Q3: 120) Oh you who believe! persevere in patience and constancy: vie in such perseverance; strengthen each other; and heed God; that you may prosper. (Q3:200) Those who say when afflicted with calamity: To God we belong and to Him is our return. They are those on whom (descend) blessings from God and Mercy and they are the ones that receive guidance. (Q2: 156 & 157)
Ulfa and Mawadda (loving-kindness)	And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love [*mawadda*] and mercy between your [hearts]: Verily in that are Signs for those who reflect." 30:22 "It may be that Allah will grant love (and friendship) [*mawadda*] between you and those whom you (now) hold as enemies. For Allah has power (over all things); and Allah is Oft Forgiving, Most Merciful." (Q 60:7) But seek, with the (wealth) Which God has bestowed on you, the home of the Hereafter, nor forget your portion in this world: but do good, as God has been good to you, and seek not (occasions for) mischief in the land: For God loves not those who do mischief." (28: 77)

TABLE. 9

HADITH ON PEACE AND PEACE BUILDING
Imam Bukhari has recorded the following Hadith in his *Al Adab Al Mufrad*: Sayyiduna Abud Darda (radiyallahu 'anhu) reports that Nabi (sallallahu 'alayhi wa sallam) said: "Should I not tell you something that is better than [voluntary/optional] fasting, Salah and charity?' They [The Sahabah] said: 'Yes.' He said: 'Reconciling and making peace between people, for spoiling relations is the shaver [destroys Din and good]. *Al Adabul Mufrad,* Hadith*: 391, Sunan Tirmidhi,* Hadith*: 2509, Sunan Abi Dawud,* Hadith*: 4883, Sahih Ibn Hibban; Al Ihsan,* Hadith*: 5092 Imam Tirmidhi and Imam Ibn Hibban (rahimahumallah) have declared the* Hadith *authentic.* Allah's Messenger (PBUH) said "Assist your brother or sister Muslim, whether he be an oppressor or an oppressed. 'But how shall we do it when someone is an oppressor?' Muhammad said, 'Assisting an oppressor is by forbidding and withholding that person from oppression.' *Sahih al-Bukhari 2444 Book 46,* Hadith *5* Allah's Messenger (PBUH) said, "Allah will not be merciful to those who are not merciful to mankind. *Sahih al-Bukhari 7376 Book 97,* Hadith *6* Allah's Messenger (PBUH) said "A Muslim is the one who avoids harming Muslims with his tongue and hands. And a Muhajir (emigrant) is the one who gives up (abandons) all what Allah has forbidden." *Sahih al-Bukhari 10 Book 2,* Hadith *3* "O people, spread peace, feed the hungry, and pray at night when people are sleeping and you will enter Paradise in peace." *Sunan Ibn Majah* Messenger of Allah, (SAW), said, "You will not enter Paradise until you believe and you will not believe until you love each other. Shall I show you something that, if you did, you would love each other? Spread peace among yourselves."] *Sahih Muslim 54* Faith is a restraint against all violence, let no Mu'min commit violence. *Sunan Abu Dawood*

CHAPTER 3.

Getting Ready to Negotiate

This Chapter focuses on negotiation from an Islamic point of view. After providing a definition of negotiation and kinds of negotiation (eg. Positional vs. Interest-based/Principled etc.) it explores how Islamic approach to negotiation rooted in the prophetic tradition is in line with the principled negotiation. Drawing on Islamic values and examples, it then focuses on building key negotiation skills and includes exercises to practice these skills.

What is Negotiation?

Negotiation is a process of shared decision-making under conditions of uncertainty and potential conflict.[72] It is a process of communication and bargaining between parties seeking to arrive at a mutually acceptable outcome on issues of shared concern.[73] such, it involves a communication process between two or more parties in an interdependent relationship, and aims to resolve perceived incompatibilities and differences to reach a mutually acceptable agreement. A negotiator is a person who conducts negotiation and may be involved in advocating the interests and needs of his or her constituency and engaging in a dialogue with their opponents to find a mutually agreed outcome.

As an integral aspect of social life, negotiation has been used in many different communities in both personal and professional settings as well as international diplomacy throughout history. Negotiation between friends, family members and colleagues may be very different than multiparty negotiation with those who may or may not know each other, and may have a history of hostility.[74] As a common tool to resolve local and international conflicts, negotiation aims to find a mutual ground and come to an agreement through bargaining and persuasion. As such, it is a problem solving tool and its goal is to reconcile differences in perspectives, positions and/or interests to reach mutually agreed outcomes. A negotiation's success is based on outcomes that parties feel is fair, reasonable and agree to abide by or implement.

Phases of Negotiation

Negotiation is often not a one-time event but includes a series of steps that start before the actual talks between the parties and continue in the aftermath of the coming to an agreement. These phases include[75]:

72 USIP, *Global Campus Course on Negotiation*; See also William I. Zartman, "Negotiation as a Joint Decision-Making Process," *The Journal of Conflict Resolution* 21, no. 4 (December, 1977): 619–638. http://www.jstor.org/stable/173615; and Zartman, ed., *The Negotiation Process: Theories and Applications*.

73 Daniel R. Snodderly, ed., *Peace Terms: Glossary of Terms for Conflict Management and Peacebuilding* (United States Institute of Peace: Washington DC, 2011).

74 Anthony St. John, "Negotiation: Shaping the Conflict Landscape Course," Global Campus (course, USIP, n.d.). https://www.usip.org/academy/catalog/negotiation-shaping-conflict-landscape.

75 There are different approaches that explore phases or stages of negotiation. See for example Jacques Rojot, *Negotiation: From Theory to Practice* (London, Macmillan: 1991), https://doi.org/10.1007/978-1-349-11445-0; Daniel Druckman, "Stages, Turning Points, and Crises: Negotiating Military Base Rights, Spain and the United States," *Journal of Conflict Resolution* 30, no.2 (1986), 327–360, https://doi.org/10.1177/0022002786030002006; Tanya Alfredson and Azeta Cungu, *Negotiation Theory and Practice: A Review of Literature*, Food and Agriculture Organization of the United Nations, 2015, accessed February 5, 2022, http://www.fao.org/docs/up/easypol/550/4-5_negotiation_background_paper_179en.pdf. This Action Guide will use a 3-phase approach based on the Model developed by USIP in their Religion and Mediation Action Guide for its clarity and ease. See S. Ayse Kadayifci-Orellana and Tarek Maassarani, *Religion and Mediation Action Guide*.

Phase I: Pre-Negotiation Phase

The process of negotiation starts long before the actual talks and bargaining process, with getting ready for negotiation. A good preparation before the actual talks is key to successful negotiations. This 'pre-negotiation' phase includes the steps taken by the negotiators to prepare for the negotiation. Some of the key elements of this phase include formation of the negotiation team; mapping the context; setting the goals and objectives of the negotiation and deciding on a particular strategy, among others. During this process, negotiators assess their and their opponent's advantages and disadvantages, clarify their goals and priorities.

Phase II: Seeing Agreement Through Talks and Bargaining

This second phase of negotiation involves actual talks between the parties and the process of bargaining. This stage involves working with the opponent to find a compromise that meets the needs of both parties' and is acceptable. However, this phase involves a number of different steps as well and can take quite a long time and a number of different meetings. Some of these steps include identifying the issues; developing options; exchanging proposals and counter proposals; exchanging information and seeking an agreement on the options and building consensus as well as agreeing on an implementation plan.

Phase III: Post-Negotiation Implementation

The negotiation process is never over when an agreement is reached. Following the signing of the agreement, hard work continues to ensure its implementation. Some of the key aspects of this phase include defining the implementation criteria, ensuring buy-in and ownership of the parties and their constituents, including potential spoilers; clear statement of roles and responsibilities during the implementation phase; agreeing on a monitoring and assessment mechanism that is inclusive of all the parties; and agreeing on an accountability plan. During this phase, it is important to identify and address potential barriers to implementation. Ensuring successful implementation requires agreeing to a mechanism to resolve disputes associated with the implementation process such as establishing a monitoring commission, appointing a mediator or setting up an arbitration mechanism.

TABLE 10

PHASES OF NEGOTIATION	
Phase	**Key Tasks**
Pre-Negotiation Preparation	Formation of the negotiation team ****** Mapping the context ****** Setting the goals and objectives of the negotiation ****** Analyzing advantages and disadvantages ***** Deciding on negotiation strategy

Seeking Agreement Through Talks and Bargaining	Identify issues ****** Develop options ****** Exchange proposals and counter proposals ****** Exchange information ****** Seeking an agreement on options ****** Building consensus ****** Agreeing on an implementation plan
Post-Negotiation Implementation	Defining implementation criteria ****** Ensuring buy-in and ownership ****** Clear statement of roles and responsibilities ****** Agreeing on a M&E mechanism ****** Agreeing on a mechanism to resolve disputes

Negotiation in the Muslim World

Conflict resolution mechanisms such as negotiation and mediation have been an integral aspect of social and international relations in the Muslim world since its earliest days and Muslims have frequently resorted to these mechanisms resolve conflicts and establish peaceful relations with their opponents. Islam is a religion that puts significant emphasis on consultation, dialogue and negotiation. Negotiation is considered part of daily interactions in social, business, and political life Muslims including the *Ulama* and the laypersons, as well as among Muslims and non-Muslims. The Holy texts of Islam, such as the Quran and Sunnah have numerous stories of negotiation: Quranic verses show that God-Almighty (SWT) dialogues with the angels, prophets, and people. Stories of Prophet Ibrahim (PBUH) and Nimrud where Ibrahim confronts Nimrud about idolatry and debates with him (Q2:258), Prophet Musa (PBUH) and Firaun, or the negotiations between Prophet Sulayman (PBUH) and the Queen of Sheba, among others indicate that negotiation and dialogue is a recommended tool for resolving disputes and disagreements. For example, Ibn Kathir (d.1373), the influential Arab historian, *alim* and *faqih* during the Mamluk era in Syria, in his famous commentary on the Quran, *Tafsir al-Quran*, praises Queen of Sheba's wisdom when she resorts to peaceful means, seeking a truce, sending Sulaiyman (PBUH) gifts and then visits him at his Palace to reach a peaceful settlement. She chooses negotiation over war even though her chieftains advise her that they can fight as they have the military power to do so.[76] She responds as follows:

> *"Peace and friendship are better and wiser; war only brings humiliation, enslaves people and destroys the good things. I have decided to send gifts to Solomon, selected*

76 Isma□□i□l ibn □Umar ibn Kathir, *Tafsir Ibn Kathir*, accessed September 6, 2021, https://quran.com/27:32/tafsirs/169?locale=en; see also Ragab Selim Ali, "The Tactful Wisdom of Queen of Sheba: An Analytical Study," *Education Journal* 3 (2020): 16-25, accessed September 6, 2021, http://www.itspoa.com/UploadFiles/2020-02/369/2020021816294144049.pdf.

> *from our most precious treasure. The courtiers who will deliver the gifts will also have an opportunity to learn about Solomon and his military might."*[77]

Islamic sources also provide guidance regarding how the negotiations should be conducted. In Islamic tradition, guidance (*hidayah*) to the right course of action in every human activity comes from God and should be in line with Islamic values and practices and negotiations are no exception.[78] Therefore, Islam plays an important role at all stages of negotiation in the Muslim world in a number of different ways. Islamic values impact negotiation behaviors, goals and objectives and strategies chosen by the negotiators, religious teachings and values often inspire to initiate the negotiation process to solve their conflicts and inform negotiation goals and strategies that are in line with Islamic principles of peacemaking. Islam also may influence who is involved in the negotiation process. Religious networks, resources and leaders can contribute to the process by supporting and ensuring buy-in. During the talks, Islamic identity can bring parties together and religious stories, examples can encourage trust, openness, understanding, and religious rituals and practices can help overcome impasses and deadlocks. In the post-negotiation phase religion as a set of ideas, community, institution, and spirituality can help transition from war to peace, support reconciliation and reintegration and encourage commitment to implementing the agreement, among others as well.

TABLE 11

ROLE ISLAM PLAYS IN NEGOTIATION[79]		
Phase	**Most Relevant Dimensions of Islam**	**Examples**
Pre-Negotiation	**Set of ideas**	Islamic values and teachings can inspire actors to initiate and participate in negotiation Islamic values and teachings can inform negotiation goals and strategies
	Community	Religious identities who are involved in the negotiation process, who participates
	Institution	Religious leader's networks and resources can support the process
Negotiation Talks	**Set of ideas**	religious stories, examples can encourage trust, openness, understanding
	Community	Islamic identity can bring parties together and religious stories, examples can encourage trust, openness, understanding and commitment to implementing the agreement
	Symbols and Practices	Islamic symbols, rituals and practices can help overcome deadlocks, impasses and encourage agreement
	Spirituality	Can encourage greater trust, empathy and hope

77 Isma□□i□l ibn □Umar ibn Kathir, "Story of Prophet Sulaiman/ Solomon (pbuh)," accessed September 6, 2021, https://www.islamawareness.net/Prophets/sulaiman.html.

78 Syed Nawab Haider Naqvi, *Islam, Economics and Society* (London: Kegan Paul International, 1994).

79 This model is based on Fraser and Owen, *Religion and Conflict Analysis Action Guide*, and Kadayifci-Orellana and Mas*serani, Religion and Mediation Action* Guide.

Post-Negotiation Implementation	**Set of ideas**	Islamic values, norms and narratives can contribute to broader support for the negotiation outcome and post-conflict reconciliation, and commitment to implementation of the agreement
	Community	Religious identities can inspire support and reconciliation for the implementation process
	Institution	Religious institution, resources and networks can expand the buy-in, manage spoilers, facilitate implementation of the agreement
	Symbols and Practices	Religious rituals and practices can be used to memorialize, and support the implementation phase
	Spirituality	Can help rebuild social capital, trust building, reintegration and transition from war to peacetime

Women and Negotiation in Islam

Since the earliest days of Islam women enjoyed their God-given rights and have participated in social, political, economic, and intellectual life of their communities as poets, Islamic scholars and spiritual teachers, warriors, heads of state, businesswomen, and negotiators, among others. The Quran mentions women, like the Queen of Sheba, who negotiated peace. Islamic history offers numerous other examples of courageous Muslim women, like Muslim men, who have fought in wars, stood up to the commanders of invading armies, mediated conflicts, negotiated end of conflicts and reconciled opponents.

Women's active roles in the society have been based on Quranic verses and models as well as the models provided by Prophet Muhammad's wives, daughters and other companions of the Prophet. The Quran treats man and woman as fundamentally equal, with no modifying adverbs such as "spiritually" equal but "socially' unequal" and that "gender justice" is a decisive feature of the Quranic proclamation. The Holy Quran empowers women with many rights and provides examples of women playing central roles in social, political and economic lives of their communities (See Chapter 6). In fact, "The place of women accorded in Islam is the liberating starting point for the majority of Muslim women."[80]

80 Yasmin Saikia, ed., and Chad Haines, ed., "Introduction: Situation Peace, Islam and Women in Everyday," *Women and Peace in the Islamic World: Gender, Agency and Influence* (London: IB Tauris, 2015), 9.

BOX 4

KHADIJA BINT KHUWAYLID: EXEMPLAR BUSINESS NEGOTIATOR

Khadija bint Khuwaylid, Prophet's beloved wife, was known to be an excellent businesswoman and a good negotiator. During her time there were two ways of conducting business[81]: First, sole proprietorship which was owned by owners who invested their money and ran their business themselves. Second, partnerships (*Mudarabah*) which usually had two or more partners involved with the *Rab-ul-Maal,* where one invests all the money and the *Mudarib* provides their expertise. *Mudarib* doesn't invest any money and the investor doesn't serve their expertise.[82] The position of a *Mudarib* required a person of great judgment and skill to negotiate and to hire rightful merchants. That was Khadija, who when she was 30, out of all her siblings inherited her father's caravan business because of her excellent business skills. At that time not many women were able to own business as Khadijah did and her success was evidence of her intelligence and skill. It is said that her caravans were bigger than all of competitors in Mecca.[83]

Khadija's judgment was trusted by the community as she always had to choose caravan workers and her reputation was that she never made a wrong judgment. In fact, Prophet Muhammed was one of the men she hired to lead one of her caravans. On his first caravan the Prophet (PBUH) was accompanied by one of Khadija's servants Maysara who saw Prophet Muhammad (PBUH) negotiate while selling goods and ending up gaining twice the usual profit on similar goods. This impressed Khadija which led her to appoint the Prophet (PBUH) to a managerial position.

The Prophet (PBUH) was known for negotiation skills and work ethic, and when Khadija knew of him she sent him an offer of double the market ratio to hire him. That might have been a business risk as it is more money that might not yield high returns. However, this proved to be a success as the Prophet (PBUH) earned double the profit of the usual sale which led to higher return. "One of the qualities of successful traders is that they closely observe the reasons behind the success of others and are always ready to learn from the experiences of others."[84] So when Khadija sent Maysera to watch how the prophet conducted business, she learned what made him successful and what can be learned and applied from such transactions.

According to Imam Tabrani, in the same first caravan Khadija's sister Hala bint Khuwaylid was there too.[85] After returning from the trade trip the Hala is said to have owed some money to both the Prophet (PBUH) and another man. The other man has approached Hala several times for his money but the Prophet (PBUH) didn't. When asked why he didn't he said he is too shy to ask someone for money. Khadija took the Prophet's (PBUH) response as a big sign of nobility and humility.[86]

Muslim history also provides many examples of women participating in negotiations and building peace. Prophet Muhammad usually included women in the negotiation teams as was the case during the Hudaybiyah negotiations. As a successful business woman, Prophet's wife Khadija was a good negotiator (see box 4). Similarly, Aisha bint Abu Bakr, one of the wives of the Prophet and daughter of the second Caliph Abu Bakr, did not only participate in and lead the Battle of Camel, but also participated in the peace negotiations afterwards. Others such as Lala Aziza of Morocco or Nazo Tokhi of Afghanistan, confronted generals, negotiated a peaceful settlement of conflicts and reconciled a conflict between two rival groups (see boxes 10 and 17). Again, during the Caliphate of Mu'āwi on different occasions, 16 women traveled to the Capital of the Muslim world, Damassus to demand justice. Referred to as *Wafidat*, meaning delegates, these 16 women came to Mu'āwiyah to demand their rights and exercise their freedoms (see box 5). Among these women, Umm Sinān bt. Haytama approached the caliph to negotiate the release of her grandson, who was unjustly imprisoned by Marwan b. al-Hakam in Madinah.

81 This section is based on Irum Saba and Khadija Bari, "The Role of Women in Business and the Life of Khadija," *Economic Empowerment of Women in the Islamic World: Theory and Practice*, edited by Toseef Azid and Jennifer L. Ward-Batts (World Scientific Publishing Co. Pte. Ltd, 2020), 85-100.

82 Saba et al., "The Role of Women in Business and the Life of Khadija."

83 Saba et al., "The Role of Women in Business and the Life of Khadija."

84 Saba et al., "The Role of Women in Business and the Life of Khadija," 13.

85 Saba et al., "The Role of Women in Business and the Life of Khadija."

86 Saba et al., "The Role of Women in Business and the Life of Khadija."

Another woman, Sawda bt. 'Amāra also came to see Mu'āwiyah to seek justice for her community. She explained to him the unjust behavior of Busr ibn Artāt, the governor who was appointed to her region by Mu'āwiyah. Mu'āwiyah approved of her request and dismissed Ibn Artāt.

BOX 5

CALIPH MUAWIYA AND THE 16 WOMEN DELEGATES

Muawiya Ibn Abi Sufyan, the fifth Caliph, was the founder of the Umayyad Caliphate during the 7th century. During his reign there were frequent political disputes and civilian complaints. Historical records show that more than half of the civilian complaints he received during this period were from women in the Empire's regional provinces. These records note 16 *wifadat*, or women delegates who came to raise concerns and negotiate with Muawiyah. *Wifadat* included women who sought the release of imprisoned family members or rectification of poor treatment by appointed governors.[87] These women were uniquely positioned to start conversations and negotiate with rulers because it was considered disgraceful to punish women for anything other than moral infractions.[88] These 16 *wifadat*, or women delegates, played an important role in cementing the agency and political importance of women in Islamic history.

While men also requested audience with the Caliph, the instances of women delegates are of note due to their reported candor and insistence on Muawiya proving their legitimacy to them as a ruler as opposed to the women proving their loyalty as subjects. In most instances, the *wifadat* prompted Muawiya to demonstrate "how he approached his old political opponents and responded to their needs and demands now that he had become the ruler and they had become his subjects."[89]

The *wifadat* during the caliphate of Muawiya demonstrate a few important lessons:

1) Historically, women had just as much, if not more, claim to political and civil agency as men or larger community groups.
2) They have played important roles as agents of change which ought to be reflected in the modern context, whether through family dynamics, community involvement, or mediation and negotiation.
3) If a woman's legitimacy as an agent of change is challenged by those in power, it is their prerogative to wield their relationships, experiences, and knowledge to reiterate validity.

Prophetic[90] Example of Negotiation

Muslim attitudes towards negotiation have been informed by Islamic principles of peace identified in the previous section, verses in the Quran regarding resolution of conflicts and negotiation as well as the Prophet Muhammad's approach to negotiation. Negotiation and mediation have been an important aspect of Prophet Muhammad's (PBUH) diplomacy and the Prophet himself was an excellent mediator, arbitrator and negotiator, who preferred peaceful resolution of conflicts and exemplified Islamic conception of peace. Prophet Muhammad (PBUH) entered into many negotiations with different communities. For instance, he negotiated with the Jews of Bani al-Nuzair over blood money for two men accidentally killed by a Muslim. He negotiated with the leader of the Quraish tribe Abu Sufyan to end the fighting during the conquest of Mecca. He also negotiated with Suhail Ibn Umar, the Quraishi envoy, during the Hudaybiyah negotiations. In line with the Quranic call for resolving conflicts and ending wars through peaceful means, his attitude towards diplomacy was based on "reconciliation of hearts," which aimed at coming to terms with adversaries and enemies and contractual guaranteeing of agreements.[91]

87 Maya Yazigi, "Some Accounts of Women Delegates to Caliph Mu'awiya: Political Significance," *Arabica* 52, no. 3 (July 2005): 441.

88 Yazigi, 437.

89 Yazigi, 441.

90 In this Action Guide, the term Prophetic is used to refer to Prophet Muhammad's approach to negotiation.

91 Karl-Wolfgang Tröger, "Peace and Islam: In Theory and Practice," *Islam and Christian Muslim Relations* 1, no. 1 (1990): 12-24, 17.

In numerous verses, the Quran urges Muslims that '*if the enemy inclines for peace, they should do so as well*' (Q8:61) and '*if they arrange an amicable settlement between themselves that is best*' (Q4:128). These verses show that whether the conflict is between two communities or a husband and wife, Muslims should try to resolve their conflicts peacefully. Another verse makes it clear that Muslims should not argue with people of the Book except through dialogue and understanding (Q29:46). Based on these verses and others, Prophet Muhammad has chosen to resolve conflicts and come to mutual agreement on issues of contention through the process of *sulh* which is based on negotiation and dialogue with the opponents. *Sulh* or *Musalaha* in Islam often refers to a ritualized process of restorative justice and peacemaking and as the actual outcome or condition sealed by that process.[92]

"According to Jordanian judge Abu-Hassan, there are two types of *sulh* processes: *public sulh* and *private sulh*."[93] Private *sulh* takes place when there is a conflict between the members of a community who know each other. The aim of private *sulha* is to avoid revenge and to restore harmony within a community. The outcome of private *sulha* can be a total peace where two parties of the conflict forgive each other, forget what happened, and do not hold any resentment towards each other. The outcome of private *sulha* can also be partial or conditional where the conflict between two parties ends according to the agreed conditions set in the peace process.

Public *sulh,* on the other hand, can be compared to the signing of a peace treaty between two countries to end conflict for a period of time. It takes place to resolve conflicts between tribes, or communities, or different religious groups. Negotiation and dialogue with the opponent, either directly or with the help of a third party is an important aspect of both private and public *sulh* processes.

Since the early days of Islam, the Prophet (PBUH) have used negotiation and diplomacy to pursue its goal of inviting people to Islam, to exchange prisoners, establish cultural and economic relations, and find common ground between adversaries, among others. "Among the Islamic diplomatic approach negotiation was the most important one because it was considered the best way to become aware of the opponent's ideas and respect them."[94] Muslims under the leadership of Prophet Muhammad have negotiated with small tribes as well as great states, such as Roman and Persian empires. Starting point of negotiations was considered to be sending messages by ambassadors to the leaders of the opponents. Negotiators and ambassadors were considered to be politically immune.

Prophet Muhammad (PBUH) initiated negotiations without any pre-conditions and with the best intentions, which was often prevention of war and establishing peaceful relations. Despite numerous challenges and even during critical times, Prophet (PBUH) did not give up on the possibility of coming to a peaceful agreement and made agreement with his adversaries and fulfilled his commitments to peace. When the economic and social conditions of Mecca deteriorated after Muslims moved to Medina and when his opponents in Mecca were suffering from drought, famine and hunger, rather than taking advantage of this situation he sent them food and other necessary aid. When they rejected his help, he sent the aid to Abu Sufyan who distributed it to the needy. He repeatedly forgave those who have persecuted him and worked to rebuild bonds between former enemies. One significant instance that exemplifies his

92 Kadayifci-Orellana et al., *Understanding an Islamic Framework for Peacebuilding.*

93 G. Irani and N.C. Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," *ASQ* 20, No. 4 (Fall, 1998): 53-72, 64.

94 Mahmoud Yousefvand, "Diplomatic Negotiations from Islamic Point of View," *Journal of Basic and Applied Scientific Research* 2, no.1 (2012): 309-317, 316, http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.1043.4773&rep=rep1&type=pdf.

approach is his return to Mecca. When he returned to Mecca victorious after 13 years, he did not take revenge on anyone but he forgave them said to his former enemies:

> *"O people of Quraish! What do you think I will do to you?"*
> *Hoping for a good response, they said: "You will do good. You are a noble brother, son of a noble brother."*

> The Prophet then said:
> *"Then I say to you what Joseph said to his brothers: 'There is no blame upon you.' Go! For you all free!"*[95]

The Prophet (PBUH) displayed mastery of his negotiation skills when he successfully negotiated the Hudaybiyah treaty with the envoy of Quraish, Suhail ibn Umr which provided the peace and security for Muslims to flourish (see box 6). The Prophet (PBUH) also negotiated with Abu Sufian, the leader of Quraish, to end the fighting during the conquest of Mecca. Later on, negotiation continued to be central aspect of Muslim diplomacy in their efforts to establish constructive relations with non-Muslims and invite other communities to Islam. The Prophet continued to sign treaties with other religious communities to live in peace with them, displaying great respect to the religious beliefs and practices of other communities, and encouraging constructive relations with them in every aspect of daily life.

The Prophet's approach to peace and negotiation offers many insights into successfully negotiating an end to conflicts and establishing lasting peace and turning enemies into friends for both Muslim and non-Muslim negotiators alike. Next section will highlight some of the key aspects of his approach to negotiations.

BOX 6

HADITH ON CONCESSIONS PROPHET MADE DURING HUDAYBIYAH

Sunna records that the Prophet told the writer of the treaty, Ali Ibn Abu Taleb, writer of the agreement:

"Write:
Suhail said, "As for 'Beneficent', by Allah I do not know what it means. So, write: 'By Your Name O Allah', as you used to write previously." The Muslims said, "By Allah, we will not write other than: 'By the Name of Allah, the Most Beneficent, the Most Merciful'."

The Prophet (PBUH) said, "Write: 'By Your Name O Allah'." Then he (PBUH) dictated, "This is the peace treaty which Muhammad, Allah's Messenger, has concluded." Suhail said, "By Allah, if we knew that you are Allah's Messenger we would not prevent you from visiting the Kaaba nor fight with you.

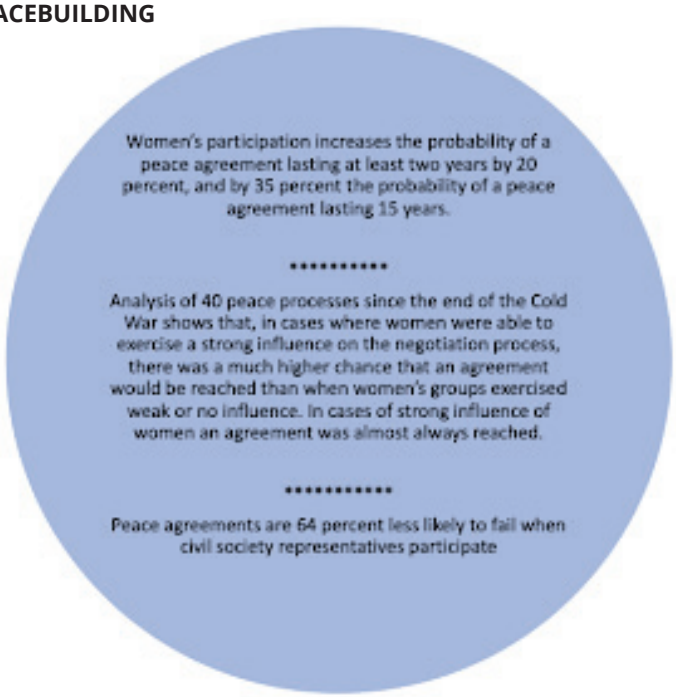
The Prophet (PBUH) said, "By Allah! I am the Messenger of Allah even if you people do not believe me.
The Prophet (PBUH) said to Suhail, "On the condition that you allow us to visit the House (i.e. the Kaabah) so that we may perform Tawaf around it." Suhail said, "By Allah, we will not (allow you this year) so as not to give a chance to the Arabs to say that we have yielded to you but we will allow you next year." So the Prophet (PBUH) had that written.

Then Prophet told Ali to erase the words Resulullah and told him "Write: 'Muhammad bin Abdullah'."
When Ali refused to erase the word Resullulah, Prophet asked Ali to show where it was written in the document, then he erased it himself and told Ali, So write: 'Muhammad bin Abdullah'."

Source: Sahih al-Bukhari 2731, 2732 Book 54, Hadith *19*

95 Yousefvand, "Diplomatic Negotiations from Islamic Point of View."

FIGURE 3. WOMEN AND PEACEBUILDING



Forming The Negotiation Team

A well-formed negotiation team is an important part of negotiation preparation. Especially in complex negotiations, such as peace negotiations, which require a variety of different skill-sets and knowledge on multiple areas, working in a carefully selected team is necessary and has many benefits. Some of these benefits include: each member of the team complements each other's knowledge and skills and resources; reinforces each other's strengths; better understanding of critical needs of different stakeholders; broader buy-in from different constituents they represent; better planning and creative problem solving and proposal development; more effective negotiation strategies.

Ensure Inclusion and Diversity and Participation of Women:

Negotiation teams need to ensure diversity of opinions, background and perspectives and include diverse stakeholders from different religious, social, ethnic and other backgrounds, especially women, marginalized and vulnerable groups. Broadening the participation and including a wide variety of actors such as civil society groups representing different stakeholders in the society in negotiation processes is crucial to transitioning from war to peace.[96] When different segments of the society have the opportunity to influence the process the chances of reaching a settlement and greater durability of peace agreements increases significantly.[97] When team members come from different perspectives, have different skill sets and knowledge they have a better understanding of the different needs and interests of different stakeholders, can contribute to better decision-making and have a better chance of ensuring buy-in in the wider society.

96 Colette Rausch and Tina Luu, "Inclusive Peace Processes Are Key to Ending Violent Conflict," *PeaceBrief* 222 (May 2017), USIP, https://www.usip.org/sites/default/files/2017-05/pb222-inclusive-peace-processes-are-key-to-ending-violent-conflict.pdf.

97 Thania Paffenholtz and Nicholas Ross, "Inclusive Peace Processes- An Introduction," *Development Dialogue* (2015), The Dag Hammarskjöld Foundation, http://www.daghammarskjold.se/wp-content/uploads/2016/01/DHF_DD63_p28-37.pdf.

Especially women's participation in peace negotiations increases the probability of a peace agreement lasting at least two years by 20 percent, and by 35 percent the probability of a peace agreement lasting 15 years.[98] Some argue that this is because of the fact women almost always were the actors to push for "the commencement, resumption, or finalization of negotiations when momentum had stalled or the talks had faltered."[99] However, it is important to avoid stereotyping and generalizing women or men. Women, who make up at least half of their communities, often have important experiences, skills and expertise to bring to the negotiation process. These different sets of skills, experience-based knowledge, and sources of power (such as positional power, relational power, power of status, power of knowledge and expertise, and power of group) often are derived from their social and cultural context, and their intersecting social identities (i.e gender, race, ethnicity, religion, tribal affiliation, socio-economic status etc.). Hence they bring forth different issues, and have different priorities. In order to benefit from different perspectives, knowledge and skills sets make sure your team is inclusive of different stakeholders and perspectives.

The Prophet (PBUH) himself was fully aware of the importance of having a diverse and inclusive team during negotiations with his opponents. He modeled the centrality of inclusion and diversity during critical negotiations. The Prophet (PBUH) sought to create an inclusive group of negotiators. He believed the negotiators should truly represent the population. Therefore, negotiators were not simply people in positions of power and status, but rather those ranging from different socio-economic classes. The Prophet ensured the marginalized had a voice. The Prophet sought to create an inclusive group of negotiators. He believed the negotiators should truly represent the population. Therefore, negotiators were not simply people in positions of power and status, but rather those ranging from different socio-economic classes. He ensured his community members from all backgrounds, both men and women, Meccan and Medinan, wealthy and non-wealthy, Muslim and non-Muslim were all represented. The Prophet made the effort to ensure the women and the marginalized had a voice in particular. Even though some of his companions from prominent families and tribes were critical of including those who did not come from powerful tribes and families, the Prophet made sure that everyone, irrespective of their social status, gender, race or ethnicity were included. For example, during his successful negotiations with Yathrib representatives, which contributed to the rapid expansion of Islam and laid the groundwork for successful migration of Muslims from Mecca to Yathrib (later Medina), he first met and negotiated with a committee of twelve people and then he negotiated with a committee of 75 people, including two women.[100]

Take Time for Team-bonding:

Team cohesion, collaboration and trust among team members is important to work effectively as a negotiation team. Trust and respect among negotiators are particularly important when discussing different opinions and difficult decisions. Make sure to cultivate trust, respect and build cohesion among team members. The Prophet made sure that Muslims from different backgrounds in general as well as those who participated in his negotiations with him had strong bonds of brotherhood and trust. In fact, he had established a *Moakha* system, which comes from the Arabic word *akh* and means making people brothers, where he would bring together Muslims from different cities and different tribes, races and ethnic grounds. Women,

98 UN Women "Women's Participation and a Better Understanding of the Political"

99 UN Women "Women's Participation and a Better Understanding of the Political," 41.

100 Mahmoud Yousefvand, "Diplomatic Negotiations from Islamic Point of View."

men, Arab, non-Arab were all included in this revolutionary and innovative system. When Muslims migrated to Yathrib he paired one *Muhajir* (those who are coming from Mecca) and one *Ansar* (those who are from Yathrib) to build strong bonds and trust between them. Through this system, he was not only able to ensure *Muhajirs* received food, shelter, clothing, but built strong bonds of brotherhood and fellowship, which is the basis of Islamic understanding of Ummah. This trust building and bond was important during the negotiations with their opponents, as it helped them have stronger and more effective negotiations.

Welcome Disagreement:

Difference of opinion and different skill sets can only benefit a negotiation team if disagreement and difference of opinion is encouraged. It is important not to dismiss different opinions and disagreements within the team. At times, group opinions tend to come together around consensus, or opinions of influential team members. This often leads to exclusion of information and perspectives that would challenge the group perspective or group think. Falling into the trap of groupthink can have detrimental consequences for effective negotiation. Therefore, creating a team atmosphere where team members feel comfortable expressing differences of opinion is central to harness different points of view. At times, it might be even necessary to ask team members to raise questions and challenge groupthink to overcome this issue. Prophet Muhammad often welcomed differences of opinion and asked his companions to express their views freely. He would often make his decisions after consulting with different companions and hearing as many different perspectives as possible. For instance, during the Hudaybiyya Treaty, his companions disagreed with him openly and the Prophet sought the advice of his wife to make critical decisions (See box 10).

Identify Different Strengths and Skill Set:

As stated earlier, one of the important benefits of having a diverse team is that each member can bring a different set of knowledge, expertise and skill set. Each member may have different resources, networks and relationships that can benefit the team significantly. Therefore, identifying these skill sets, expertise and building on each member's strength can increase the sources of power, resources and options for the negotiation team. Encouraging team members to share their knowledge and brainstorm on an important aspect of successful negotiation teams. Prophet Muhammad (PBUH) seems to be aware of this as he encouraged his companions to build on their skills and knowledge. He also used a number of different approaches to encourage his companions to learn from each other's approaches and brainstorm.[101]

Keep Connected to Stakeholders:

Negotiation team members often reflect and represent the interests, needs and perspectives of their constituents who are the key stakeholders in the conflict. Being connected to the stakeholders during the negotiations, understanding their changing needs and interests, keeping them informed about the developments and explaining to them the pros and cons of different options in a clear, transparent and timely manner is important to ensure the buy-in for the agreement as well as its implementation. Especially enlisting the support of potential spoilers and deal breakers is very important for the negotiation team. This requires keeping the communication channels open with one's constituents. Prophet Muhammad understood

101 Mohammed Rafie Mohd Arshad, Hasima Mohamed, and Esraa Khalid Ahmed Alobaydi, "Teaching and Learning Ways Used by Prophet Muhammad (PBUH) and their Possible Implementation on Modern Learning Technologies," *2nd International Conference on Islamic Applications in Computer Science and Technology* (October 11-13, 2014), Amman, Jordan.

this well and kept communicating with the stakeholders he was representing throughout the negotiations. He would welcome questions from members of his community. Most importantly the Prophet (PBUH) practiced *shura* through always communicating and consulting with his community as ordered by Allah in Q3:159

> *"And it was by God's grace that thou [O Prophet] didst deal gently with thy followers: for if thou hadst been harsh and hard of heart, they would indeed have broken away from thee. Pardon them, then, and pray that they be forgiven. And take counsel with them in all matters of public concern; then, when thou hast decided upon a course of action, place thy trust in God: for, verily, God loves those who place their trust in Him."*

BOX 7

BENEFITS OF CONSULTATION ACCORDING TO ABU BAKR IBN AL-ARABI
Commenting on the traditions cited by al-Tirmidhi on the subjects of *jihad* and *shura*, Abu Bakr Ibn al-Arabi states: Consultation brings a number of blessings: "One of these is that as a result of consultation, one acts based on something which is known (since one act only after having engaged in investigation, verification, and a clarification of vision). Another is that through consultation, truth is freed from the [unwelcome] possibilities to which people's desires can lead. A third is that one gleans [that which is best] from people's minds and reasoning capacities. And a fourth is that through consultation, people's hearts are united as they set about to take action. This is what the Prophet did twice at Badr."
Source: Abu Bakr ibn al-Arabi, Aridat al-Ahwadhi fi Sharh Sahih al-Tirmidhi (Beirut: Dar alFikr li al-Tiba'ah wa al-Nashr wa al-Tawzi¢, no date), 206/7.

TABLE 12

KEY TAKE-AWAYS AND RECOMMENDATIONS FOR FORMING STRONGER NEGOTIATION TEAMS	
Ensure Diversity and Inclusion	Consider all relevant gender, ethnic, tribal, sectarian or religious group and gender diversity: How representative is your team? What stakeholders and groups are represented? Who is not represented? Why not? What can be done to be more inclusive?
Take Time for Team Bonding	What are some of the group dynamics of the negotiation team? Are there any power differences between different members of the team? How does that impact group dynamics? Are there any tensions or communication problems between the team members? Is there sufficient trust between different team members, if not, how can you build more trust? What are some of the ways to build more team spirit?
Welcome Disagreement	What different perspectives are represented in your team? What are some of the areas of disagreement in your team? Are there any signs of groupthink in your team? How often do team members express dissent or difference of opinion? How is dissent viewed? Are there any challenges to disagreement in your team?

Identify Different Skill Sets	What different skill sets or expertise different team members have? What specific experiences and resources different team members have? Are there any skills or expertise your team is missing? What are the strengths of each team member? How often are the team members encouraged to incorporate their expertise and skills? sets in the negotiation? What else can be done to benefit from the skills and expertise of all the team members?
Keep Connected to the Stakeholders	How often do your team members connect and communicate with their constituents? How transparent and timely are these communications? Do team members share updates from their constituents with other team members? What are some of the challenges of keeping connected with different stakeholders and How can these challenges be addressed?

Understanding and Managing Time in Negotiation Process

Understanding the role of 'time' in negotiations is important for successful negotiations. Time shapes the negotiation process in a number of different ways. 'Time' influences when negotiations should take place or when they should be terminated and what the pace of the negotiations should be. Time is not only a matter of how events are perceived, sequenced, and completed; it is also a matter of how people regard relationships across time.

Approaches Towards Time

Not every society views time in the same way and different perceptions of time can undermine the negotiation process. In fact, time itself can be an implicit source of conflict that may require negotiation as conflicts may arise regarding time and timing, the different expectations about how to best use time, importance of punctuality, how to run meetings efficiently, among others.[102] Therefore, negotiators need to "recognize the power of and the difference between their own perceptions of time and the perceptions of others."[103]

The negotiation field has identified two broad approaches to time and timing that may influence the negotiation process. These include:

Monochronic Conception of Time:

This approach views time as a fixed, linear and sequential process, where events are ordered according to set schedules and deadlines. From this perspective, individuals need to regulate their lives according to the limited time that is available. Societies that have a monochronic time frame, such as the United States of America, Netherlands, United Kingdom etc. tend to focus on the task at hand and getting the job done quickly and efficiently. These societies consider lateness as rude and follow schedules strictly, begin and end processes promptly and rely on specific, detailed agendas.

Polychronic Approaches to Time:

This approach views time as elastic, flexible, and synchronous. Synchronous understanding

102 Ian Macduff, "Your Pace or Mine: Culture, Time and Negotiation," *Negotiation Journal* 22, no. 1 (January 2006): 31-45, 37.
103 Macduff, "Your Pace or Mine: Culture, Time and Negotiation," 32.

of time allows for management of multiple and at time overlapping activities required by circumstances. From this perspective, it is not necessary to finish one thing before starting another. Punctuality may compete with other values such as building and maintaining relationships, meeting obligations, building trust, attending to the needs of social and cultural hierarchies. Meetings start and end at flexible times. Schedules and agendas can be adjusted according to changing circumstances.

* *A Note of Caution: Beware of generalizations and stereotyping of cultures and individuals. These distinctions are meant to serve as analytical tools to help us understand patterns and characteristics that can inform behavior and attitudes of parties. They are not meant to be applied to every person within a culture or group.*

Considerations of Time and Negotiation

When to Negotiate:

While negotiations can take place before, during or after a conflict has started, practitioners in the field have often argued negotiations will be more successful when they are undertaken within the right context, when the proper strategy has been adopted and when the timing is 'ripe' or perceived by the parties to be so.[104] A conflict is considered ripe for negotiation, when parties to the conflict perceive there is a mutually hurting stalemate or higher benefits and lower costs of negotiation outweighing the lower benefits and higher costs of continuing the conflict.[105] Hurting stalemate refers to the parties' realization that they have reached "the point where they can no longer escalate their way to victory and the sunk costs plus the countering efforts of the other side make for a costly deadlock."[106] When parties are not ready for negotiations or when they do not perceive the time to be ripe, a third party can help 'ripen' the conflict by[107]:

- become an indispensable channel for negotiation
- increasing the stakes,
- attracting the parties,
- influencing the cost-benefits of the parties
- giving parties fresh ideas to shake them up and avoid getting bogged down in details
- establish an acceptable mechanism for negotiation and for reaching an agreement.

Pace of Negotiations:

Time is also a significant element during the negotiation process itself, influencing the sequencing and pace of the conversations, prioritizing of issues and timing of bringing up different themes, and managing schedules and agendas. Understanding how timing influences the negotiation process and managing it effectively is important for successful negotiations. Managing the pace and timing during negotiations is central to successful negotiations. Parties often differ in regards to how they approach pacing and timing during negotiations. Some of the parties in negotiation may consider punctuality and following predetermined schedules and detailed agendas as key to the negotiation process while the others may have more flexible attitudes towards timeliness, set schedules and agendas, and may prioritize building or

104 Jacob Bercovitch, "Assessing the Success of Israeli-Palestinian Peacemaking," *International Negotiation* 2 (January 1997): 217–235, DOI: https://doi.org/10.1163/15718069720847951.

105 Kadayifci-Orellana and Maassarani, *Religion and Mediation Action Guide,* 15.

106 William Zartman, "Bargaining and Conflict Reduction," *Coping with Conflict after the Cold War*, edited by Edward Kolodziej and Roger E. Kanet (Baltimore: John Hopkins University Press, 1996), 276.

107 Jacob Bercovitch and S. Ayse Kadayifci, "Conflict Management and Israeli-Palestinian Conflict: The Importance of Capturing the 'Right Moment,'" *Asia-Pacific Review* 9, no. 2 (2002): 113-129. See also Chester A. Crocker, *High Noon in Southern Africa: Making Peace in a Rough Neighborhood* (New York: W. W. Norton, 1992), 471-472.

maintaining relationships, focus on hierarchies and obligations based on rank or status of the different negotiators. During negotiations parties may try to push the other side into accepting their own time-frames, and use time as a source of pressure to influence the outcome of the negotiation process. One party may be operating on a strict deadline, while the other party may have flexible deadlines. Some of the negotiators may view reaching an agreement as urgent and time sensitive, while the other party may not have the same urgency or the incentive to reach an agreement.

For instance, in many Muslim contexts, taking time and having leisurely conversations to build trust and attending to relationships, may be considered more important than following strict schedules or timelines. These may include elaborate systems of greetings, blessings, or other non-negotiation related conversations. Furthermore, patience and moderation are important cultural values in many Muslim contexts while rushing things or hastiness are seen in a negative light, and there is often a belief that time works for the believers who persevere against adverse circumstances. For many Western negotiators, on the other hand, conversations as such may not be as relevant to negotiation or may not be perceived as efficient use of time.

Understanding these differences in timing and pacing may lead some negotiators to use the timing of issues as a way to build up pressure and get concessions from the other party. Understanding our own and other parties' time needs and concerns can help us overcome some of the time-related pressures and help us leverage time as an important resource.

Time Orientation and Negotiations

Parties in negotiation may also have different orientations towards past, present and future may also influence the negotiations process. More specifically, time orientation refers to how back in history does the discussion regarding key historical events or grievances impact the negotiation process or how far into the future do parties extend their negotiated solutions, remedies, or sense of purpose and obligations towards future generations or divine purpose. Some parties may have a short-term time orientation, focusing on immediate needs and interests of their constituents, without giving much regard to history or future generations. Others may have a long-term orientation where past events, dating back centuries, or perceived obligations towards future generations play an important role in how they frame issues and how they prioritize their goals and objectives. In communities where religion plays an important role, time-orientation may extend further into the realm of afterlife and eternity.

In many Muslim contexts, for instance, past events and historical precedents play an important role in negotiation processes and are widely used during negotiations. This past orientation also is an important element in the legitimate legal methods and sources of authority that build on Islamic legal history and long-established methods. For example, Egyptian President Anwar Sadat, relied in 1978 for his peace initiative with Israel on a *fatwa* that authorized his actions based on the force of the Hudaybiyah negotiations.[108]

Islamic conception of time is also influenced by Muslim belief in divine providence, which is also known as the divine decree or predestination (*al qadr*). From an Islamic point of view everything happens by the will of Allah and the future is known only to Him and only He has control and power over what will come into existence, as Allah tells Muslims in verse "*There is a*

108 I. Alon and J. M. Brett, "Perceptions of Time and Their Impact on Negotiations in the Arabic-Speaking Islamic World," *Negotiation Journal* 23, no.1 (2007): 55-73, https://doi.org/10.1111/j.1571-9979.2007.00127.x.

time decreed for everything. God erases and confirms whatever He wills, and the source of Scripture is with Him." (Q13: 39). Humans can only work to bring their will to coincide with the will of Allah, by surrendering their will to God. It is humankind's moral responsibility to align their will with the will of Allah.

Therefore, during the negotiations in Muslim contexts, understanding how values and beliefs influence time orientation and familiarizing with Islamic history, gaining knowledge of important historical events, and framing negotiations within this context are important for developing the most effective negotiation strategies.

TABLE 13

KEY TAKE-AWAYS AND STRATEGIES FOR TIME MANAGEMENT IN NEGOTIATIONS	
Ripeness in Negotiation	To determine ripeness, or to ripen the conflict, consider the following questions for the parties involved in the conflict. In your responses, also reflect how Islamic conception of time influences the answers to these questions. • What do parties believe they can gain from continuing the conflict? • What do parties believe they have to lose from continuing the conflict? • What do parties believe are the likely outcomes of negotiation? • What do parties believe they have to gain from negotiations? • What do parties believe they have to lose from negotiations? • What do parties believe about the outcome of past mediations, negotiations and other interventions? • If the conflict is not ripe, are there any external actors who can serve as mediators? • What resources, leverages, and tools these potential mediators can bring to the process to ripen the conflict for negotiation/ mediation?
Managing Timing During Negotiations	In order to understand how timing and pace influence the negotiation process negotiators should be aware of how each party understands and responds to time issues and how Islam informs these conceptions, consider: • How do parties view punctuality and timeliness? • How important is following set agendas and schedules for the negotiators? • How much time do parties perceive they have to come to an agreement? (Sense of urgency) • Do parties have key milestones, deadlines that they need to follow? • Are there any time-dependent factors, deadlines, pressures etc. that can influence the negotiation process (consider it from the perspective of both parties) • Give yourself more time to be flexible and to manage delays. Patience and endurance can be important assets during negotiations, especially when there are time pressures and other challenges • Are there common aspects, attitudes towards time between the parties? And if so, how can we leverage these commonalities to reach an agreement? • If there are significant differences between parties in terms of timing and pace, what are some of the best strategies to close the gap? Or, how can these differences be leveraged during the negotiation process • What factors and issues slow down or speed up the process? • What are some of the sensitive issues and what would be the best pace to introduce them? • Considering Islamic conceptions of time discussed, what are some of the best strategies to overcome our own time-related pressures?

Managing Time Orientation	In order to understand how time orientation influence the negotiation process negotiators should be aware of how each party understands and responds to past, present, and future and consider: • How important are the past events for the parties in the negotiation? • How often do parties rely on significant historic events and individuals? • How do parties view the future, how far into the future, parties' solutions, concerns, and interests extend? • How willing are the parties to delay short-term success or gratification in order to achieve long-term goals and gratification? • What are some of the central values, obligations, and concerns regarding the past, present and future and how do these impact the priorities of the parties, the negotiation process and its outcome?

Setting Negotiation Goals and Objectives

For negotiation to succeed it is important to have a clear sense of what are the goals and objectives of the negotiation, what is the outcome your team is looking for. Having a clear idea of what your goals and objectives are important not only for complex peace negotiations but also for negotiations that take place in all aspects of our lives. Therefore, this step is one of the most crucial steps in developing a negotiation strategy.

Goal setting can be accomplished through internal deliberations among the negotiation team members. In order to set realistic and achievable goals, parties must analyze their goals and objectives through careful consideration. Some of the elements of this analysis include the following:

Define Success

Successful negotiations lead to agreements that address the needs of the parties and where each party abides by the agreement. Unsuccessful negotiations or a "bad" agreement on the other hand will lead to delays, setbacks, or even the collapse of the peace process. But what does a successful negotiation look like?

Defining what success looks like is critical for the success of negotiations as it will help the negotiation team identify what it will aim to achieve and what to avoid from the very beginning. While success can mean different things to different parties in negotiation and is intimately associated with their needs and interests, a number of criteria for successful negotiations include the following:

- ***Satisfactory results:*** Successful negotiations satisfies the needs and interests of all the parties and meets their goals (Win/win outcome) by providing quality solutions.
- ***Sustainable:*** Successful negotiations deliver lasting outcomes and result in durable agreements where parties abide with the agreement reached.
- ***Realistic:*** Successful negotiations establish a feasible and realistic road map to implement the agreement and create accountability mechanisms to ensure its implementation.
- **I*mprove Relationships:*** Successful negotiations lead to meaningful improvement in inter-group relations, help you build better relationships that lead to mutual trust between the parties, address grievances and lead to reconciliation. Transformation of polarized (and polarizing) attitudes, behaviors and interactions to more tolerant and cooperative ones, as part of addressing underlying grievances and building the willingness and ability to resolve conflicts and sustain peace help you avoid future problems and conflicts by establishing

procedures and mechanisms to addressing them constructively

- ***Planned and Acknowledged:*** Successful negotiations create, and follow, a plan of action and system of negotiation principles drafted and agreed upon by both parties.
- ***Foster Understanding:*** Successful negotiations foster an environment where parties listen to each other and try to understand where the actions/ demands of their opponents are coming from and incorporate this knowledge to develop a coherent argument for negotiations.
- ***Provide Alternatives:*** Successful negotiations require parties to be prepared if the deals do not work out. When that is the case, parties need to evaluate their BATNA and find alternative ways to engage the other party.

Understand Your Own and Your Opponents Positions, Interests, and Needs

Setting negotiation goals and objectives requires a good understanding of the positions, interests and needs of all sides. Understanding the difference between positions, needs, and interests helps the negotiation team identify what are the motivations behind their demands as well as the demands of the other party, different alternatives to address a variety of needs and interests, and decide on their priorities.

Positions: A position is what parties say they want. It is the stance taken by parties to the conflict and refers to their demands in conflict. A position is a solution that represents what a party thinks is the best outcome for them. Positions are usually based on assumptions about what each party wants and needs and what they think the other party wants and needs.

Needs: Needs are goals pursued by parties to survive. They include basic human needs that are common to all human beings. They include tangible needs such as food, clean water, shelter, as well as intangible needs such as respect and recognition of identity, sense of belonging, fulfill one's purpose in life, social-economic well-being, a sense of belonging, and control over one's life among others. Needs are non-negotiable and not flexible. While basic needs are universal, how they are addressed may be informed by religious and cultural perspectives and traditions.

Interests: Interests are what parties need to achieve in order to meet their basic needs. Interests are the underlying reasons, values and motivations of why parties want what they want. They explain why parties take a particular position. Interests are negotiable and can be addressed through joint problem solving.

Take into Consideration the Needs and Goals of Your Constituencies

When deciding on the goals and objectives, the delegation members must take into account what are the goals and needs of their constituencies. These must inform the goals and objectives of the delegation team.

1. **Identify Long-Term vs. Short-Term Goals**
   Another important classification of goals and objectives is to see if they are immediate or long-term. In each negotiation there are often more than one goal and objective. Some of these goals and objectives may be short-term, others may be long term. Once the negotiation team identifies its long- and short-term goals, they have to decide how to balance them. At times, even though it may not be possible to address long-term goals during the negotiations, there might still be value in first achieving the short-term goals.

2. Prioritize Goals

Classifying your goals according to their importance and relationship between them is an important consideration during the goal setting. Understanding what issues are more or less important for each party is critical. Importance of issues will depend on the importance of the interests and needs they reflect. Consider if your goals and objectives are interdependent or independent from each other. If they are interdependent, in what way they are linked? Prioritization of goals and objectives can assist you in deciding what you can compromise on, what you cannot compromise without collapsing the negotiations. This will also allow negotiators to package interests and needs together that can create greater value. One you have identified your priorities you can decide how to defend them without being caught up in destructive negotiation dynamics.

3. Identify your BATNA

Each party must know and be prepared for a Best Alternative to a Negotiated Agreement (BATNA), if a settlement is not reached. A BATNA is a party's alternative if negotiations are not successful. BATNA is often used in negotiation tactics and must be considered prior to the negotiations. Consideration of BATNA provides the team with a clear understanding of what their alternatives are. It also helps parties determine their bottom-line and identify what they are willing to give up and not give up. As such it provides negotiating power to the delegation

4. Dealing with Difficult Parties[109]

Negotiations do not always go as smoothly as we hoped for and the other party might not be as cooperative as we like. There may be a number of different factors that influence the behavior of difficult parties. Some of these may include personality traits, hidden motivations and agendas, unconscious bias, fears, and pressure from their constituents or superiors. In other cases parties might not take the opposite party seriously and might feel over confident regarding their perception of power and leverage. As a result, they may resort to threat and/ or use of violence, manipulation, and intimidation to achieve their goals. Negotiating with difficulty parties may be extremely frustrating and challenging but there are a number of steps that can be taken to address this situation[110]:

Be prepared: Being prepared in advance for challenging conversations or negotiations is important to deal with difficult parties. This requires identifying issues and areas that are likely to be challenging and contentious, exploring the positions and motivations of our opponents on these issues and developing well articulated responses framed within a framework that the opponent considers legitimate. Prophet Muhammad (PBUH) was always ready to engage difficult parties and did it gracefully, and respectfully (see box 8).

Understand their motivations and perspective: In order to develop an effective strategy to deal with difficult parties, it is important to understand what their motivations are or where they are coming from. Gathering information regarding these parties and employing motivational interview techniques and asking probing questions during negotiations can help us find ways to address the difficult conversations. Prophet Muhammad (PBUH) always took into consideration the motivations and perspective

109 Katherine Shonk, Susan Hackley, and Rep. Robert Bordone, *Dealing with Difficult People*, Program on Negotiation at Harvard Law School (n.d.), https://www.pon.harvard.edu/freemium/dealing-with-difficult-people/.

110 Shonk et al. (n.d.).

of his opponents and had a good understanding of what moved them, including the cultural framework and traditions.

Maintain emotional balance: Controlling one's emotions and feelings might be very difficult when dealing with difficult partners, especially if the contentious issues are of high priority and extremely important to us. It is easy to lose control and fall into anger. Display of strong emotions and losing control during the emotions can be detrimental to successful negotiations, especially for women due to gender stereotypes. Therefore, it is important to identify what issues are most triggering to us and develop strategies to address these emotional reactions if they occur. Avoid dismissive labels or destructive comments, even if their behavior and position is destructive and foolish. Remember that the Prophet's teaching says that nothing good comes out of anger. Quran defines a good Muslim as one who restrains his anger (Q 3: 134) or one who forgives when he is angry (Q43:37). Also, the Quran says (41: 34-45): "*And not equal are the good deeds and the bad. Repel [evil] by that [deed] which is better; and thereupon the one whom between you and him is enmity [will become] as though he was a devoted friend. But none is granted it except those who are patient, and none is granted it except one having a great portion [of good].*" In line with this verse, the Prophet reminded his companions often that negotiations and peace take time and advised them to "*Be patient and don't get bored/ frustrated.*"

Engage the other side: Although it may be extremely difficult, keeping the other otherside engaged during difficult conversations is very important for the negotiations not to fall apart. Keeping the communication channels always open, as the Prophet (PBUH) had done during the Hudaibiyyah negotiations or when the leaders of Mecca ordered a social boycott of Muslims for three years in which food supply and trade was stopped, or when he was abused by the people of Taif. He would even go further and show compassion and care to his opponents as was the case with his neighbor who often insulted him. When, one day, His neighbor did not show up to insult Him he got worried and after inquiring, He found out that the neighbor was ill. So, He sent her, His own doctor to take care of her.

Change negotiation approach/ strategy: Once we have a better understanding of the motivations and perspective of the difficult parties, we might have to change our negotiation approach. It is important that we do not fall into the trap of manipulative parties and assess the context as well as the motivations of our opponents well. It is important to find strategies that would frame the challenging issues as joint problems that need to be solved together as did the Prophet during the Hudaybiyyah negotiations.

Set standards of behavior: Setting culturally appropriate standards of behavior and ground rules before the negotiations begin can help manage difficult conversations and difficult parties. Identifying a set of acceptable norms and behaviors, especially how to treat one other during difficult conversations can help maintain civility, break stalemates and deadlocks. Within the context of negotiations involving Muslims Prophet's (PBUH) conduct during negotiations and his treatment of difficult people throughout his life can provide guidance as the Quran states (33:21):

> **"***Certainly you have in the Messenger of Allah an excellent exemplar for him who hopes in Allah and the latter day and remembers Allah much."*

BOX 8

PROPHETIC CONDUCT REGARDING DIFFICULT PARTIES

Prophetic tradition records that, even during the most difficult times and negotiations the Prophet (PBUH) conducted Himself in the following manner:

- He had a smiling face that made him loveable and trustworthy and was always cheerful
- He was extremely kind, patient and tolerant, even when his opponents showed him hatred and animosity he became kinder and more merciful. Never showed wrath nor vengeance
- Even when his opponents were unkind, arrogant and aggressive continued to be extremely polite and civilized and never raised his voice to a high pitch
- He reflected before he spoke and when he spoke he had always a good word to say and advised his followers to always be moderate and remain quiet if they did not have anything good to say
- He advised that when an argument fails to carry conviction, the meeting should end without any hard feelings or bad blood
- Even when his opponents were making unreasonable demands and threats, he always listened to them patiently and attentively and made sure they felt heard
- He always fulfilled his promises and kept his agreements.
- He was known as an eloquent person who always spoke softly and kindly. When he was asked a question, he always gave clear answers with clear meanings and lucid words, and provided strong proofs to support his arguments
- He was known to be fair, just, and trustworthy even by those who persecuted him and rejected his message.

Source: Taken from Afzal Iqbal (1975) The Prophet's Diplomacy: The Art of Negotiation as Conceived and Developed by the Prophet of Islam (Massachusetts: Claude Stark & Co)

Cultivate strong communication skills: During difficult conversations it can be difficult to listen to our opponents as we are flooded with a number of strong emotions. This, however, often contributes to the escalation of conflict between the parties and a deadlock during negotiations. Listening actively by asking open-ended questions and ensuring our opponent feels heard is particularly important during challenging conversations. Developing motivational interview skills, which is a guiding style of communication, that incorporates good listening skills with sharing information (giving information and advice).[111] As stated in box 9, listening actively and engaging his opponents was one of the critical skills of Prophet Muhammad (PBUH) which helped him negotiate successfully with difficult parties and opponents.

BOX 9

COMMUNICATION SKILLS OF PROPHET MUHAMMAD (PBUH)

Prophet Muhammad (PBUH) was an excellent communicator and a listener which helped him negotiate effectively with his opponents even during the most challenging ones. It is recorded that he would pay full attention to the person talking to him by turning towards the speaker and maintaining eye contact. He would also often nod in agreement, smile or make a gesture to send positive nonverbal signals. He would listen patiently, without judging or interrupting the speaker and would give them enough time to fully express themselves. Once the speaker would finish talking he would ask, if he had said what he wished to say and then respond. He did not interrupt the speaker, unless his speech involved falsehood, in which case he would either stop him or walk away. He would often ask questions, conveying a message that he was respecting the speaker and his opinions and engaged in what s/he had to say For instance it is recorded that:

When Utbah bin Rabiah came to the Prophet (PBUH) to negotiate with him on behalf of the Quraish, the Prophet (PBUH) patiently listened to him, even though he did not agree to what was being said. Once Utbah had stopped speaking, the Prophet (PBUH) asked him: "Is this all that you intended to say?" Utbah replied in the affirmative, and this is when the Prophet (sa) gave his response. (Ibn Hisham 1/293/294)

Source: Alia Adil (November 2020) Prophet's Way of Listening *Hiba Magazine* accessed on September 1, 2021 at http://www.hibamagazine.com/the-prophets-sa-way-of-listening/

111 Motivational Interviewing "is a collaborative, goal-oriented style of communication with particular attention to the language of change. It is designed to strengthen personal motivation for and commitment to a specific goal by eliciting and exploring the person's own reasons for change within an atmosphere of acceptance and compassion." See William. R. Miller and Stephen Rollnick, *Motivational Interviewing: Helping People to Change*, 3rd ed. (New York: Guilford Press, 2013), 29, also MINT, *Understanding Motivational Interviewing* (2019), accessed on September 1, 2021, https://motivationalinterviewing.org/understanding-motivational-interviewing.

Build coalitions – Building coalitions that involve a variety of different groups, constituents and experts can be extremely helpful when faced with difficult parties during negotiations. A coalition is an alliance of two or more parties agreeing to engage in joint or coordinated action against other parties or coalitions.[112] Building coalitions can help harness resources one may need to face tough opponents.[113] Building coalitions requires a good understanding of different stakeholders, who have an interest in the agreement and how these stakeholders might influence the parties. Building coalitions and alliances based on mutual interests and common ground was one of the strategies used by Prophet Muhammad (PBUH) when faced with difficult parties and strong opposition. In order to effectively counteract his opponent, he built coalitions and alliances with groups, individuals and communities from different religious, ethnic, and tribal backgrounds as it was the case in Yathrib, where he built a strong alliance with different tribes to strengthen his negotiation position.

Understand when and how to make concessions – Concessions are key to any negotiation, therefore it is important to understand when and how to make negotiations. If you are not prepared to make concessions, your counterpart needs to capitulate or there will be a deadlock. Distributive bargaining skills (see the section on Negotiation Strategies and box 10) can help you understand when and how to make concessions in a way that can help you protect your interests and achieve your long term goals. Identify your resistance points and your BATNA prior to negotiation. Remember not to begin the negotiation with an opening offer that is too close to your resistance point but always leave plenty of room for bargaining and making concessions. Identify your counterpart's target points accurately and avoid conceding to that point too quickly, and never hesitate to say 'no' if your interests are not being met. Prophet Muhammad (PBUH), as a skilled negotiator, understood when and how to make concessions and made concessions strategically in such a way that he was able to achieve his long-term goals and objectives (see box 11)

BOX 10

TWELVE GUIDELINES FOR MAKING CONCESSIONS

Donald Hendon, Matthew Roy, and Zafar Ahmed (2003) provide the following 12 guidelines for making concessions in negotiation:

1. Give yourself enough room to make concessions.
2. Try to get the other party to start revealing their needs and objectives first.
3. Be the first to concede on a minor issue but not the first to concede on a major issue.
4. Make unimportant concessions and portray them as more valuable than they are.
5. Make the other party work hard for every concession you make.
6. Use trade-offs to obtain something for every concession you make.
7. Generally, concede slowly and give a little with each concession.
8. Do not reveal your deadline to the other party.
9. Occasionally say "no" to the other negotiator.
10. Be careful trying to take back concessions even in "tentative" negotiations.
11. Keep a record of concessions made in the negotiation to try to identify a pattern.
12. Do not concede "too often, too soon, or too much."

Source: D. W. Hendon, M. H. Roy, and Z. U. Ahmed, "Negotiation Concession Patterns: A Multicountry, Multiperiod Study." American Business Review 21 (2003), pp. 75–83.

112 S. B. Bacharach., and E. J. Lawler, *Power and Politics in Organizations*, 1st ed (San Francisco, CA: Jossey-Bass, 1980), 8, 45.

113 Pon Staff, "The Benefits of Coalitions at the Bargaining Table: An example of the power of coalitions at the bargaining table," Program on Negotiation at Harvard Law School (October 29, 2020), https://www.pon.harvard.edu/daily/negotiation-skills-daily/the-benefits-of-coalition-building/.

BOX 11

CASE-STUDY: HUDAYBIYAH NEGOTIATIONS

One of the most significant negotiations undertaken by the Prophet is the Hudaybiyah negotiations that took place 6 years after Hijra on February 628, in a small town called Hudaybiyah, North of Mecca and led to the Hudaybiyah Treaty signed between the Muslims and the Quraish. The Prophet's (PBUH) conduct and negotiation approach is an example of his negotiation skills and foresight, how he set his goals, how well he analyzed and understood the interests of his opponents, as well as the Muslim community, among others.

The Prophet and his companions traveled towards Mecca to perform *Umrah* (pilgrimage to Kaaba), an important and time-honored tradition in the region where during the month of Dhi-Qa'da, tribes were prohibited from fighting and were allowed to perform pilgrimage. However Meccan tribes did not allow Muslims to perform Umrah. Disagreement soon escalated and Muslims and Meccans were getting ready to fight. In order to find a peaceful solution to the conflict, Prophet Muhammad sent his companion Uthman bin Affan to the Quraysh to negotiate. Purpose of this visit was to assure Meccans that the intention of Muslims was not war. He also took this opportunity to invite them to negotiate peace.

Initially chiefs of Quraysh were not in favor of negotiating with Muslims but based on the recommendation of Urwa, one of the elders of the Quraish, they agreed to negotiate. When Uthman was delayed in returning to the Muslim camp, rumors started to spread that the Muslim envoy had been murdered to demoralize Muslims. This was the limit for the Prophet (PBUH) and he decided to take action and accepted the challenge of the Quraiysh. It was at this time that the Muslims took a pledge under a tree where the fourteen hundred Muslims swore to fight alongside the Prophet (PBUH) to the very last man and not to flee. Seeing the determination and unity of Muslims and based on their prior experience of fighting against the Prophet, Quraish decided to return to the negotiations. Uthman returned to the Muslims thus averting the immediate need to act in such adverse circumstances. Seeing the commitment and bond between the Muslims Quraish recognised the gravity of the situation.

Initially, Quraysh sent Urwah bin Mas'ood as their representative. However, during the first round of negotiations the Prophet faced various challenges and many attempts to humiliate him. For example, on one occasion, Urwah, menacingly advanced to pull the Prophet's beard as a form of insult. Rumors of Uthman's death were circulated to demoralize and incite Muslims. Quraysh also plotted attacks against Muslims. Muslims were able to capture the soldiers on time and prevented an attack. This was an act of aggression committed during the negotiations. Despite all these challenges, at all times the Prophet (PBUH) did not retaliate but he showed extreme restraint, foresight and insisted on peace.

To show his intention was peace, he released prisoners. For the second round of negotiations, Quraish sent Suhail ibn Amr as their emissary to negotiate with the Prophet. When Suhail bin Amr came, the Prophet (PBUH) said, "*Now the matter has become easy.*" Suhail said to the Prophet, "*Please conclude a peace treaty with us.*" Conditions of the agreement were quite harsh for the Muslims and disappointed many of his followers who raised their disagreement. The Prophet (PBUH), after signing the treaty, came out and said, "*Get up and slaughter your sacrificial animals and have your heads shaved!*" This would have allowed them to leave the state of *Ihram* even without going to the House in the Sacred Mosque. There was no response. He (PBUH) was forced to repeat himself twice. There was still no response. He (PBUH) returned to his tent and spoke in confidence to his wife, Umm Salamah. She advised him to go out and slaughter his animal and shave his head and they would follow suit. It was only when the blessed companions saw the Prophet (PBUH) completing these rites, did they follow quickly.

Some of the concessions Prophet made include:

1. The Messenger of Allah will have to return to Madinah instead of having entranced Mecca that year. The Muslim shall perform their pilgrimage on upcoming year and they would stay in peace at Mecca for three days with no arms except sheathed swords.
2. Whoever comes to Muhammad from Mecca fleeing away without having permission from his/her guardians, will be sent back to the Quraysh, but whoever come to the Quraysh from the Muslims will not be sent back to the Muslims.

In addition to these concessions regarding the content of the agreement, the Prophet (PBUH) made concessions regarding the process and signing of the agreement. For instance, Quraishi envoy opposed the opening sentence of the draft treaty, which did not contain substance of the agreement but began with "*Bismillahirahmanerahim*" (By the Name of Allah, the Most Beneficent, the Most Merciful. But Suhayl, the Representative of Quraysh, demanded that it be erased and "*Bismiklallahume*' '(In the name of Allah) be written instead because he did not recognize *Rahman* as one of the names of God. As it is recorded in Sunnah, the Prophet (PBUH) agreed to make the changes despite the objections from his companions. During the negotiations Abu Jandal bin Suhail bin 'Amr, Suhayl's youngest son, came from the valley of Makkah, asking for protection of the Muslims as it was one of the conditions of the agreement to return them. This was a major test of the agreement. The Prophet kept his promise and asked

Abu Jandal to be patient and turned him to his father. Once the negotiations were completed two copies of the treaty were prepared. One was kept by the Prophet and the other one was given to the envoy of Quraish.

Afzal Iqbal observes that:
"In Hudaybiya [sic] we see the Prophet as a Diplomat: a negotiators with a clear vision and firm gras on the essentials of his objective: a man who can hold his own under the most trying circumstances; a man who can preserve his calm and maintain his balance in the face of disturbing provocations; an ambassador completely devoted to ideals of peace and dedicated to to winning it without sacrificing the dignity of man; a diplomat who knows when to be firm, when to give way, when to temporize and when to build bridges to retreat"[114]

5. Prophet's Approach to Setting Goals

The Prophet's approach to negotiation during Hudaybiyah negotiations provides us with important insights regarding how he set his goals and objectives of the negotiations, how he prioritized them, and how he defined what success would look like.

At a first glance, the Hudaybiyah treaty might not seem like a successful outcome as Muslims were not able to perform the Umrah, which might seem like the main goal of the negotiations in the first place. But at a closer examination, one realizes that the negotiations were extremely successful and the event was an outstanding event that became a turning point in Islamic history. Although the conditions that the Prophet (PBUH) agreed to at Hudaybiyah were quite harsh and disappointed his followers, it is clear that he had an incredible understanding of the long-term vision of the needs and best interest of his community. Some of the specific benefits of Hudaybiyah Treaty included:

- A Truce was agreed upon for not fighting between two parties for the next 10 years.
- With the signing of the treaty the State of Muslims in Medina was now recognized as a legitimate state.
- After the signing of the treaty, the Prophet was no longer considered to be a rebel or a fugitive from Mecca which provided him with safety and security
- The treaty also allowed the Muslims who were still in Mecca to practice Islam publicly without prosecution.
- Peace between the Muslims and the Meccan, allowed people to learn more about Islam and Muslims, which led to many more people accepting Islam. In fact, the number of people who joined Islam during the one year after the treaty was signed was more than the number of people joined Islam in the previous 19 years.[115]
- A year later, Muslims returned to perform Umrah in greater numbers.

It is clear that the Prophet's (PBUH) response went beyond the position of Muslims and took into account long-term needs and interests of Muslims. While the ***short-term objective*** and position of Muslims was to perform Umrah, their basic ***needs*** were safety, security, recognition of respect for their identity and faith, and their ***long-term goals*** were to practice their faith without persecution, grow in numbers and to establish peaceful relations between Muslims and Meccans. He was able to prioritize what was important and incorporate that into his negotiation strategy. The Prophet's bottom-line during the negotiations was not to

114 Afzal Iqbal, *The Prophet's Diplomacy: The Art of Negotiation as Conceived and Developed by The Prophet of Islam*, 35.
115 Yousefevand, "Diplomatic Negotiations from Islamic Point of View," 315.

give up their faith and was prepared to fight, if necessary, to defend his faith. But having realized the long-term goals and interests of his community, he was willing to compromise on other issues. The Prophet had realized that insisting on *Umrah* that year would have led to more blood-shed and made it harder for Muslims and Meccans to reconcile afterwards and set his goals accordingly.

TABLE 14

KEY TAKE-AWAYS AND RECOMMENDATIONS FOR IDENTIFYING GOALS AND OBJECTIVES	
Definition of Success:	What would success look like? What are my criteria of success? What are some of the Islamic values, principles that influence my definition?
Prioritize Goals	Considering the issues at hand, and how Islam informs the parties' perspectives, What is my overall goal? What are my objectives? Which ones are more important? What are the priorities of my constituents?
Identify Long-Term vs. Short-Term Goals	Considering the issues at hand, and how Islam informs the parties' perspectives, What are my long-term goals? What needs to happen for my long term goals to happen? What are my short-term goals? What is the relationship between my long-term and short-term goals?
Identify your BATNA	Considering the issues at hand, and how Islam informs the parties' perspectives, What is my best alternative to a negotiated settlement? What happens if we cannot come to an agreement? What options are available to me?

Choosing a Negotiation Strategy

In 1981, American authors Roger Fisher and William Ury identified two distinct models of negotiation and proposed a model of negotiation called Principled Negotiation or Interest-Based negotiation. They have argued that the Principled Negotiation approach often leads to more successful outcomes in negotiation processes. A closer examination of this approach reveals many similarities with the negotiation approach of Prophet Muhammad. This section will explore two different models of negotiation and will expand on the Principled Negotiation approach of Prophet Muhammad (PBUH).

Positional vs. Principled Negotiation

Fisher and Ury, in their work Getting to Yes[116] identify two main approaches to negotiation: Positional Negotiation and Interest-Based Negotiation. These two different models are based on two distinct bargaining strategies: Distributive Bargaining and Collaborative Bargaining.

1. **Distributive Bargaining (Win-Lose) Strategy:**
   Distributive bargaining refers to a bargaining approach that is competitive. This approach is

116 R. Fisher, W. Ury, and B. Patton, *Getting to Yes.*

also called a zero-sum approach because it views conflicts as fixed and rigid and resources as limited. In this perspective, fixed resources need to be divided and distributed. In distributive bargaining, one party gains only when the other loses something. Main concern of the parties in this approach is to maximize one's benefit at all cost and get the maximum share from the asset or resource which needs to be distributed without paying any attention to issues related to fairness or needs and interests of the other party. This is also called 'claiming value"[117] because parties try to increase their own values while decreasing the value of their opponents.

However, Distributive Bargaining Approach has its benefits and negotiators may need to use this approach because 1) negotiators may face an interdependent situation that is distributive; 2) many people use distributive bargaining strategies and tactics almost exclusively and all negotiators need to understand how to counter their effects; and 3) every negotiation situation has the potential to require distributive bargaining skills when at the 'claiming value' stage.[118] Some conflicts are inherently zero-sum, such as conflict regarding distribution of limited resources. Also, when negotiators want to maximize their benefit and when the relationship with the other party is not as important, distributive tactics may be quite useful.[119] A common area where a distributive bargaining approach is used in daily lives is in the bazaar where products do not necessarily have a fixed value or price but can be negotiated. In this situation both seller and the buyer try to get the best deal out of the transaction and maximize their benefit. Gain of one party is the loss of the other.

The aim of this approach is to maximize one's gain even though they may have to settle for less than what they would prefer, which requires negotiators to understand each party's 'walk-away value' to make a decision. Therefore, this approach requires a careful assessment of our counterpart's bottom lines, resistance points, and cost of terminating the negotiation, managing their impression of our target values, resistance points and cost of terminating the agreement. This approach also requires gathering precise information, withholding information if necessary, being comfortable with silence, avoiding making unilateral concessions, and making contingent concessions.[120] During the negotiation, if your interests and needs are not being met, do not hesitate to say 'no', but it is important to connect your 'no' with a legitimate reason, a credible constraint and provide a new proposal that connects your 'no' to a 'yes.[121]

2. Collaborative (Integrative) Bargaining (Win-Win) Strategy:

A second approach to bargaining is called collaborative or integrative bargaining. This approach is based on the problem -solving approach to negotiation, which was first articulated by Fisher and Ury in their book Getting to Yes.122 This approach emphasizes parties' underlying needs and interests rather than their positions. It encourages parties to build and maintain their relationship even though they may disagree. In this approach, the goal is not to maximize one's own benefit but to maximize joint or mutual outcomes for all those involved. This approach is called 'creating value' because the aim of this form of bargaining is to leave both sides feeling they have a greater value than before. Also

117 Leigh L. Thompson, *The Mind and Heart of the Negotiator*, 7th ed. (Pearson: New Jersey, 2020).

118 Roy J. Lewicki, Bruce Barry, and David M. Saunders, *Essentials of Negotiation*, 8th ed. (New York, NY: McGraw-Hill Professional, 2020), 32-72.

119 R. Fisher, W. Ury, and B. Patton, *Getting to Yes.* 71

120 See Lewicki et al., *Essentials of Negotiation*, 32-72.

121 See Anthony St. John, "Negotiation: Shaping the Conflict Landscape Course."

122 R. Fisher, W. Ury, and B. Patton, *Getting to Yes*.

called a win-win approach, aims to integrate the interests and needs of both sides to create a joint value. During negotiations value can be created through a cooperative process to find mutually beneficial outcomes that satisfy both parties. In this approach parties work together to find a solution where both feel like they have won or gained. Dominant strategies include cooperation, sharing information, mutual problem solving, and compromise.

Based on these two bargaining strategies, negotiations can be Position-based or Principled.

3. **Positional Negotiation:**[123]
   Based on a distributive bargaining approach, positional negotiations parties focus mainly on the 'position' or 'what each party says they want, rather than why they want what they want. Therefore, in positional negotiations parties focus on 'substance' or 'what' of negotiations rather than 'why'. This leads to a 'zero-sum' understanding of negotiations and parties see each other as 'enemies to overcome.' Positional negotiation approach is often the very first approach parties adopt as they enter into negotiations; however, this often leads to becoming more committed to their positions and their positions increasingly become more rigid. In positional negotiation parties move backwards and forwards between two chosen positions. This approach usually makes it harder to back down and explore alternative solutions. Positional negotiations can also affect relationships between the parties even further undermining the possibility of rehumanization and reconciliation following the negotiations. The capacity of positional bargaining to resolve a conflict is limited.

TABLE 15

APPROACHES TO NEGOTIATION	
Positional Negotiation	**Principled Negotiation**
Distributive Bargaining Competitive Attitudes Adversarial Attitudes Win-Lose Outcome Zero-Sum Orientation Focus on positions: 'what I want' Claiming Value	Integrative Bargaining Cooperative Attitudes Problem-Solving Attitude Win-Win Outcome Positive Sum Orientation Focus on Interests "why I want', "what do I need" Creating Value

4. **Interest-Based (Principled) Negotiation:**
   Principled negotiation, which is closely associated with Interest-Based negotiation, is often considered to be more successful in reaching agreements as it aims to satisfy both parties. It recognizes that there are often many different needs and interests behind each position and goes beyond the positions of the parties and explores the underlying needs and interests of those positions. It asks the question, why parties want what they want, why they feel what they feel and explores options to address those interests and needs through a collaborative problem-solving approach. Interests and needs are what motivates parties. Focusing on interests and needs rather than positions also give flexibility and helps generate options. This approach recognizes that each party has multiple and at times competing interests and most powerful interests are basic human needs such as security,

123 R. Fisher, W. Ury, and B. Patton, *Getting to Yes*.

recognition of identity, social-economic well-being, a sense of belonging, and control over one's life. It is not possible to establish durable peace without taking into account these basic human needs and without addressing them satisfactorily. This approach allows for a positive sum outcome and helps parties see each other as partners rather than enemies.

EXERCISE 2

ANALYSIS OF POSITIONS, NEEDS AND INTERESTS:

Purpose: Encourage participants to analyze their positions, needs and interests.
Materials: Flip chart, markers, this handout
Time: 40 min
Procedure:

- Divide the groups into smaller groups to reflect on the discussion questions
- Participants have 20 minutes to discuss
- Participants come back to large group discussion and share their responses for 20 min

Discussion:

- What is your position and the position of your opponent?
- What are your main interests and the interests of your opponent?
- What are your and your opponent's basic needs?
- What are your and your opponent's key resources?
- What are some of the key differences and similarities between you and your opponent's positions, interests and needs?
- Do you see any way to bridge them?
- Based on your analysis, what are some of the key strategies that can help you and your opponent reach a win/win solution?

Our Team:		**Their Team:**
	Positions: What they say they want	
	Interests: Why they want what they want (their motivations)	
	Basic Needs: Things they cannot live without	
	Resources: What they have to address these	

Key Features of Principled Negotiation

According to Fisher and Ury key to successful negotiation is collaboration and shifting the situation from a win-lose to a win-win situation and integrating the needs and interests of the opponents to find a mutually agreeable solution to the conflict. To facilitate this process, they identify a number of key features. These include:

1. **Separate the person from the problem:**
   This feature recommends that relationships between the parties should be kept separate from the issues of the conflict. Separating the people from the problem allows us to be hard on the problem but soft on the people without further harming or damaging the relationship. This also reduces the possibility of miscommunication and destructive emotions to take over and impact the negotiation process. Separating people from the problem also helps us see the humanity of our opponents, facilitates rehumanization and reconciliation. It also allows parties to establish good working relationships which is key to rebuilding communities and healing wounds following the conflict.

2. **Focus on interests, not positions:**
   Focusing on the interests and needs allows parties to be more flexible and come up with options that might be acceptable to the parties of the conflict. Negotiators in conflict must move beyond positions and understand the needs and interests behind those positions. This requires conducting a thorough analysis of their own needs and interests as well as their opponents. Understanding needs and interests (both our own as well as our opponents), recognizing which of these are short-term, which of these are long term and what are the available resources to address them allows negotiation teams to prioritize them, identify short and long-term goals and objectives of the negotiation, and find options to address them.

3. **Generate options for mutual gain:**
   Finding mutually agreeable solutions often requires creativity, thinking outside the box and commitment to find a solution despite all challenges. Both parties need to broaden their options, generate alternatives and expand their resources to solve the issues. Generating options may require parties to brainstorm, invite experts, develop partnerships and alliances to increase their options and broaden their resources.

4. **Use objective or mutually acceptable criteria to decide:**
   It is usually possible to agree on a number of different standards or criteria by which parties can assess the fairness or acceptability of an agreement. It is important for both parties to agree on this criterion and develop them together to ensure commitment to it during the implementation phase of the negotiation.

5. **Recognize alternatives to negotiated agreement (BATNA):**
   Finally, parties need to recognize what alternative they have to a negotiated settlement. Best Alternative To a Negotiated Agreement also referred to as BATNA is about the possible alternatives each party has if they cannot come to an agreement. BATNA is the bottom line of the negotiators and helps negotiators determine negotiation is the best option. This step also requires parties to carefully conduct a cost-benefit analysis of a negotiated settlement and its alternative. If negotiators think they can accomplish their bottom-line through other means (such as strikes, violence, legal options, etc.) they may choose those rather than an agreement.

Principled Negotiation of Prophet Muhammad at Hudaybiyah

Prophet's approach to negotiation displays many of the features recommended by Fisher and Ury in their Principled Negotiation model and goes above and beyond that.

1. **Separate people from the problem:**
   First and foremost, the Prophet himself often practiced separating people from the problem and while he was often hard on the problem, he was quite soft on the people and focused on maintaining cordial, and respectful relations with his opponents. This approach allowed him to maintain good relations with his enemies and develop mutual empathy.

2. **Focus on interests, not positions:**
   As mentioned before, he focused on the needs and interests of the parties rather than their positions. This allowed him to assess the reasons behind the positions and to identify what were the most important goals and objectives of the negotiation. As such he was able to determine the areas where he could compromise in order to achieve broader goals and objectives of the Muslims

3. **Generate options for mutual gain:**
   Prophet Muhammad (PBUH) worked together with his opponents to develop mutually acceptable options. He focused on both parties feeling a sense of getting what they need out of the negotiations.

4. **Recognized his BATNA:**
   He had a clear sense of what are redlines or limits of compromise and what his best alternative to a negotiated settlement was and was prepared to accept that.

In addition to above mentioned principles of negotiation, Prophet's approach went beyond and include the following characteristics:

5. **Maintain clear communication and flexibility:**
   Prophet Muhammad (PBUH) constantly displayed flexibility during the negotiations and always kept communication channels open with his opponents as well as his constituency. Furthermore, he was always calm and in control of his feelings and emotions. Following the Quranic injunction "Not equal are the good deed and the bad deed. Repel evil by that which is better, and then the one who is hostile to you will become a devoted friend. But none is granted it except those who are patient, and not is granted it except one having a great fortune" (Q41:34-35), he treated his enemies with compassion and gentleness, and responded to decades of aggression, persecution and insults graciously. He forgave his opponents and focused on building a peaceful community where former enemies lived and worked together as fellow brothers, as he did after his return to Mecca.

6. **Maintained trust of his opponents.**
   He treated everyone fairly and maintained the trust of his enemies even when they were persecuting him. For instance, when he migrated from Mecca to Medina, he had many of the belongings of those Meccans who were persecuting him. Before he left, he instructed his nephew Ali to stay behind to return all those belongings that were trusted to him. Due to such honesty and integrity, his opponents continued to trust him even during the most challenging times. This trust allowed him to transform the hostile relations into friendships and reconcile afterwards.

7. **Commitment to Agreements.**
   Prophet Muhammad always kept his promises and commitments, including the commitments he made during negotiations. Based on the Quranic verse (Q16: 91, peace agreements or arrangements is considered binding in Islam because observance of treaties and considered crucial and a religious duty in Islam. The Treaty of Hudaybiyah was a binding agreement that had conditions that were symbolic yet had the effect of bringing about an enforced period of peace. The Prophet (PBUH) showed his commitment to it as such. As a result, *sulh* (reconciliation) in Islam is a considered form of contract (*'aqd*), and is legally binding on both at individual and community levels. Likewise, although negotiation is a nonbinding process, it becomes morally binding when the parties come to an agreement and sign a treaty.

EXERCISE 3

SETTING A NEGOTIATION STRATEGY

Purpose: Encourage participants to identify their negotiation strategy
Materials: Flip charts, pen, paper, Handout on Analysis of Positions, Needs and Interests
Time: 40 min
Procedure:
- Divide the group into smaller groups
- Group discussion for 20 min
- Come back to the large group for a group discussion for 20 min

Discussion:
Based on your analysis of positions, needs, and interests:
- Identify short and long-terms goals
- Prioritize your goals
- Develop a Negotiation Strategy that is based on Principled Negotiation
- Discuss why you decided on this strategy?

Power in Negotiations

What is power? What role does power play in negotiation? Do always 'powerful' parties win in negotiations? And how can negotiators increase their power? These questions are critical to effective negotiation because "power" is central to negotiation outcomes, and is one of the key factors that shape negotiation performance.

Power is a vague and complex concept and can be defined in a number of different ways. Some of these definitions associate power with force or possession, others focus on actions of a party to produce intended reactions by others. One way to define power is 'as the capacity of an actor to control the resources and outcomes in order to satisfy one's own and others' purposes in a situation.[124] Power can also be defined as the capacity to produce a change. Power can be used for destructive or constructive purposes. Within the context of negotiations, power refers to the probability of the negotiators to influence the outcome of the negotiation in the direction of their ideal outcome.[125] This capacity can lead to power over others (through use of force), power with (through cooperation), or power through the integrative system – the system of identity and relationships that holds people together in groups.

124 A.P.C.I. Hong and P.J. van der Wijst, "Women in Negotiation: Effects of Gender and Power on Negotiation Behavior," *Negotiation and Conflict Management Research* 6, no. 4 (2013): 273–284, 273, https://doi.org/10.1111/ncmr.12022.

125 Adam Galinsky, Michael Schaerer, and Joe C Magee, "The Four Horsemen of Power at the Bargaining Table," *Journal of Business and Industrial Marketing* 32, no. 4 (2017): 606-611, 606, Research Collection Lee Kong Chian School of Business, https://ink.library.smu.edu.sg/lkcsb_research/5161.

Power Asymmetry and Negotiation

Power is one of the key factors that shape negotiation performance and outcome. How power is distributed between the parties can impact the negotiations. Negotiations are considered to be *symmetrical* if parties are considered to have equal amounts of power and they are considered *asymmetrical* if parties are considered to have unequal amounts of power. It is often believed that negotiation outcomes will be more successful if there is a more symmetric relationship between parties. Symmetric relationships between parties exist when parties have similar allocations of power resources. It is important to remember that symmetric relations or equal power distribution in negotiations does not always lead to successful negotiations because it can result in a deadlock. Therefore, symmetry can reinforce hostilities and prolong conflicts.[126]

In most negotiations, power is not always equally distributed between the parties. When power is not equally distributed between the parties, or when one party is considered to have more power than the other, there exists asymmetrical relations. In asymmetric negotiations, we generally assume that 'more powerful' parties always get what they want in negotiations, and that the more power one has the more one can demand and perform better at the bargaining table. But that is not always the case. For example, from a traditional point of view, during the conflicts between the Quraish and Muslims led by the Prophet, the Quraish was considered to be the more powerful and stronger party in terms of numbers, wealth and military power and Muslims were considered to be the weaker parties. In reality, however, at the end, it was the Muslims who proved to be the successful party.

This is because, negotiation power has a number of costs as well as benefits and to succeed, a negotiation team needs to understand both aspects of power.

Benefits of Power

Some of these benefits may include the following:

- Negotiators who feel powerful are more inclined than less powerful negotiators to make the first offer, which can set up the bargaining advantage during negotiations.
- Negotiation power also means being immune towards manipulation and other emotional tactics used during negotiations. For instance, some negotiators may use anger and threats to coerce their demands. When negotiators feel powerful they remain unimpressed by these strategies and do not give in to tactics of intimidation and coercion. Recognizing your one's own power can help negotiators become immune to these tactics.
- Negotiation power allows negotiators to be proactive, ambitious, and think outside of the box which can lead to creative solutions that can satisfy the needs and interests of all parties involved.

Costs of Power

While power certainly can lead to better negotiation outcomes, the reality is much more complex. Power can also have its costs and limitations during negotiations. Some of these limitations include:

- Negotiators who feel powerful may lose perspective because when a party feels too powerful, they tend to fail to take their counterpart's perspective. Thus, cutting off the conversation between two parties.

126 William I. Zartman and Jeffrey Z. Rubin, *Power and Negotiation* (Ann Arbor: University of Michigan Press, 2000): 271- 291, 272.

- Inflated sense of power can lead negotiators to overestimate their position and leverage and as a result fail to take into account the needs and interests of their counterparts. Consequently, they fail to reach a durable agreement that would satisfy the needs of all parties involved.
- Inflated sense of power can lead negotiators to underestimate their counterparts, and take risks that can lead to bad decisions and unsatisfactory outcomes, which in turn, will lead to failure to solve the problem and reach durable agreements.

EXERCISE 4

DEFINING POWER

Purpose: Encourage participants to reflect about power
Materials: Flip chart, paper, and markers
Time: 30 min
Procedure:
- Decide beforehand how to divide the group into smaller groups for discussions
- Group discussion for 15 min
- Come back to the large group for discussion for 15 min

Discussion:
- What does power mean to you?
- Who in your community/society is considered to have more power? why?
- How do you respond to the statement: "Everyone is powerful but not everyone knows it."

How to Increase Your Power

An individual's negotiation power can be increased in several ways and several sources of power may be responsible for this.[127]

1. **Recognize and Understand Your Sources of Power (Priming in Power):**
   One of the ways in which negotiators can increase their power is by recognizing their own power and capitalizing on it. When we are aware of our own power, we tend to act in ways associated with power which, in turn, will lead to more effective negotiations.

Understanding the nature of power and recognizing our own power is called ***priming in power*** and is an important skill in negotiations. In order to negotiate successfully, negotiators need to understand the nature of power, know their own source of power as well as their counterpart's source of power. When we understand the nature and sources of power, we can identify our own sources of power. Some of the key characteristics of power includes:

a. ***Relative Nature of Power:*** An important aspect of power is that it is relative. There is no absolute power but one always has more or less power relative to another person within the context of a relationship. Furthermore, power relations are not static but dynamic: they can change and evolve overtime. Understanding the relative nature of power is particularly important during negotiations in order to assess our negotiation power and use it effectively. Negotiators assess how much power they have by assessing to the extent that they perceive themselves as more or less dependent on their counterpart and vice versa.

127 Lewicki et al., *Essentials of Negotiation*.

b. Psychological and Perceptual Dimensions of Power: An important aspect of power is that it is psychological and is closely associated with our perception. Power as a psychological property of the individual affects people's behavior and cognition.[128] Individuals have beliefs about their own and others' behavior, based on what is seen as appropriate behavior for a role that an individual fulfills[129] (Eagly, 1987). How parties perceive their own power as well as the power of their counterparts plays an important role during negotiations. When we believe we have power we tend to negotiate better and get better outcomes in negotiation. Negotiators can bring a sense of psychological power -the feeling that they are powerful to the table. When parties believe that they have power over others, it increases one's power and effectiveness in negotiations because it triggers one's sense of power by activating concepts and behavioral tendencies associated with power.[130] For instance, while the Quraish had more military power, Muslims have realized their own power based on their conviction and belief in God, the Almighty. It is this conviction that gave Muslims the power and confidence to confront and take on the most powerful tribe of Arabia at the time.

c. Cultural dimensions of Power: Another important aspect of power is that it is informed by religio-cultural context. Power is manifested differently in different cultures. Culture refers to "socially inherited, shared and learned ways of living possessed by individuals in virtue of their membership in social groups."[131] It is learned and shared. Power and culture are closely interrelated. That is to say, cultural contexts inform definitions of power, attitudes and beliefs related to power as well as the purpose of power.[132] Power is often culturally defined and relevant.[133] Power is established, validated, and transferred through culture. For example, cultures may have different views on what status is, who is considered a legitimate authority on a matter, or what sources of knowledge are more valid. , in turn, will influence who has more status power. It is important to remember that culture, like power, is dynamic, complex and is not uniformly distributed groups. This means the relationship between power and culture is also dynamic and can change and evolve. Therefore, negotiators need to understand this dynamic relationship between culture and power within the context of negotiations in order to most effectively benefit from it.

128 Hong and Van der Wijst, "Women in Negotiation: Effects of Gender and Power on Negotiation Behavior," 274.

129 Eagly, "Sex differences in Social Behavior."

130 Galinsky et al., "The Four Horsemen of Power at the Bargaining Table."

131 Kevin Avruch, "Cross-Cultural Conflict," *Conflict Resolution: Encyclopedia of Life Support Systems* vol. 1, edited by Keith William Hipel (Oxford, UNESCO, 2009), http://www.eolss.net/eboo: 45-56.

132 Carlos Torelli and J. Sharon Shavitt, "Culture and Concepts of Power," *Journal of Personality and Social Psychology* 99, no 4 (2010): 703-723, 703.

133 Reina Neufeldt, Larissa Fast, Fr. Robert Schreiter, Fr. Brain Starken, Duncan MacLaren, Jaco Cilliers, and John Paul Lederach, *Peacebuilding: A Caritas Training Manual* (Caritas International: Vatican City, 2002), 64.

BOX 12

CASE STUDY: NAZO TOKHI

Througout Islamic history, various Muslim women have participated in resolving conflicts and building peace in their communities as negotiators or mediators. One such woman was Nazo Tokhi. Nazo Tokhi, known as Nazo Ana, the Mother of the Afghan Nation was an important Muslim leader and a prominent Pashtun poet in Afghan culture. Nazo was born around 1651 in Tazi, Kandahar Province of Afghanistan.[134] Her family was influential in the area with her father Sultan Malakhai Tokhi being head of the Tokhi Pashtun tribe and governor of the Ghazni region. During her uprining her father insisted on her education enabling her to become an influential poet. She is also known as the mother of Mirwaid Hotak, the famous Afghan ruler of the Hotak dynasty.

Throughout her life she was known for being a fierce fighter, an effective conflict mediator, and an excellent negotiator and for continuously seeking knowledge and wisdom. When her father was killed in battle near Sur mountain, she took over the village, took arms and fought with soldiers to defend it.[135] Among conflicts she mediated was the fight between Ghilji and Sadozai Pashtun tribes where she encouraged them to alliance together against the Persian Safavid rulers. She pushed for Pashtunwali to be the law of the confederacy of the Pashtun tribes.[136] Her tribal background and influential family contributed to her high status and social standing. Together with her knowledge of Islam and understanding of cultrual and tribal dynamics, this social standing have her the power and credibility to be an effective negotiator and mediator.

Ana used her poetry to discuss many themes including her love for Islam and Allah. Today, there are several institutions and schools named after her in Afghanistan including: Nazo Ana Clinic, Nazo Ana high school in Kandahar.

2. **Understand Sources of Your Power:**
   Power is generally associated with coercion and threat. Within the context of peace negotiations, power may be associated with military force and victory on the battlefield. Within the context of daily interactions and negotiations, power may be associated with use of threat and force in personal, economic, or social life. However, force or coercion is not the only source of power. There are different sources of power. People, groups and organizations possess different types of power to influence the outcome of negotiations and resolution of conflicts. These sources of power are not mutually exclusive but negotiators may hold a number of them at the same time.

Understanding different sources of power can help us recognize our own source of power or help us explore different ways to increase our power to balance power asymmetry during. Some of the sources of power may include:[137]

   a. ***Power of force:*** Power of force refers to physical strength, use of coercion, threat, or intimidation. It is often associated with military strength and weapons. During negotiations, parties may use or threaten to use armies, police, weapons, or personal strength to coerce their opponents to accept their conditions. For instance, during their conflicts with the Muslims the Quraysh often relied on their military power, and used intimidation and threat as a strategy.
   b. ***Positional power:*** Positional power is based upon the role, or social position of an individual. Because the power of the individual rests on the position of the individual rather than the individual him/herself, it is passed from one person to another as the

134 Mohammad Osman Mohmand, "Naz O Ana," Khyber.org and Sabawoon.com, September 16, 2005, https://web.archive.org/web/20120320074707/http://www.khyber.org/people/a/NazoAna.shtml.

135 Muhammad Hotak, *The Hidden Treasure (Pata Khazana): A Biography of Pashtoon Poets*, translated by Abd al-Hayy Habi□bi□ and Khushal Habibi (Lanham: University Press of America, 1997), 135.

136 "Nazo Tokhi," Prabook, accessed September 3, 2021, https://prabook.com/web/nazo.tokhi/2109781.

137 For more information regarding these sources of power, see Reina Neufeldt, *Peacebuilding: A Caritas Training Manual.*

individuals who occupy that position may change. For instance, a president has power as long as he or she serves as the president. Once he or she is no longer the president, s/he will lose that power.

c. ***Relational power:*** Relational power is the property of social relationships rather than residing in a particular individual or a group. As an inherent part of the relationship between individuals or groups, relational power exists as long as that relationship or that resource is valued within the context of the relationship. For instance, a teacher may have power over his/her student because of the teacher/student relationship; A mother may have power over her children because of the "mother-child" relationship, among others. During negotiations, parties can take advantage of their relational power if they have a good understanding of the nature of their relationship and power associated with this relationship.

d. ***Power of status:*** Similar to positional power, power of status does not rest on the individual but on the social standing of that individual within a particular society. For example, wealth, gender, religion, tribe, or family ties may bestow certain individuals with power in different social, cultural contexts. During negotiations, the status of individuals may influence their bargaining power. Negotiators who understand the social, cultural and religious dynamics of status can take advantage of this form of power during negotiations. For instance, Nazo Takhi's social, tribal affiliation and influential family roots were important sources of power during her negotiations in her community (see box 12).

e. ***Power of knowledge and expertise:*** Power of Knowledge and expertise refers to the legitimacy, credibility and influence of individuals and groups who have knowledge and expertise on relevant areas. In this case, the power of the individuals or groups come from what they know. Within the context of negotiations, negotiators can increase power if they can show a high level of knowledge, or great level of skills in areas that are relevant to the issues being discussed. Perceived expertise and knowledge in a number of different areas can add to the legitimacy, credibility and influence of the negotiators. For example, Lala Aziza (See box 14) was able to confront a powerful general who had come to take over and plunder her village with her knowledge of Islam. By referring to Quranic verses on peace, justice and compassion she was able to negotiate an outcome where the general left the town unharmed.

f. ***Power of Group:*** Being part of a group can be a source of power for many individuals. People are often members of broader social units called groups. For example, individuals may be part of a particular gender, religion, or an ethnic group. Individuals can also be part of more than one group. These groups sustain us or support us. During negotiations, negotiators' group affiliations and ties can be an important source of power, especially if the group is large or has resources that can support the negotiators. By building coalitions and alliances, parties can increase their power. For instance, the Prophet (PBUH) often built coalitions and alliances between different groups, irrespective of their tribal, religious or ethnic background. These alliances and coalitions added to the power of Muslims through the power of groups.

EXERCISE 5

IDENTIFYING SOURCES OF POWER

Purpose: Encourage participants to identify their sources of power and develop strategies to increase their power
Materials: Flip chart, markers, this handout
Time: 40 min
Procedure:

- Divide the groups into smaller groups to reflect on the discussion questions
- Participants have 20 minutes to discuss
- Participants come back to large group discussion and share their responses for 20 min

Discussion:

- What sources of Power do you and your opponent possess?
- Does your power change according to where you are or who you are with?
- What are some of the cultural dimensions of power?
- How can you increase your power during the negotiations?

Your Power	Source	Opponents Power
	Power of Force	
	Positional Power	
	Relational Power	
	Power of Status	
	Power of knowledge and Expertise	
	Power of Group	

3. **Borrow Power From Your Counterparts138:**
   Negotiators can borrow power from their counterparts by seizing on the different aspects of their opponent's position that can support them. Specific strategies of borrowing power from their counterpart may include:
   a. ***Appeal to common interest:*** Negotiators who have a good understanding of the needs and interests of their counterparts can show that they have common interest.
   b. ***Emphasize the benefits of solving the problem:*** Negotiators can also reframe the problems that need to be addressed and show how overcoming this problem can benefit all parties involved.
   c. ***Pair positions:*** Negotiators can pair the demands of their counterparts with their own demands and accept some of their opponent's demands in exchange for them accepting their demands.
   d. ***Appeal to relationships:*** Negotiators can appeal to their historical, social or other relationships and remind their opponents the value of this relationship.

4. **Borrow Power From the Context:**
   Negotiators can also increase power by borrowing it from their context. Some of the contextual power may come from the environment of the negotiation setting, which is often designed to level the negotiations, others may be within the social, cultural and religious context of the negotiators. Specific strategies to borrow power from context may include:

138 This section is based on William I. Zartman and Jeffrey Z. Rubin, *Power and Negotiation,* 271- 291, unless stated otherwise.

a. ***Use of rules:*** In many negotiations, there are usually agreed upon ground rules and procedures. Negotiators can remind their counterparts the ground rules and procedures they have all agreed to.
b. ***Use of team support:*** If certain negotiators on the team might be alienated from the process because of cultural restraints or bias, it is important for other team members to offer their support and reinforce their legitimacy within the context. For example, if two Muslims negotiators are joined by a non-Muslim negotiator in an Islamic country, it is imperative for the Muslim negotiators to empower their colleague and speak to them with respect so the other party follows.
c. ***Use of mediators:*** Negotiators can also ask certain individuals, states, or organizations to serve as mediators to help reach an agreement. While mediation is voluntary and mediators do not always have power to force parties to come to an agreement, they still can help increase the power of negotiators through helping expand resources, come up with creative solutions, or give legitimacy to some solution. It is important to remember that, for mediators to have an impact, they must be accepted and considered legitimate by all the negotiation parties involved.
d. ***Appeal to principles, values:*** Negotiators can also appeal to their counterpart's values, principles and norms such as fairness, justice, and compassion among others. Linking these values and principles to the core religio-cultural values of the opponent can make their appeal stronger.
e. ***Point out the impact of external forces:*** Negotiators can also warn their opponents about external factors that may negatively impact the outcome of the negotiations, the future of relations between different parties, and/or finding a durable solution to the conflict. Linking these negative impacts to the interests and goals of their counterparts can increase their appeal.

5. Borrow Power from External Actors:

Negotiators can also increase their power by borrowing power from external actors, and resources.

a. ***Form alliances and coalitions:*** Negotiators can increase their power by forming alliances or coalitions with different actors. These actors may be other states, Nongovernmental and governmental organizations, political or religious leaders, and/or women's groups, among others Forming an alliance may allow negotiators to come together with other actors on a number of different issues where they share common interests and goals. These alliances and coalitions can bring in additional sources of power, as well as resources to the negotiation, such as legitimacy, financial resources, or expertise. They can help in persuading or pressuring the opponent on issues of common concern.
b. ***Strengthen links to internal factions and constituents:*** Developing or strengthening links with internal factions and constituents can also help increase negotiation power. Negotiators who understand the needs and interests of different factions and different constituents can develop solutions that would address their needs and therefore can receive the support of these groups during the negotiations. This can help persuade their opponents to find solutions that would be mutually acceptable.
c. ***Use of public opinion:*** Negotiators can increase their power by engaging public opinion, through media or education campaigns on issues important to them. Additionally, they can use surveys or questionnaires to understand public opinion on issues. Showing the support of the broader community can be used to persuade the opponent.

6. Understand Gender-Related Triggers:

There are a number of different factors that may hinder women's participation in negotiations. Some of these include normative and structural barriers women face in their societies. Gender stereotypes can also constrain women negotiating access to resources and opportunities through lowered performance expectations and impact negotiation performance and behavior of men and women in negotiations.[139] Gender triggers refer to those situational factors that create gender effects by prompting gender-related behavioral responses. During negotiations certain situational factors can serve as gender triggers prompting women to act in ways consistent with gender stereotypes of the way men and women perform in negotiations. These factors can serve as gender triggers prompting women to act in ways that can constrain or empower them. In order to counter the effects of gender triggers it is important to understand what these factors are and develop strategies to benefit negotiation performance.

Beware of gender stereotypes: Stereotypes become harmful when they are activated implicitly and when individuals are being evaluated. Therefore, one effective strategy to counter the effects of stereotype threat and to resist fulfilling negative gender stereotypes is raising awareness of the potential for stereotype threat. This requires being aware of the implicit and explicit gender stereotypes. Some authors suggest that women negotiators can use their knowledge of religiously and culturally informed gender stereotypes to develop their persuasiveness and avoid risks of backlash.[140] They argue that this strategy can enhance the legitimacy and credibility of women negotiators and improve their negotiation performance especially where negotiators are more receptive to peace proposals that come from females[141] because women may be perceived as less of a threat or associated with peace, cooperation and relationship building. However, this strategy may have its shortcomings and may reinstate stereotypes of women that may become a hindrance in the long term. For that reason, negotiators need to be extremely careful not to reinforce gender stereotypes that can harm them in the long run.

Understand sources of your power: Gender stereotypes influence how men and women perceive their power, which in turn influences their behavior during negotiations and the outcome of negotiations. Because negotiation is often associated with masculine qualities and gender roles and norms, women often underestimate their power and efficacy.[142]Differences in negotiation behavior and outcomes is closely related to the psychological nature of power (see above), rather than innate differences between men and women. Depending on their social and cultural context, and intersecting with their different social identities (i.e race, ethnicity, religion, tribal affiliation, socio-economic status etc.), men and women bring with them different sets of skills, experience-based knowledge, and sources of power (such as positional power, relational power, power of status, power of knowledge and expertise, and power of group). Irrespective of their gender, individuals who experience and recognize their power tend to be more goal oriented and act in ways to reach their goals.[143] When women are primed with the experience of power, when they understand and recognize sources of their power they negotiate more effectively.

139 Bowles et al., "Psychological Perspectives in Gender in Negotiation."

140 Bowles et al., "Psychological Perspectives in Gender in Negotiation," 478.

141 I. Maoz, "The Women and Peace Hypothesis? The Effect of Opponent Negotiators' Gender on the Evaluation of Compromise Solutions in the Israeli-Palestinain Conflict," *International Negotiation* 14 (2009): 519-536.

142 Hong and Van der Wijst, "Women in Negotiation: Effects of Gender and Power on Negotiation Behavior."

143 Galinsky et al., "The Four Horsemen of Power at the Bargaining Table."

Understand your skills set and strengths: Negotiators, whether they are men or women, bring a wide range of skills and strengths to the process of negotiation. Some scholars distinguish between stereotypically female and male traits[144] and argue that women's interpersonal abilities allow them to collaborate and achieve creative solutions, while men tend to be more assertive.[145] However, these gender differences in negotiation are inconsistent and are not true in many negotiation processes.[146] In reality, women are highly effective negotiators and bring in a broad range of skills, expertise and strengths. Because of gender norms and the ways in which women and men are socialized, some women may value and effectively demonstrate empathy, strong and clear communication, collaboration, among others and therefore are excellent problem solvers. Other women may be more competitive and have strong bargaining skills. These skills and expertise are often a result of our individual preferences, experiences, educational and vocational backgrounds, social, and political contexts we live in, among many other factors and vary from person to person. What is critical, however, is to be aware of our own strengths, skills set and experiences and reflect upon how they can assist us in becoming more effective negotiators.

Reduce Ambiguity: Research shows that women perform better during negotiations where there is less ambiguity. Ambiguity refers to the degree of uncertainty in parties regarding the structure of negotiation that is related to poop of resources available for distribution between parties, the likely coordination points for agreement, limits of bargaining range and appropriate standards for agreement.[147] Lack of information about one's own and other party's negotiation limits (or points of resistance) creates uncertainty about what is attainable in negotiation. "Some degree of ambiguity is present in all negotiations, so be aware of situations that may trigger gender stereotypes or role expectations."[148] If you are uncomfortable with ambiguity, one strategy to address this is to reduce uncertainty by working towards more transparency in terms of what is negotiable, what are the norms and standards of negotiation, exploring different options among the negotiation team members. Having strong communication among the negotiation team members, identifying goals and objectives of the negotiation, clarifying redlines and BATNA, among others can help reduce ambiguity significantly.

Remember why you are negotiating: Research shows that women often negotiate more assertively and effectively when negotiating on behalf of others rather than for themselves.[149] One reason for this may be that, in most societies, negotiating for the benefits of others is more in line with the traditional gender norms and roles where they are expected to be more focused on relationships and community interests rather than their own interests. This is one of the situations where gender stereotypes can be used as an advantage during the negotiations when integrative, collaborative solutions are necessary. Reframing the negotiation in a collaborative and community interest perspective focusing on the needs of the wider community and different stakeholders, emphasizing common good, unity and public good can be an effective negotiation strategy under these circumstances.

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144 M. Dewhurst and V. Wall, "Gender and the Mediation of Conflict: Communication Differences," *Conflict and Gender,* edited by A. Taylor and J. Beinstein-Miller.Cresskill, (NJ: Hampton Press, 1994); L. J. Kray, Jochen Reb, A. D. Galinsky, and L. Thompson, "Stereotype Reactance at the Bargaining Table: The effect of stereotype activation and power on claiming and creating value," *Personality and Social Psychology Bulletin* 30, no. 4 (2004): 399–411; L. Kray, and L. Thompson, "Gender stereotypes and negotiation performance."

145 L. Babcock. and S. Laschever, *Women Don't Ask: Negotiation and the Gender Divide* (Princeton, NJ: Princeton University Press, 2003).

146 For an examination of gender and negotiation literature see L. J. Kray and L. Thompson, "Gender Stereotypes and Negotiation Performance."

147 Bowles et al., *Psychological Perspectives on Gender in Negotiation*, 952.

148 Dina W. Pradel, Hannah Riley Bowles, Kathleen L. McGinn, "When Gender Changes the Negotiation," *Working Knowledge: Business Research for Business Leaders* (February 13, 2006), Harvard Business School, accessed September 3, 2021, https://hbswk.hbs.edu/item/when-gender-changes-the-negotiation.

149 Bowles et al., *Psychological Perspectives on Gender in Negotiation*.

Prepare for Success: Preparing for success in negotiation is as important as performance during negotiations. Especially when stakes are high, when there are significant power imbalances and hierarchies, negotiations may make us feel uncomfortable, nervous, or even fearful. Especially women may feel unique pressures and credibility challenges. We can overcome these feelings by preparing for success and getting ready mentally. This starts by having the right attitude towards negotiations and building your confidence by recognizing your strengths and sources of power. Projecting this confidence through your body language as well as your voice is also important. For instance, the Holy Quran advises women to have a strong and uncompromising voice (Q 33:32).[150]

Additionally, it is important, for both men and women, to dress to persuade our opponents. Studies have shown that an often-overlooked aspect of negotiations is how we present ourselves, including how the way we dress can influence our credibility and negotiation outcomes.[151] Through our voice, body language and dress, we can convey a message of trust and competence. It can contribute to our credibility and legitimacy.

How we should dress and present ourselves in negotiations depends on the particular religious and cultural contexts we are negotiating. Paying attention to culturally informed dress codes and mannerisms can provide us with an important first impression that can increase our credibility and legitimacy in the eyes of our opponents. Wearing a suit may be suitable during negotiations in Europe or the US for both men and women. In Islamic contexts, wearing a modest outfit and a scarf may increase the credibility of women, when they are negotiating with conservative groups. For instance, during the negotiations with Islamic groups in Mindanao, the first Muslim women negotiator Jajurie states that she "recognized that there was certain behavior expected of her,"[152] such as wearing a headscarf and traveling with a *mahram*, a male companion. Although this was not something she would have done before, she decided to wear a headscarf, especially in official and formal functions where she was seen as representing the MILF and traveled with a male companion whenever she could (see box 13 for the Mindanao Case-Study).[153]

Also, in many Muslim countries, there are specific conversation manners (*adab al muhadatha*), which emphasizes speakers, especially in formal statements, to begin with the *basmala*, Islamic attestation that everything that follows is done in the name of God, and includes guidelines that focus on moderation, respect, choice of words, and speaking ordered are addressed and done.

150 The surah 33, verse 32, states: "Oh women of the prophet, you are not like any women. If you are heedful of Allah, do not compromise (be soft, malleable) in your speech, so that he in whose heart is a disease should covet, and speak an appropriate (beneficial) speech."

151 Katie Shonk, "In Business Negotiations, Dress the Part," Program on Negotiationat Harvard School of Law (2020), https://www.pon.harvard.edu/daily/business-negotiations/in-business-negotiations-dress-the-part/.

152 I.M. Santiago, "The Participation of Women in the Mindanao Peace Process," *UN Women* (2015), 11, https://wps.unwomen.org/pdf/research/Santiago.pdf.

153 Santiago, "The Participation of Women in the Mindanao Peace Process," 11.

EXERCISE 6

SWOT ANALYSIS TO UNDERSTAND YOUR STRENGTHS

Purpose: Encourage participants to analyze their strengths, weaknesses, opportunities, and threats that can impact their negotiation effectiveness and strategy. This exercise can be conducted for each member of the negotiation team to identify their strengths and develop strategies to increase their effectiveness during negotiations or it can be also conducted for the negotiation team as a whole.
Materials: Flip chart, markers, this handout
Time: 40 min
Procedure:

- Ask each participant to identify their Strengths, Weaknesses, Opportunities and Threats
- Participants have 20 minutes to reflect individually.
- Participants come back to large group discussion and share their responses for 20 min

Discussion:

- How did this exercise help you understand your strengths and weaknesses?
- Are there any opportunities you have to address your weaknesses?
- Can you think of any strategies that will help you address your weaknesses and threats that you may be facing?

STRENGTHS: Strengths describe what you excel in, what you are good at, what you bring into the process that can help you achieve your goals. Some potential questions to reflect upon may include:

- What are some of the core skills, experiences, and expertise you are bringing to the negotiation process?
- What are your sources of power?
- What resources or capacities do you have?
- How does Islam inform these skills?
- Who are your local or international allies and how do they contribute to your strength?

WEAKNESS: Weaknesses prevent you from performing at your best, what are some of the areas you might need help with, and need to improve. Some potential questions to reflect upon may include:

- Are there areas you would like to increase your skills and knowledge?
- Do you have sufficient Knowledge about your counterparts?
- Are there any resources and capacities you are currently lacking?
- Are there any elements of the negotiation process that are making you uncomfortable or nervous, such as ambiguity, location of the meetings, hierarchies etc.?

OPPORTUNITIES: Opportunities refer to favorable external factors, developments, events and groups that can give you an advantage and increase your negotiation effectiveness. Some potential questions to reflect upon may include:

- What are some of the opportunities you have to address your weaknesses and threats?
- What are some of the developments in your context that can help you during the negotiation process?
- How does your faith support you in this process?
- What opportunities exist for you to increase your power?

THREATS: Threats refer to factors, events, and developments that can limit or undermine your effectiveness. Some potential questions to reflect upon may include:

- What are some of the major threats to your effective negotiation?
- Are there any structural and normative barriers that are impacting your negotiation?
- Are there any gender stereotypes or perceptions that are impacting your negotiation?

BOX 13

CASE-STUDY: Muslim Women's Participation in Mindanao Peace Process as Negotiators and Peacebuilders.

Muslim women have played significant roles and served as negotiators and peacebuilders in a number of different conflicts including conflicts in the Wajir District in Kenya, Somalia, Aceh-Indonesia, Bangladesh, Sudan, and Sri Lanka.[154] One such case is the Bongsamoro Peace Process in Mindanao, Philippines.

The conflict between the armed groups and the central government in Mindanao had a terrible impact on Muslim women. Ms. Amina Rasul,[155] the President of the Philippine Center for Islam and Democracy (PCID), explains the challenges Muslim women experienced during the conflict and points out that in addition to the devastating impacts of the armed conflict between the insurgent groups and the government, women were negatively impacted by the growing power of extremist fundamentalist groups who wanted to monopolize Islam and accused anyone who talks about democracy, moderation or gender equality of being un-Islamic or anti-Islam[156]. Rasul states that these groups often focused on women's obligations, rather than women's rights and the situation was made worse because Muslim women in Mindanao conflict were often unaware of their rights.

In order to address these challenges, aleemat, female religious scholars and teachers, worked with PCID to develop a program to contribute to peace and democracy in their communities as a unified group serving as a bridge between the women and the ulema. In 2009 PCID implemented the "Empowering the Muslim Women and Aleemat Project," which led to the organization of a national network of Muslim religious women scholars and civil society leaders called the Noorus Salam, or Light of Peace [157]and a group of aleemat approved a "Declaration of Muslim Women Waging Peace." This declaration was a strong statement proclaiming their commitment to attain peace and development in Mindanao[158] and called on the government and development partners to acknowledge women's capacity to participate in conflict resolution, peace negotiations and reconstruction activities. They also demanded access to financial resources and economic development, education and Islamic values formation, greater access to health services and clean elections and governance among others.

These efforts led Raissa Jajurie to be selected to partake in the Moro Islamic Liberation Front's Board of Consultants in 2011 and, eventually, to be appointed as a member of the official MILF negotiation delegation[159]. Jajurie was a lawyer and one of the Moro women who had founded Nisa Ul Haqq fi Bongsomoro, a non-governmental organization aiming to educate Moro women about their rights and have their voices heard in the peace process. One of the reasons she was asked to join the delegation was her expertise and knowledge as a lawyer. The MILF panel was looking for a lawyer who had an excellent understanding of the legal system, and with her expertise and track record, Jajurie would bring valuable skills and perspective.[160] As a Muslim woman herself, she had a good understanding of the grievances of Muslims in Mindanao, as well as the cultural and religious sensitivities of her community. Furthermore, the MILF leadership recognized that participation of women in the negotiation process was not against Islamic value system. In fact, the chairman of the MILF peace negotiating panel himself explained to Jajurie "that there was no injunction in the Quran against women taking leadership positions. He also said that even the passages in the Hadith warning against making young women lead was more about their inexperience rather than about their gender."[161]

As the negotiations proceeded, Jajurie realized that she could play a vital role particularly in the last critical stages of the negotiation, where there was an opportunity for inclusion of gender issues Nisa Ul Haqq had been working on. Her presence, especially because she had worked on gender issues with the Moro woman member of the government panel and her familiarity regarding where the government was coming from, were great assets. As a result, she was able to help MILF understand the reason behind the proposals, and help discussions become more open, which resulted in many gender provisions being incorporated into the peace agreement.

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154 Kristian Herbolzheimer, "Muslim women in peace processes: Reflections for dialogue in Mindanao Discussion Paper," *Conciliation Resources* (July 2011), accessed September 7, 2021, https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/Muslim%20women%20%281%29.pdf.

155 Ms. Amina Rasul is the President and co-founder of the Philippine Centre for Islam and Democracy (PCID) and a columnist with *BusinessWorld*. She was the Appointed Director of the Mindanao Development Authority and served as a member of the cabinet of former President Fidel V Ramos, as the former Commissioner for Women, former Director of the Development Bank of the Philippines, and Director of the Philippine National Oil Corporation. She led the organization of the National Ulama Conference of the Philippines and the Noorus Salam (Light of Peace), a national network of ustadzas and Muslim women civil society leaders. She also led the development of an Islamic Model for Peace Education for Mindanao. The UN Act for Peace Program named her the Mindanao Peace Champion in 2010. In 2013, she won second prize in the World Interfaith Harmony Week.

156 Amina Rasul, "A Rock and a Hard Place: Muslim Women and Conflict in Mindanao," *Global Asia* 6, no. 3, September 11, 2011, accessed April 1, 2022, https://www.globalasia.org/v6no3/cover/a-rock-and-a-hard-place-muslim-women-and-conflict-in-mindanao_amina-rasul.

157 Supported by the One Woman Initiative (OWI) through the Charities for America Foundation (CAFAmerica).

158 Declaration made during the 2nd National Ulama Summit, 2009, organized by the PCID.

159 Santiago, "The Participation of Women in the Mindanao Peace Process," 8.

160 Santiago, "The Participation of Women in the Mindanao Peace Process," 10.

161 Santiago, "The Participation of Women in the Mindanao Peace Process," 10.

Since then, Muslim women leaders, such as the women's rights champion Senator Santanina Rasul; peace mediator Governor Tarhata Alonto-Lucman, and educator Bai Matabay Namli Plang have made significant contributions in the fields of governance, peace mediation and education.[162] Inspired by these experiences more Muslim women have started entering the realm of civil society, expressing their discontent with unfulfilled promises and becoming more involved in conflict resolution processes, ending armed conflict and establishing zones of peace. They have also worked on issues relating to human trafficking, gender-based violence, forced prostitution, sexual slavery and others.

The case of Mindanao, as well as the experiences of women negotiators in other contexts offer important lessons. These include:

- Participation of women in peace processes as negotiators, mediators and peacebuilders is not only a matter of justice but also a practical necessity, because women often bear the brunt of conflict-related problems and they have a unique and important perspective.
- Women are not only victims of war but are also important peacebuilders and bring with them a unique set of skills and experiences. Therefore, they need to be empowered to be effective partners in finding negotiated solutions to conflict.
- Women from all areas of society must be prepared to lead, in partnership with civil society[163]. When women, like the women in Mindanao, get organized and agree on principles and guidelines, mobilize diverse networks and demand to be included, they can make a significant contribution to peace.
- Public needs to put pressure on their leaders and governments to include more women as negotiators. When women's groups organize campaigns and educate the public on the important role to play in the peacebuilding processes as mediators and negotiators, they can increase the pressure on their political leaders and governments to include more women in peace delegations.
- When building a negotiation team, officials should look at the roster of women mediator and negotiator networks to give them an opportunity to participate in the peace process164.
- Negotiation teams should break down goals into specific components, build a strong team of women from diverse sectors and delegate responsibilities.165
- Women need to realize that they need to play more active roles not only in achieving peace but in addressing serious social, political and economic issues and must be empowered to speak up on harder issues such as security, the economy, and political power sharing, among others as all issues have critical gender dimensions.166
- In addition to participation in the peace process, women need to actively participate in the political life of their communities because they should be represented in the political process that would determine conflict or peace.
- There needs to be an increased engagement among women from different parts of the world and learn from each other's experiences and support each other.
- Men must champion gender issues and speak up on behalf of gender justice and women's rights in their communities.

162 FSI, "UN Peace Award Recipient Amina Rasul Highlights Bangsamoro Women Peacebuilders," Republic of Philippines Foreign Service Institute, accessed September 10, 2021, https://fsi.gov.ph/2020/11/26/un-peace-awardee-amina-rasul-highlights-bangsamoro-women-peacebuilders/.

163 GIWPS, "Perspectives from Women Peace Negotiations," October 2020, accessed September 10, 2021, https://giwps.georgetown.edu/event/a-virtual-discussion-with-women-peace-negotiators-to-commemorate-the-20th-anniversary-of-un-security-council-resolution-1325/.

164 GIWPS, "Perspectives from Women Peace Negotiations."

165 GIWPS, "Perspectives from Women Peace Negotiations."

166 GIWPS, "Perspectives from Women Peace Negotiations."

CHAPTER 4.

Negotiating Gender Justice In Islam

This chapter provides Islamic sources and examples from Muslim history to argue in favor of women's inclusion and equality during negotiations. Women's inclusion in negotiation is now recognized as an important factor for reaching a durable agreement. Women's equality in all spheres, from education to justice; due process; political and economic participation; and freedom of movement is also critical to prosperous and peaceful societies. However, various individuals and groups may oppose meaningful inclusion of women in social, economic and political life by framing their arguments on religious grounds. In reality, however, Islamic tradition, rooted in the Quran and Sunnah, oppose gender discrimination and support women's full participation in all aspects of their communities. Knowledge of these sources and prophetic examples can be powerful strategies to counter these arguments and demand gender justice and inclusion of women in negotiations and beyond. Therefore, this chapter introduces Islamic sources of women's rights and provides examples of women's participation in their communities, including during peace negotiations since the time of the Prophet Muhammad (PBUH).

Gender Justice

Gender refers to how a society characterizes women and men in terms of norms, roles and relationships between men and women in a given society. Gender goes beyond biological sex to refer to the expectations and characteristics a society places on women, men, girls and boys and gender minorities and is one of the most significant aspects of an individual's identity.[167] These characteristics and relations between men and women differ from society to society and within the same society. These characteristics and relations are informed by class, age, economic and social context, educational background, and religious and cultural traditions and may change over time as a result of social, economic and political pressures or changing contexts.

In many societies, women and girls experience discrimination and inequality and their rights are often nor respected. Muslim communities are no exception. Some of these inequalities include income disparities, unequal access to health, education, health care, employment opportunities and decision-making. Exclusion and restrictions based on gender not only deprives individuals of their God-given dignity and honor but also has serious socio-economic and political consequences. For instance, women and girls comprise half of the society and restricting women and girls' economic and educational rights prevents countries from becoming prosperous and independent, it can even lead countries towards instability and violence.[168] Whereas countries who invest in women and girls see positive results such as alleviation of poverty, lower infant, child and mother mortality rates, stronger economy, improvement of family health and overall welfare, faster recovery and less dependency of foreign aid, among others. Women's security is also closely associated with the security of the state in general.[169] In other words. The security of

167 Fraser Owen and Mark Owen, *Religion in Conflict and Peacebuilding Analysis Guide*; Gender is also one of the first social differences, or "the first political order" as Valerie Hudson, Donna Lee Bowen, and Perpetua Lynne Nielsen call it. See Valerie Hudson et al., *The First Political Order: How Sex Shapes Governance and National Security Worldwide* (Columbia University Press, 2020).

168 The Economist, "Why Nations that Fail Women Fail," September 11, 2021, https://www.economist.com/leaders/2021/09/11/why-nations-that-fail-women-fail.

169 See Valerie Hudson, Mary Caprioli, Bonnie Ballif-Spanvill, Rose McDermott, and Chad F. Emmett, "The Heart of the Matter: The Security of Women and the Security of States," *International Security* 33, no. 3 (Winter 2008/2009): 7-45, https://giwps.georgetown.edu/wp-content/uploads/2019/11/WPS-Index-Report-2017-18.pdf.

women is interlinked with the security of the state in which the treatment of women can be an indication at what rate a society can achieve peace.[170]

Discrimination and unequal treatment of individuals because of their gender go against Islamic principle of justice (*adl*). As the main objective of religion and law (*maqasid al-shariah*), justice (*adl*) is central to Islam. Gender justice is an integral component of Islamic tradition supported by the Holy Quran as well as the Sunnah. The Quran states that every human being, men and women, are created in "the best of molds" (Q95:4) and must be honored (Q17:70). Therefore, all humans, irrespective of their gender, are equal before God and deserve equal appreciation of their worth and value. However, Islam goes further than recognizing equality and calls for equity by recognizing that each individual or group have unique needs and gifts that must be acknowledged and addressed. Equality means that each individual, or group is given the exact same resources and opportunities without paying attention to their different needs and circumstances. Equity, on the other hand, recognizes each individual may have different circumstances, particular needs and unique gifts and refers to a process that allocates resources, opportunities to address them to reach an equal outcome. This process is not necessarily the same, but it is just and fair. Gender justice in Islam emphasize the equal value and importance of women, girls, men and boys and equity in treatment of all people, regardless of their status, race, gender, and ethnicity.[171] Any form of discrimination towards women is not only detrimental to the society but is also against God's will.

Gender Justice in the Quran and Hadith

Gender justice and equality between men and women in Islam is well-established in the Quran and is informed by Islamic principles such as *maqasid*, *adl*, fitrah, *amana* and *khalifah*. Women's equality and rights are not only natural extensions of these principles but are explicit injunctions in the Quran and the Sunnah. In the Holy Quran, God Almighty addresses both men and women directly, and postulates equity and complementarity between them. In fact, it is recorded that Hind bint Abi Umayya (Umm Salama) asked the Prophet (PBUH) "Why are men mentioned in the Quran, and why are we not?" In response to her question, Allah (SWT) answered (Q33:35) that both men and women are equal and it is not sex that determines who earns his grace; it is faith and the desire to serve and obey him,[172] providing an example of a woman who demonstrated her concern for women's place in public and sought an answer from God. The Holy Quran makes it clear that its message is for both men and women as the Quran mentions *al-nisa* (women) 57 times, more than *rijal* (men).

Many verses in the Quran emphasize that the man and women come from the same source, are equal and that they will be judged according to their righteous deeds. The Quran also tells Muslims that men and women are equal, have similar rights (Q2:228, and Q3:195) and share equal moral responsibilities (Q9:71).

Equality of women and men is evident, for instance, in the Quranic creation story. The Quranic narrative tells us that "from the very beginning the human couple shared everything as equal,

170 Valerie Hudson, "Evidence: Security of women and Security of States," *Futures Without Violence* (May, 2017), https://www.futureswithoutviolence.org/wp-content/uploads/FWV_blueprint_1-Evidence.pdf.

171 Islamic Relief, *Gender Justice Policy*, https://www.islamic-relief.org/gender-justice.

172 Fatima Mernissi and Mary Jo Lakeland (Translator), *The Veil and The Male Elite: A Feminist Interpretation of Women's Rights in Islam* (New York: Basic Books, 1992), 70, ft. 12; see also Fatima Mernissi, *The Forgotten Queens of Islam* (Minneapolis: University of Minnesota Press, 1990), 119.

whether it was the divinely taught ability to restore oneself with God through repentance after having fallen short in one's religious performance, or whether it was in the performance of ethical duties as free agents of God with equal endowment of moral cognition and capability to execute a decision, right or wrong, and face the consequences accordingly."[173]

According to the Quran, Adam and Eve are created from the same being (*nafs wa'hida*) and have mutual rights (Q4:1) In this verse, as well as in verse (Q49:13) God informs human beings that they are all created from a single source, and that they all come from this one soul and are equal. The Quran also tells us that both Adam and Eve were tempted by Satan and they were equally held responsible for falling into temptation. These verses recognize their deeds as equally worthy, and state that they are 'of one another', meaning equal in the sight of God, and inform them that they will be rewarded equally (Q3:195, Q 4:124, 16:97, Q33:35).

Based on these verses, "the Quranic commentaries reveals with much clarity and certainty that the Quran treats man and woman as fundamentally equal, with no modifying adverbs such as "spiritually" equal but "socially" unequal", and "gender justice can be asserted as a decisive feature of the Quranic proclamation that cannot be overturned by any hermeneutic move, however intellectually compelling, against its explicit text to that effect."[174]

Women in the Quran

The Holy Quran specifically mentions that women, like men, have rights. For example the first verse of Surah *al Nisa* stated above includes a clear declaration that both men and women have rights clearly indicating that there is no superiority of one over the other which states "... through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for God ever watches over you." (Q4:1). It is also significant, in *Surah* 58, which is named as *Al-Mujadala*, translated as 'She that Disputed' or 'Pleading Woman,' Quran is responding to a woman who complained to God Almighty about her husband, who mistreated her. While the Quran does not mention her name, according to the Sunnah, she was Khawlah bint Tha'labah. In addition to recognizing her complaint, in the verses that follow, the Quran restores her rights. An examination of court documents in Muslim countries over the centuries show that Muslim women often sought their rights at Islamic courts successfully.[175]

While only Mary, mother of Prophet Isa (Jesus, PBUH) is mentioned by name, The Quran explicitly mentions a number of different women and praises them as role models for both men and women and emphasizes the need for them to cooperate. Each of these women represent a different aspect and role women play in society. These women include Eve (Hawa), who is created by Allah (SWT) together with Adam to live in Paradise. In the Quran, Eve is not the instigator but equally compliant in the sin as well as in the punishment and atonement. For example, Mary, mother of Prophet Isa (Jesus, PBUH), who is the only woman mentioned by name, is mentioned seventy times in various verses and has a whole *surah* (chapter 19) dedicated to her. In addition to being a mother of a Prophet, Quran mentions that she is a sign from God and is chosen above all others (Q21:91) and was an exemplary woman who was surrounded by Divine Grace. Two other women that play an important role in the Quran are Sarah (mother of

173 Sachedina, *Islam and the Challenge of Human Rights*, 132.

174 Sachedina, *Islam and the Challenge of Human Rights*, 132.

175 For examples, see Judith E. Tucker, *In the House of The Law: Gender and Islamic Law in the Ottoman Syria and Palestine* (Berkeley: California University Press, 1998).

Isaac) and Hagar (mother of Ismael) (Q11:71-72). Especially the story of Hagar and her struggles in the desert play an important role in Islamic narrative.

Other women that play important roles include wife of Yusuf's master (Zulaykha) (Q12:51), mother and sister of Moses (PBUH) (Q28:7, 10), wife of Moses (PBUH) (Q28:23, 26-27), wife of Moses (Asiyah), Queen of Sheba (Bilqis) (Q27:22-44), wife and daughter of Lot (Lut), wife of Noah (Nuh)wife of Imran (Q3:35-36), wives and daughters of Prophet Muhammad (PBUH), women who complained to God about her husband (Khawla bint Tha'labah) (Q58), and wife of Abu Lahab.

Based on these verses, it is clear that the Quran treats man and woman as fundamentally equal, with no modifying adverbs such as "spiritually" equal but "socially" unequal" and that "gender justice is a decisive feature of the Quranic proclamation.

Women's Rights in Islam

Founded on the Quranic verses and Sunnah, Islam empowers women with many rights, were unheard of in the 7th century. In fact, "The place of women accorded in Islam is the liberating starting point for the majority of Muslim women."[176] This is significant because during Jahiliyyah, period of ignorance prior to Islam, women and were often treated with disrespect and girls were buried alive. These practices were condemned explicitly in the Quran (Q16:58-59) and the Sunnah.

Since its the earliest days of Islam women enjoyed their God-given rights and have participated in social, political, economic, and intellectual life in Islam as poets, Islamic scholars and spiritual teachers, warriors, heads of state, businesswomen, among other positions. Women's active roles in the society have been based on Quran verses and models as well as the models provided by Prophet Muhammad's wives, daughters, and other companions of the Prophet. In fact, the first person to hear about the revelation, first person to believe and become a Muslim was his wife, Khadijah bin Khuwaylid. First Muslim martyr was a woman named Sumeyya, who refused to concede to torture and abuse, have informed and inspired many of these roles. An examination of court documents in Muslim countries over the centuries show that Muslim women often sought their rights at Islamic courts successfully.[177]

Right to Political Participation

One of the contentious issues in current political debates in the Muslim world revolves around the issue whether women can participate in politics, if so to what extent? Can they run for office, hold the highest office in the country? Since the time of the Prophet (PBUH), women, of whom Aisha is most well-known, played important roles in the political life of the community. They have advised the Prophet and his companions, participated in decision-making on key issues, fought and led armies on the battlefield. Therefore, it is clear that Prophet Muhammad (PBUH) "recognized the women as free and participating citizens of the new and militant state."[178]

Both Quranic and historic examples show that Islam endows women with political rights as well.

176 Saikia and Haines, "Introduction: Situation Peace, Islam and Women in Everyday," 9.

177 For examples, see Tucker, *In the House of The Law.*

178 Nabia Abbott, "Women and the State in Early Islam," *Journal of Near Eastern Studies* 1, no. 1 (1942): 106-126, 119.

According to the Holy Quran both men and women have received the Divine trust (*amana*) and are stewards (*Khalifah*) of God on Earth (Q6:165). As a result of this trust, both men and women are stewards of God on earth and are obligated to work together as allies to "enjoin what is right and good and forbid what is evil and wrong" (Q9:71). In these verses, God commands both women and men to work together as allies -- to be in a mutually supportive cooperation-, doing good and forbidding the bad. As discussed earlier, pursuing justice, and establishing just social economic and political systems are considered central in Islam. Therefore, in the context of Islamic understanding of 'doing good (*al-ma'ruf*) and forbidding evil (*al-munkar*),' which is reiterated a number of different times in the Quran, it is the responsibility of Muslims to take part in all aspects of the community to establish just systems – which is the realm of politics.

Political participation, through voting and serving, among others is a key element of this responsibility. For example, voting is a kind of advice, it is through voting that the community members express who they chose which includes commanding the good and forbidding the bad. The same applies to the *bay'ah* of women. We know from the Quran (Q60:12) and the Sunnah that women pledged their allegiance to the Prophet. Women also participated in *shura's* and were often asked their opinion and advice. The Quran asks both men and women to take mutual counsel (Q65:6). The Prophet and his companions often consulted and took the advice of women. For example, the Prophet consulted his wife Umm Salamah and acted on her advice in the truce of Hudaybiyyah. Again, during the expedition against the tribe of Banu Qurayza, Umm Salama intervened in a case involving the liberation of a political prisoner. The source does not say that she sought the liberation of the prisoner but that her intervention influenced decision-makers and their actions.[179] These examples show that Umm Salama's influence extended beyond the private and family affairs of herself and the Prophet. As a result of these and other examples, Muslim scholars such as Muhammad Asad conclude that "the legislative assembly-. . . *majlis ash-shura*-must be truly representative of the entire community, both men and women.

Additionally, the Holy Quran provides an example of a woman, Queen of Sheba, who was given authority and wisdom, and praises her for the consultative way she managed her own affairs and the affairs of her people (Q27:22-44). The Holy Quran praises Queen of Sheba for leading consultatively and asking advice from her community (Q27:32-33). In these verses the Quran uses the Arabic expression "*tamlikuhm*" [180] which describes her status. The word comes from the root "mlk" meaning: to rule over or control something which suggests that she had a powerful authority over her people and she had a very high rank. What is even more significant, she notes, is that, in the same *Surah*, the Quran describes Prophet Sulaiman with the same words, as someone who, "has been given from everything" (Q27:16). Use of the same words to describe both Prophet Sulaiman and the Queen of Sheba clearly points to the egalitarian message of the Quran.

Women have been involved in political leadership – including militaries throughout Islamic history. One of the most famous examples is A'ishah bint Abu Bakr, wife of Prophet Monammed and daughter of first Caliph Abu Bakr, who led an army against Ali, the Fourth Caliph at the Battle of Camel. It is significant that, when she sought supporters against Ali, many tribes agreed and fought under her leadership. However, after that, women's political leadership have

179 Mernissi, *The Veil and The Male Elite,* 162.

180 Abla Hasan, "The Queen of Sheba: Would Rethinking the Quranic Story Support Female Public Leadership in Islam?" *Journal of Gender and Feminist Studies* 7 (2016): 190- 196, http://www.analize-journal.ro/library/files/8_-_abla_hasan.pdf.

been discouraged by some scholars and a weak Hadith narrated by Abu Hurayra, which stated "Those who entrust their affairs to a woman will never know prosperity" was used to justify exclusion of women from leadership roles. Other classical *fiqh* experts such as al-Tabari, al-Muzani and Ibn Tsaur have concluded that in *fiqh*, women's leadership—especially in politics—is permissible and that women could become leaders in both public and domestic affairs. Based on his examination of the Quran, and the Hadith tradition, al-Azhar scholar Yusuf al-Qaradawi (b. 1926) stated "a woman can be a candidate for presidency as well as appointment as a judge as there is no explicit text that prohibits women from carrying out either role (al-Qaradawi, 1997)."

There have been numerous Muslim women who held political power, some jointly with their husbands, others independently. The best-known women rulers in the premodern era include Khayzuran , who governed the Muslim Empire under three Abbasid caliphs in the eighth century; Malika Asma bint Shihab al-Sulayhiyya and Malika Arwa bint Ahmad al-Sulayhiyya , who both held power in Yemen in the eleventh century; Sitt al-Mulk , a Fatimid queen of Egypt in the eleventh century; the Berber queen Zaynab al-Nafzawiyah (r. 1061 – 1107); two thirteenth-century Mamluk queens, Shajar al-Durr in Cairo and Radiyyah in Delhi; six Mongol queens, including Kutlugh Khatun (thirteenth century) and her daughter Padishah Khatun of the Kutlugh-Khanid dynasty; the fifteenth-century Andalusian queen Aishah al-Hurra, known by the Spaniards as Sultana Madre de Boabdil; Sayyida al-Hurra , governor of Tetouán in Morocco (r. 1510 – 1542); and four seventeenth-century Indonesian queens.[181]

In the contemporary era, women have again assumed leadership roles in the Muslim world. Muslim countries that had women presidents or prime minsiters include Pakistan, Bangladesh, Turkey, Senegal, Indonesia, Kyrgystan, Kosovo, Mali, Northern Cyprus, Mauritius and Singapore. Most recent country to be added to list is Tanzania with Samia Suluhu becoming the first Muslim women president of the country on March 19, 2021. In 2018 a record number of women have been elected in Bahrain's elections with a total of six women being voted in as legislators on the Council of Representatives. Women also play an important role in political life in Somalia. In January 2021, Prime Minister of Somalia affirmed that 30% of seats will be reserved for women in the parliament and as of March 2021, Somali women are present in the leadership positions with Dr. Fawziya Abikar heading the Federal Ministry of Health and Human Services and Hanifa Mohamed Ibrahim leading The Ministry of Women and Human Rights Development.[182] UAE has ranked number one in a global ranking for women in parliament in the female parliamentary representation index of the IMD World Competitiveness Yearbook 2020 with 50% of its 40 member Federal National Council being women. This development was the result of the 2019 directive which aimed to increase the representation of women in the Federal National Council to 50 per cent.

181 Mernissi, *The Veil and The Male Elite*, 70, ft. 12; see also Mernissi, *The Forgotten Queens of Islam*.

182 UNFPA, *Let the Somali women lead—Somalia*, ReliefWeb (March 7, 2021), https://reliefweb.int/report/somalia/let-somali-women-lead.

BOX 14

CASE-STUDY: LALA AZIZA: WOMEN WHO CHALLENGED THE POWERFUL GENERAL

Ibn Qunfudh of Morocco recorded an incident in which one of the women he studied with, Lala Aziza of Seksawa, reconciled a conflict between two rival groups. He describes an encounter between Aziza and al-Hintati, the governor of Marrakesh and a powerful general who was attempting to conquer south Morocco. Ibn Qunfundh tells her story:

> Aziza walked out of the safety of the foothills and onto the harsh Marrakesh plains and stood—alone—before the great general and his army. She confronted al-Hintati with her words and his own faith. She spoke of God's demands for justice, the pull of the good, the wrong of harming God's creation. Aziza talked the general out of his conquest. She convinced him to leave the people of Seksawa unharmed. He marched his army back to Marrakesh, and she returned to the mountains. The story of a woman who dared to stand up to a general and his army, armed only with her faith. Down through the centuries people have sought refuge there, people fleeing the excesses of central power or local conflicts, people falsely accused of crimes, people who have done great harm.

In this example, Lala Aziza uses her knowledge of the Quran and Islam as a source of power and with the confidence this knowledge gives her, she negotiates successfully with General Al-Hintati. Today, Aziza's tomb is a sanctuary and it is still used as a space for mediating conflicts. Even during the time of the independence war with France, her tomb was a safe haven where many people would seek peace and calm in the midst of the conflict

Sources: Elaine M. Comb-Schilling, "Sacred Refuge: The Power of a Muslim Female Saint," Fellowship: Islam, Peace, and Nonviolence, vol. 60, no. 5–6 (May–June 1994), 17.

Right to Education

Education is not only a fundamental right but als is key to social and economic prosperity, individual and community health and well-being of every society. Education is more than just the ability to read and write. It is a process of acquisition of knowledge, skills, and values in a variety of different areas that enables individuals to contribute to the social, economic and political well-being of their communities in meaningful ways. A society that does not invest in education can not develop and prosper. However, still in a number of countries, including Muslim countries, many adults, majority of which are women do not have access to education and there is a big gap between the literacy rates of women and men. Problem of illiteracy and its complications cast a heavy shadow on social life and have quite serious social and economic consequences.

In Islam, women do not only have the right to education, but like men, are obligated to increase their knowledge and pursue it. In the Quran, God orders both men and women to increase their knowledge and condemns those who are not learned. The Holy Quran puts the highest emphasis on the importance of acquiring knowledge and with more than 800 references to the word ilm (knowledge) and its derivations, it urges mankind to think, ponder, reflect and acquire knowledge.

The very first revelation that came down to Prophet Muhammad (PBUH) starts with the word read (Q96:1-5). The Holy Quran makes it clear that, only through knowledge people will know God and his creation and distinguishes those who know from those who do not. For instance, in (Q39:9) the Quran says, "Are those who have knowledge equal to those who do not have knowledge?"

Obligation to study for women and men is also confirmed by the Hadith and Sunnah (See Tables 19 and 20). In fact, the first school in the history of Islam was established by the Prophet (PBUH) himself following the battle of Badr. During the battle, seventy men from the enemy ranks were

taken prisoner. These prisoners were literate people who could read and write well. In order to benefit from their education and knowledge, the Prophet told them to teach Muslim children. He declared that, if each prisoner taught ten Medinan children, both girls and boys, how to read and write their ransom would be paid and they would be set free.

Since the early years of Islam, learned women enjoyed a high public standing and authority.[183] The Prophet (PBUH) himself made an effort to educate women and girls and encouraged his wives and daughters to learn and be educated. He would hold classes for women and women were often present in the public assemblies that came to learn from the Prophet (PBUH). Women in his household received education not only in Islamic sciences but in other fields such as medicine, poetry, mathematics, among others. For example, Aisha bint Abu Bakr was a very learned woman, who is known for her scholarly and inquisitive personality. Since the early years of Islam, learned women enjoyed a high public standing and authority.[184] Women studied many different topics including Quranic and Hadith studies.

Education of women has significantly contributed to the social, economic and political success of their communities in the Muslim world over the centuries. Women have been important in preserving and transmitting the customs of the Prophet and his family. Transmission of Hadith is a serious endeavor for Muslims, as it is the second source of Islamic law and the foundation for other fields of knowledge. After the death of the Prophet Muhammad in 632, the guidance of his wives Hafsa, Umm Habiba, Maymuna, Umm Salama, and A'isha were critical to understanding and practicing the life of the Prophet and maintaining it in the historical memory of the Islamic community (*ummah*).

A'isha, particularly in Sunni Islam, is a pivotal figure in preserving Hadiths*,* as she is recognized as one of the earliest reporters of the largest number of Hadiths*,* and as one of the most careful interpreters of Hadith*.* Abu Misa al Ashar reports that "Whenever we Companions of the Prophet encountered any difficulty in the matter of any Hadith we referred it to Aisha and found that she had a definite knowledge about it."[185]Believers used to come to A'isha for verification of what they had heard, confident in her judgement, not only because of her closeness to the Prophet, but because of her own abilities '….A'isha was, among all the people, the one had he most knowledge of *fiqh*, the one who was the most educated and, compared to those who surrounded her, the whose judgement was the best. [186]

In addition to her contributions to Hadith, A'isha's intellect and knowledge in various subjects, including poetry and medicine, were highly praised by early scholars and companions of the Prophet (see box 18). A'isha is also known for being a strong advocate for the education, especially education of women in law and the teachings of Islam. She was known for establishing the first madrasa for women in her home, where both men and women attended. Aisha received the title Mother of Muslims because she dedicated her life to educating Muslim children, particularly girls. She was also known as an excellent orator and public speaker.[187]

183 Mohammad Akram Nadwi, *Al-Muhaddithat: The Women Scholars in Islam* (Oxford, UK: Interface Publications, 2013).

184 Nadwi, *Al-Muhaddithat*.

185 See Naik Zakir, "Women's Rights in Islam: Modernization or Outdated?" *Islamic Voice* 10–11, no. 129 (1997), http://www.islamicvoice.com/october.97/wome.htm.

186 Mernissi, *The Veil and the Male Elite.*

187 Amina Wadud, "Legacy of Aisha," *New Internationalists* 345 (May 2000), http://findarticles.com/p/articles/mi_m0JQP/is_2002_May/ai_87424387.

BOX 15

MUSLIM SCHOLARS ON A'ISHA'S CONTRIBUTION TO ISLAM AS A SOURCE OF RELIGIOUS KNOWLEDGE

Shafi Scholar Zarkashi reports:

"A'isha is the Mother of the Believers.... She is the lover of the Messenger of God... She lived with him for eight years and five months. She was 18 years old at the time of the death of the Prophet... She lived to be 65 years old... We are indebted to her for 1,210 Hadith (1)

Abu Misa al Ashar reports that:

"Whenever we Companions of the Prophet encountered any difficulty in the matter of any Hadith we referred it to Aisha and found that she had a definite knowledge about it."(2)

Sources:

(1) Mernissi, F. (1991). The veil and the male elite: a feminist interpretation of women's rights in Islam. (ft 34, p, 77) Retrieved from https://hdl-handle-net.proxy.library.georgetown.edu/2027/heb.04417. Mernissi

(2) Zakir Naik, "Women's Rights in Islam: Modernization or Outdated?" Islamic Voice, vol. 10–11, no. 129 (October 1997), available at http://www.islamicvoice.com/october.97/wome.htm (accessed November 24, 2009).

Women continued to be important in Hadith literature throughout Islamic history, and authoritative Hadith collections, such as Sahih Bukhari, could not have been completed without the efforts and contributions of many women. Women scholars of Hadith were called *al-Muhaddithat*. Sunni scholar Muhammad Akram Nadwi, in his work al-Muhaddithat identifies over 8000 women scholars of Hadith throughout Islamic history filling 40 volumes. Women scholars often attained high rank in all spheres of knowledge of the religion, and were sought after for their *fiqh*, for their *fatwas*, and for *tafsir* and taught both men and women.[188] In sufi circles too, women were recognized as teachers, adherents, "spiritual mothers," and even inheritors of the spiritual secrets of their fathers. Women also traveled extensively to study and to increase their knowledge.

In addition to Islamic sciences, women also studied other topics. For instance, women excelled in the fields such as science and technology since the early days of Islam. For example, Amat-Al-Wahid Sutaita Al-Mahamli (d. 987) from Baghdad was a Muslim woman who excelled in many fields including Arabic literature, Hadith, and jurisprudence as well as mathematics. She was known to be an expert in *hisab* (arithmetics) and *fara'idh* (successoral calculations), and have invented solutions to equations and was praised by leading scholars of her time such as Ibn al-Jawzi, Ibn al-Khatib Baghdadi and Ibn Kathīr.[189] Similarly Lobana (or Lubna) of Cordoba was another 10th century Muslim woman who was recognized for her knowledge and expertise in sciences, especially in solving complex geometrical and algebraic problems. As a result of her expertise she served as the private secretary to the Umayyad Caliph of Islamic Spain, al-Hakam II.[190] Also Maryam Al-Ijliya (d.967) was a known astrolabe maker in Northern Syria, whose innovative designs were recognized by city's ruler Sayf al Dawla and she is mentioned in Ibn al-Nadim's bibliographical work *Al-Fihrist*.[191] Also, Rabia Balkhi of Afghanistan, who lived in the 9th century is considered to be the first woman to have written poems in modern Persian and was very famous for her beautiful poetry.

Many women were founders or patrons of schools and other educational institutions. For example, University of Al-Qarawayyin, was founded by Fatima Al Fihri, in 859 C.E. in Fez Morocco. Al-Qarawayyin university is recognized as the oldest continuing university in the world by UNESCO and Guinness World Records. Al-Qarawiyyin University was a famous center of learning, leading in

188 Nadwi, *Al-Muhaddithat*, 3.

189 Salim al-Hassani, "Early Women of Science, Technology, Medicine and Management," *Muslim Heritage* (March 2018), https://muslimheritage.com/early-women-of-science/.

190 al-Hassani, "Early Women of Science, Technology, Medicine and Management."

191 Nageen Khan, "Astrolobes and Early Islam: Mariam 'Al-Astrolabia,'" *Al Ijliya* (n.d.), https://www.whyislam.org/muslim-heritage/.

sciences, philosophy, and Islamic studies where Muslim and Non-Muslims scholars such Muslim philosopher Ibn Rushd, Jewish philosopher Maimonides, and Pope Sylvester II, who is said to have introduced the Arabic numerals to Europe have studied. Dhayfa Khatun (d.1242) was another Muslim woman, who, in addition to her political and social roles, sponsored learning in Aleppo where she founded two schools; al-Firdaous School specializing in Islamic studies and Islamic law, specially the Shafi'i doctrine, located close to Bab al-Makam in Aleppo and the Khankah School, specialized in both Shariah and other fields, located in Mahalat al-Frafera.

BOX 16

EXAMPLES OF GIRLS EDUCATION IN MUSLIM COUNTRIES

While there are systemic inequalities regarding girls and boy's education, and girls lag behind boys in school attendance exist, virtually many more girls are receiving education in Muslim countries. Some Muslim countries are even about to close any gaps.

Turkey is very close to eliminating the gender gap in schooling.

In Kuwait, **UAE**, **Bahrai**n, **Libya** more girls are in secondary school than boys.

In **Malaysia**, boys are lagging girls at almost all levels of education as Malaysia prioritized education for all.

Amongst predominantly Islamic countries **Tunisia**, **UAE**, and **Indonesia** have some of the highest female literacy rates [192] with 96.1 percent in **Tunisi** [193] **a** and 92.1 percent in **Indonesia** [194] , and 95.8 percent in UAE — a statistic unheard of in multiple regions of the world. [195]

Bahrain, **Kuwait**, and **Libya**, girls have a higher school participation rate than boys, and girls drop out less in primary school than males in these countries.

The percentage of women pursuing an education in Science, Technology, Engineering and Mathematics (STEM) fields is higher in the **Middle East** in comparison to the **West**. [196] According to 2015 data from UNESCO, regional averages for the share of female researchers are 39.8 percent for Arab states and 32.3 percent for North America and Western Europe.[197]

The National Science Foundation in the US is funding a $589,200 study to identify the mechanisms that motivate women to pursue degrees in engineering in **Jordan**, **Malaysia**, **Saudi Arabia** and **Tunisia**, where participation rates by women are as high as 50 percent. In the U.S., approximately 15-20 percent of engineering students are women. (1)

In the UAE, women make up 70 percent of all university graduates and 56 percent of the **UAE**'s graduates in STEM courses at government universities are women. At the prestigious Masdar Institute of Science and Technology in Abu Dhabi, 60 percent of Emirati graduate students are female.

Over the last few years, **Egypt** has been redesigning the education system to reach girls to provide quality education. In **Egypt**, there are more females in various fields than men, for instance, female enrollment in the fields of education (72%), humanities (72%), and arts (73%), basic sciences (54%) and medicine (57%).(2)

In 2017, King Salman bin Abdulaziz Al Saud of **Saudi Arabia**, granted women access to government services, including education and healthcare without the need for consent from a guardian. Saudi Arabia's Princess Nora Bint Abdulrahman University is the world's largest female-only university. The King Abdullah University of Science and Technology (KAUST) in Jeddah is **Saudi Arabia**'s first coed university. According to the Ministry of Education, as of 2015, Saudi women constitute 51.8 percent of university students.

Sources:

(1) Adriana Aumen, and Emil Venere (2016) "Learning from Muslim countries with many women engineers" at https://news.wsu.edu/2016/09/06/learning-muslim-countries-produce-women-engineers/

(2) Nagwa Megahed (2010) "Access to the University and Women's participation in Higher Education in Egypt at https://www.mei.edu/publications/access-university-and-womens-participation-higher-education-egypt.

192 "Tunisia," UNICEF, https://www.unicef.org/tunisia/.

193 D. McAndrew-Greiner, "Top 10 facts about living conditions in Tunisia," The Borgen Project (February 16, 2019), https://borgenproject.org/top-10-facts-about-living-conditions-in-tunisia/.

194 A. Power, "Top 10 facts about girls' education in Indonesia," The Borgen Project (January 27, 2019), https://borgenproject.org/top-10-facts-about-girls-education-in-indonesia/.

195 McAndrew-Greiner, "Top 10 facts about living conditions in Tunisia."

196 Rana Dajani, Sonali Dhawan, and Sara M. Awad, "The Increasing Prevalence of Girls in stem Education in the Arab World," Sociology of Islam 8, no. 2 (May 2020): 159-174.

197 Dajani et al., "The Increasing Prevalence of Girls in STEM Education in the Arab World."

Right to Divorce

In Islam marriage (*nikah*) means "to collect and bind together" and is a legal and social contract between two individuals. An important aspect of marriage is that both spouses must consent to the marriage of their own free will and cannot be forced upon. Both men and women in Islam have a right to terminate the marriage. Therefore, Islam provides women with right to divorce her husband.

There are two kinds of divorce in islam: one is with a reason or just cause due to abuse or harm (*darar*[198]) and the other is without provident a reason (*khul*[199]). Both, the right to divorce initiated by women either with a just cause (*darar*) or without providing a reason (*khul*) is juridically and religiously permitted in the Quran (Q2:217 - 218), the Sunnah as well as classic legal texts in different schools of thought.

According to *fiqh*, whereas divorce for just cause can be pronounced by the qadi without the husband's consent, *khul`* does require his consent. Moreover, based on Sunnah, it is established in Islamic law that a wife who files for divorce through *khul'a* must waive her right to '*mu`akhar sadaq'* (deferred dowry). Furthermore, based on the Quranic verse (Q2:236 and 241), when her husband divorces her, women have a right to compensation, or alimony to the wife as well as cover the expenses of children according to most Islamic schools of law, however specifics of this compensation changes according to different schools and contexts. Based on the Sunnah, women also have a right to have the custody of their children after divorce (see box 17).

Box 17

CASE STUDY ON CHILD CUSTODY

Narrated by Sa'Id ibn al-Musayyab about 'Umar ibn al-Khattab during the caliphate of Abu Bakr.
According to this narrative, 'Umar divorced the mother of his son 'Asim, then saw her somewhere with their son and took him from her. She appealed her case to Abu Bakr. The caliph judged that 'Asim ibn 'Umar should remain with his mother until he was grown up or until she remarried.

This verdict was based on the Sunnah where a woman came to the Prophet and said:
"O Messenger of God my womb was his vessel, my arm was his container, and my breast was his drink. And now his father claims that he is going to snatch him from me. The Prophet said: You have more right over the child while you do not remarry.'[200]

Nadwi observes that "Neither Omar's rank as one of the most senior of the Companions, nor his being Abu Bakr's dearest friend, nor his argument that he had more to give the boy, swayed the judgment in his favor."

Sources:
Al-Bayhaq1, ai-Sunan al-kubra, Nqfaqat, bab al-umm tatazawwcq wa yaskutu baqqu-ha min barfanat al-walad wa yantaqilu ila jaddati-h.
Abu Dawood, Sunan, Tafaq, bab man apaqq bi-1-walad.

198 Darar means harm.
199 Khul means initiated from the women's side.
200 *Sunan Abu Dawud, al-Tirmidhi.*

Right to Own Wealth and Employment

Gender discrimination and restricting women's right to own wealth and participate in economic life holds back countries from growing and prospering and women's participation in economic life has significant benefits for the whole society. Women bring new skills and perspective to the workplace therefore make important contributions to the productivity and growth of their societies. Therefore, the right of women to own wealth and have a profession is a matter of public interest and welfare *(al-maslaha al-mursala*), which according to Islamic *fiqh*, is the ultimate purpose of *Shariah* (*maqasid al-shariah*). Preventing women from working and earning a living is also against the God given rights of Muslim women.

The Holy Quran also specifically declares women's economic rights such as her right of inheritance, earning, and engaging in economic activities outside the home These verses show that women have a right to own wealth either through their own endeavors, or through inheritance. For instance, the Holy Quran clearly states that both men and women will be allotted what they earn (Q4:32).

Based on this verse, and the practices of the Prophet and his companions, where women were allowed to work and inherit, classical Muslim scholars have concluded that women can have their own wealth, inherit, and have their own business without the interference from their husbands and fathers. According to Islam, women were also entitled to dowry, and this dowry was to be paid directly to her not to her family. For example, Prophet's wife Khadija was a successful businesswoman, a merchant, who owned caravans and hired people to work for her. In fact, she had hired Prophet Muhammad to work for her before they got married. Khadija supported the Prophet both spiritually and financially. The Quran mentions her financial support to the religion (Q93:8) without giving her name. In Islamic scholarship she is portrayed as a wife, a mother and a believer. She is portrayed as the voice of calm and reason during his emotional distress. Also Aisha bint Abu Bakr, Prophet's wife and daughter of the first Caliph, Abu Bakr, inherited property from her father.

Inheritance: Inheritance rights of women are based on the Quran (Q4:7-12 and 176) and Hadith (See Table. 19). Muslim scholars explain the seeming inequality by stating that it is not because women's inequality but economic opportunities available to both.[201] For example, women have the right to keep their own wealth, whether it is from her inheritance, property, investment or job and have a right to dowry, and do not have the obligation to spend it towards her family whereas men have the obligation to spend her wealth and income towards taking care of all of his family. When these conditions are no longer present, there is no reason for them to receive equal share.

Women also worked in a number of different professions other than business and trade since the early days of Islam and acted autonomously as the biographies of distinguished women from the time of the Prophet (PBUH) show. More than 300 authentic Sunnah confirm full participation of women in social and economic activities during the time of the Prophet (PBUH). Women have served as judges, advisors, and inspectors. These Muslim women were crucial to public policy in different capacities and played important leadership roles. In addition to many verses that points out to equality in creation, piety, rewards, and

201 See Arshadul Kazi Hoque, Muhammad Jalal Uddin, and Mohammad Saidul Islam, "Inheritance rights of women in Islamic law: An assessment," *International Journal of Islamic Thoughts* 2 (2013): 45-58.

excellence, the Holy Quran provides examples of women's leadership in several areas, such as Mary, who reached to highest level of human virtue and spiritual authority, and Queen of Sheba, who is praised for her excellent leadership qualities and wisdom.

Public Servants, Inspectors and Leaders: Caliph Umar appointed women to serve as officials in the market of Medina, like Samra bint Nuhayk al Asadiyya, who was appointed inspector of the markets at Medina by Umar ibn Al Khattab, the second caliph of Islam.[202] Others, such as Khaula, Lakhmia, Thaqafia, traded perfumes whereas the wife of Abdulla ibn Mas manufactured and sold handicrafts. A female companion named Quila came to the Prophet and told him, "I am a woman who buys and sell things" and asked questions regarding selling and buying thingsBased on these examples, fiqh experts such as al-Tabari, al-Muzani and Ibnu Tsaur, who allow women to become leaders in both public and domestic affairs.

Medicine and Health: Women were very active in the field of medicine since the time of the Prophet (PBUH). Rufaida al-Aslamia (b.620 C.E.) is arguably the first known female nurse and surgeon. She established mobile caravans to serve her community during war and peace times. She was also active in various community services to help the poor and needy and trained many of the Prophet's companions in clinical skills.[203] Another famous nurse during the time of the Prophet was Al-Shifa bint Abdullah, whose real name was Layla but was given the name of Al-Shifa (the healer) due to her services. She was also a public administrator who was appointed as the market inspector by Caliph Umar ibn Al-Kattab. Ash Shifa was also granted responsibilities for public health and safety in Basra, Iraq.[204] Like Samra bint Nuhayk al Asadiyya, she was appointed inspector of the markets at Medina by Umar ibn Al Khattab, the second caliph of Islam.[205] Ash Shifa was also granted responsibilities for public health and safety in Basra, Iraq.[206] Tradition of female nurses and surgeons continued well into the 16th-17th centuries as the famous Turkish surgeon, Serefeddin Sabuncuoglu (1385-1468 C.E.), author of the famous manual of surgery *Cerrahiyyetu'l-Haniyye*, illustrated.[207]

Sciences: Additionally, Muslim women, like Muslim men have contributed to the fields of physics, engineering, mathematics, astronomy, among others. Sutayta al-Mahamili was a tenth century Muslim mathematician from Baghdad.[208]Her work in mathematics and inventing solutions to many equations has been praised by Ibn Kathir and was cited by mathematicians all over the world. Lubna of Cordoba was well versed in many fields including mathematics. She was known for her ability to solve complex geometrical and algebraic problems making her the secretary of the Caliph of Córdoba, Al-Hakam II. Women were part of the sciences and excelled during Islamic rulings which shows that Islam itself doesn't limit women contribution. This is still true today in many Muslim majority countries (see box 18).

202 Imam Zaid Malik, *Islamic Center Newsletter*, vol. 10, no. 3 (March 15, 2004), accessed November 24, 2009, www.icnef.org/newsletters/2004/Mar2004.pdf.

203 R. Jan, "Rufaida Al-Asalmiya, the First Muslim Nurse". Image: *The Journal of Nursing Scholarship*, 28(3), (1996): 267-268.

204 Hassna'a Mokhtar, Laura Bashraheel, and Somayya Jabarti. "Al-Angari Blames Ignorance of Rights for Women's Plight," *Arab News*, (May 19, 2008), https://www.arabnews.com/node/312048

205 Mokhtar et al. "Al-Angari Blames Ignorance of Rights for Women's Plight,"

206 Mokhtar et al. "Al-Angari Blames Ignorance of Rights for Women's Plight,"

207 Gulsah Bademci, "First illustrations of female 'Neurosurgeons' in the fifteenth century by Serefeddin Sabuncuoglu," *Neurocirugía* 17, no. 2 (April 2006): 162-165. See also Serefeddin Sabuncuoglu, *Kitabul Cerrahiyei Ilhaniye* (Istanbul: Kenan Basimevi and Ankara: Turk Tarih Kurumu Yayinlari, 1992).

208 Zainab Aliyah, "Great Women in Islamic History: A Forgotten Legacy," 2015, https://www.youngmuslimdigest.com/study/02/2015/great-women-islamic-history-forgotten-legacy/.

BOX 18

EXAMPLES OF WOMEN IN SCIENCE AND TECHNOLOGY IN MUSLIM COUNTRIES TODAY
Today, Muslim countries are recognizing the importance of incorporating women in furthering the country's knowledge.
In UAE, UAE fifth Space Agency to reach Mars, 80% of the scientific team is women.
In Saudi Arabia, in 2017 women outnumbered men in graduating with a bachelor's in biology, information technology (IT), mathematics and statistics, and physics.
Meanwhile, In Iran, close to 70% of university graduates in science, technology, engineering and mathematics (STEM) are women.
Sources: https://qz.com/1223067/iran-and-saudi-arabia-lead-when-it-comes-to-women-in-science/

Preachers and Religious Teachers: Some women would become preachers. Umm Waraqa was instructed by the Prophet to lead the men and women of her home and her village in prayer. The people of Umm Waraqa's home, however, were so numerous that the Prophet appointed a *muezzin* (one who calls the prayer) for her. She was also one of the few to hand down the Quran before it was written. Hadith tells us that the Prophet had visited the residence of Ummi Waraqah, appointed a person to recite the adhan, and ordered her to lead her family in the prayer.[209] Based on this Hadith, some *ulemas* such as Imam Ibn Jarîr alThabarî Abu Tsaur, Imam Mazni Qâdhi Abu Tayyib, and al-'Abdar are of the opinion that women can lead prayers.[210] A second example if Sayyida Nafisa,the great granddaughter of the Prophet Muhammad (saws), was a teacher of Islamic Jurisprudence. She had many students who traveled to be tutored by her and she was the teacher of Abu Abdullah Muhammad al Shafi. Al Shafi was the founder of the Shafi'i School of Fiqh, and when he was a student Nafisa sponsored his studies financially. If she didn't help him economically and provide mentorship, he might have struggled to create the Shafi school of thought. Therefore, Islamically women were allowed to be scholars and have been contributing to Fiqh schools of thoughts. Finally, there is also Aisha bint Sa'ad bin Abi Waqqas, a jurist and scholar who also was the teacher of Malik bin Anas bin Malik, the founder of the Maliki School of Fiqh. Again, showing women's influence of the Islam we know today.

Judges: In Islam, there is neither a prohibition nor obstacles to women serving as judges either. In fact, some of the prominent jurists and scholars in Islam argue that women have equal rights to those of men in the judiciary. For instance, Imam Abu Hanifa- founder of the Hanafi madhab, Imam al-Tabari and Ibn Hazm support that women could hold the topmost judicial position. Most recently, Imam Muhammed al-Ghazali (1917-1996) of Al-Azhar gave many examples relating to women whose actions and policies had led to the improvement of their countries and stated that "Welcome to any women who can do what men fail to do (al-Gazali, 1989, p. 63). Al-Azhar scholar Yusuf Qaradawi (b.1926) also concluded that "a woman can be a candidate for presidency as well as a judge as there is no explicit text that prohibits women from carrying out either role (Al-Qaradawi, 1977). Grand Imam of Al-Azhar, Muhammed Tantawi and Mufti of Egypt, Ahmad al Tayyib in their fatwa dated October 2002 also concluded that there is no explicit statement in the Quran and the Sunnah that prevents women from becoming judges and invoking the principle of *maslaha* (public interest) they conclude that appointment of women as judges serves the interest of the public therefore should be permitted (See box. 19).

209 *Sunan Abu Dawud*, no. 502.

210 Tedi Supriyadi, J. Julia, and Endis Firdaus, "The Problems of Gender Equality: A Reconstruction of Islamic Doctrine," *Journal of Social Studies Education Research (Sosyal Bilgiler Eğitimi Araştırmaları Dergisi*) (2019), https://jsser.org/index.php/jsser/article/view/698.

BOX 19

EXAMPLES OF MUSLIM WOMEN IN THE JUDICIARY

Today many Muslim countries have recognized that women can be judges.

In 1950s, in **Indonesia**, a Shafi Muslim country, the Ministry of Religious Affairs determined that appointment of a women Qadi (Judge) did not constitute a threat and concluded that due to lack of qualified qadis, it is permissible to appoint women to the position and in 1964, first female qadis (judges) were appointed to the Sharia courts (mostly part-time but one full-time). In 2011, 15% of all judges were women. Women are also allowed to head Sharia courts. (1)

Women have been allowed to serve as judges in civil courts in **Malaysia** since the 1960s but women were not allowed to serve in Sharia courts until more recently. In 2016, Malaysia made history when two women were appointed as Sharia High Court judges and again in 2019, Malaysia, appointed Tengku Maimun Tuan Mat, an ethnic Muslim Malay woman as the countries next chief justice first female top judge. (2)

Sudan has also allowed women to be qadis since the 1970s and in 1987 four women held judicial positions. First female chief qadi (Judge) of the Sharia courts was appointed in 2019 in Sudan.

Other Muslim countries that allow women to become judges include, **Syria**, L**ibya, Pakistan, Tunisia, Indonesia, Morocco,** and **Egypt.**

In **Turkey** women can become preachers.

Sources:
(1) Euis Nurlaelawati and Arskal Salim "Gendering The Islamic Judiciary: Female Judges in the Religious Courts of Indonesia" *Al-Jāmi'ah*, Vol. 51, No. 2, (2013). 247-278 at https://core.ac.uk/download/pdf/267991104.pdf
(2) Ida Lim History Made as Temki Maimun Becomes Malaysia's First Female Chief Justice, (2019 https://www.malaymail.com/news/malaysia/2019/05/02/history-made-as-tengku-maimun-malaysias-first-female-chief-justice-appointe/1749119

Patron of Arts and Architecture: Another woman that played a significant role in Muslim public life is Zubayda bint Abu Ja'far, the wife of Harun ar-Rashid. Zubayda was a learned woman and a patron of arts and poetry and is still remembered for her enormous project to build service stations with water wells and roads all along the Pilgrimage route from Baghdad to Mecca.[211] The famous Zubaida water spring in the outskirts of Mecca still carries her name. Biographies of distinguished women, especially in Muhammad's household, show that women behaved relatively autonomously in early Islam.

Warriors, Negotiators and Peacemakers

Islamic history also offers numerous other examples of courageous Muslim women who have fought in wars, stood up to the commanders of invading armies, mediated conflicts, and reconciled opponents. Perhaps a strong example is Nusaybah bint Ka'ab and her role in fighting and protecting the prophet in the battle of *Uhud*. Her role as a helper and as a fighter was what was needed in that time and shows that even in battles women were allowed to fight for the good of their society. Ibn Qunfudh of Morocco recorded an incident in which one of the women he studied with, Lala Aziza of Seksawa, negotiated a peace deal and reconciled a conflict between two rival groups. Again, during the Caliphate of Mu'āwiyah after the assassination of fourth Caliph Ali 16 women traveled to the Capital of the Muslim world, Damassus to demand justice. Referred to as *Wafidat*, meaning delegates, these 16 women who were present at the Battle of Siffin in 657, came to Mu'āwiyah to demand their rights and exercise their freedoms. Among these women, Umm Sinān bt. Haytama approached the caliph to negotiate the release of her grandson, who

211 Abul Husn Ma'n, "Zubaida Bint Jaf'ar: A Great Woman Behind a Great Caliph," *Al Shindagah* 53 (July- August 2003), https://www.alshindagah.com/julaug2003/woman53.html.

was unjustly imprisoned by Marwan b. al-Hakam in Madinah. Another woman, Sawda bt. 'Amāra also came to see Mu'āwiyah to seek justice for her community. She explained to him the unjust behavior of Busr ibn Artāt, the governor who was appointed to her region by Mu'āwiyah. She complained about Ibn Artāt's injustice and violence and asked for his dismissal. Mu'āwiyah, unable to reject Sawda's appeal for justice, approved of her request and dismissed Ibn Artāt.

To conclude, it is clear that women, like men have the right to work and earn a living according to Islam. Moreover, when women work,their families and communities benefit therefore it is in the public interest (*al maslaha al-mursala*) for women to work. Finally, there are many women throughout Islamic history who have fulfilled their religious responsibility of contributing to the economic, social, and political life as successful leaders and members of their communities.

Right to Freedom of Expression, Independence, and Challenge Authority

Muslim women, like Muslim men, have the right to express their opinion, act independently, and challenge authority to "enjoin good and forbid evil." In fact, according to *fuqaha* and Imam Malik, it is a Muslim's right and duty to question everything and everybody.[212] Both in the Quran as well as the Sunnah we find examples of women who acted independently but trusting only in God Almighty, expressed their opinion, and talked truth to power. For example, the Quranic story about Ibrahim (PBUH) and Ismail (PBUH), tells the story of Hajar, who was left in the desert with her child. As a single mother, without a companion, she persevered and became the mother of a great nation. The Holy Quran praises her belief, and trust in God and tells us that God provided her with relief in the verse: "...and despair not of relief from Allah. Indeed, no one despairs of relief from Allah except the disbelieving people." (Q12:87). Hajar initiated the ritual of *sa'ee* (walking) between Safa and Marwa, which is an important part of the Muslim Hajj and *Umrah*. As a strong, brave single mother she represents putting one's trust in Allah in the most difficult times and is a model believer.

Women were also outspoken members of the community since the time of the Prophet Muhammad, Prophet's wives in particular were actively involved in the public life and when they saw an injustice or a wrong, they are recorded to have stepped in to correct it. In addition to wives of the Prophet other women in the community had the right to raise their concerns and challenge the highest authorities and women have often talked truth to the highest authorities in Islam. Muslim women continued to speak out and taking a stand after the death of the Prophet as well (see box 20).

BOX 20

CASE STUDY: WOMAN TALKING TRUTH TO CALIPH UMAR

It is recorded that a woman challenged Caliph Umar at the mosque after her, in his capacity as the Caliph ordered no one should demand or pay dowry that exceeded a certain amount and that anything in excess of this amount would be confiscated and deposited in the public treasury. When he came down from the pulpit, a woman confronted him and stated,

"The Quran set no restrictions on this matter, Umar has no right to set an upper limit to the dowries" and cited the Quranic verse 4:20. Immediately Umar said, 'a woman has challenged Umar and defeated him'. In another account, he is recorded to have said "May God forgive me, everyone knows better than Umar, even this old lady."

Source: Narrated in Tirmidhi/Ahmad also Muṣannaf 'Abd al-Razzāq 10420

212 Mernissi, *The Veil and the Male Elite,* 76.

Historical records show that women narrating Hadith or reciting the Quran to challenge authorities was seen as a right of women as well as men throughout Islamic history. These women exercised their right to intervene and challenge the decision of a court and the decision be overturned because her knowledge of Hadith and Islam.[213] For example, during the Caliphate of Mu'āwiyah after the assassination of fourth Caliph Ali 16 women traveled to the Capital of the Muslim world, Damassus to demand justice. Referred to as *Wafidat*, meaning delegates, these 16 women who were present at the Battle of Siffin in 657, came to Mu'āwiyah to demand their rights and exercise their freedoms. Among these women, Umm Sinān bt. Haytama approached the caliph to request the release of her grandson, who was unjustly imprisoned by Marwan b. al-Hakam in Madinah. Another woman, Sawda bt. 'Amāra also came to see Mu'āwiyah to seek justice for her community. She explained to him the undemocratic behaviour of Busr ibn Artāt, the governor who was appointed to her region by Mu'āwiyah. She complained about Ibn Artāt's injustice and violence and asked for his dismissal. Mu'āwiyah, unable to reject Sawda's appeal for justice, approved of her request and dismissed Ibn Artāt.[214]

EXERCISE. 7

NEGOTIATING GENDER JUSTICE

Purpose: Encourage participants to practice their negotiation on Gender Justice based on Islamic principles and values.
Materials: Flip chart, markers, this handout
Time: 40 min
Procedure:

- Divide the groups into smaller groups to reflect on the discussion questions
- Participants have 20 minutes to discuss
- Participants come back to large group discussion and share their responses for 20 min

Discussion:
Based on the Islamic foundations of gender justice discussed in this section, articulate an argument for a legal and political system that protects rights of women and promotes gender justice for your context. In your argument take into consideration:

- What are some of the key misunderstandings in regards to Women's rights in your context?
- What are some of the fundamental rights of women in Islam?
- What are some basic pillars of a women's rights in Islam you would draw from?
- Whose responsibility is it to ensure gender justice in a Muslim Country?
- Can you think of any examples in practice that reflect these values and principles?

213 Nadwi, *Al-Muhaddithat*, 15.

214 Amira Zubairi, "Speaking Truth to Power: A Legacy from Umm Sinan to Linda Sarsour," 2015, http://www.ihistory.co/speaking-truth-to-power-a-legacy-from-umm-sinan-to-linda-sarsour/.

TABLE. 16

SELECT QURANIC VERSES ON GENDER JUSTICE	
Themes	**Verses**
Equality	"O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you)" (Q4:1). "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)." (Q49:13).
Equal Rights of men and women	Women have rights similar to the rights against them" (2:228)
Equa Moral responsibility	"The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise." (Q9:71)
Equal Rewards	"And their Lord hath accepted of them, and answered them: "Never will I suffer to be lost the work of any of you, be he male or female: Ye are members, one of another: Those who have left their homes, or been driven out therefrom, or suffered harm in My Cause, or fought or been slain,- verily, I will blot out from them their iniquities, and admit them into Gardens with rivers flowing beneath;- A reward from the presence of Allah, and from His presence is the best of rewards." (Q3:195). "If any do deeds of righteousness,- be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them" (Q 4:124). "Whoever works righteousness, man or woman, and has Faith, verily, to him will We give a new Life, a life that is good and pure and We will bestow on such their reward according to the best of their actions" (16:97). "For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in Charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise,- for them has Allah prepared forgiveness and great reward" (Q33:35).
Condemnation of mistreatment of women and girls	"When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! what an evil (choice) they decide on?" (Q16:58-59).
Right to political participation	"It is He Who hath made you (His) agents, inheritors of the earth: He hath raised you in ranks, some above others: that He may try you in the gifts He hath given you: for thy Lord is quick in punishment: yet He is indeed Oft-forgiving, Most Merciful" (Q6:165). "The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise" (Q9:71).

Bay'ah	"O Prophet! When believing women come to thee to take the oath of fealty to thee, that they will not associate in worship any other thing whatever with Allah, that they will not steal, that they will not commit adultery (or fornication), that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey thee in any just matter,- then do thou receive their fealty, and pray to Allah for the forgiveness (of their sins): for Allah is Oft-Forgiving, Most Merciful" (Q60:12).
Praise of Queen of Sheba	"I have found a woman *owning them [tamlikuhm]*, and she has been given of everything, and she has a great throne." (Q27:23). "advise me in my affair. I would not decide a matter until you witness [for] me." (Q27:32). "They said: "We are men of strength and of great military might, but the command is yours, so see what you will command." (Q27:33),
Responding to a woman's questions	Allah has indeed heard (and accepted) the statement of the woman who pleads with thee concerning her husband and carries her complaint (in prayer) to Allah: and Allah (always) hears the arguments between both sides among you: for Allah hears and sees (all things)." (Q58: 1)
Right to education	"Read. Read in the name of thy Lord who created; [He] created the human being from blood clot. Read in the name of thy Lord who taught by the pen: [He] taught the human being what he did not know." (Q96: 1-5) "Are those who have knowledge equal to those who do not have knowledge?" (Q39:9)
Right to Wealth and employment	"And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things." (Q4:32) "men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether the property be small or large- a determinate share" (Q4 : 7). "Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females. If only daughters, two or more, their share is two-thirds of the inheritance. If only one, her share is a half... and Allah is All Knowing, All Wise" (Qur□an, 4 : 11). "In what your wives leave, your share is a half, if they leave no child. But if they leave a child, ye get a fourth, after payment of legacies and debt. In what ye leave, their share is a fourth, if ye leave no child. But if ye leave a child, they get an eight, after payment of legacies and debts... Allah is All-knowing, Most Forbearing" (Q 4 : 12).
Right to Divorce	"If you have cause to fear that the two may not be able to keep within the bounds set by God, there shall be no sin upon either of them for what the wife may give up [to her husband] in order to free herself. These are the bounds set by God; do not, then, transgress them: for they who transgress the bounds set by God - it is they, they who are evildoers!" (Q2:217 - 218). "Divorced women shall also have such maintenance as is considered fair: this is a duty for those who are mindful of God" (Q2: 241) "But make fair provision for them, the rich according to his means and the poor according to his—this is a duty for those who do good." (Q2:36)

TABLE. 17

SELECT HADITH AND SUNNAH ON GENDER JUSTICE	
Theme	**Hadith and Sunnah**
Treatment of Girls	Prophet Muhammad (PBUH) is recorded to have said, "Who is tested with the presence of a girl, then the child will be a shield for them in hell" *Sahih Al Bukhari. Beirut Libanon: Darul Qurub. No. 1418; Hanbal, Ahmad Ibn. (2001). Musnad al-Imam Ahmad ibn Hanbal. Beirut: Mu'assasah al-Risalah. No. 12498* "If anyone has a female child, and does not bury her alive, or slight her, or prefer his children (i.e., the male ones) to her, Allah will bring him into Paradise." *Dawud, A. (1994). Sunan Abi Daud. Beirut: Maktabah al-'Asriyyah No. 5146*
Hadith on Education	"The seeking of knowledge is obligatory upon every Muslim" *Baihaqi, Mishkat, al Tirmidhi* "Searching for knowledge is compulsory for every Muslim male and Muslim female *Sunan Ibn Majah.* "If anyone travels on a road in search of knowledge, God will cause him to travel on one of the roads of Paradise. The angels will lower their wings in their great pleasure with one who seeks knowledge. The inhabitants of the heavens and the Earth and (even) the fish in the deep waters will ask forgiveness for the learned man. The superiority of the learned over the devout is like that of the moon, on the night when it is full, over the rest of the stars. The learned are the heirs of the Prophets, and the Prophets leave (no monetary inheritance), they leave only knowledge, and he who takes it takes an abundant portion. – *Sunan of Abu-Dawud* "If death comes to the student of knowledge while he is thus engaged, he dies as a martyr." *Al-Bazzar*
Right to Wealth and Employment	al-Tabari (1984) reports that, "a woman (the wife of Sa□ad bin Rabi□a) complained to the Prophet (SAW) that she and her daughter were prevented from inheriting property left behind by her husband. Her husband's brother justified his action by saying that women do not mount horses, do not endanger themselves going into battle, therefore they should not inherit." *Al-Tabari*
On Right to Divorce	It is recorded in the Sunnah that when a woman came to complain to him about her husband, the Prophet (PBUH) told her to return her dowry and divorce him. This is based on a Hadith in which it is narrated that the wife of Thabit ibn Qays approached the prophet (PBUH) and said, '"O messenger of Allah! I do not find blame with Thabit ibn Qays in anything concerning his character or religion, but I do not want to disobey [the teachings of Islam].' The prophet [PBUH] said, 'Do you agree to return the orchard he gave you as mahr?' 'Yes,' she replied. So the Prophet told Thabit, 'O Thabit! Accept the orchard and grant her divorce.'" *Bûkhârî, Muhammad, (1993) Le sommaire du Sahih al-Boukhari, 2 vols., Beyrouth, Dar al-Kutub al-Ilmiyah*

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