

# **HOW ULEMA VIEW AFGHAN CIVIL SOCIETY**

**REPORT FROM THE  
ROUNDTABLES WITH AFGHAN RELIGIOUS SCHOLARS**

The views and recommendations expressed in this report are solely those of the Ulema and are not necessarily those of Counterpart International and/or the United States Agency for International Development (USAID)

# TABLE OF CONTENTS

<b>I</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>II</b>	<b>ULEMA’S PERCEPTIONS OF CIVIL SOCIETY</b>	<b>4</b>
<b>III</b>	<b>WHO AND WHAT CONSTITUTES CIVIL SOCIETY?</b>	<b>8</b>
	<i>Individuals</i>	8
	<i>Civil Society Organizations</i>	8
	<i>Political Parties</i>	8
	<i>Government</i>	9
	<i>Private Sector</i>	9
	<i>Non-governmental Organizations</i>	9
	<i>Media</i>	9
<b>IV</b>	<b>THE VALUES AND FUNDAMENTALS OF CIVIL SOCIETY</b>	<b>9</b>
<b>V</b>	<b>ULEMA’S PERCEPTIONS OF GENDER</b>	<b>12</b>
<b>VI</b>	<b>CHALLENGES FACING CIVIL SOCIETY</b>	<b>14</b>
<b>VII</b>	<b>ULEMA’S UNDERSTANDING OF DEMOCRACY</b>	<b>15</b>
<b>VIII</b>	<b>ULEMA’S ROLE IN THE DEVELOPMENT OF AFGHAN CIVIL SOCIETY</b>	<b>16</b>
<b>IX</b>	<b>ULEMA’S RECOMMENDATIONS FOR THE DEVELOPMENT OF AFGHAN CIVIL SOCIETY</b>	<b>16</b>

## **I Introduction**

Counterpart International has been working to promote the development of civil society since 1965, and currently operates in 23 countries worldwide. In January 2005, Counterpart International signed a cooperative agreement with the United States Agency for International Development (USAID) to implement the Initiative to Promote Afghan Civil Society (I-PACS). The purpose of this comprehensive and nation-wide program of technical assistance is to increase the role and viability of civil society in Afghanistan through implementation of four core objectives:

1. Ensure informed policy and equitable resource allocation decisions concerning civil society and civil society organizational (CSO) development in Afghanistan;
2. Assist in the development and enforcement of a comprehensive legal framework to strengthen the civil society sector;
3. Build the capacity of CSOs to design, implement, manage, monitor and evaluate their activities effectively, and achieve organizational objectives with transparency and accountability, and;
4. Provide grant-based funding to CSOs to implement sustainable development and issue-specific advocacy projects.

Achieving gender equity is a theme that cuts across all aspects of I-PACS, including the mainstreaming of women into society, and the engagement of national and community leaders in the process as advocates for their rights and equal opportunities.

From January to April of 2005, Counterpart International conducted a country-wide civil society assessment, followed by 12 roundtable discussions to enable Counterpart, CSOs, donors, and the government of Afghanistan to make informed decisions concerning the development of civil society in Afghanistan. Five roundtables were held in Kabul and seven in Kunduz, Kandahar, Faryab, Balkh, Bamyan, Paktia, and Nangarhar Provinces, in which more than 200

male and female participants provided their input, perceptions, and recommendations for the development of Afghan civil society.

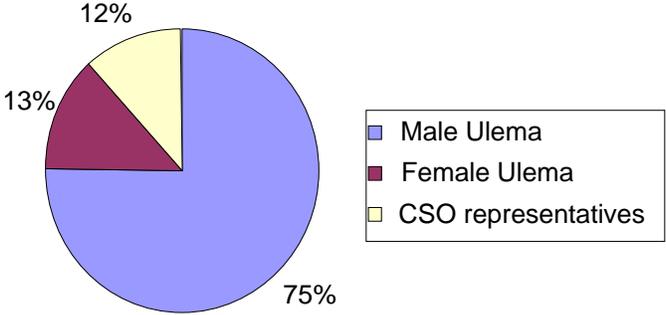
One of the most repeated recommendations resulting from these roundtables was that CSOs should work closely with *Ulema*<sup>1</sup> and *Mullahs*<sup>2</sup> as they are the most influential agents of change and deeply rooted in every community of the country. Acknowledging the recommendations of the participants, Counterpart organized eight roundtables with *Ulema* during 2007 (four in Kabul, two in Herat and one each in Balkh and Nangarhar Provinces) in which a total of 66 people participated including 58 Ulema, nine of whom were females, and 8 CSO representatives.

---

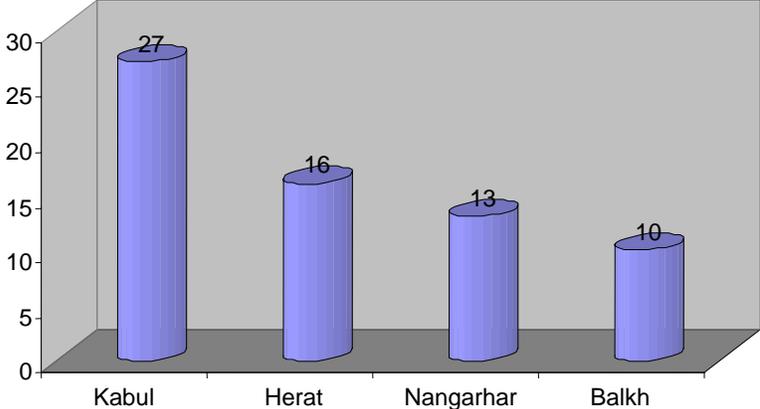
<sup>1</sup> *Ulema*, the singular of which is *Alim*, or "scholar", refers to the educated class of Muslim legal scholars engaged in the several fields of Islamic studies. They are most widely known as the arbiters of Shariah law. While the *Ulema* are well versed in legal jurisprudence as Islamic lawyers, some pursue specialized degrees in other academic disciplines, including philosophy, dialectical theology, or Quranic hermeneutics. The fields studied, and the importance given them, will vary from tradition to tradition, or even from seminary to seminary. In a broader sense, the term *Ulema* is used to describe the body of Muslim clergy who have completed several years of training and study of Islamic sciences, such as a *mufti*, *qadi*, *faqih*, or *muhaddith*. Some Muslims included under this term - the village *mullahs*, *imams*, and *maulvis*—have attained only the lowest rungs on the ladder of Islamic scholarship; other Muslims would say that clerics must meet higher standards to be considered *Ulema*.

<sup>2</sup> *Mullah* is a title given to some Islamic clergy, coming from the Arabic word *Mila*, meaning "full," and also *Mawla*, meaning both "vicar" and "guardian." In large parts of the Muslim world, particularly Iran, Afghanistan, Pakistan, Turkey, Central Asia, and the Indian subcontinent, it is the name commonly given to local Islamic clerics or mosque leaders. Ideally, a trained *Mullah* will have studied Islamic traditions (*hadith*), and Islamic law (*fiqh*). They are often *hafiz*, i.e. have memorized the Qur'an. However, uneducated villagers often recognize a literate Muslim with a less than complete Islamic training as their "*mullah*" or religious cleric. *Mullahs* with varying levels of training lead prayers in mosques, deliver religious sermons, and perform religious ceremonies such as birth rites and funeral services. They also often teach in a type of Islamic school known as a *madrasah*.

### Ulema Roundtable Participants



### Number of Participants Per Province



The purpose of these roundtables was to initiate dialogue with the *Ulema* on their perceptions of civil society and the concept of democracy from an Islamic point of view, to seek their opinions on the misperceptions and skepticism held by the general public regarding civil society, and to solicit recommendations on eliminating negative views. This report presents the opinions, ideas, and recommendations of the participants *in their own collective voice*, and aims to contribute to the ongoing dialogue in Afghanistan regarding the meaning of Afghan civil society and the role all citizens have in its development in a post-conflict era. This roundtable series is part of Counterpart's comprehensive effort to engage Afghan citizens at all levels in civic dialogue while also aiming to further develop a vibrant, gender equitable civil society.

Each roundtable began with a recitation from the Holy Qur'an, followed by discussion, facilitated by the I-PACS Communications and Outreach Manager, within the framework of the following topics:

1. *Ulema's* perceptions of civil society
2. Who and what constitutes civil society
3. The values and fundamentals of civil society
4. *Ulema's* perceptions of gender
5. Challenges and solutions facing civil society
6. *Ulema's* understanding of democracy
7. *Ulema's* role in the development of Afghan civil society
8. *Ulema's* recommendations for the development of Afghan civil society

The roundtables in Herat, Balkh, and Nangarhar provinces were conducted with the administrative and logistical assistance of I-PACS partner Civil Society Support Centers (CSSCs). Counterpart made every effort to invite male and female *Ulema* representing different schools of thought. One of the roundtables in Herat was held with female scholars. The average number of participants per roundtable was nine. Roundtable discussions were held in an open, participatory, and interactive environment in both Pashto and Dari.

The map below highlights the locations of the roundtable discussions.



As a way of expanding the platform for dialogue with the Ulema on the issues discussed during the regional roundtables, Counterpart I-PACS conducted a series of six radio broadcasts of roundtable discussions in Kabul with a number of renowned religious scholars from January through August of 2008 to mitigate misperceptions and skepticism held by the general public about civil society. Reaching 6 million Afghans with each of the multiple broadcasts of each roundtable, citizens had the opportunity to hear Ulema explain the relationship between the core values of civil society and the core values of Islam; and how people's lives can be enriched in a society in which tolerance and equitable treatment of all citizens is the Islamic way. To this end, discussion topics focused on the concept of civil society from the Islamic perspective, democracy, women's role in civil society and elections.

Following are the summary of these roundtable discussions, per topics discussed.

## **II Ulema's Perceptions of Civil Society**

Many participants were of the opinion that the concept of civil society, throughout the various stages of history has been diverse, and put forward the following ideas:

*Aristotle believed that a society organized against all lawlessness and disorder was a civil society. Hegel believed that "The basic structure of a state is civil society." But from the Islamic point of view, the basics of a civil society are different from others. For example, prior to Islam, there was lawlessness, absolute anarchy, barbarism, and chaos all over the Arab peninsula, but with the emergence of Islam, peace, stability, tranquility, respect, honor, and freedom replaced all lawlessness.*

*In such a situation, the Holy Prophet Muhammad Peace Be Upon Him (PBUH) received a command from his Lord to migrate from Mecca to Yathrib, along with his followers. When the Holy Prophet Muhammad (PBUH) arrived in Yathrib, he started a new life and changed the name of Yathrib to Al-Madinah Al-Munawarh, which means enlightened city and thereby laid the foundations for a new society.*

"The modern concept of a civil society, I think, is one that is established with the efforts of non-governmental organizations, communities and institutions, and where peace and stability prevail and education is common. All benefit equally from all opportunities and resources, and where cruelty and oppression are under control and poverty is alleviated if not completely eradicated."

Dr. Muhammad Ayaz Niazi

The participants said that if the aforementioned are the essential elements and objectives of a civil society, then all of them are totally guaranteed in Islam. As Islam itself is the basis for a civil society, where no use of force is allowed and the freedom of belief and opinion is greatly valued.

Participants further stated that:

*Human beings are social in nature and therefore take pleasure in a social life; with the creation of Adam and Eve, social life began; they cared for each other, and this tradition continues to the present day. According to religious beliefs, the soil from which Adam was created was taken from all parts of the world; therefore, Adam's message is eternal and universal. Most of the Shariah orders stress unity and sociability. All congregational prayers including Juma,<sup>4</sup> the two Eids,<sup>5</sup> and gathering at the Arafat<sup>6</sup> and other social*

---

<sup>3</sup> *Khatib* is an Arabic term driven from *Khetaba* (Speech) and literarily means speaker. In Afghanistan, those Mullahs who deliver sermons on Friday at the Congressional Prayer are called *Khateb*.

<sup>4</sup> Juma prayer is a mandatory, congregational prayer every Muslim should attend during the noon hours on Fridays. It is mandatory for every Muslim male. It is preceded by a speech that could focus on Islamic morals, rules, or be specific to the community situation. It is also for Muslims to meet each other and socialize.

<sup>5</sup> *Eid* is an Arabic word meaning "festival" and Muslims around the world celebrate two *Eids*: *Eid-ul-Fitr*, which means the "Festival of Breaking the Fast". This *Eid* starts the day after *Ramadan* ends and last for three days. It is verified by the sighting of the new moon. Muslims give money to the poor and wear their best clothes. *Eid ul-Fitr* is called "The Lesser Eid" as compared with *Eid ul-Adha* (Festival of the Sacrifice) that lasts four days and is called "The Greater Eid." *Eid-ul-Adha* is celebrated to commemorate Ibrahim's willingness to sacrifice his son for God. *Eid ul-Adha* annually falls on the 10th day of the month of *Zul-Hijja* of the lunar Islamic calendar. *Eid ul-Adha* occurs the day after the pilgrims conduct *Hajj*,

*religious gatherings are important because they promote human sociability and unity.*

Some participants said that prior to Islam the chieftains and elders of the tribes defined civil society on the basis of their own intelligence and nature. But Islam, on the other hand, described it on the basis of divine orders which changed the concept of civil society.

“Civil society is when the principles and values of trust and accountability exist and where everyone’s rights are secured and all benefit equally from all resources.”

*Maulavi Muhammadullah Amin,  
Khatib of Ghousul Azam Dastagir Mosque*

One of the participants said a civil society exists when there is rule of law and citizen participation ensures further strengthening of civil society.

“Society is a group of people who share values. Civil society, which is derived from the Arabic word *Madina* (city), is also called civilization. This means that we should eliminate violence in society and adopt a life where a diversity of opinions, cultures, and traditions exist and people have more access to resources and rights.”

*Maulavi Abdul Majid, School Teacher, Kabul*

---

the annual pilgrimage to Mecca in Saudi Arabia. It takes place approximately 70 days after the end of the month of *Ramadan*.

<sup>6</sup> Mount Arafat or Mount Arafah is a granite hill east of Mecca and it is also known as the Mountain of Mercy (*Jabal ar-Rahmah*). The hill is the place that Muhammad delivered the Farewell Sermon to the Muslims who had accompanied him on *Hajj* towards the end of his life. It reaches about 70 meters in height. The level area surrounding the hill is called the Plain of Arafat. The term Mount Arafat is sometimes applied to this entire area. It is an important place in Islam because during the *Hajj*, on the ninth day of *Zul- al-Hijjah*, pilgrims spend the afternoon there. Failure to be present in the plain of Arafat on the required day invalidates the pilgrimage. Many pilgrims spend the night there in prayer.

Some participants said that in a civil society people with different opinions live in peace and security. Their spiritual and physical rights are protected and citizens have access to resources without any obstacles or challenges. Participants also said that civil society is based on the principle that males and females enjoy equal rights.

“There is no discrimination based on sex and gender in (civil) society and all men and women work together for the improvement of people’s lives.”

Ms. Parwana Alizada,  
Principal of Madrasat-ul-Quran, Herat, Afghanistan

The participants, and particularly the females, said that in a Muslim society the foundation for civil society must be Islam.

“According to Islam, in a civil society the freedom of speech should be protected, everyone’s legitimate rights should be protected and their human dignity should be preserved. In a country where the majority is Muslim, their civil laws must be based on Islamic principles.”

Ms. Shekiba Kazimi  
Teacher in Madrast-ul Quran- Herat province

The participants came up with the following three most important principles for civil society: a) laws must be equally and fairly enforced on all members of society; b) CSOs should have a specific vision and goal; and c) citizens’ duties and rights must be identified and understood. The last point was elaborated further by the statement that “The laws of the country should hold each individual responsible and accountable for their actions within the framework of the law, and citizens should monitor the government and hold it responsible for its actions.”

Some scholars said that civil society does exist in Afghanistan; however, it exists in a symbolic way rather than the way it should under Islam. Participants also expressed concern that, although

everyone recognizes the important role of the *Ulema*, *Mullahs*, and *Talib* (students of *madrassas*), no one provides them with the opportunity to fulfill their role. They also said that when we speak about civil society we should be clear that we refer to civil society that fits the conditions and values of Afghanistan.

Most of the participants agreed that civil society is based on civilization, for without civilization society is incomplete. They also agreed that where there is civilization, human rights are protected and interpersonal dealings are conducted in a respectful manner.

However, some participants argued that civilization is physical and infrastructural development, while civil society is spiritual and attitudinal development. They pointed out that civilization is more related to roads, electricity, water, and other physical developments, while civil society is more concerned with development of the spiritual, behavioral, attitudinal and human aspects of humankind.

A few of the participants said that the concept of modernization is derived from Aristotle's ideologies and that we can define civil society from two perspectives: a) according to philosophers and scholars, and b) according to religious teachings and principles. This group felt that in Afghanistan, the latter should be the norm.

The participants felt that the nature of civil society is subject to change as the system of government changes, given the deep relationship between the two. They added that the greater the number of people who participate in the government, the stronger is the civil society that emerges. *Maulavi* Mujahid quoted a verse from the Holy Qur'an with regard to the significance of cooperation among the members of a society:

*"Help you one another in Al-Birr and At-Taqwa (virtue, righteousness and piety); but do not help one another in sin and*

*transgression. And fear Allah. Verily, Allah is Severe in punishment (2).” (005 Surrah Al-Mai’dah).*<sup>7</sup>

A few scholars indicated that they were acquainted with the concept of civil society, but concerned with its interpretation and application in Afghan society. They had no problem with civil society as long as it did not contradict Islamic teachings. Participants agreed that modernization and civilization started with the emergence of Islam; and they pointed out that during the era of the Prophet Muhammad (PBUH) in *Madina*, Muslims, Jews, Zionists, and others were living in harmony -- representing the best model of civil society where a culture of co-existence and tolerance was upheld. They also referred to *Madina-tul-Rasool*,<sup>8</sup> because it “exemplified the highest devotion and skillfulness from the *Sahaba*<sup>9</sup> towards the goal for which Allah sent the Prophet Muhammad (PBUH).”

---

<sup>7</sup> All Surahs in this document are from [Translation Of The Meanings Of The Noble Qur’an In The English Language](#), by Dr. Muhammad Tqqi-ud-Din Al-Hilali, Formerly Professor of Islamic Faith and Teachings at the Islamic University, Al-Madinah Al-Munawwarah, and Dr. Muhammad Muhsin Khan Formerly Director of the University Hospital Islamic University, Al-Madinah Al-Munawwarah. King Fahd Complex For The Printing Of The Holy Qur’an Madinah, K.S.A.

Click the following link to access the source:

[http://d1.islamhouse.com/data/en/ih\\_books/signal/en\\_Translation\\_of\\_the\\_Meanings\\_Quran.pdf](http://d1.islamhouse.com/data/en/ih_books/signal/en_Translation_of_the_Meanings_Quran.pdf)

<sup>8</sup> Madina is the city that the Prophet and his followers migrated to when conditions in Mecca became unbearable. The name of this migration, *hijrah*, became the name of all forced migrations of believers done in the name of Allah. Rasool means the Prophet, so *Madina tul Rasool* means the city of the Prophet, where there is complete social justice.

<sup>9</sup> In Islam, the *Ṣaḥābah*, or "companions," were the companions of the Prophet Muhammad. This form is plural; the singular is *Ṣaḥābi*, meaning anyone who, in the state of faith, saw him to be a companion or *Saḥābi*. It was important to identify the companions because later scholars accepted their testimony (the *ḥadīth*, or traditions) as to the words and deeds of Muhammad, the occasions on which the *Qur'an* was revealed, and various important matters of Islamic history and practice (*Sunnah*). The testimony of the companions, as it was passed down

Some participants said that working together in harmony is demonstrated in a systematic way in the human body. They further expressed the view that creation is the result of a human organism that is made up of various parts with different roles and functions; and that the organism works to keep the human being alive as a useful element of society.

One participant noted that “civil society is a societal need, not a fashion.”

Almost all scholars said that Islam is against all things and actions that prevent the development of civil society. They said that Islam encourages people of various thoughts and beliefs to listen to each other’s points of view and benefit from those that are helpful and useful.

### **III Who and What Constitutes Civil Society?**

Participants had differing opinions about who and what constitutes civil society.

#### ***Individuals***

The participants agreed that all individuals, be they politicians, government officials, or business persons, are part of civil society and have every right to express their opinions, take part in demonstrations, strikes, and monitor the performance of their politicians and government. It is the responsibility of both the government and the political groups to listen to the needs and demands of the people.

---

through chains of trusted narrators (*isnads*), was the basis of the developing Islamic tradition.

### ***Civil Society Organizations***

All scholars said that social organizations such as *Ulema* foundations, writers' unions, trade unions, professional associations, and religious groups are part of civil society.

### ***Political Parties***

According to most participants, political parties are also a part of civil society, because segregating politics from society is against Islam. Many participants understood that since political groups are not part of the government, they are part of civil society. However, some participants argued that political groups are struggling for political power, and therefore are not part of civil society, even though they are not part of the government either.

### ***Government***

Some scholars said that the government is also part of civil society; and that kindergartens, schools, universities, and all government institutions that provide social and cultural services to the people are part of civil society.

### ***Private Sector***

According to some participants, the private sector is part of civil society, as Islam itself is a complete code of life and encompasses all sectors of society. However, most of the participants said that the private and government sectors are not part of civil society, because both have political and financial purposes.

### ***Non-governmental Organizations***

The majority of the participants said that civil society must be non-partisan and non-governmental, and all local NGOs are civil society actors. Any national or international NGO that is working for the public good is part of civil society.

“All non-government organizations which work to promote the rights of the people are part of civil society. Trade companies and corporations are not part of it; however, the trade unions are, because they work for the benefit of groups of people.”

### ***Media***

All participants recognized the important role that media can play in the development of civil society. They were of the opinion that media is a tool through which people in every corner of the country may be informed and educated about issues that matter to them. Most of the participants also expressed their concerns over the misuse of the media, particularly by political parties and the business community. However, everyone said that the media is the backbone of civil society and one of the best mediums for interaction and discussion about issues of concern to the people.

## **IV The Values and Fundamentals of Civil Society**

The participants expressed the view that the relationship between the individual and society is based on three main principles:

1. Paramount moral code which edifies and beautifies the individual and society.
2. A strong family system based on the strength of marriage and the family.
3. A civic polity that deals with cooperation and rights (Rights of Allah and people).

The participants said that some of the above principles derive from the revelations of the Prophet (PBUH) and some from common sense.

On the issue of human rights, the participants said that some human rights are derived from the revelations of the Prophet Muhammad (PBUH) and some are understood through common sense. They noted that due to the diversity of human societies a common definition of human rights is difficult, and it is therefore not possible to judge the human rights of people all over the world according to the same standards. For example, they said that gay marriage,

prostitution, and alcohol consumption might be considered a right in some societies. In Islamic societies, however, these are strictly prohibited. As some may argue that these bans are against individual freedom and rights, the participants agreed that the best source to decide what is right and what is wrong is in the teachings of “Almighty Allah”, not an individual. The participants argued that individuals are motivated by their desires and Allah knows best what is beneficial for His people.

Participants were of the view that there are three sources that define society:

- The divine revelation *Qur'an* and the *Sunnah*<sup>10</sup>;

---

<sup>10</sup> *Sunnah* literally means “trodden path”, and therefore the *Sunnah* of the Prophet means “the way of the Prophet”. Terminologically, the word ‘*Sunnah*’ in Islam means those religious actions that were instituted by the Prophet Muhammad during the 23 years of his ministry and which Muslims initially received through consensus of the companions of Muhammad, and further through generation-to-generation transmission. According to some opinions, the *Sunnah* in fact consist of those religious actions that were initiated by Abraham and were only revived by Muhammad.

The *Sunnah* are the way or deeds of Muhammad and are validated by the consensus of companions of Muhammad in Islam, and the way or deeds of Muhammad, while the word *Hadith* (*singular*) and *Ahadith* (*plural*) represent the Sayings or traditions of the Noble Prophet (s.a.w.) They are not recorded in the Qur’an, but provide us with further insight into revelation in the Qur’an.(from A-Z guide to the Ahadith- Mokhtar Stork- Singapore: 2004. P# vi). The two words are sometimes taken to be interchangeable, referring to the Traditions, but the difference depends on the context. *Hadiths* are classified according their status in relation to their texts (*matan*) and their chain of transmitting sources (*isnad*). Scholars of the *Ahadith* have studied the narrations from their contexts as well as from their transmitters in order to establish what is true and what is false in these *Ahadith*.

*Sunnah*, on the other hand, are established through practical examples and not via these texts in Islamic law, but mostly through the *Hadith* texts as far as Prophetic biography, traits and examples are concerned. For example, prayers, both individual and congregational, were taught by Muhammad to his followers by practical example and since then have been transmitted generation-to-generation through practical learning. Their documentation in the form of the *Hadith* only

- The directives and decrees of the *Sahaba* (the companions of the Prophet Muhammad);
- The *Urf*<sup>11</sup> (traditions, public perceptions and popular regulations and decisions)."

Regarding Afghans' perceptions of civil society, the majority of participants said that the main underlying principle of civil society is considered to be democracy.

---

happened later, but their actual learning and transmission has always been through practical means. On the other hand, many traits about Muhammad, such as his style, his habits, and his dealings with others, are known primarily through hadith.

<sup>11</sup> *Urf* (custom) is defined in *Usul(principles)* as "recurring practices which are acceptable to people of sound nature." *Urf* and its derivative *Maru'* both occur in the *Quran*, mostly in the sense of "good" (as opposed to "bad or evil") adherence to Allah's injunctions (3:110; 7:199). However, *Urf* has been used in the sense of custom also in some places in the *Quran* (Ref. 2:233 with regard to maintenance of children).

*Urf* consist of customs which were prevalent in Arabia in the lifetime of the Prophet Muhammad and which were not over-ruled by the Prophet (and are thought to have received his tacit approval and considered as a part of *Sunnah*). The following are the conditions of *Urf*:

- a. It must be common and recurrent.
- b. *Urf* must be in practice at the time of transaction, i.e., past *Urf* is not a basis.
- c. Custom or *Urf* must not violate the *nass* or clear stipulation of the *Quran* and the *Sunnah*.
- d. Custom must not contravene the terms of a valid agreement (valid according to *Shariah*).

Dr. Jamal Badwai has divided *Urf* into 3 types - positive, neutral, and negative. An example of positive *Urf* is generosity or hospitality. A neutral *Urf* is preference for a particular diet or a particular place. A negative *Urf* is a tradition which goes against Islamic law and teaching. Dr. Jamal mentions that if a local custom is negative, then it must be rejected. (Ref.: Dr. Jamal Badawi, 'Islamic Teaching Course', Lecture No. G-23).

Some participants said that civil society is based on the principle of accountability and that it has three aspects:

- a) *Accountability to Allah*: respect for what Allah has revealed to mankind, and belief that one day he/she will be punished for his/her wrong deeds and rewarded for the good ones.
- b) *Accountability to others*: respect for all human beings, understanding and protecting their rights, and being responsible to society. In Islam, serving people is similar to *worshipping* Allah. The participants said that plundering of people's wealth was against the ethics of a civil society. They quoted a saying of *Hadhrat Omar*, the second Caliph of Islam, "Do not squander the property of the people, let it be nurtured and remain for future generations." They said that in a civil society everyone's rights are ensured, everyone's property is secured and public resources are equally utilized by all members of society.
- c) *Accountability to self*: Your *Nafs* – comprising your soul and body/self and psyche - has every right to be protected and kept well so that you are able to provide services to the people and worship Allah the Almighty.

Some participants said that "accountability and responsibility" are complementary, and that these are the duties of every individual. They said that absence of faith in accountability is a major obstacle.

Some participants were of the opinion that civil society combats anarchy, in which every tribe or group is concerned only with its members and what they possess. They said that strong leadership is fundamental to the development of civil society. The scholars agreed that whenever three people travel, one should be chosen as the leader and the other two should follow him; and if order and obedience are required for three people, then an entire society must also establish order and obedience to organize its affairs. They further noted that Islam condemns all those actions or behaviors that hinder or obstruct civil society.

The participants also stated that there should be no restriction on the right to congregate, and that listening to each other's thoughts and ideas should be encouraged. They also noted that in a civil society, it is important that minors respect their elders and that elders show sympathy and compassion to minors.

## **V Ulema's Perceptions of Gender**

Participants' opinions of gender equity/equality and its role in civil society were varied. Some said that gender means that men and women should work together for the good of society. Others said that the concept of gender refers to the equal rights of men and women.

"Gender is a very vast subject and it has two aspects. One is biological, such as sex and physical differences; the second includes the social aspects such as rights and roles. So giving equal rights and roles to men and women in society is the concept of gender."

Ms. Nadia Najafi

Muslim Sister at the religious Madrassah - Herat Province

In general, all participants were of the opinion that women have an equal place and role in Islamic society as men. Some scholars mentioned that there is a difference between Islamic teachings and traditions in Islamic countries, including Afghanistan. Almost all the participants said that women and men have different roles and it is a mistake and unfair to impose men's roles on women or women's roles on men.

However, some participants said that according to Islamic teachings men and women are the same beings. They pointed out that whenever there is a discussion in the *Qur'an* about Creation both genders are mentioned. They pointed out that The *Qur'an* says, "*We have instilled soul in them*", pointing out that Allah does not mention only Adam, but Eve is also included. The *Qur'an* also says: "*Do you think that we have created you idle?*" The interpretation of the

participants was that Allah has not created any human being to remain idle, but that each has a role to play in society according to his or her innate and learned skills. Islam recognizes the important role of both men and women, and if there is a difference in roles it doesn't mean that one gender is more valued than the other, rather that they are complementary. Some participants said that women have special rights according to Islamic teachings.

All the scholars said that women are not weak, but rather that they have different capacities and skills than men; and that, therefore, giving women roles according to their capacity is both logical and fair. They went on to say that if we analyze the capacities of men and women, in some areas, men will demonstrate higher levels of competency than women; but in other cases women will surpass men. Participants pointed out that females have been heads of state in predominantly Islamic countries such as Bangladesh, Pakistan, and Indonesia.

A few male scholars said that Islam does not recognize boundaries and calls for the unity of the whole *Ummah*<sup>12</sup>; further noting that a woman cannot become the *Amir-ul-Momenin* (the leader of the entire Muslim *Ummah*), but she can become head of state. The participants said that Caliph is different from "being the head of a state."

On the issue of gender equity, the participants said that men and women are dependent upon each other. They provide tranquility to one another. They suggested that men should always consult the women in the family regarding each and every issue that concerns the family.

---

<sup>12</sup> *Ummah* is a word meaning community or nation. It is commonly used to mean either the collective nation of states, or (in the context of pan-Arabism) the whole Arab world. In the context of Islam, the word *umma* is used to mean the diaspora or "Community of Believers" (*ummat al-mu'minin*), and thus the whole Muslim world. The phrase *Ummah Wahida* in the *Qur'an* (the "One Community") refers to the entire Islamic world.

The participants also noted that a woman enjoys numerous privileges in Islam; she gets her share of the patrimony from her father, husband, brothers, and son, and she is quite secure; and that there must be an environment for women in which they can work safely, depending on the prevailing traditions of each society. They also noted that the biggest challenge for Afghan women is participation in social events since the male-dominated society prevents women from working and does not let them flourish and be visible in the society.

“Most of our work, programs, and activities reflect the way we were raised. For example, if we want to avoid doing something, we blame our forefathers because they did not do so.”

Ms. Nsima Hafizi

Muslim Sister at the religious Madrassah - Herat Province

Several scholars said that girls and boys should participate equally in social gatherings and both should enjoy equal access to education. They mentioned the vital role that educated girls and boys could play as adults in the development of their society, pointing out that an educated society could lay a stronger foundation for an active civil society.

According to some scholars, the biggest obstacle for women to overcome, even greater than working alongside men, is the lack of a well-educated society. Otherwise, in the view of *Imam Abu Hanifa*, a woman can be a judge.

“If women do not take part in society, they are disheartened; therefore, it is necessary that women take their place in society.”

*Maulavi* Nader Shah Baleegh

Member of Afghanistan Ulema Foundation

## **VI Challenges Facing Civil Society**

Most of the participants highlighted the following obstacles facing the development of civil society in Afghanistan, saying that they not only hinder its development, but actually weaken it.

These challenges are:

1. Misuse of Islamic values: Some of the basic values and principles of Islam have been misused. For example, *Jihad*, which is a holy duty, has been converted into an “illegal war” due to the nefarious deeds of some Muslims. Every individual in Afghan society is fed up with the “illegal war”.
2. Unclear roles and responsibilities among the three branches of government: There is lack of clarity about the roles and responsibilities of the executive, legislative, and judiciary branches, and there are many duplications and contradictions in their roles.
3. Warlords: Warlords are an enormous problem impeding the development of Afghan civil society. They have undermined Islamic and human values and have escaped punishment for breaking the law. There have been instances when the court handed down a ruling for criminal activity, but the President either did not want or was unable to enforce the verdict. (The participants were referring to the existence of the warlords, the lack of capacity within the government, and the weakness of civil society.)
4. Lack of motivation: Afghans have not been motivated and encouraged to do volunteer and charitable work. Furthermore, whenever someone has raised their voice against government wrongdoing, they have been beaten or threatened. This is a serious deterrent to the development of civil society.

“Some people think that CSOs, and particularly NGOs, are working for their own personal benefits and getting funds. The values and importance of civil society should be further explained to the Afghan population. Many people think that international NGOs have a foreign agenda.”

Ms. Hassina Foshang

Some participants criticized Afghan civil society, because it is represented by international NGOs, particularly at important international conferences. They said that this has to change and Afghans must take the lead with the support of international experts. As one participant put it, "Who better knows the affairs and problems of a country than its own people?"

"We have laws in this country, but there are no clauses/articles that prohibit and punish forced marriages. That is why these traditions are still alive and cause problems within society."

Najla Akbarzada

Worker in Women Activities and Social Service Organization, Herat  
(WASSA)

With one voice, the participants said that these challenges cannot be overcome unless the people unite and work in a coordinated manner; and that they should become one body and focus their attention on the development of Science and Technology. Referring to the story from the three Abrahamic religions – Judaism, Christianity and Islam -- about the Prophet Solomon (PBUH) and the Prophet Nova (PBUH)<sup>13</sup>, Mulavi Abdul Qudos Amiri, member of

---

<sup>13</sup> Below are some verses from the Holy Qur'an in this regard:

And to Sulaiman (Solomon) (We subjected) the wind strongly raging, running by his command towards the land which we had blessed. And of everything We are the All-Knower. 81 (021 - Al-Anbiya)

And to Solomon (We subjected) the wind, its morning (stride from sunrise till midnoon) was a month's (journey), and its afternoon (stride from the midday decline of the sun to sunset) was a month's (journey i.e. in one day he could travel two months' journey). 12 (034 - Saba)

And it was revealed to Nuh (Noah): "None of your people will believe except those who have believed already. So be not sad because of what they used to do." 36 (011 - Hud)

Central Khost Tribes Council, stated that “without search for knowledge, particularly knowledge of science and technology, our destiny cannot be other than failure, because a sustainable society cannot be developed without knowledge and realization.”

## **VII Ulema’s Understanding of Democracy**

All participants said that the people should determine the type of government of a country. An Islamic government means the supremacy of the rule of Allah’s (SwT) law over others. According to the constitution of Afghanistan as well as Islam the role of people in choosing the government system and type is proven and clear .

Commenting on the existence of the roots of democracy in Islam, some participants quoted a *Jihadi* leader’s statement: “Let’s adopt and take advantage of all the good things of democracy.” Some said that all the good elements of democracy exist in Islam, and asked why there is the need for borrowing them from democracy.

One participant stated that the concept of democracy is misinterpreted and misused by urban citizens who claim unlimited, unconditional, and immoral freedom for everyone with no boundaries. Others said that democracy and civil society are interlinked, considering both as principles of social justice and therefore not in contradiction with Islam.

“Civil Society, democracy, and some other concepts are not understandable for some people. Whenever they watch naked Indian films, dramas, and series, they think that those are the elements an ideal democracy, while it is not the case. Real democracy must be on the basis of the values and beliefs of the

---

“And construct the ship under Our Eyes and with Our Revelation, and call not upon Me on behalf of those who did wrong; they are surely to be drowned.” 37  
(011 - Hud)

citizens of the country. Democracy must be explained to the people in light of Islamic and cultural foundations.”

*Maulavi Sayed Muhammad Islami Religious Scholar – Balkh province*

### **VIII Ulema’s Role in the Development of Afghan Civil Society**

The participants categorically stated that with technical and consultative support from Counterpart International, the religious scholars could research the concepts, issues, and various interpretations regarding civil society from religious and *Urf* perspectives and publish the results via the media. They stated that religious scholars can promote and propagate love and tolerance in society, influence and motivate people to overcome minor differences, and encourage cohesion based on the main principles and values of Islam.

According to the participants, “Apart from Counterpart International, there are other institutions, societies, unions, and parties that are also working in this regard, and need to be included in this mission. Counterpart International should facilitate opportunities for research, studies and exchanging views through convening seminars, conferences, workshops, panel and round-table discussions, and interviews, as well as organizing other formal and semi-formal meetings with various religious scholars, social experts, professionals and intellectuals of different fields in this regard.”

Referring to an experience in the Senate, Maulavi Arsalan Rahmani said, “For the last year or so, we have worked together with Ayatullah Qurban Ali, a Shiite scholar, and have so far faced no problems regarding religious issues. All of this is made possible through negotiation and understanding each other’s views. I strongly recommend that Counterpart International facilitate these kinds of meetings and discussions by inviting Shiite Scholars such as Sheikh Asif Muhsini.”

## **IX Ulema's Recommendations for the Development of Afghan Civil Society**

The participants, in order to address the challenges facing civil society, emphasized the following points:

- Implement and expand the rule of law across the entire country.
- Religious scholars, the Ministry of Religious Affairs and the Ministry of Information and Culture should develop a joint strategy to promote human rights and civil society.
- Civil Society Organizations should expand their outreach into the provinces by establishing networks, and these organizations should be led by Afghans who can better represent their own communities.
- Comprehensive development projects should be designed in close consultation with Ulema.
- Improve the economic conditions of religious scholars so that they can do voluntary public works.
- A commission by the name of "Solutions for Contemporary Issues" should be established to research contemporary issues, provide recommendations, raise awareness, and design ways for the public to have easy access to the information.
- Democracy, women's and children's rights, globalization, family life, gender, heritage rights, etc. should be researched comparatively in all four religious schools of thought<sup>14</sup>.

---

<sup>14</sup> The *Ulema* usually work within a tradition (madhhab) that starts with one of five classic jurists. A Sunni Muslim jurist usually belongs to one of the four main schools:

- Shafi'i (most common in Indonesia, Malaysia, Jordan, and Palestine)
- Hanafi (Afghanistan, Pakistan, Turkey, the Balkans, Central Asia, Indian, Egypt, China)
- Maliki (North Africa, West Africa, and several of the Persian Gulf states)
- Hanbali (Arabia)

- The government must ensure that every individual of this country has access to education. Ulema can help with building awareness about the importance of education. The Ministry of Education should develop a curriculum that addresses the needs of all citizens.
- The curriculum of religious schools should be modernized and the curriculum of the secular schools should be Islamized. In other words, the gap between the secular and religious schools should be lessened.
- Youth, particularly girls, should be well equipped with the knowledge of science and technology.
- Opportunities in Europe and other countries should be provided to the religious scholars so that they can study and research, and exchange ideas with and benefit from the experience of scholars in other parts of the world.
- The Ministry of Religious Affairs should support the Ulema Foundation and provide the Ulema with new skills, computers, and internet facilities so that they have access to updated knowledge and information on contemporary issues, including information on Islam.
- New concepts that are alien and unfamiliar to the public should be integrated gradually so that they do not provoke the sentiments of the people.
- Development actors should study and assess the life, belief, traditions, culture, and attitude of Afghans and then, based on these findings and understanding, design and implement developmental programs.
- CSOs should gain the trust and confidence of the people and establish and/or expand close relations with the people, particularly the youth.
- In order to improve and strengthen Afghan civil society, Islamic teachings must be standardized. If this is done, civil society will need no formal supervision because conscience

---

The Ja'fari school (Iran, Iraq, Bahrain, and parts of Pakistan and Afghanistan) is usually associated with the Muslims of Shi'ia persuasion.

and a sense of responsibility before the Almighty Allah will play this supervisory role.

- Democracy should be studied thoroughly from an Islamic perspective and introduced to civil society. They gave an example of Islam's second Caliph, Hadhrat Omer, who said, "Oh Muslims! As long as my deeds are in accordance with the guidance of Allah and His Prophet, follow me; if I make any mistakes, correct me, and if I go astray, you do not have to obey me."
- "It is the *Ulema's* duty to communicate and discuss issues pertaining to society, and to free the Islamic *Ummah* from the darkness of prejudice, narrow-mindedness, and intolerance. *Ulema* should unite on principles and forget their secondary differences, teach the people fairness, love, and caring for each other."
- Teams of knowledgeable people and intellectuals need to be formed to enlighten public opinion about the advantages of civil society.
- Free and independent *Ulema* should enlighten the public about civil society.
- The language of promotion and preaching in favor of civil society should be improved. The usage of those words/terminologies and expressions that instigate negative emotions and reactions in people or are difficult to understand should strictly be avoided.
- Avoid repeating failed experiences. Increase public awareness through establishing cultural courses, promote handicrafts. In short, facilitate opportunities for economic and cultural development.
- There must be consistency between our words and actions. We should encourage people towards the right path as the Holy Prophet Moses invited the Pharaoh. Compare ourselves with the people of the world, establish contact with youth, and encourage people to study and understand Islam.
- President Mohammed Daud Khan provided opportunities for people to work in the Gulf States and, as a result, a positive economic change took place. The United States should issue

valid US work visas for our youth and facilitate research opportunities for our *Ulema* in the US.

- Engage the media and launch a public awareness campaign about the importance and benefits of civil society for them.
- Engage religious scholars to reach out to the public through mosques and other religious avenues, calling for support of civil society.
- Design capacity building programs and develop a culture in which people understand their due roles and rights and the rights of others.
- Although Afghanistan has a Constitution, we need to pass laws against the bad tradition of forced marriages.
- Literacy programs should be increased for the public.
- The participants said that Counterpart International should conduct trainings, workshops, seminars, conferences, roundtables, interviews and other formal and informal gatherings. It should also include qualified religious and secular scholars and encourage them to work together on a continuous basis.