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# Religious Actors and Civil Society in Post-2001 Afghanistan

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# Religious Actors and Civil Society in Post-2001 Afghanistan<sup>1</sup>

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## Abbreviations

ACBAR	Agency Coordinating Body for Afghan Relief
ACSF	Afghan Civil Society Forum
AIHRC	Afghan Independent Human Rights Commission
AKDN	Aga Khan Development Network
ANDS	Afghan National Development Strategy
ATA	Afghan Transitional Administration
BBC	British Broadcasting Cooperation
CI	Counterpart International
CDC	Community Development Council
CMI	Chr. Michelsen Institute
CPAU	Cooperation for Peace and Unity
ELJ	Emergency <i>Loya Jirga</i>
FCCS	Foundation for Culture and Civil Society
GoA	Government of Afghanistan
ICG	International Crisis Group
I-PACS	Initiative to Promote Afghans Civil Society
ISAF	International Security Assistance Force
NGO	nongovernmental organization
NSP	National Solidarity Programme
NWFP	North West Frontier Province (Pakistan)
PDPA	People's Democratic Party of Afghanistan
PRIO	International Peace Research Institute, Oslo
PRT	Provincial Reconstruction Team
SRSR	Special Representative of the Secretary General (UN)
TLO	Tribal Liaison Office
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WHO	World Health Organization

## Afghan Terms Used in This Report

<i>ahadith</i>	the reports of the Prophet
<i>alim</i> (sg.)/ <i>ulema</i> ( pl.)	the higher clergy
<i>bazaris</i>	bazaar-centred traders
<i>bunyad</i>	foundation
<i>dar ul hifaz</i>	school teaching recitation of the Quran
<i>eid</i>	holiday celebrating the end of the month of fasting
<i>farz</i>	religious obligation
<i>fatwa</i>	religious decree (advice, not legally binding)
<i>fiq</i>	Islamic jurisprudence
<i>ijaza</i>	permission (to teach)
<i>jihad</i>	holy war or struggle
<i>jirga</i>	tribal council
<i>khariat</i>	charity
<i>loya jirga</i>	Grand Council, monarchic institution reintroduced post 2001
<i>madrasa</i>	religious seminary
<i>maqtab</i>	lower-level school attached to local mosques
<i>mawlana/mawlawi</i>	term commonly used for an <i>alim</i> in Afghanistan
<i>mujahed</i> (sg.)/ <i>majahedeen</i> (pl.)	fighter in the holy war
<i>mullah imam</i>	lower-level clergy; leader of a mosque
<i>pashtoonwali</i>	the Pashtun honour code
<i>qurbani</i>	animal offering at Eid
<i>qawm</i>	a solidarity group (ethnic, professional or other)
<i>Ramadan</i>	the Islamic month of fasting
<i>Sharia</i>	Islamic Law
<i>shuras</i>	councils
<i>tabligh</i>	preaching
<i>tablighis</i>	preachers
<i>ulema</i> ( pl.)/ <i>alim</i> (sg.)	the higher clergy
<i>umma</i>	the global community of Muslim
<i>urf</i>	traditional law
<i>ushr</i>	tithe or tenth; Islamic land tax
<i>waqf</i> (sg.)/ <i>awqaf</i> (pl.)	religious endowment
<i>zakat</i>	Islamic tax

## Executive Summary

Both national and international development actors view the strengthening of Afghan civil society as central to the post-2001 peacebuilding process. The present study seeks to provide a better understanding of the role of religious actors and institutions in Afghanistan within that process.

### 1. Civil Society

Formal, modern civil society organizations are a recent phenomenon. In Afghanistan, traditional forms of association – such as the local councils (*shura/jirga*) – and religious institutions – such as the mosque, the religious seminaries (*madradas*) and religious leaders (*mullahs* and *ulema*) – are influential forces that historically have played an important role in society and politics. While both formal and informal institutions eroded during the war, local religious civil society institutions continued to be significant. Legitimized by religious authority and deeply rooted in traditional norms and practices, religious actors and institutions retain considerable influence on the moral values, social practices and political opinions of many Afghans.

#### *Narrow Understanding of Civil Society*

A rather narrow understanding of civil society has defined peacebuilding and development policy in Afghanistan since 2001. Donors have mainly supported formally established organizations, such as nongovernmental organizations (NGOs), professional associations and organizations associated with secular, modern development programmes. Focused on the service-delivery role of civil society, donors view these types of organizations as effective implementers of reconstruction and development activities. However, the more traditional civil society actors and institutions – above all, the Afghan ones – do not commonly perform these types of functions. By defining civil society too narrowly, governments and donors risk excluding a broader set of actors and institutions that, while less formal and perhaps more difficult to identify and categorize, nevertheless have the potential to be important partners in the peace and development process. Moreover, exclusion risks bypassing civil society actors that are influential on both local and national levels, and whose alienation could be very costly. These considerations also apply to religious actors and institutions such as mullahs, imams and councils of learned Muslims, both locally and nationally.

#### *Religious Civil Society Is Diverse*

Islam is what 99% of Afghans have in common, and it is a significant factor influencing daily life and society in Afghanistan. However, religious civil society is not homogenous with respect to political opinion. It comprises reform-friendly, pro-government moderates; Islamists; conservative-minded traditionalists; and radical fundamentalists. The public debate is therefore influenced, not by one, but by many competing groups who all speak the language of religion.

### 2. Civil Society Functions

Religious civil society has several functions. Providing moral authority and linking the believer to the sacred are what place religious actors and institutions apart from other types of civil society actors. Religious actors and institutions act as spiritual guides and moral guardians – that is, they protect virtue and prevent vice. In addition to these religious functions, five ‘civil society functions’ have been identified for the purposes of this study: socialization and social cohesion; public communication and advocacy; mediation and conflict resolution; intermediation; and social security and resource distribution.

Traditional religious civil society actors and institutions interact with and influence the state through both support and criticism. With a basis in religious authority, their relative independence enables them to counterbalance state powers. As highlighted by this study, their main roles are various:

*(i) Socialization and Social Cohesion*

As authoritative guardians of religious norms and practices, religious leaders and institutions are important sources of socialization. They have the potential to strengthen internal bonds between members in a community and to act as a bridge between different groups. Their position, however, can also be used to divide groups. In short, they have the potential not only to promote peace, reconciliation and collaboration, but also to foster conflict.

*(ii) Public Communication and Advocacy*

The mosque is a place that is used not only for religious services but also to share information of public relevance and to spread political messages. The Friday prayer, in particular, is an important and influential institution. In performing this function, religious leaders are opinion-makers, expressing a range of civil society 'voices'.

*(iii) Mediation and Conflict Resolution*

During the research for this study, a number of local religious leaders stated that, because of their knowledge of religious law and general religious authority and standing in their communities, they were often involved in mediation and resolution of local conflicts. Many viewed their role in promoting peace and mediating in conflict as central to their responsibilities.

*(iv) Intermediation*

The relative independence of the sphere in which ulema and local mullahs operate places them in a position to act as interlocutors between their own communities and external agents, such as state, aid agencies and NGOs.

*(v) Resource Distribution and Social Security*

While formal Islamic charity organizations are rare in Afghanistan, mosques perform social security functions through charity and redistribution of resources within the community.

### **3. Conflicting Agendas: Dilemmas and Challenges**

Modernization reforms – challenging traditional norms, practices and power structures – have shaped the relationship between the government and the clergy throughout modern Afghan history. The tension between 'the modern' and 'the traditional' – often played out as a conflict between the secular and the religious – is central in the post-2001 statebuilding process. This longstanding tension is further exacerbated by the 'War Against Terror' being fought in the south and the growing dissatisfaction with the Kabul-lead peace process by the Afghan government and its international supporters. Today, a variety of diverse forces challenge each other, producing tensions and conflicts that regularly erupt into violent confrontations between the government, NGOs and religious actors.

#### *Politicized Religion: Split Opinions Among the Clergy*

Recent Afghan history makes it difficult to clearly distinguish between religious and political actors and institutions. Religion was brought into politics more directly during the uprising against the People's Democratic Party of Afghanistan (PDPA) and the Soviet invasion, the Islamists' bid for power during the civil war in the 1990s, and when the Taliban captured the state. The legacies of the Afghan *jihad* – or holy war against infidel communists- and Taliban rule have had profound effects on the role of religion in society and politics after 2001. Today, religion is highly politicized, and the relationship between religion and the state is highly contested, as is the role of religion in the public sphere. Among the respondents in this study, moderate, pro-government religious leaders saw it as the role of the clergy to support the government and its policies; others – more traditionalist religious leaders – believed the ulema should be independent of the government and viewed government support to the clergy as co-optation to gain legitimacy. In this perspective, mullahs and ulema that associate with the government are illegitimate and political opportunists.

#### *The Threat of Radicalization*

Members of Afghanistan's government and modern civil society regularly express their concerns about radicalization of Afghan youth in Pakistani madrasas, at times referring to such schools as 'hate factories'. Dominant perceptions are that the majority of Afghan mullahs have attended Pakistani madrasas, and that a lack of opportunities for religious education inside Afghanistan is the primary reason for Afghans seeking religious education abroad. While the influence of Pakistan should not be taken lightly, the majority of Afghan religious leaders interviewed for this study had received part or all their training from local Afghan madrasas. While access and economic incentives undoubtedly play a role, Afghans have sought higher religious education abroad for centuries. This indicates that the issue is more complex than often suggested by Afghan government and civil society actors, and that at least the quality and reputation of religious scholars and institutions also determine the ability of madrasas to attract students.

#### **4. Grounds for Cooperation: Giving Voice or Using Voice?**

In policy and programme documents, the significance of religious actors and their role – or potential – as agents of social change are acknowledged by the Afghan government, other international governments and modern civil society actors. Nonetheless, upon closer examination, this study finds that the relationship between religious leaders, the government and other development actors seems to go in one direction only. Government and other development actors seek to use the voice of the clergy to legitimize their policies and programmes, and to gain access to project beneficiaries. However, little effort goes into either creating space for an autonomous role on the part of religious actors or establishing genuine dialogue. Religious leaders express frustration about a situation in which their advice is only sought when the government needs it to support their policies.

#### *Interest in Collaboration*

Among the religious leaders interviewed in Sayedabad and Kunduz the overall majority expressed positive views about the government's development agenda and many believe that as religious leaders they could positively contribute to this agenda by generating support among the people, as well as through more direct participation in reconstruction and development projects. Most religious leaders, however, have not been invited to take part in such activities. Many religious leaders – even among the traditionalists – are also positive to foreign development assistance, as long as this does not conflict with Afghan traditions and Islam. The majority of the religious leaders were highly critical of the foreign military presence in Afghanistan. There is a clear tendency among the religious leaders to distinguish

between foreign support for development and foreign military assistance, and it should be noted, even the ones critical to foreign military assistance welcomed development projects and signalled their willingness to cooperate with them.

#### *Tensions and Collaboration*

The values and agendas of modern civil society and the traditional religious civil society in Afghanistan are often in conflict. Despite their differences, however, actors within modern Afghan civil society (predominantly Kabul-based and 'elitist') are more active than the Afghan government and international Western donors in involving religious leaders. Acknowledging the importance of religion in peoples' lives and the respect and influence still enjoyed by many religious leaders and institutions, modern Afghan civil society sees a need to include traditional religious actors in its work: to consult, engage and create an understanding among the clergy and religious civil society actors in relation to central concepts in the development agenda, particularly with regard to human rights and democratization, where differences and misconceptions are most evident.

#### *Social Distance*

Lack of familiarity, not knowing how to engage, and political sensitivities in donor home countries can partly explain the lack of engagement from the side of the international community. Further, stereotyping of religious leaders and institutions as militant fundamentalists – often equated with the Taliban and radical madrasas – makes it difficult politically to include religious actors and institutions as partners in civil society. Within the Afghan government and the international community, many seem to have concerns about making religious actors more powerful by granting them formal authority and recognition.

#### *Shrinking Space for Religious Actors*

The escalating violence in Afghanistan is reducing the space available for religious leaders that seek to hold the 'middle ground'. Mullahs and ulema who are supportive of neither the current Afghan government nor the Taliban are attacked by both militant Islamic groups and the government. Precisely because many of these 'middle-grounders' are seen as influential in their communities by both secular and religious actors, they have found themselves in a precarious position. They are seen as a threat to many, and are protected by none. Marginalization of and attacks on religious leaders – along with the government's inability to offer protection – contribute to widening the gap between religious actors and the government.

#### *Radicalization: A Self-Fulfilling Prophecy?*

Afghan religious actors and institutions currently perform civil society functions that support the current peace, development and statebuilding processes, but also work against these processes. Minimizing interaction with religious actors may seem a wise step, but excluding religious actors for fear that their influence may be predominantly negative risks pushing such actors into precisely the negative roles one is seeking to avoid. If 'middle ground' religious actors are not included, the government may further lose integrity and trust, while religious leaders may join radical groups and contribute to further conflict. That religious actors cooperating with the government and Western organizations are at risk of being attacked makes it all the more important to – with tact and sensitivity – create productive openings to this group.

## Introduction

Religion is an influential force in Afghanistan – both in people’s daily lives and in the politics of the country. In the post-2001 peace and development process, strengthening civil society is considered a central component by both national and international development actors. Religion, however, is rarely included in the mainstream development discourse and practice, and little attention has been given to Afghanistan’s religious civil society. The present study examines the role and significance of religious actors and institutions in relation to efforts to develop Afghan civil society in post-Taliban Afghanistan.

### *Research Questions*

The study seeks to identify lines of tension and collaboration among modern (often secularist) and traditional religious expressions of Afghan civil society, and to explore the space available to religious groups and networks to participate in the development process. It poses four main research questions:

- (i) *Inclusion:* How do leading actors – the government of Afghanistan, the development community and the international community – engage with religious civil society actors in the current political and developmental processes?
- (ii) *Positioning:* How do various religious civil society actors view political and development actors and their own actual and preferred role in the development process?
- (iii) *Interaction:* How do religious civil society actors and leading development actors interact?
- (iv) *Consequences:* What are the consequences of this interaction – or the lack thereof - for development and peacebuilding processes?

### *The Study: Methodology, Scope and Limitations*

The study is based on qualitative interviews with religious leaders in varying positions within Afghanistan’s religious structures,<sup>2</sup> Afghan civil society actors, Afghan government officials, development professionals and international actors involved with Afghanistan. In total, 39 qualitative interviews were carried out by PRIO and Cooperation for Peace and Unity (CPAU) researchers in Kabul between September and December 2006.<sup>3</sup>

### *The Case Studies*

As part of this research project, two case studies were carried out by CPAU at the district level in order to ‘map’, first, the roles and functions of local religious actors and institutions, and, second, the relationship of such actors and institutions with the government, modern civil society actors and international development agents.

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<sup>2</sup> In this report, the term ‘religious leader’ encompasses both ulema and mullahs. In practice, the lines between ulema and mullahs are somewhat blurred, given the lack of a fixed hierarchy within Sunni Islam in Afghanistan, a religious education sector comprising both private and governmental institutions, and corruption in the use of religious titles. Local mullahs and the ulema are discussed in more depth in Chapter 2.

<sup>3</sup> Specifically, the numbers of open, semi-structured interviews carried out with representatives of these various groups was: modern Afghan civil society organizations (12), the international development community (10), the government of Afghanistan (5), and religious actors (12).

These case studies were based on structured interviews with local religious leaders (20 in each district) and unstructured interviews with key informants (10 in each district). The choice of the two districts – Sayedabad in Wardak province and Kunduz city in Kunduz province – aimed at capturing a measure of Afghanistan’s diversity. Location (rural/urban), population (ethnic and religious composition), and attitudes towards the government (level of support/opposition)<sup>4</sup> were determining factors in the selection of the districts. A brief description of each of the two districts and an outline of the general characteristics of the informants provides background for the subsequent analysis.

*Sayedabad* in Wardak province is a rural district at the fringe of the Pashtun heartland. Its population is highly homogenous, with a large majority of Pashtuns following the Hanafi school of Sunni Islam, the majority sect in Afghanistan. Local religious leaders – the mullah imams of the village – are generally conservative. They represent the ‘traditionalist’ grass roots of Afghan religious civil society. Most have religious schooling from local madrasas in Wardak or from Pakistani madrasas during the jihad – or holy war – against the communists. Later, Wardak was a recruitment ground for the Taliban, and levels of opposition to foreign influence in the area are high. The mullahs are generally poor, living on a combination of donations from the local community and jobs as teachers and shopkeepers. Despite the proximity to Kabul, the mullahs in Sayedabad are generally not connected to formal religious institutions such as the national *shura e ulema* (council of Islamic scholars) and the government.

*Kunduz* city is the capital city of Kunduz province. Being an urban area, it is more heterogeneous than Sayedabad, with a Sunni Hanafi majority, a sizable Shia Jafari minority, and a much smaller Ismaili minority. The ethnic composition is also mixed: the majority are Tajiks, but the population also includes Pashtuns, Hazaras and Uzbeks. This diversity is reflected in the sample of respondents. The majority of the religious leaders interviewed in Kunduz have higher religious degrees from the government-run Takharistan madrasas located in Kunduz, or degrees from religious education institutions in Pakistan and Iran. Unlike the mullahs in Sayedabad, the Kunduz clergy make their living as religious leaders and teachers in madrasas and religious schools (only three have other jobs: two teach in non-religious schools and one is a real estate agent). These religious leaders are also generally better connected to the government, either through the national *shura e ulama* or as recipients of government salaries, and approximately half the mullahs interviewed were members of the provincial *shura e ulema* in Kunduz.

### *The Scope of the Study and Its Limitations*

The present report primarily focuses on Sunni actors and institutions, as Sunni Islam is the majority sect in Afghanistan and the predominant sect in the case-study areas. In addition, Shia practice will also be discussed where it is found to be particularly relevant or interesting. The study does not include Sufi actors and institutions, partly because the esoteric nature of Sufism makes it more difficult to access, requiring additional time and resources. This study does not address women’s role in religious civil society, such a role being very limited: the public institutions of religious civil society in Afghanistan are dominated by men. However, research into the functions of Sufi networks and the role of women in religious civil society

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<sup>4</sup> Attitudes towards the current government were evaluated on the basis of reports from news sources, along with assessments by Afghan researchers with local knowledge of the areas.

would undoubtedly contribute to our understanding of religious civil society in Afghanistan today.

*Overview of the Report*

Chapter 1 introduces the theoretical debate on civil society, along with understandings of civil society in development discourse and practice, relating these to the context of civil society in Muslim societies.

Chapter 2 provides an overview of religious actors and institutions in Afghanistan after 2001. It examines the roles and responsibilities of, and the relationships between, mullahs and the ulema, and the role and significance of the main religious institutions – such as the mosque, religious educational institutions and councils of religious leaders (shura e ulema).

Chapter 3 presents and discusses some of the ‘civil society functions’ performed by religious actors and institutions in Afghanistan in terms of (i) socialization and social cohesion; (ii) public communication and advocacy; (iii) mediation and conflict resolution; (iv) intermediation; and (v) social security and resource distribution.

Chapter 4 discusses the relationships between religious actors, the government, donors and modern civil society actors post 2001. It examines how religious actors and institutions are engaged by the main development actors, and how religious actors view relations with modern development agencies.

Chapter 5 concludes the study by identifying a number of issues central to religious civil society in Afghanistan after the fall of the Taliban.



## Chapter I Civil Society and Religion

This first chapter briefly outlines the relationship between, on the one hand, theoretical definitions and analysis of “civil society” and, on the other hand, the application of the term in development discourse and practice. The chapter will consider the notion of civil society in the context of Muslim societies, along with the relationship between religion and the state, before moving on to examine the relationship between civil society and religion, and the relationship between religious civil society and development.<sup>5</sup>

The theoretical civil society discourse has been closely tied to Western academic discourses about the relationship between citizens and the state, linking civil society to the political emancipation of the citizen from feudal relationships, the monarchy and the state (Paffenholz & Spurk, 2006). Moving beyond such a historical notion, this report will neither propose a new definition of civil society nor try to answer the question of what civil society is in Afghanistan. Rather, building on Harpviken & Kjellmann (2004), ‘civil society’ will be used as a ‘sensitizing term’ that can help shed light on actors, institutions and processes in Afghanistan today.

### *Civil Society: In Theory and Practice*

Civil society is a contested concept, and no single definition has so far been agreed upon by academics and practitioners. As pointed out by Lewis (2004:570), it is important to consider that ‘civil society is both an analytical construct and a policy tool’. In academic theory, the concept of civil society was introduced to describe the independent, self-organizing citizen sphere emerging in the particular historical context of Western European capitalist development. While the theoretical civil society discourse goes back to the so-called Western Enlightenment of the 18th century, during the last two decades policies and initiatives to support, build and strengthen civil society have been give prominence in international development and peacebuilding practice around the world.

The historical, Western-oriented discourse on civil society has had a profound influence on development policy and practice. According to Clarke (2006:836) ‘the leit motif of ‘civil society and development’ echoes the liberal view of civil society as an arena of voluntary association, peaceful interest articulation and opposition to excessive state power’. Neoliberal ‘good governance’ policies of the 1990s saw civil society as a ‘third sector’ that could effectively assist implementation of government liberalization reform and efficiently fill service-delivery functions not sufficiently taken care of by the state or the market. Civil society is also increasingly seen as critically important to democratization. It is viewed as a sector of actors that can boost the accountability of states towards citizens, influence policy and act as a counterweight to a domineering state (Putnam, 2002: 5). Robert Putnam (1993:167), in particular, has authoritatively argued for civil society’s instrumental role in creating ‘social capital’ – ‘features of social organizations, such as trust, norms and networks that can improve the efficiency of society by facilitating co-ordinated actions’. This view echoes Alexis de Tocqueville’s analysis of civil society working as a ‘democracy school’,

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<sup>5</sup> While there is growing interest in the relationship role of Faith Based Organizations and development (see for example Clark 2006 and 2007), this term is not used here as I want to capture a broader set of looser and more informal institutions.

whereby civil society is an arena for practising democratic behaviour. Further, as democratization is conceived as a central component in peacebuilding, strengthening civil society has therefore become a central component of the 'peacebuilding imperative' in recent years.<sup>6</sup>

This understanding of civil society, however, presupposes shared liberal democratic values and implies a normative understanding of what civil society is. Common for many practical applications of 'civil society' today is that they carry a normative dimension, seeing civil society as something inherently 'good' and 'civil', often in contrast to the 'uncivil'. However, there is an important distinction to be made between 'civil society' as a normative concept, the ideal of what civil society is or should be, and an empirically founded understanding based on what is observed (Pearce, 1997). This distinction is important for a number of reasons. Firstly, because the distinction between a normative and an empirically based understanding of civil society is rarely made in practice, it has contributed to depoliticizing highly ideological approaches to development, as eloquently discussed by Pearce:

The constant slippage between the two [understandings of civil society] in the development literature and in the practice of multilateral agencies, governments, and NGOs has contributed to a technical and depoliticizing approach to the strengthening of civil society which has had political implications. It has, for instance, mostly privileged the vision of Western donor agencies and turned 'civil society' into a project rather than a process. (Pearce, 2000:34)

This project orientation is evident in the practice of civil society support in Afghanistan since 2001, and will be discussed further in Chapter 4 of this report. Secondly, as a predefined 'ideal type', a normative concept of civil society is unfit as a category for analytical purposes, as it may veil realities rather than expose 'what is there' (Therborn, 1997). While NGOs and other formal, modern civil society organizations undoubtedly are important actors within civil society, they are not the only ones. Defining civil society too narrowly may lead to missing out on opportunities to draw on broader sets of actors and institutions that are less formal, and perhaps more difficult to identify and categorize. In Afghanistan, this enhances the risk of bypassing some very influential actors within civil society. A normative understanding of civil society as something 'civil' may also mask the potential that civil society has for taking on 'uncivil' or ambiguous roles. When people come together for collective actions around shared interests, these interests represent values and ideas over which there is no universal consent. Afghanistan is a place where civil society can be said to have promoted values that are undemocratic, repressive and intolerant. Indeed, the Taliban – before seeking and taking over the powers of the state – was a civil society force, promoting values and interests shared by a significant part of the population. As this example shows, civil society represents very diverse values, and what is 'good' or 'bad', 'civil' or 'uncivil' is highly contested.<sup>7</sup>

The relationship between the state and civil society has been central to the civil society debate. While Enlightenment-tradition views – where civil society is seen as something entirely independent of, and often in opposition to, the state – have dominated civil society theory for a long time, more recently there has been a shift among academics towards viewing civil society and the state as spheres in interaction, as entities that cannot be meaningfully analyzed except for in relationship to each other (Harpviken & Kjellman, 2004). While many definitions of civil society emphasize its character of being a sphere of citizen-based, collective action between the state and the market, the border between the

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<sup>6</sup> Democratization and peacebuilding is discussed in Paffenholz & Spurk (2006).

<sup>7</sup> Another example of 'uncivil' elements might be the National Rifle Association in the USA, which may think it is speaking for the 'common good', but on the contrary may represent highly contested values (Carothers, 2000).

two are seen as more flexible with more civil society actors taking on political roles and the state intentionally co-opting civil society actors to control their activities, in addition to consulting civil society in order to legitimize state policy.

### *Civil Society and Islam*

Being of Western origin, the concept of civil society has been debated in terms of its applicability to non-Western societies, and in the context of Islam in particular. The opponents of civil society in Islam commonly argue that individualism and democratic institutions are prerequisites for civil society.<sup>8</sup> This view is countered by Kamali (2001:458 - 459), among others, who posits that the basis of civil society is 'the existence of influential civic groups and their institutions that can, through established mechanisms, counterbalance state power'. According to Kamali (2001:462), Islam has never been 'purely a religion' – an abstract system of beliefs and values – but is a political theory and the major source of legitimization of political power. The understanding and interpretation of the relationship between religion and the state in Islam has changed over time, and most contemporary Muslim societies do in practice differentiate between the divine and the political order. Muslim states have found ways to negotiate and manage the relationship between state and religion in areas of political rule, law and social welfare. This relationship is also constantly being negotiated in states with long-term political stability and established legal sectors combining secular and religious law, such as Egypt, Pakistan and Jordan. As Islam is a 'law religion', with law rather than theology being the central religious discipline and locus for defining the path of Islam and preserving its way of life (Esposito, 2003), the socio-political order in Islam is a divine order, which distinguishes the relationship between the clergy and the state in Islam from the official separation of church and state that is conventional in the West. This has given the clergy a highly influential position in society and has resulted, on the one hand, in co-optation of religious leaders by the state – through, for example, the establishment of government-supported councils of religious leaders (shura e ulema) and the state paying the salaries of ulema – and, on the other hand, the ulema using their access to the state to influence politics. As Kamali (2001:459) maintains, however, civil society in many Islamic countries is conditioned 'by groups or communities and their institutions enjoying a significant degree of autonomy from the state'.<sup>9</sup>

Kamali conceptualizes Islamic civil society in terms of a sociological theory of a civil society based on the 'existence of influential civic groups and their institutions that can, through their established mechanisms, counterbalance state power', and proposes a discussion of civil society based on 'its social body, solidarity basis and capacity for political influence' (Kamali 2001:459 and 478).<sup>10</sup> Further, in his sociological analysis of civil society and Islam, Kamali draws a distinction between modern and indigenous civil society in contemporary Muslim

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<sup>8</sup> See, for example, Gellner (1994).

<sup>9</sup> For further discussion of the subject, see Kamali (2001: 459 and 2006:40). Another discussion of civil society and Islam is presented by Kelsay (2002:10) who posits that the ulema, through the associated institutions of the masjid (the mosque), the madrasa (religious school) and the jami'a (university) 'established a kind of sphere of influence, politically relevant and but not quite "governmental", that limited the power of the government officials'. This sphere, according to Kelsay 'represents the closest analogy in classical Islam to "civil society"'.  
<sup>10</sup> Kamali outlines five conditions for civil society: relative autonomy of a societal sphere from the state; relative autonomous access to some societal actors to the state or to its elite; existence of a relatively independent public sphere; legal and/or normative protection of social agents and institutions, and existence of a 'solidarity sphere' based on redistribution of resources (Kamali, 2001: 459).

societies,<sup>11</sup> which finds resonance in an examination of civil society in Afghanistan. Specifically, Kamali distinguishes between (1) an indigenous civil society based on a core of quasi-traditional and quasi-modern influential groups, and (2) a modern civil society constructed on a core of Westernized intellectuals and modern social groups. While these categories may be too bold to fully capture the complex and dynamic reality of civil society, the division does provide a useful analytical distinction when examining the role of religious actors in Afghanistan's civil society. This distinction between the 'modern' and the 'traditional' goes to the heart of the 'state-religion' discourse in Afghanistan, which will be discussed later. Since the primary concern of this study is the religious element of the indigenous segment of civil society in Afghanistan, however, the phenomenon of religion and the relationship between religion and civil society merit some attention and will be discussed briefly below.

### *Religion as a Normative System*

Religious faiths are comprised of a number of doctrines, beliefs and practices that constitute normative systems, giving direction and to how each believer organize and live their lives (Harpviken & Røislien, 2005). The normative basis of religion, together with the way religion links the believer to the sacred, to transcendental and supernatural realities, is what places religious actors and institutions apart from other types of civil society actors. Their role in defining, maintaining and preserving what are considered appropriate moral values gives religious leaders great influence. Religion is part of a society's dynamics, and it shapes and is shaped by political, economic, cultural and social processes. The social character of religion causes people to come together and to form organizations and institutions, and, as Haynes (2006:538) notes, 'very few—if any—religious groups have an *absolute* lack of concern for at least some social and political issues'. The link to the sacred gives religious leaders legitimacy, beyond their implicit function as spiritual and moral guides and guardians, to engage in social and political activities on the basis of what are considered appropriate moral values. Offering membership in a group, religion has a strong identity-forming potential (Herbert, 2003). The religious affinities of Muslims make them members of both the greater umma – that is, the world community of Muslims – and the local mosque.

### *Renewed Interest in Religion*

Recent literature points to a renewed interest in religion and the role of religious actors and institutions among both academics and practitioners in such diverse fields as development (Clarke, 2006; SDC, 2006), international relations (Haynes, 2006) and peacebuilding (Harpviken & Røislien, 2005). Somewhat contrary to the established view that religion is in decline globally, this recent interest in religion and faith-based organizations derives from a growing realization of religion's political significance, making religious actors, groups and organizations influential players to be counted with in analysis (Haynes, 2006). The acknowledgement of religion as a significant force in different societies has also led to increased interest in religious actors in development, as well as in the relationship between religion and civil society.

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<sup>11</sup> Studying civil society in Pakistan, Qadeer (1997) takes a similar sociological and functionalist approach, viewing civil society as 'institutions, organizations and practices', and distinguishing between traditional and modern expressions of civil society.

### *Religion and Development*

While Christian church-based organizations are commonly treated as integral parts of civil society in Western societies, faith-based organizations and more informal religious institutions are less commonly regarded as parts of civil society in development and post-conflict operations (Clarke, 2006), though there are signs of increasing interest in religion and faith-based organizations in development practice.<sup>12</sup> Part of the explanation of why religious institutions and organizations are not always included as part of civil society may be that they are often relatively loose and informal, and therefore more difficult to identify and to interact with. Clarke argues that improving the conceptual and programmatic rationale for governments, donors and modern civil society actors to engage with faith-based organizations partly depends on developing an appreciation of these organizational types, as well as on donors facing the challenge of broadening their conceptions of civil society – ‘embracing the politically contentious and culturally exotic aspects of civil society so that it becomes more socially inclusive’ (Clarke, 2006: 845–846).

### *A Functionalist Approach*

This study aims to move beyond a purely normative understanding of civil society. An actor-oriented approach to civil society has generally been dominant in the discourse on civil society in development, where much of the debate has focused on which actors can be considered civil society. More recently, a functionalist approach to the study of civil society has been proposed by a number of researchers.<sup>13</sup> Common for the various forms of this functionalist approach is that civil society is not seen as a historically or contextually embedded phenomenon, but as a useful analytical category regardless of historical, cultural or geographical context (Paffenholz & Spurk, 2006). Further, a more empirically based analysis of civil society may be particularly useful when attempting to understand the relationship between the state and civil society in Muslim societies, where the historical relationship between the state and religion is more complex than in the formal separation of church and state more commonly found in the West. This study therefore sets out to explore what a more empirically based approach can contribute to efforts to identify functions performed by religious civil society in Afghanistan.

### *‘Civil Society’ in Afghanistan*

When looking at how the term ‘civil society’ is used in Afghanistan today, it is clear that translation of the term from English into Dari and Pashto has been far from straightforward. Translated literally, the Dari and Pashto terms used to describe civil society – *jamat e madina* and *madini tolana*, respectively – both mean ‘urban association’. Some Afghan civil society actors claim that this reduces the conception of civil society in Afghanistan to an urban – and implicitly a modernizing – phenomenon. Further, the term ‘civil society’ is commonly understood as describing the intellectual elite, and therefore creates a distinction between

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<sup>12</sup> See, for example, the Swiss Development Cooperation’s paper on ‘The Role and Significance of Religion and Spirituality in Development Co-operation’ (Holenstein, 2005); the Clingendael Institute’s study ‘[Faith-Based Peace-Building: Mapping and Analysis of Christian, Muslim and Multi-Faith Actors](#)’ (Bouta et al., 2005), and the United States Institute of Peace’s report ‘[Religious Contributions to Peacemaking: When Religion Brings Peace, Not War](#)’ (Smock, 2006).

<sup>13</sup> For a discussion of the two main trends in the functionalist approach – the ‘Function Model’ developed by Merkel & Lauths (1998) and the ‘Roles Model’ by Edwards (2004) – see Paffenholz & Spurk (2006).

rural and urban associational life, and implicitly between the secular and the religious.<sup>14, 15</sup> Despite the lack of a clear translation, however, the term ‘civil society’ has become a regular part of the jargon of development practitioners and donors in Afghanistan. The term itself has been in common use in Afghanistan since the first Afghan Civil Society Conference held in Germany in parallel to the Bonn Conference in 2001.<sup>16</sup> Being imported to Afghanistan, the term itself carries a number of cultural and historical connotations that influence Afghan understandings of what civil society is, or ‘should be’. The understanding of civil society as applied by actors engaged with civil society development in Afghanistan is commonly normative, describing a society that is ‘civil’ and ‘good’. While Afghans may emphasize “civil” in terms of civilian and non-military (Schmeidl, forthcoming 2007), the international community rhetorically links civil society to democratization processes as it is seen as supporting democratization and therefore the Bonn initiated statebuilding processes.

### *Civil Society and Conflict*

War changes societies through violence, displacement, and disintegration of institutions and formal economies, in turn creating opportunities for new power elites, exploitative institutions and illegal economies. The state may fully or partly collapse, while at the same time becoming more authoritarian (Harpviken & Kjellman, 2004). Whereas civil society is always present in some form, war and conflict impact and transform civil society. Inevitably, almost 30 years of armed conflict has changed the nature of Afghan civil society. Weakening and disintegration of the Afghan state, which reduced the state’s regulatory and oversight capacity, left civil society organizations to develop on their own. This resulted in the disintegration of many of the modern civil society organizations that had emerged during the ‘decade of democracy’ before the war, and led to the formation of new humanitarian-oriented organizations funded by foreign assistance.<sup>17</sup>

While more formal, modern parts of civil society broke down,<sup>18</sup> the informal, looser and often more traditional forms of organization continued to exist, at times even gaining strength from the war. As will be discussed in more detail below, among the traditional civil society institutions, religious institutions endured, either because they - bypassed and forgotten – were left to themselves, or because they became centres of resistance and mobilization by jihadi groups during the war.<sup>19</sup>

### *Concluding Remarks for Chapter 1*

This study does not aim to offer a definition of civil society – that has been attempted elsewhere, without much success. Nor is the ambition to define what religious civil society is in Afghanistan. Rather, this chapter has noted the difference between normative and functional approaches to the understanding of civil society, and suggests that, in order to be useful for both analysis and development programming, our understanding of what civil society is must be empirically and contextually based.

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<sup>14</sup> Modern civil society should not be read as secular as such, but many modern civil society actors express a secularist view in terms of favouring a separation of state and religion. The majority of Afghans are Muslims, and many modernists view Islam as a religion compatible with modernization.

<sup>15</sup> Interview with Afghan civil society actors in Kabul, September 2006.

<sup>16</sup> Interview with Afghan civil society actors in Kabul, March 2005.

<sup>17</sup> For an account of the development of Afghan civil society, see Ludin (2002).

<sup>18</sup> Other traditional institutions, such as traditional water-management systems, eroded in many areas, as the competition for natural resources increased and/or people fled their local areas.

<sup>19</sup> Informal networks of the ulema joined the resistance – particularly the Harqat e Inqelab – and formed local fronts centred around private madrasas and ‘fronts of religious students’ (*jabaha e tulba*) (Roy, 1986: 114).

Drawing on Kamali (2001), the distinction between ‘modern’ and ‘traditional’ expressions of civil society in Muslim societies is used to inform our thinking about religious civil society in Afghanistan today. While these categories should not be seen as fixed or in any way mutually exclusive – civil society is organic and finds expressions that incorporate a mix of modern and traditional elements – the distinction is useful when analyzing religious civil society in Afghanistan, where both formal and informal expressions of civil society structured around religious actors and institutions are many and influential. This will be discussed further in the next chapter.



## Chapter 2 Religion and Civil Society in Afghanistan

While the main focus of this chapter is on religious civil society in Afghanistan since 2001 – in both its modern and its traditional expressions – the chapter will first provide an introduction to religion in Afghanistan in general, discuss the importance of Islam as a religious identity, and offer a brief outline of the history of Islam in Afghanistan – background material that is essential for understanding the role of religious actors and institutions in the country today.

### *Religion in Afghanistan*

Afghanistan is a majority Muslim society. No official figures exist, but it is commonly estimated that 99% of the country's inhabitants are Muslim, and the total population is roughly divided between 80% Sunni Muslim, 19% Shia Muslim and 1% other.<sup>20</sup> Islam is the official religion under the constitution. The Sunni Hanafi and Shia Jafari schools of law are the leading sources of jurisprudence, and the ones that are recognized by the state. Other denominations are minority. Shia Ismaili Muslims comprise less than 1% of the population. There are very few non-Muslims in the country, including Hindus, Jews and Christians.

### *Religious Identity*

Whereas the importance given to religious identity has changed throughout Afghan history and varies from one place to another, the identity of being Muslim is shared by the majority of Afghans. Other identities related to clan, ethnicity, language or profession compete with religion, but none of them are as encompassing as the Muslim identity. The common Muslim identity has long been used by Afghan rulers to unify an otherwise highly heterogeneous population, most recently by President Hamid Karzai calling on the Muslim umma to stop the violent insurgency.<sup>21</sup> The significant position of religion in the public sphere has been reinforced by the use of Islam throughout Afghan history, with calls for jihad<sup>22</sup> against foreign enemies being made on numerous occasions: against the British in the 1830s and later against the PDPA government in the 1970s, for example. Religion became a dividing force with the uprising against the Soviet 'infidel' invaders and their supporters, and in the struggle between different mujahedeen parties in the subsequent civil war in 1992. Emerging in 1994, the Taliban started to mobilize around religious and ethnic identities (Rashid, 2002). Currently, radical groups call for jihad against the foreign military forces in Afghanistan. Religion is still the core rallying factor, which serves to pull together a highly heterogeneous and mixed opposition to foreign influence and invasion. The rhetoric used in relation to non-Muslim foreign influence is marked by reference to the protection of Islam and the need for jihad against infidels and foreign invaders. This historical perspective on identity is important for

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<sup>20</sup> *CIA Factbook*; see <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html#Intro>.

<sup>21</sup> See *Pajhwok Afghan News*, 2006. For a historical analysis, see Olesen (1995: 36). In Afghanistan, where the concept of the nation is new, the state is heavily centralized, and local communities are fragmented, according to Roy (1986:30) 'the only thing that all Afghans have in common is Islam'.

<sup>22</sup> In Islam, a distinction is generally made between the lesser jihad and the greater jihad. The lesser jihad describes the believer's internal struggle to be a good Muslim; the greater jihad describes the struggle for Islam. In Afghanistan, the term 'jihad' is commonly used to describe a war against non-Muslim enemies – or what Roy describes as 'irredeemably aliens' - the infidels attacking the umma, and is not used to describe internal fighting between warring tribes (Roy, 1986:58).

understanding the role religion plays in shaping people's opinions and sentiments about religion, as well as the relationship between the state, religion and politics today.

Religious civil society, however, is not a single, homogenous force. It represents a number of interpretations of Islam and political views, and comprises a range of actors that include reform-friendly, pro-government moderates; Islamists; conservative traditionalists; and radical fundamentalists. The public debate is influenced, not by one, but by many competing groups speaking the language of religion.

### *History of Islam in Afghanistan*

Islam was first introduced to Afghanistan under the Umayyad Caliphate (661–750 CE), but did not gain significant ground before the Timurid Dynasty (1370–1506 CE), when Islamic knowledge flourished and some of the most important places of Islamic knowledge and science in the world were located in Afghanistan (Olesen, 1995). While Afghanistan was left to the cultural periphery after the Mogul rulers abandoned north Afghanistan in 1648 (Dupree, 1973/2004), Islam remained a central component in people's lives, and the clergy played an important role in giving legitimacy to rulers. Afghanistan's rulers and the majority of the population have traditionally followed the Hanafi school of jurisprudence, and, since its founding in 1876, the Deobandi madrasa in India has had considerable influence on Afghan clergy.

The emergence of political Islam (inspired by new Islamist ideas, particularly those of the Muslim Brotherhood in Egypt and the Jamaat e Islami in Pakistan) in the 1960s, however, profoundly altered the relationship between religion and politics. With the growth of Islamism in the 1960s and 1970s, the Afghan ulema became 'traditional actors', marginalized by the new religious elite that was predominantly recruited from the modern, secular university faculties, rather than from the madrasas and the Faculty of Sharia at the University of Kabul.<sup>23</sup>

### *The Growth of Islamism, the Afghan Jihad and the Emergence of the Taliban*

The struggle at the universities in the early 1970s, the assumption of power by the PDPA in 1978 and the Soviet invasion in 1979 all influenced the relationship between the Afghan state and religious groups. Afghanistan saw the emergence of a number of political parties and newspapers in the 1970s, and (as elsewhere) the University of Kabul was the arena for political strife. On the one hand, there was a conflict between students, a number of lecturers and the Afghan king over the slow pace at which democratic rights were being introduced, while, on the other hand, there was an ideological struggle between Islam, Soviet communism and Maoism. On the Islamic side, lecturers such as Buradduin Rabbani and Abdul Rasool Sayaff were among the leaders, as were students Gulbuddin Hekmatiar and Ahmed Shah Masood. Heated debates and demonstrations led to a crackdown by the government side, forcing the Islamists to seek refuge in Pakistan. Following differences among key figures, two parties developed: Jamiate-e Islami, to be led by Rabbani, and Hezb-e Islami, led by Hekmatiar – both influenced by the Muslim Brotherhood.

Following the Soviet invasion in 1979 (the invasion of a Muslim country by an atheist army), religious leaders called for jihad and started to mobilize an armed resistance, based on either madrasa or Sufi networks. The response from the invading forces was to bomb religious sites, such as the Sufi shrine of Tagab, and to assassinate religious leaders, such as

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<sup>23</sup> While some of the leaders of the Islamist parties were graduates of the Faculty of Sharia and had higher religious degrees from al-Ahzar in Egypt, the majority of the Islamist party members were not religiously trained (Rubin, 2002: 96 - 97).

members of the Mujadeddi family.<sup>24</sup> This led to the formation of a number of religiously based resistance parties, with a less Islamic and more traditional and conservative outlook.<sup>25</sup> While the Islamists' primary recruitment grounds were the University of Kabul and government madrasas, the traditionalist clergy joined the resistance through Harqat e Inqelab, the political party of Muhammed Nabi, himself a *mawlawi* trained in private madrasas. According to Roy (1986:114), the ulema saw 'Haraqat e Inqelab as an apolitical party, a sort of clerical association', and it became the biggest resistance party in the early years of the Soviet invasion. As the fighting intensified and Afghans fled to Pakistan and Iran, a large number of parties established a presence in those countries. However, the Pakistani government only permitted six of these to operate publicly, all with a Sunni religious platform, and insisted that all refugees must be registered with one of these parties if they were to receive a refugee card and be allowed to obtain assistance. In an attempt to forge unity among the Islamic parties, a new party was established, Ittehad Islami, led by Abdul Raouf Sayaff. Ultimately, though, the parties that emerged as best organized were Jamiat-e Islami and Hezb-e Islami (Hekmatiar), both attracting a high number of educated cadres – teachers and engineers, respectively – and the bulk of Pakistani (and later international) funding. Throughout the 1980s, external support increased, with more countries coming to the assistance of the Afghans in their fight against both communism and atheism, as did the influx of people willing to fight the Soviet occupation. Though a mixed lot, the majority of the latter were Muslims who formed their own networks to help organize the flow of fighters.

Inside Afghanistan, the traditionalist and Sufi-network-based parties continued their resistance, often led by a commander who was referred to either as 'mullah', 'maulawi', 'mawlana' or 'pir' – where these had emerged as leaders owing to the religious positions they held.<sup>26</sup> With the Soviet withdrawal, and certainly after the fall of the 1986–92 Najibullah government, the majority of the traditionalists withdrew from the fighting and returned to their villages and mosques, leaving the struggle over power and influence in Kabul and the rest of Afghanistan to the Islamist parties.<sup>27</sup> Political rule in the countryside fragmented as commanders established their rule, and the continuous battle over control over Kabul sharply reduced the popularity of the jihadi parties, not least as people were forced to flee their homes, were subject to abuses or forced to support the commanders. Trade was crippled, as trucks and travellers were subject to road-tax collection, and violence against women increased. The parties continued to maintain a presence in Pakistan, and to run their camps and madrasas, though their funding was sharply reduced. In a response to the lawlessness, former commanders – primarily mullahs and maulawis affiliated with Haraqat Inqelab and Hezb-e Islami (Khales) – teamed up with their religious students ('taliban') in Kandahar by summer 1994. They began by cleansing the area of abusive commanders and establishing security, thus clearing the way for what was to become the Taliban movement.

During the jihad against the Soviet occupation, the ulema – who had not been considered particularly important before the war – grew highly influential, and a 'progressive polarization came about between the educated Islamist and the fundamentalist Ulema' (Dorronsoro, 2005: 21). While the ulema traditionally had played a role in balancing the power of the state by providing religious legitimacy to the ruler, the Islamists brought

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<sup>24</sup> 96 members of the Mujadeddi clan (including the head of the Naqshandi sufi order, Hazrat Sahib Mohammad Ibrahim Mujadeddi) were assassinated by the PDPA in January 1979 (Dorronsoro, 2005: 96).

<sup>25</sup> These included, on the Sunni side, the Haraqat Inqelab, led by Mohammad Nabi; the Hezbi Islami, led by Maulawi Khales; the Afghan National Liberation Front (ANLF), led by Sufi leader Sigbatullah Mojadeddi; and the National Islamic Front of Afghanistan, led by Pir Gillani (a close associate of the ousted king Zahir Shah).

<sup>26</sup> Famous here were Mullah Rockety, Malawi Haqqani, Mullah Malang and Mullah Naqibullah, all renowned for their bravery in fighting the Soviet occupation, and in addition drawing on their tribal networks.

<sup>27</sup> The Hazara minority, organized through a merger of a number of smaller Shia parties into the Hezb-e Wahdat, controlled parts of Kabul and central Afghanistan.

religion into politics in their direct contest for political power. This new political Islam changed the role of religion in Afghan society entirely.

### *The Legacy of the Taliban*

The Taliban's 'clerical revolution' installed a regime unique in the history of the Muslim world (Dorronsoro, 2005: 21). The Taliban established a clerical state, banned both secular and traditional law, and introduced a strict interpretation of Sharia. While the Taliban regime primarily gave religious leaders an enhanced status, and many traditional, conservative-minded religious leaders joined the Taliban movement, religious opposition to the Taliban was threatened: some were killed, others fled into hiding.<sup>28</sup> The legacy of the Taliban still has significant bearing on the position of religious leaders today. Politicization of religion and the brutality of the regime negatively affected many people's opinions and attitudes towards religious leaders. This will be discussed further in the section on local mullahs below.

### *Religious Civil Society in Afghanistan*

Religious civil society in Afghanistan consists of both formal and informal organizations and institutions. While Islamic charity does exist, little of it is organized through formal civil society organizations.

According to current Afghan law, there are three types of civil society institutions that can register as legal bodies:

- *Nongovernmental organizations* (NGOs) are governed by the NGO law, which requires them to register with the Ministry of Economy.<sup>29</sup>
- *Social and cultural organizations* are governed by the Social Organization Law and required to register with the Ministry of Justice. Such organizations can engage in religious activities, and a number of religious organizations – among them the national shura e ulema – have been registered with the Ministry of Justice since 2002.<sup>30</sup>
- Religious endowments ('awqaf')<sup>31</sup> and foundations ('bunad') are governed by the 1977 Civil Code, which stipulates registration with the local Document Registration Office (local branches of the Ministry of Justice) and assigns oversight responsibility to the Ministry of Hajj and Endowment.<sup>32</sup> According to officials from that ministry, however, no foundations or endowments are being registered at the present time.<sup>33</sup>

### *Financing of Religious Civil Society*

The institution of awqaf used to be a source of income for religious institutions such as mosques and madrasas. Today, the practice of awqaf is rare, and where it exists it is

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<sup>28</sup> Interview with Afghan civil society representative in Kabul, September 2006.

<sup>29</sup> The NGO law of 2005 prohibits NGOs using finances towards religious rights and proselytizing. The Government of Afghanistan Law on Non-Governmental Organizations (NGO). 2005. Chapter 1, article 8, 7). Published in Official Gazette 857/2005.

<sup>30</sup> See <http://www.moj.gov.af/pdf/socialorglist.pdf> (accessed on 31 July 2007).

<sup>31</sup> Waqf (sg./awqaf (pl.) refers to the gift of money, property or other items to charity. The original gift is used to bring a return, but cannot be sold.

<sup>32</sup> According to the 'Strategy of Ministry of Hajj and Endowment for the Afghan National Development Strategy (2007:2) the ministry is in responsible for the 'coordinate revenues which are received through endowment property'. However, how and where to register endowments is unclear; for a discussion, see Irish & Simon (2007).

<sup>33</sup> Interview with official from the Ministry of Hajj and Endowment, Kabul, September 2006; interview with official from the Ministry of Justice, November 2006.

primarily used for maintaining and running mosques.<sup>34</sup> A few foundations (bunyard), such as the Bayaat Foundation,<sup>35</sup> build hospitals, schools and mosques, and have funded numerous projects to help improve the lives of orphans, to empower women and to assist other needy people. These foundations, however, are giving reference to general Islamic principles of charity, but do not operate as Islamic charities.

Support to political and religious groups and organizations were common throughout the jihad – both support to fighters and humanitarian aid.<sup>36</sup> A number of Islamic charity and humanitarian organizations, providing humanitarian assistance to refugees in Pakistan and gradually within Afghanistan, ran a number of well-reputed hospitals, along with a large number of schools and orphanages (Strand, 1998). Islamic charity organizations also existed under Taliban rule. These charities were first and foremost concerned with building and running mosques and madrasas. These organizations were primarily funded by the Gulf States and Pakistan, through the Taliban's Ministry of Religious Affairs. After the fall of the Taliban, the accounts of their were closed, because they were seen by the international community – particularly by the USA – as a potential way of channelling funds to radical groups, such as the Taliban, al-Qaeda and other jihadi groups.<sup>37</sup>

Today, formal financial support to religious groups and organizations seems to be less common – and probably more difficult. Religious organizations are generally viewed with scepticism by the government, the international community and modern civil society organizations.<sup>38</sup> Further, the Ministry of Hajj and Endowment, mandated with overseeing both the awqaf and bunyads, is not actually carrying out this function at the moment. Some foreign support from Iran to Shia religious institutions and from Egypt to Sunni Hanafi initiatives – particularly in education (for religious schools) and humanitarian aid (such as food distribution, shelter, seed distribution, vaccination campaigns, etc.) – still exists.<sup>39</sup> Some international Islamic charities or NGOs, such as Islamic Relief and Muslim Aid, both UK-based, are still present and their mode of operation resemble that of other humanitarian NGOs.

While 'uncivil' religious actors and groups using violent means do exist, necessitating government oversight and control, suspicions about religious organizations and the closing down of accounts across the board have not only reduced the ability for indigenous civil society to receive funding and support, but also have affected the overall perception and status of religious organizations. This may have reduced the space available to religious actors to play a civil society role. It may also lead to unofficial channels being used and thus contribute to criminalization of activities and reduced government oversight.

Neither local, nor international financing or other support can currently be seen as steering the organizational activities of religious actors and institutions in general. In 2004, the Afghan cabinet ruled that no social organization, political party or media organization

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<sup>34</sup> Two of twenty mullahs interviewed in Sayedabad reported that the running and maintenance of their community mosques were financed by religious endowments. The Ministry of Hajj and Endowment has endowments in some land and commercial property, but lost control over this during the war (Ministry of Hajj and Endowment, 2007:2).

<sup>35</sup> The Bayaat Foundation belongs to the AWCC mobile company; see <http://bayatfoundation.org>. The Foundation's *eid* celebrations and mosque-construction programmes can be seen as following the tradition of the *bazaris* (bazaar-centred traders) that, according to Kamali (2006: 43), together with the ulama were 'involved in reproducing and reinforcement of the moral basis of social solidarity' in Muslim societies.

<sup>36</sup> See, for example, Rashid (2002).

<sup>37</sup> Interview with official from the Ministry of Hajj and Endowment, Kabul, September 2006.

<sup>38</sup> Interviews in Kabul, September–December 2006.

<sup>39</sup> Informal interviews suggest that both Saudi Arabia and Iran are supporting madrasas in Afghanistan. Iran, for instance, is supporting the construction of a major madrasa in central Kabul. It is difficult to gain insight into foreign-supported Islamic charities and to validate the information obtained, which is characteristically both piecemeal and anecdotal. What this demonstrates, nonetheless, is the extreme sensitivity attached to the subject, characterized both by scepticism towards the seeker of such information and reluctance among informants to be associated with providing it.

could receive funding from governmental or foreign sources, whether official or private.<sup>40</sup> The rationale for this policy provided by Afghan government officials in Kabul is that it will ensure that social organizations have an indigenous base and support, and that they are independent of the government and foreign actors, although these organizations are unlikely to survive without external funding, at least in the short run.<sup>41</sup>

### *Modern Religious Civil Society*

Afghanistan does not have many formal Islamic charity organizations. While neighbouring countries Pakistan and Iran both have well-established religiously founded charity sectors,<sup>42</sup> and one perhaps would expect to find a similar religious-based charity sector in Afghanistan, few formal, modern organizations exist that explicitly identify Islam as the foundation of their work or have Islamic charity, religious taxes (*zakat*) or endowments (*awqaf*) as their primary sources of financing. A frequent comment made by many Afghan NGOs and civil society actors is that any explicit statement to such an effect would be superfluous, because the work they do is founded on Islamic principles of equality and charity.<sup>43</sup> Furthermore, the apparent absence of such organizations does not mean that Islamic charity does not exist: local mosques and madrasas are supported through community contributions, and the tradition of providing for the poor through food distribution, especially during Ramadan (the Islamic month of fasting), is common. All the same, few examples are to be found of initiatives by Sunni religious actors and organizations to engage in longer-term, productive development activities at the local level.<sup>44</sup>

### *Traditional Religious Civil Society*

Evident from the discussion above, most religious institutions in Afghanistan are not formally structured organizations. Rather, Afghan religious institutions are similar to other traditional organizations in Afghanistan, such as the traditional village councils (*shuras* or *jirgas*), which are primarily reactive in their mode of operation (Harpviken et al., 2002). Religious civil society in Afghanistan, then, is made up of informal, indigenous, religious actors and institutions, such as the mullah and the ulema, the mosque, the shura e ulema and religious educational institutions. These actors and institutions perform a number of functions that are central in the lives of many Afghan people: they provide both theological and spiritual guidance and a framework for daily life in moral, social and political terms.

### *Traditional Religious Actors and Institutions*

It is easy to end up making sweeping generalizations about religion, traditions and practices. But, religious practices in Afghanistan are extremely diverse. Bearing the risk of generalization in mind, however, in an attempt to analyze the roles and functions of religious actors, some broad categories can be identified. Very broadly one can identify two primary categories of religious leaders in Afghanistan: the local mosque leader, the *mullah imam*, who

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<sup>40</sup> Interview with official from the Ministry of Justice, Kabul, November 2006.

<sup>41</sup> Many social, cultural and media organizations still receive funding, as there exist 'loopholes in the legislation', according to Afghan government officials; interview with official from the Ministry of Justice, Kabul, November 2006.

<sup>42</sup> Pakistan has a well-established religious charity sector financed by religious endowment *awqaf* and *zaqat* (SPDC, 2002). In Iran, 'paragovernmental' foundations (*bunyads*) are providing charity; these, however, are not accountable to anyone, neither to the state nor to 'civil society', and they operate more like private companies (Abootalebi, 2001).

<sup>43</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>44</sup> The Shias seem to have a more established tradition of using their religious centres also for cultural activities.

interprets and extends the experienced Islam; and high-level religious scholars, the *ulema*, acting as the interpreters and upholders of the scriptural tradition and the law.<sup>45</sup> Afghanistan also has a long and fairly strong tradition of Sufism. Sufi mystical practices are commonly mixed in with the popular religion, and people still go to shrines and take advice from mystics. In addition to the *ulema* and the *mullah* imams are hereditary religious positions such as *sayyads*, *khawaja* and *pirs* – important religious actors that still enjoy considerable respect and influence in many areas. These hereditary religious positions, however, are outside of the scope of the present study. The next sections will take a closer look at some of the most common traditional religious civil society actors and institutions.

### *The Afghan Ulema*

The *ulema* are the higher religious clergy, and, while no fixed hierarchy exists within Sunni Islam in Afghanistan, they generally hold higher religious degrees from madrasas and Islamic universities in Afghanistan and abroad.<sup>46</sup> The *ulema* were originally established as a class of religious specialists, with the authority to convey the correct interpretation of the Quran and the *ahadith* (the reports of the Prophet). With the development of Islamic jurisprudence, the *ulema* consolidated their position as interpreters of Sharia (Islamic law). The power of the *ulema*, therefore, lies in providing moral authority, based on their knowledge and ‘interpretation of religious texts, sacred descent and mystical association’, rather than their political associations or military supremacy (Olesen 1995: 38).

Dependence and competition has marked the relationship between the clergy and the state. Early Afghan rulers depended upon the *ulema* to gain legitimacy. For a long time, the *ulema* had no formal body, no hierarchical or centralized structure, and no national-level organization. Instead, religious leadership was based on individual relationships between clergy and ruler, and ‘governed by local patterns and the attributes of the individual *ulema* or *pir*’ (Olesen 1995: 37). In 1931, a national council of religious leaders, the *jamae e ulema* (society of religious scholars) was established. Under most subsequent governments, there has been some form of a government-supported national shura e *ulema*. Even the PDPA government tried to instruct the *ulema* about the Soviet model and re-established the *jamae e ulema*.<sup>47</sup> Such bodies have played an important role in legitimizing government policy and as a means for the government to influence and regulate official Islam.<sup>48</sup> The mujahedeen also established religious shuras to give legitimacy to new directions and actions.<sup>49</sup> Under the Taliban, religious leaders formed the basic units of governance and a multi-tiered system, with religious councils at district and provincial levels, was established (Barakat & Wardel, 2001). The national shura e *ulema* has also been a means for the *ulema* to influence

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<sup>45</sup> Describing Islam among Afghan Sunnis, Roy (1995:19) distinguishes between “popular knowledge of Islam” and the “scriptural Islam of the Afghan *ulama*, which is based on the Sunni Hanafi school”, besides what he describes as traditionalist reformist movement ‘Ahl i-Hadith’, political Islam inspired by the Egyptian Muslim Brotherhood and Pakistani Jamat e Islami and Wahhabism as practiced in Saudi Arabia. Further, the term *alim* (sg.)/*ulema* (Arabic pl.) can be translated as ‘knower’. An ‘*alim*’ is commonly called ‘*mawlawi*’ or ‘*mawlana*’ in Afghanistan. Because of the importance of religion in Afghanistan, the titles ‘*mullah*’ and even ‘*mawlana*’ have been used by political leaders, commanders and other power-holders without their having any formal – or only very rudimentary – religious schooling. This was particularly common among the Taliban, where the title was taken by Mullah Omar, for instance, who has only very basic Islamic training from a local madrasa (Rashid, 2002).

<sup>46</sup> Currently, however, there are no procedural mechanisms or standardized tests for becoming an *alim* in the Afghan Sunni tradition.

<sup>47</sup> The PDPA shura e *ulema*, however, did not attract well-known Islamic scholars, but mainly lower-level *mullahs* educated in private madrasas (Dorransoro, 2005: 178).

<sup>48</sup> Amir Abd ul Rahman (rule: 1880–1901) made active use of the *ulema* and religious texts to create legitimacy for centralized rule (Ghani, 1978).

<sup>49</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

government policy, and has been described as a 'pressure group' for the ulema within the state (Olesen, 1995:184).

Today, the Afghan ulema are organized within a number of different councils of religious leaders (or shura e ulema). The primary pro-government national shura e ulema,<sup>50</sup> headed by (ex-chief justice) Fazl Hadi Shinwari,<sup>51</sup> was registered with the Ministry of Justice as a social and cultural organization in 2003.<sup>52</sup> This national shura e ulema is not mandated in the constitution, but can be described as a semi-governmental body for religious advice and corrective measures. A number of other ulema councils have also been registered by both Sunni and Shia ulema. The shura e ulema institution is the most formal forum for religious leaders existing. The national shura e ulema has no implementing mandate or capacity in relation to social and developmental activities, but is concerned with questions of theology, Islamic law, and vice and virtue. As these are highly conflictual issues, the national shura e ulema is a highly political body, and its role and work therefore contested. Today, the Afghan ulema can be seen as being broadly split between government supporters and government sceptics. This division partly reflects the polarization that emerged during the war between 'modernist' – often Islamist-inspired – graduates from government institutions and the 'traditionalist' ulema educated at private madrasas.

### *The Shura e Ulema: A Political Body*

With no clear hierarchy within the Sunni clergy, the shura e ulema is an important institution. The shura e ulema issues edicts (*fatwa*) advising on religious matters, both moral and political. Since 2001, the government-supported national shura e ulema has issued edicts in support of the government: against the use of suicide attacks, against cultivation of the opium poppy, but also against the use of alcohol and for the execution of a Muslim convert to Christianity. The shura e ulema is not above the power game currently being played out in a number of forums – the parliament, the government ministries, and among the ulema – where the old political leaders of the jihad are using their status as religious leaders to position themselves and their allies to gain political power and influence over national politics.<sup>53</sup> The national shura e ulema is therefore seen by many religious leaders as a political body, attracting pro-government and populist religious leaders. This has weakened the credibility of the council among government critics, discouraging many ulema from wanting to be associated with it.<sup>54</sup> Some of the ulema view the government's use of religious leaders to gain legitimacy as co-optation, with no intent of actually listening to the advice and concerns raised by the clergy. Concerning the role the national shura e ulema should play, the ulema themselves are divided between those who believe the shura e ulema's role is to support the government's strategies (predominantly government sympathizers) and those

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<sup>50</sup> The current government-supported council of religious leaders is called the 'Shura Sartasari Ulema Afghanistan' in Dari, which can be translated 'All Afghanistan Ulema Council' in English. In this report, the main government-supported council of religious leaders will be referred to as the 'national shura e ulema'.

<sup>51</sup> Mawlawi Fazl Hadi Shinwari is widely considered a highly conservative 'traditionalist', vilified by the international community; interview with civil society representative. Kabul, September 2006. In the period 2003 to 2006 Mawlawi Fazl Hadi Shinwari held the positions of both Chief Justice of the Supreme Court and head of the national shura e ulema. Such close ties between the two institutions have been problematic both in terms of the integrity of the ulema and in terms of the independence of the courts.

<sup>52</sup> According to a report in the Jalalabad newspaper *Narz*, Chief Justice Mawlawi Fazl Hadi Shinwari stated that 'President Karzai had approved the establishment of a 2,600-member shura e ulema to contest enemy propaganda and preach Islam. According to the Chief Justice, 'each province will have an 80-member Shura-e-Ulema in order to support the Karzai administration' (cited in USAID, 2006: 55).

<sup>53</sup> Six of the seven mujahedeen party leaders forming the opposition government in exile operating from Peshawar during the 1980s had religious degrees, four from government institutions and two from private madrasas. Three were educated at Al-Azhar in Cairo (Adamec, 1987).

<sup>54</sup> This section mainly draws on interviews with higher-level clergy in Kabul between September and December 2006.

who think the ulema should be independent of the government and act as an interlocutor between the people and the government (government critics). This open politicization of the national shura e ulema brings us back to a recurrent issue in Afghan history: the dilemma between the government's need for support and legitimacy from the ulema, and therefore its need to engage with the ulema, on the one hand, and the ulema's desire to stay independent while, at the same time, being able to influence government policy, on the other.

### *The Local Mullahs*

The local mullahs, the imams of village mosques and teachers in the local religious schools (*maqtabas*, *darul hifaz* and *madradas*) generally hold lower religious degrees from madrasas or received their training at local religious schools.<sup>55</sup> While the status and legitimacy of local mullahs varies from place to place, most communities have a mullah who takes care of the community's religious needs and duties.<sup>56</sup> Whereas the local mullah imams also gain authority through their knowledge of religious texts and ability to perform religious rituals, their status and legitimacy is heavily dependent on their relationship with their local communities. The primary role of the mullahs – as they see it themselves – is one of being a 'link to God': they see themselves as spiritual and moral guides, promoters of the right path of Islam and guardians against vice.<sup>57</sup> The imam conducts daily prayers, performs rites, and takes care of life-and-death ceremonies. The majority of the mullahs interviewed in both Wardak and Sayedabad considered such activities as among their main duties as religious leaders.

There seems to have been a negative shift in people's opinions of religious leaders – and thus their status – since the war. Now, as before, religious leaders do not form a homogenous group, but are divided along religious, ideological, ethnic and regional lines. Many religious leaders were involved in the war, as well as in the politics and violence of the jihad and the Taliban regime. Religious leaders were involved in the jihadi parties and the resistance at national and local levels, some as political leaders, and some as commanders. When the Taliban took power, religious leaders were given a more official role. The Taliban were reluctant to let the mullahs organize themselves, and the mullahs were instead organized by the Taliban into governance structures at district, provincial and national levels. Mullahs with sympathies towards the Taliban could gain positions within the movement and executive positions within the state. Also, many mullahs who did not take a firm stand on the Taliban (either for or against) still experienced that their general status was enhanced by the state.<sup>58</sup> Because of the politicization of religion during the jihad and the period of Taliban rule, religious leaders have since lost some of their legitimacy among the people. Interviewees, both mullahs and key informants, frequently distinguished between 'political mullahs' and 'traditional mullahs' when talking about local-level religious leaders. Many people do not want their religious leaders to be entwined in politics. This has resulted in local

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<sup>55</sup> This section mainly draws on interviews with mullahs in Kunduz and Sayedabad between August and November 2006.

<sup>56</sup> Some argue that mullahs are generally considered to be less important in Pashtun tribal areas than in other regions because the mullah is not considered a member of the tribe but of an occupational *qawm* and that the mullah quite contrary 'might be the object of mockery' (Rubin, 2002: 39). Others (such as Roy, 1986) uphold that being an outsider in the tribal system, however, place religious leaders in the position to operate beyond tribal codes.

<sup>57</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>58</sup> CPAU (2007).

mullahs being scrutinized by the community for their sincerity and virtues, which may have contributed to many mullahs staying out of politics.<sup>59</sup>

The local mullahs interviewed for this study were generally poor. Religious endowments (*awqaf*) were not common and rarely provided income for the running of mosques or religious schools, as is the case in some Islamic countries (such as Pakistan). While some religious leaders received a salary from the government, the majority of mullahs lived off donations from people in their local communities and from fees they received for performing religious rituals, and they commonly held another job on the side, working as teachers, shopkeepers and farmers. While the practice of communities providing an income or livelihood for local religious leaders may be based on tradition and reinforced by social pressure to be a 'good Muslim', the relationship between religious leaders and the local community members is also one of mutual dependence. Beside their religious roles, the mullahs perform a number of social functions. As in other Muslim societies, the daily religious duties maintain the religious leaders' status within society and 'made the reproduction of many social relationships highly dependent on their cooperation' (Kamali, 2001: 459). In many villages, the mullah is one of only a few who can read and write. Many mullahs teach the village children about the Quran and basic religious subjects. Some have a madrasa annexed to the village mosque, where small numbers of resident students commonly live and study. Though many regular primary schools have been established across the country since 2001, these are still lacking in many villages, where the mosque school is the only school.<sup>60</sup> Local religious leaders also often mediate in local conflicts. Their religious authority gives them a degree of status within the community, and sermons, particularly Friday prayers, are used not only to preach about vice and virtue but also to spread public information and political messages. These functions will be discussed in more detail in Chapter 3.

### *The Local Mullahs and the Shura e Ulema*

The district-level case studies show that relationships with the shura e ulema vary greatly among individual mullahs. In Sayedabad, local mullahs are not in touch with the shura e ulema: only one mullah admitted to knowing about the provincial shura e ulema, and none reported links to the national shura e ulema.<sup>61</sup> In Kunduz, approximately half of the religious leaders interviewed had contacts with the shura e ulema; furthermore, the Kunduz shura e ulema is active and has links to the national shura e ulema. The two case studies of Kunduz and Sayedabad also illustrate how religious leaders – both mullahs and ulema - are split in their opinions about the role of the shura e ulema: on the one hand are those that support government policies and believe the ulema should support the government by preaching in support of government policies, etc.; on the other hand are those who believe the ulema should be independent of the government and act as links between the government and the people on religious and community matters. Many believe the ulema should be an apolitical and independent body, and view ulema that join a shura e ulema that is cooperating with the government as political – and often as politically opportunist. Common for both sides,

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<sup>59</sup> The data from the CPAU fieldwork in Sayedabad show that while some of the mullahs were associated with political parties during the jihad, none of them reported having any political affiliation today. This data, however, may have been influenced by the highly sensitive nature of the information where political association reflecting antipathy or sympathy for the Taliban, the Government of Afghanistan or other political groups could be considered too sensitive to be shared with researchers.

<sup>60</sup> Approximately 1/3 of the villages of the mullahs interviewed in Sayedabad did not have a regular primary school.

<sup>61</sup> A Taliban presence and Taliban sympathies in Sayedabad may have influenced the answers given by respondents, who may not have wanted to reveal themselves as sympathizers or may have been scared of Taliban retaliation if they had contacts with or supported the government.

however, is the view that the role of the ulema is to act as advisers on vice and virtue. A common precondition for any of the religious leaders giving their support to the government – and for the government's general legitimacy among religious leaders – is that the government should be Islamic and follow the religious and moral advice provided by the ulema.

### *The Mosque*

The mosque is an important institution in Islam. It is a communal place for prayers and life-and-death rituals, but it is also an important place for social and political activity. The mosque is traditionally one of the most central institutions in an Afghan village. Most villages have one, if not several, mosques. The sacred character of the mosque – described by local mullahs as the 'house of God' and a 'link to the holy' – gives the mosque status and significance beyond that of any other institution in the village. Besides its religious functions, the mosque also fills a number of other social and more mundane functions. The mosque has long been a centre for village activities. Though these social functions may be declining, it is still a place for learning and advice – primarily religious, though more general education and guidance is also provided. As it is a place frequently visited by the men in the village, it is used to spread public information and as a meeting place for social and political activities. Traditionally, it is also a place for visitors and travellers passing through to rest or stay the night.<sup>62</sup>

### *Religious Education*

Religious educational institutions represent another set of institutions that are found all over Afghanistan, at local, provincial and national levels. Education, of course, can impart both scientific knowledge and social and moral values. This places questions about religious education at the heart of the debate about the relationship between the state and religion, and the role the state should play in defining religious curricula.

After almost three decades of armed conflict of war, Afghanistan's educational sector was in a state of ruin.<sup>63</sup> Afghanistan has some of the lowest literacy levels and school-enrolment rates in the world.<sup>64</sup> Rebuilding the national education system – along with getting girls into schools – has been a symbolically important activity in the reconstruction of Afghanistan. Until recently, however, there has been virtual silence with regard to religious education and the role of religious institutions in the education sector. For the majority of the Afghan population – the approximately 85% living in rural areas – religious education has been the only form of education available, not just during but also before the war. Today, religious education is provided alongside secular education in many Afghan villages. In most villages, basic religious education is provided by the local mullahs to both boys and girls.<sup>65</sup> Other Islamic education institutions – such as *darul hifaaz* (Quran schools), madrasas

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<sup>62</sup> The data from Sayedabad suggest that, as people are getting richer, they can afford to build guesthouses (*hujra*) to entertain their visitors and that as a consequence, the social significance of the mosque is diminishing.

<sup>63</sup> During the war secular primary education was delivered by the humanitarian aid community in some of the areas where it has been possible for humanitarian agencies to access.

<sup>64</sup> According to the National Risk and Vulnerability Assessment (NRVA) data for 2005 school attendance (reported as net enrolment in primary education, age 6–13 years) is 29% for females, 43% for males, and 37% for the average. Literacy levels are reported to be 19% for females, 39% for males, and 31.1% average. There are, however, considerable differences between rural, urban and *kutchi* (nomad) populations. See, <http://www.mrrd.gov.af/nss-vau/Final%20NRVA%202005%20Report%20-%2028%2007%202007.pdf>.

<sup>65</sup> In both Sayedabad and Kunduz, most mullahs found it acceptable that girls attend religious education up to 'maturity' – identified as being some time between the ages of 10 and 14. Some stressed that education was an obligation for girls (just as it is for boys), but that it was currently inadvisable for girls to leave their homes because of the security situation.

(religious seminaries) and the Faculty of Sharia in the University of Kabul – offer education at various levels.

Historically, during the Timurid dynasty (1370–1506 CE), Balkh, Herat and Ghazni were among the most prominent centres of Islamic scholarship and science in the Muslim world besides Bokhara and Samarqand (Olesen, 1995: 43). Until Amir Amanullah's reform programmes in the 1920s, not only did Islam provide the legal and moral basis of society, but all learning and education took place within an Islamic framework. Traditionally, madrasas were private. State-run madrasas were first established throughout Afghanistan during the 1930s and 1940s (to gain control over religious education and the ulema), and the Faculty of Sharia was established in 1946 to formalize higher religious education and to train judges in Sharia (Rashid, 2002). Broadly speaking, three forms of religious education have been available in Afghanistan since the 1950s:

- (i) primary and secondary education (for class one to class 12 and 14 (approx. age 18) in private madrasas located throughout the country;
- (ii) primary and secondary education in the government madrasas (at Abu Hanifa in Kabul or one of the other provincial government madrasas;<sup>66</sup> and
- (iii) higher-level degrees (bachelor, master and higher degrees) at the Faculty of Sharia at the University of Kabul.

### *Foreign Influence*

For centuries, religious students have also gone abroad to get higher Islamic education. The most-gifted ulema used to go to India, particularly to the madrasa of Deoband. From the northern parts of the country, religious students used to travel to the Diwan Begi madrasa in Bukhara until the Russian Revolution in 1917 (Roy, 1986). After the partition of India and Pakistan in 1947, Peshawar became the centre for traditionalist ulema wishing to pursue advanced studies,<sup>67</sup> and a chain of 'Deobandi madrasas' was established along the Northwest border areas from the 1920s onwards (Roy, 1986). During the Afghan jihad against the 'communist infidels' in the 1980s, these private madrasas were used as centres for resistance, boosted through financial aid from the USA, various European countries, Saudi Arabia, Pakistan and Iran (Rashid, 2002). Later, during the 1990s, some of them became recruitment grounds for the Taliban and other radical groups. Funded by Saudi Arabia and run by semi-educated mullahs influenced by the Wahabbi doctrine, the teachings at these 'Deobandi madrasa' were far removed from the original reformist agenda of the Deobandi school.<sup>68</sup> Afghans have also attended foreign institutions of Islamic higher education, such as al-Ahzar in Egypt and the University of Medina in Saudi Arabia; and, more recently, higher degrees in Islamic Studies have been taken at US universities. Al-Ahzar, in particular, has been central for the influence of the Muslim Brotherhood on both the Afghan ulema and national politics.<sup>69</sup>

Afghans still seek education abroad, particularly at private Pakistani madrasas.<sup>70</sup> A combination of factors is likely to have contributed to the growth in private madrasas and

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<sup>66</sup> The eleven government madrasas established in the 1930s and 1940s were: Dar al 'Ulum-i 'Arabia, Kabul (the former madrasas-i Quzat); Madrasa-i Abu Hanifa, Kabul; Fakhr ul-Madares, Herat; Madrasa-i Jam-i Sharif, Herat; Madrasa-i Asadiya, Mazar-i Sharif; Madrasa-i Takharistan, Takhar; Madrasa-i Abu Mulim, Faryab; Madrasa-i Mohammadiyya, Kandahar; Najm al-Madares, Jalalabad; Dar al-Ulum-i Ruhania, Paktia; Madrasa-i Zahirshahi, Maimana (Olesen, 1995: 187).

<sup>67</sup> Ever since that time, the madrasas of Akora Khattak and Jame Haqania near Nowshera and Jamia Ashrafia in Peshawar in Pakistan's North West Frontier Province have been particularly popular with Pashtuns. See for example ICG (2002; 2006).

<sup>68</sup> Wahabbism was founded in Saudi Arabia by Abdul Wahabb (1703–1792 CE) to cleanse the Arab bedouins of Sufism.

Strict and anti-mystical, Wahabbism had little popularity among Afghans before the war (Rashid, 2002).

<sup>69</sup> Interviews with government officials and civil society actors in Kabul, September–November 2006.

<sup>70</sup> For example, the Haqqania in Akora Khatak, Jamia Asrafia in Peshawar, Darul Uloom in Karachi are popular with afghans (ICG 2006)

attendance at them, and in Afghans seeking religious education abroad. Reduced investment in government madrasas during the period of communist rule and over two decades of war left state-run religious education institutions to disintegrate. Another factor is the number of Afghans accessing religious education in refugee camps in the same period. Knowledge concerning other factors that influence Afghans to seek madrasa education abroad is scarce. As noted above, however, there is a long tradition of Afghan ulema seeking higher education abroad. Just as factors such as the quality and prestige associated with well-reputed Islamic scholars, spiritual guides and institutions have played a role in the past (Olesen, 1995: 43), the mullahs interviewed in both Sayedabad and Kunduz emphasized that a formal degree from a known institution was still recognized as a sign of quality.<sup>71</sup>

### *Education: A Determining Factor in the Division of the Afghan Clergy*

Education is a determining factor in the division of the Afghan clergy. A general distinction is made between mullahs and ulema educated in private madrasas and graduates from government institutions. The former, who are still the majority among the Afghan clergy, are more traditionalist, while the latter are modernist in approach and closer both to the Afghan (non-Islamist) intelligentsia and the state (Roy, 1986; Dorronsoro 2005). Private madrasas have been divided by Western observers into ‘quietist’ (traditionalist, but non-radical) and radicalized (‘jihadi’ or [neo]fundamentalist).<sup>72</sup> The formalization of the relationship between the ulema and the state in the 1950s reinforced the split between government-educated and private-educated ulema. The Afghan government pacified the government-educated ulema by giving them salaried government positions in the courts and as civil servants. The privately educated were left to their own devices and have generally been satisfied with this lack of government interference in their business (Roy, 1986).

### *The Government and Religious Education Today*

Today, the Ministry of Education is involved in religious education in two ways: first, through the inclusion of religious subjects (Islamiyat) in the secular school curriculum; second, through the purely religious education imparted through government-controlled madrasas. The government madrasas established in the 1930s and 1940s still exist, though years of conflict and neglect have left them in poor condition.<sup>73</sup> Government madrasas are regulated by the Ministry of Hajj and Endowment, but neither that ministry nor the Ministry of Education seem to have an overview of the number of madrasas that are either run by or supported by the government.<sup>74</sup> Private madrasas – where the majority of the Afghan ulema are educated – are not registered with the government, and the Ministry of Education has no overview of the numbers and types of madrasa that currently exist, their curricula, or the qualifications of their religious teachers.<sup>75</sup> While government-run institutions - the madrasas and the Faculty of Sharia - offer formal higher level degrees, the majority of the Afghan clergy, particularly at lower levels, are educated in private institutions. These private institutions commonly have students studying under a mullah or mawlana, and students receive the *ijaza* – ‘permission (to teach)’ – after completing their studies. There are, however, no rules for who can establish a madrasa, no criteria for curricula, and no means

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<sup>71</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>72</sup> See, for example, Congressional Research Service (2003).

<sup>73</sup> Interview with official from the Ministry of Hajj and Endowment, Kabul, September 2006

<sup>74</sup> Interview with official from the Ministry of Education. Kabul, November 2006. The Ministry of Education do however set forth to register all private madrasas by 1388 (2009), see ‘National Education Strategic Plan 1385-1389’, Islamic Republic of Afghanistan, Ministry of Education, 2007:76.

<sup>75</sup> Interview with official from the Ministry of Education. Kabul, November 2006.

for ensuring the qualifications of the teachers, or the content or quality of the education offered. Graduates from local madrasas often have only rudimentary knowledge of Islam when establishing their own local madrasas. The lack of a formalized system of qualification means ordinary people have few possibilities to check the credentials of religious teachers and leaders. Both the content and the quality of religious education are issues of debate. There are disagreements over the question of content, where some (particularly in the government) would like a standardized broader curriculum, including more secular subjects, while others (especially among the clergy) favour the right of madrasas to define their own curricula.

### *Threat of Radicalization*

Many Afghan government and civil society actors express strong concerns about the influence of Pakistani madrasas.<sup>76</sup> Dominant perceptions among these sectors are that the majority of Afghan mullahs have attended Pakistani madrasas, and that lack of opportunities for religious education inside Afghanistan is the primary reason for Afghans seeking religious education abroad, and in Pakistan in particular. Pakistani madrasas are seen as 'hate factories'<sup>77</sup> that brainwash Afghan youth, sending them back to Afghanistan as 'terrorists and enemies of the country'.<sup>78</sup> However, although the influence of Pakistani madrasas should not be underestimated, a look at the interview data from Sayedabad and Kunduz, quite contrary to common perceptions, reveals that less than half of the mullahs interviewed had received part or all of their education abroad, in Pakistan and/or in Iran. The majority of the mullahs interviewed in Sayedabad and Kunduz had studied in Afghanistan, most commonly in the regions from which they came. When asked about their religious guides or main sources of inspiration, the Sunni mullahs predominantly named their teachers and fellow students from local and regional madrasas.<sup>79</sup> This is not to say that Afghans do not receive education abroad: many Afghan religious leaders received part of their education in Pakistan and/or Iran, and several thousand Afghan students travel abroad for religious studies every year.<sup>80</sup> The interview data suggest, however, that the reasons for Afghans seeking education abroad are more complex than often suggested, and partly depend on the quality and reputation of the religious education offered.

In response to the 'Pakistani madrasa threat' and domestic pressures to cater for the youth at home, Afghanistan's Education Ministry has recently proposed a strategy of establishing 'Centres of Excellence' in each of the country's 34 provinces.<sup>81</sup> The education offered by these schools will be divided between religious studies (40%), general studies (40%), and computer science and foreign languages (20%).<sup>82</sup> Historically, religious education

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<sup>76</sup> Interviews with government officials and civil society actors in Kabul, September–November 2006.

<sup>77</sup> For instance, Afghanistan's ambassador to the USA, Said Tayeb Jawad, described Pakistan's madrasas as 'hate factories' to *Military.com* on 19 June 2007; see <http://www.embassyofafghanistan.org/06.20.2007embnewsmilitary.com.html>.

<sup>78</sup> Interview with official from the Ministry of Education. Kabul, November 2006.

<sup>79</sup> Only three Shia religious leaders were interviewed in Kunduz, and these mentioned high-level Ayatollahs from Qum and Najaf as primary sources of inspiration. This, however, corresponds with general Shia tradition, which has clearer hierarchies among the clergy (Roy, 1986).

<sup>80</sup> No data are available for the whole of Afghanistan. Informal estimates by key informants in Kunduz suggest that between 500 and 1,000 students travel to Pakistan every year; in Wardak the estimate is about 500.

<sup>81</sup> 'Afghanistan is setting up madrasahs, or religious schools, to counter the Taliban's purported establishment of similar schools in southern Afghanistan.... The first of the officially sanctioned Afghan schools, expected to accommodate up to 50,000 children, will be set up in two months with the goal of opening one school in each of the 34 provinces', see *RFL/RL Newslines* (2007).

<sup>82</sup> See Islamic Republic of Afghanistan, Ministry of Education (2006). According to one Ministry of Education official, interviewed in Kabul in December 2006, these centres would cover both Shia and Sunni schools, depending on the area. The first stage would only be for boys; however, subject to interest, religious education for girls would be provided later. The strategy is subject to donor funding.

reform has caused considerable controversy. In terms of both curricula and pedagogical methods, education has to do with world views, with moral values and codes, and with heritage and tradition. So far, the government's work regarding religious education reform has been concentrated on curriculum development, and it has sought the advice of specialists on the development of religious curricula from Jordan and Egypt. A group of Afghan ulema is also contributing to the development of the curriculum, which will in turn be approved by the Afghan government, 'high-level ulema' and the Supreme Court.<sup>83</sup> Many mullahs welcome the Afghan Ministry of Education's recent religious education initiative aimed at establishing more government madrasas, because religious education generally lacks funding and they have seen little support from the government in recent years. Others are highly critical of what they see as government interference and control.

Foreign governments are also increasingly concerned about 'brainwashing' and radicalization through madrasa education. A number of news reports and studies published since 2001 suggest links between terrorism and madrasas, particularly in Pakistan.<sup>84</sup> Western states have increased the pressure on the Pakistani government to reform and control madrasa education. This has been followed by financial support from major Western donors.<sup>85</sup> Until recently, however, little attention has been given to Afghan madrasas and to the link between Afghan and Pakistani religious education.

### *Concluding Remarks Chapter 2*

Afghan civil society consists of both modern and religious organizations, actors and institutions. Common for all elements of religious civil society is a foundation in religion and the fact that legitimacy is gained from religious authority and traditional practice rather than from democratic representation. Religious civil society is not one uniform force, but rather represents a range of very different actors and institutions, in terms of both organization and aims. Religious civil society comprises both formal and informal institutions – some registered with the government, having fixed organizational structures and rules of operation; others that are more informal, formed around local religious leaders, sustained by the religious practices and rituals of daily life. While religious civil society actors and institutions often represent very different interpretations of Islam – and follow different political ideologies – they commonly perform a number of functions in many people's lives. Some of these will be described and discussed in the next chapter.

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<sup>83</sup> Interview with official from the Ministry of Education, Kabul, December 2006.

<sup>84</sup> See, for example, ICG (2002).

<sup>85</sup> Since the 11 September 2001 attacks in New York and Washington, Pakistan's President Pervez Musharraf has been under international pressure to bring Pakistani madrasas under greater control. In 2005, a Madrasa Reform Board was established to oversee registration of religious seminaries with the government of Pakistan; see *Daily Times* (Pakistan), 3 August 2005. In November 2006, UK Prime Minister Tony Blair promised 'the UK would double its development aid to Pakistan to £480m (\$960m) over the next three years. Much of this will go to the reform of the Islamic religious schools, or madrasas'; see BBC News, 20 November 2006.



## Chapter 3 - Civil Society Functions Performed by Religious Actors and Institutions

Afghan religious civil society institutions do not resemble Western civil society organizations. As discussed in Chapter 2, Afghanistan's religious institutions are primarily informal and concentrated around religious leaders, mosques and religious educational institutions. Besides their religious functions as spiritual and moral guides and guardians, religious actors and institutions perform a number of 'civil society functions'.

A functionalist approach to the analysis of civil society has been advanced by a number of academics over the last few years (introduced in Chapter 1 of this report). Drawing on these earlier functionalist models, and particularly the work of Paffenholz & Spurk (2006),<sup>86</sup> this report identifies five civil society functions performed by religious civil society in Afghanistan today, namely:

- (i) socialization and social cohesion;
- (ii) public communication and advocacy;
- (iii) mediation and conflict resolution;
- (iv) intermediation; and
- (v) social security and resource distribution.

Whereas Paffenholz & Spurk (2006) have designed a framework to look at civil society functions that contribute to peacebuilding, the present study examines the roles of religious civil society in Afghan society more broadly, and considers some examples of how these functions can be both constructive and destructive for peacebuilding and development assistance. A fundamental difference between this study and the models designed to examine the contribution of civil societies to democratization, development or peacebuilding is that the actors and institutions examined here are generally not democratic, but rather gain their legitimacy from religious authority and traditional practices. The traditional religious civil society in Afghanistan does not operate along the lines of Tocqueville's 'schools of democracy', where actors come together to practise democratic behaviour or execute democratic rights (Paffenholz & Spurk, 2006).

Providing moral authority and linking the believer to the sacred are what place religious actors and institutions apart from other types of civil society actors. As discussed above, religious leaders in both Sayedabad and Kunduz see their role as moral guide and guardian as one of their most important responsibilities as religious leaders. Herbert (2003:137) observes that 'except the small minority of secularist, all groups in the Muslim majority world generally agree that Islam has and should have some sort of public role to play with the promotion and even regulation of public morality'. Religious civil society in Afghanistan can therefore be seen as playing a 'watchdog function' – protecting against vice and promoting virtue – in terms of both individual behaviour and government policy and practice. This is not the oversight role commonly associated with civil society in a Western context – where civil society watches the actions of the state vis à vis citizens to ensure accountability – but an oversight function related to the role of public morality in Muslim societies.

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<sup>86</sup> Drawing on both peacebuilding and development theory and practice, Paffenholz & Spurk's model identifies seven civil society functions that have the potential to contribute positively towards peace: protection of citizens; monitoring and early warning; advocacy and public communication; socialization; building community; intermediation and facilitation between citizen and state; and service delivery; see Paffenholz & Spurk (2006: 13).

### *Socialization Function and Social Cohesion*

As discussed in the previous chapter, religious leaders, mosques and religious educational institutions have a central place within Afghan communities. These actors gain legitimacy from religious laws, norms and practices that are beyond what many believers are willing to question, and therefore have a strong socialization potential. Through preaching and teaching, people are socialized into the norms associated with being a 'good Muslim'. The reference to the sacred makes socialization happening through religious institutions particularly strong, being it as part of the greater Muslim umma or the local community attending the same mosque.

Though these traditional civil society actors and institutions are not formally registered organizations with the explicitly stated mandates and organizational structures of civil society as we know it from the West, they are well established in Afghanistan. Legitimized by religious authority and deeply rooted in traditional norms and practices, religious actors and institutions have considerable influence on the moral values, social practices and political opinions of many Afghans. These are not static institutions, but cultural institutions that simultaneously are shaping and being shaped by the society of which they are part. Religious actors and institutions maintain, reinterpret and reproduce norms and values.

Wars with conflict lines along ethnic, religious and regional divides erode the social ties that bridge various groups (Harpviken & Kjellman, 2004) and weaken social capital. This is particularly relevant for Afghanistan, where the lines of division after almost three decades of violent conflict run deep. Civil society, argues Putnam (2000), has a central function in creating social capital, which he divides into 'bonding' (internal group socialization) and 'bridging' (between groups) forms. Going back to the beginning of Islam, the umma offered a new solidarity across other identities such as tribe and ethnicity (Esposito, 2005). Still today, this common identity provides religious civil society institutions in Muslim societies with a potential both to create in-group cultures positive to peace and reconciliation, and to act as a bridge between adversary groups.

Civil society can create bridging social capital across conflict lines. In the case of Afghan civil society, this can include links between Shiite and Sunni sects, between different doctrinal Sunni schools, or across religio-political divides. Today, particularly in cities, people attending individual mosques come from a variety of different locations, and the 'community' of the larger mosques – such as the large Friday mosques (*jumma masjid*) in urban centres – is that of the greater Afghan umma. These mosques are thus places where different groups meet, and can therefore be seen as performing a bridging function between people of different ethnic, social, political and religious affinities. Another example of extra-group bonding is provided by joint Shia–Sunni shura e ulema (though not yet been established, religious leaders in Kunduz reported discussions about establishing such a joint Sunni–Shia shura e ulema in Kunduz.) These examples are considered to 'good social capital' in Putnam's (2002) terms. On the other hand, civil society can also create 'bad social capital', by playing up differences between groups, preaching hatred and fuelling conflict.

### *Public Communication and Advocacy*

The 'public communication and advocacy' function of religious civil society further illustrates how these actors and institutions contribute to shaping values and opinions and influencing people's actions. The mosque is a place that is used to share and spread information, both public communications and political messages. Mullahs interviewed in Kunduz and Sayedabad saw the provision of information – giving people access to news, government

announcements and information about their rights – as one of their main roles.<sup>87</sup> In addition, the Friday prayer, a sermon (*qutba*) preached from a pulpit (*minbar*), traditionally contains a political message (Esposito, 2005). In Afghanistan, this has traditionally been one of the symbols of central rule, as rulers used the Friday sermon to spread their own messages (Roi, 1986). The Friday prayer was used both by the communist PDPA government and the Taliban in this fashion, but also remains important today, when it is used to mobilize against national and international political actors, as well as to spread messages of reconciliation and to promote development and collaboration. The Ministry of Hajj and Endowment claims that, through its network of mosques, it can reach out across the country faster than any other ministry (Rahmani, 2005/06). Since 2002, the semi-governmental national shura e ulema has actively used countrywide networks to preach against more radical religious groups calls to jihad against the government, to call for the release of a kidnapped foreign aid worker, and to publicize the ban on cultivation of the opium poppy. Locally mullahs have used their positions to encourage support for development programmes, and to preach in favour peace and security in the country.<sup>88</sup> However, the political role performed by religious leaders, particularly through the Friday prayer, also challenges the peacebuilding agenda. In Afghanistan, the Friday prayer is also used to mobilize against the government and its foreign supporters, as in the high-profile case where the ulema called for the execution of a Muslim convert to Christianity.<sup>89</sup>

Indeed, the case studies from Sayedabad and Kunduz illustrate how preaching is used for very different ends by religious leaders. The clergy in Kunduz – generally more supportive of the government – considered preaching to be something that mullahs could do to support an issue – the example most frequently cited being preaching in support of the elections. In Sayedabad, the clergy used their speeches to persuade people to join the jihad.<sup>90</sup> Through their ‘public communication and advocacy’ function, religious leaders – with very different agenda – advocate for a range of diverse issues, representing significant voices in the public debate. The public communication and advocacy function strengthens the position of the ulema as an intermediary between the government and the masses, with communication channels to the ruler (through the shura e ulema) and to the people (through the Friday prayer). This places the ulema in a position to also perform a ‘monitoring or early warning’ role in terms of ‘controlling central authorities’, as defined by Paffenholz & Spurk (2006). While this cannot be considered the main function performed by mullahs in Sayedabad, as will be discussed further below, the ulema in Kunduz and Sayedabad do monitor what the government is doing and voice concerns about corruption, assistance not reaching the needy and poor-quality work. The same channels have also been used by the government: the ulema have been paid to be the ‘eyes and ears’ of the government during several periods since the late 1800s,<sup>91</sup> and recently the government have discussed once again the use of religious leaders as part of a new ‘government outreach’ initiative to make use of the influence of the ulema in support of the government.<sup>92</sup>

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<sup>87</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>88</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>89</sup> [New York Times](#) (2006).

<sup>90</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>91</sup> Amir Abdul Abd ul Rahman (rule: 1880–1901 CE) introduced a religious police to check that religious leaders preached the official version of Islam; see Ghani (1978). The PDPA’s secret police, KHAD, covertly distributed instructions for Friday prayers; see Dorronsoro (2005: 179).

<sup>92</sup> See Rubin (2007: 74): ‘Some ministers have proposed paying elders and ulema in each district to act as the eyes and ears of the government, meet with governors and the president, administer small projects, and influence what is preached in the mosque.’

### *Mediation and Reconciliation*

The local mullah is often involved in mediation and resolution of local conflicts. The role of peacemaker and conflict mediator is one that local imams and other religious figures of holy descent such as *sayyads*, *khawjas* and *pirs*, have played for centuries. Religious leaders of holy descent have used their position as ‘outsiders’ to help broker peace between warring tribes, representing an authority external to the tribal system (Olesen, 1995). The mullahs in Sayedabad and Kunduz still view their role in promoting peace and mediating in conflict as a central part of their responsibilities.<sup>93</sup>

The Afghan legal tradition is a mix of formal and informal legal practice, combining traditional legal practices<sup>94</sup> with formal Islamic Sharia law and codified secular law. For many, however, the local shura is the only real option. A dysfunctional legal system, with corrupt judges and dysfunctional courts, has caused many to shun the formal system and opt for conflict resolution through traditional councils – shuras and jirgas. Religious leaders are often members of these traditional institutions or are called upon on account of their religious authority and knowledge of Sharia. Even when decisions are made on the basis of traditional legal practice, they are often taken to the mullah for sanctioning. Final verdicts are commonly announced through the pulpit in the mosque – whereby the religious authority of that institution is used to reinforce and sanctify decisions taken. Such a position of authority is obviously vulnerable to misuse and corruption. Some religious leaders have been accused of being as corrupt as the judges in the courts, and of making their decisions in favour of the party that can pay the most.<sup>95</sup>

### *Intermediation*

Religious leaders are not only central in local conflicts; because they enjoy high respect among the majority of the population, they are also important opinion-shapers and potential change agents. The standing of the mullahs in the community – and the space they command in public information and debate – makes them a possible entry point to communities. The relatively independence of the ulema – and the local mullahs – enables them to act as interlocutors between their communities and external agents like the state, aid agencies and NGOs. Here, too, religious leaders have the potential to contribute to reconciliation and peace and to support development – or, on the other hand, to fuel further hostility and conflict and stir up uncooperative attitudes. Local religious institutions are used to reach agreement about local development decisions. According to a manager of the National Solidarity Programme (NSP)<sup>96</sup>: ‘it is almost impossible to get people’s agreement on any Community Development Council (CDC) decision unless the decision is announced through the mosque by the religious leader of the village.’ (Rahmani, 2005/06: 22).

This demonstrates the significant leverage that the mullahs have through their religious authority. However, this is not to say that the religious leader is the sole authority in a community. Other power-holders, such as tribal chiefs, village elders and members of village councils, also have a say, and authority and power is continuously negotiated between local actors.

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<sup>93</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>94</sup> Traditional legal practices include both *urf* and *pashtoonwali* (the Pashtun code of honour). The prevalence of these practices varies enormously from one area to the other.

<sup>95</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>96</sup> The National Solidarity Programme is the biggest community-development programme being implemented across Afghanistan since 2001. It is one of the Government of Afghanistan’s priority programmes, funded by a consortium of international donors led by the World Bank and implemented by a number of national and international NGOs; see <http://www.mrrd.gov.af/nspl/>.

*Social Security: Resource Distribution*

In Afghanistan, while some services – such as education and health – have been provided by the state (before and, though at a reduced level, during the war), social security is more often provided by social networks outside of the state. These include networks based on family, *qaum*, clan and tribe. Islamic principles of charity - provision of social security and redistribution of resources - are prescribed through the collection and redistribution of *zakat*<sup>97</sup> and *ushr*.<sup>98</sup> Charity in Afghanistan is generally unorganized and personal. People give charity to their family members, to the poor in their communities, and to the mullah and students in the mosques. While formal Islamic charity organizations are not common in Afghanistan, the mosque - as a focal place in the community - fulfils a number of welfare functions, such as distribution of *iftar* (the meal for breaking the fast) during Ramadan and *qurbani* (the distribution of meat after the sacrifice of animals during the Eid celebration). In addition, in some communities, zakat is collected and distributed through the mosque, by the mullah imam or a zakat committee. This, however, does not seem to be a regular or particularly widespread practice.<sup>99</sup> There has never been a strong tradition of regulated zakat collection and distribution in Afghanistan.<sup>100</sup> Under Taliban rule, however, ushr and zakat were collected systematically by force in many places and constituted an important source of income for Taliban officials and fighters.<sup>101</sup> After the fall of the Taliban, Afghan President Hamid Karzai issued a decree specifying that zakat was a personal matter,<sup>102</sup> the rationale behind this being that people had enough with simply taking care of their own needs after the war.<sup>103</sup>

The personal and localized nature of charity makes it difficult to estimate how much of it exists and how important it is within Afghanistan. However, this study finds that the role of charity is predominantly humanitarian and short term, with a focus on relief rather than long-term development. This is also typical for the Islamic charity sector worldwide, which in other Muslim societies, such as Pakistan, is significant both in terms of number of institutions and finances (SPDC, 2003). In present day Afghanistan there seems to be a rather limited role for Islamic charity. However, some of the mullahs interviewed in Kunduz are already trying to persuade people who pay zakat to think longer term, and encouraging them to establish small businesses for their zakat recipients. A number of religious leaders also gathered in the city of Kunduz in 2005 to draw the attention of both the people and the government to the need for formalization of the zakat system (CPAU, 2007). There has been no follow-up to this initiative, but it demonstrates an interest in thinking anew about the utilization of zakat and Islamic charity.

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<sup>97</sup> Zakat is the Islamic concept of tithing and alms. Rules regarding the distribution and use of zakat – to whom and for what purpose – are clearly outlined in the Quran. While the rules about how to use zakat has certain restrictions, the practices in other Muslim countries demonstrate that zakat is used for a number of economic, social and cultural development activities. For examples, see Irish & Simon (2007: 88, footnote 27),

<sup>98</sup> Ushr (tithe or tenth) is a land tax levied on produce from agricultural land owned by Muslims in the premodern era (Esposito, 2003).

<sup>99</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>100</sup> Except for under the rule of Amir Abd ul Rahman (r.1880–1901), when zakat was officially collected by the ruler (Ghani, 1978).

<sup>101</sup> Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

<sup>102</sup> Islamic Republic of Afghanistan: Official Gazette 0803

<sup>103</sup> Interview with official from the Ministry of Hajj and Endowment, Kabul, September 2006. The Taliban's forced collection of zakat to sustain their rule, combined with recent corruption in the Ministry of Hajj and Endowment (in 2005), are additional factors that may have informed this policy. Fieldwork carried out by CPAU/CMI/PRIO in Kabul, Sayedabad and Kunduz, August–December 2006.

### *Concluding Remarks Chapter 3*

Through the functions outlined in this chapter, actors and institutions interact with and influence the state. As discussed in Chapter 1, religious leaders represent a 'relative independence sphere' based on religious authority (Kamali, 2001), which places them in a position to counterbalance state powers and perform functions that are not taken care of by the state or seen as outside the state's domain. This reflects the relationship between the state and religious civil society in Muslim societies, where the clergy has been central in providing legitimacy to the ruler and has played a role in defining, maintaining and preserving what are considered appropriate moral values. These values vary, however, from one religious leader or community to another, and also include what has been termed the 'dark side of civil society' (Harpviken & Kjellman, 2004) – such as actors that are promoting hatred or using violence to reach their ends. As demonstrated in the discussions of each individual function, the civil society functions performed by religious actors and institutions are ambiguous and can be used for various agendas. They are used both in support of and against the current government, and to promote peace and development, or hostility and conflict, more generally. It is partly this ambiguity, however, that makes such actors and institutions critical in peace and reconciliation processes.

The next chapter will take a closer look at how the Afghan government, its international supporters and modern Afghan civil society relate to religious actors and institutions, as well as examining efforts to support and include religious civil society in the post-2001 peace and development process.

## Chapter 4 - Relations Between the State and Religious Civil Society Since 2001

This chapter discusses relationships between religious actors and the government, donors and modern civil society actors since 2001. It examines how religious actors and institutions are engaged by the main development actors and how religious actors view the current situation in Afghanistan.

After the Taliban regime had been ousted in November 2001, a new administration was quickly put in place, with the support of the international community, to build 'a new Afghanistan'. The agenda set for 'Afghanistan's future' included comprehensive political, economic and social change.<sup>104</sup> After 23 years of war and armed conflict in Afghanistan, efforts to rebuild the Afghan state post 2001 have been described as a process of 'conflictual peacebuilding' (Suhrke, Harpviken & Strand, 2004). After the fall of the Taliban, the peace has been built from Kabul, while the 'Global War on Terror' has continued to be fought in the country's southern and eastern regions.<sup>105</sup>

### *The Peace Agreement*

The Afghan parties to the Bonn agreement embarked on Afghanistan's peacebuilding process lacking agreement on the constitutional principles upon which the Afghan state and society would be founded. Politicization of religion both during the jihad against the Soviet occupation and during the fundamentalist clergy state of the Taliban left the international community worried about Islamist groups hijacking the relationship between the state and religion. In the light of this, the post-2001 peacebuilding process led by the USA and the UN's Special Representative to the Secretary General has been described as being steered 'to safeguard short-term stability and limit the space for conservative Islamists' (Suhrke, Harpviken & Strand, 2004:4).

The Bonn agreement set out a stepwise approach aimed at establishing a 'broad-based, gender-sensitive, multi-ethnic and fully representative government'.<sup>106</sup> The first step outlined under the agreement was the holding of an Emergency *Loya Jirga* in June 2002. This was the first participatory consultation to establish the transitional government and officially confirm Hamid Karzai as Chairman of the Afghan Transitional Authority (ATA). At the last minute, 'Afghan civil society' was invited to hold a conference in parallel to the official Bonn meeting. According to one international observer present at the time, 'the main idea was to facilitate an active exchange between the political groups, but also provide space for civil society to develop their own vision of Afghanistan' (Schmeidl, forthcoming). Hastily, 76 individual Afghan civil society members were invited to attend. These primarily represented 'elite' civil society actors working in the NGO sector in Pakistan and Iran. None represented

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<sup>104</sup> The process was initiated with a four-year transition phase laid out in the Bonn Agreement in 2001 and followed by a five-year plan for economic, political and social development adopted at the Afghanistan Compact meeting in London in January 2006.

<sup>105</sup> The defeated party, the Taliban, was not included in the peace truce, and no provisions existed for integrating the population associated with it in the process. The new Afghan Transitional Administration was dominated by one faction of the winning Northern Alliance (Suhrke, Harpviken & Strand, 2004).

<sup>106</sup> See the Preamble to the Bonn Agreement (2001), available at <http://www.afghangovernment.com/AfghanAgreementBonn.htm>.

religious or other traditional civil society actors.<sup>107</sup> The 2002 Emergency Loya Jirga was followed by a Constitutional Loya Jirga in January 2004, at which a new Afghan constitution was adopted. While both Loya Jirgas followed the plan outlined in Bonn and achieved the targeted statebuilding benchmarks, the meetings were criticized by (modern) civil society actors, who resented the fact that the meetings did not permit a public hearing and important decisions were taken behind closed doors. Among international observers, views on the outcome of the civil society engagement are mixed,<sup>108</sup> while Afghan civil society actors have complained that their concerns were not heard.<sup>109</sup>

With the formulation of a new Afghan Constitution, the subsequent presidential election in 2004, and the completion of parliamentary elections in 2005, the basic structures of a new democratic governance system were complete. However, as noted in a review of the post-2001 peacebuilding process by Suhrke, Harpviken & Strand (2004), the Constitution, besides declaring Afghanistan to be an Islamic republic, shows an ‘absence of ethnicity and religion in political life’ (Suhrke, Harpviken & Strand, 2004:34). Exactly what the role of religion in the public sphere was to mean in practice was left to be figured out along the way.

Following up on the initial civil society forum held in Bonn, Swiss NGO Swisspeace, working through local organizations in Afghanistan, facilitated broader-based consultations with Afghan civil society in May 2002.<sup>110</sup> Some 200 civil society actors from diverse backgrounds participated in these consultations, including both traditional and religious actors. The Swisspeace initiative, however, represents one of only very few attempts to arrange broad-based consultations that include both modern and traditional civil society, and it does not seem to reflect a general change in how civil society is conceived. While the ‘Afghanistan Compact’ agreed in London in January 2006 renewed the commitment to ‘strengthening state institutions and civil society’,<sup>111</sup> only modern Afghan civil society was consulted.

### *Religion and Development Interface*

Since 2001, civil society’s involvement in the design of key national development frameworks – such as the National Development Framework and the Afghanistan National Development Strategy (ANDS) – has been fairly limited. A few civil society consultations have been held for the ANDS, and a special project entitled ANDS Civil Society (funded through USAID/Counterpart International) was initiated to act ‘as a conduit and the voice of civil society in the ANDS processes.’<sup>112</sup> However, substantial civil society consultations fell through, and it seems the ANDS secretariat’s inclusion of civil society organizations primarily focuses on their utility as service providers and implementers of development projects, not as opinion-makers or a ‘voice’. This approach to civil society demonstrates a rather technocratic view of the sector, whereby civil society actors are seen simply as implementing agents with technical expertise. This is not an uncommon approach to ‘civil society support’ and is seen in many developing-country contexts (Harvey, 1998). Such a ‘service-delivery

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<sup>107</sup> This, however, represented the first official meeting between civil society and power-holders in the political process, and marked the birth of the Afghan Civil Society Forum (ACSF). It should be noted, though, that many of the civil society representatives soon entered into government positions (Schmeidl, forthcoming).

<sup>108</sup> Paffenholz and Spurke (2006: 24) argue that ‘the case of Afghanistan shows that an externally driven civil society involvement can also be effective’.

<sup>109</sup> Schmeidl (forthcoming 2007).

<sup>110</sup> Schmeidl (forthcoming 2007).

<sup>111</sup> See ‘The Afghanistan Compact’, 2006; available at

<http://www.fco.gov.uk/Files/kfile/20060130%20Afghanistan%20Compact%20Final%20Final,0.doc>.

<sup>112</sup> Speech by Adib Farhadi Director of Afghanistan National Development Strategy (ANDS), Kabul, 6 December 2006; available at [http://www.and.s.gov.af/ands/cs/pdfs/dec\\_6\\_06/Adib%20Speech%20-%20English.pdf](http://www.and.s.gov.af/ands/cs/pdfs/dec_6_06/Adib%20Speech%20-%20English.pdf).

approach' to civil society, however, may influence the Afghan government's interaction with traditional civil society, such as religious leaders. Engaging with religious leaders seems to pose challenges that modernizing, reformist parts of the government are not ready to deal with. Officials at the ANDS secretariat – working to include civil society – expressed a wish to include religious actors, but they considered this to be highly sensitive and seemed afraid to be 'doing it wrong'.<sup>113</sup>

The public voice – or advocacy function – of the mullah imams as prayer leaders in the mosques, however, has been used proactively by the government when introducing new policies. One example is the use of the voice and authority of the ulema in the counter-narcotics strategy. Supported by the UK Drugs Team, the Ministry of Counter-Narcotics devised a strategy that builds on engaging religious leaders to preach against the cultivation and consumption of drugs.<sup>114</sup> In August 2004, the national shura e ulema issued a *fatwa* (religious decree) advising against opium-poppy cultivation and sale on the basis that such practices were contrary to Islam.<sup>115</sup> Since the first National Counter-Narcotics Conference in December 2004, President Karzai has issued several decrees stressing the illegality of opium cultivation and drug trafficking. This approach has been supported by the national shura e ulema, which issued a religious decree condemning all aspects of narcotics activity as un-Islamic.<sup>116</sup> The policy initiative caused some controversy among the ulema, however, as they had recommended a ban of alcohol, which was not taken into account. Parts of the ulema loudly criticize the government for consulting – or using - the ulema only when it is convenient for them, and accuse the government of being subservient to foreign pressure and of lacking independence and integrity if they set the Sharia aside.<sup>117</sup>

### *Governing the Sacred*

The main government body concerned with religious affairs in Afghanistan is the Ministry of Hajj and Endowment. According to the Ministry of Hajj and Endowment's strategy developed as part of the ANDS process, the ministry's main areas of responsibility are organization of the Hajj and umrah (pilgrimage) to Mecca ( and other pilgrimage sites of both Muslims and non-Muslims), along with administration of mosques, religious ceremonies, religious scholars preachers.<sup>118</sup> The ministry, however, not only has an administrative purpose, but has clearly spelt out aims to 'in the light of Islamic teachings to ensure social justice, national unity, peace and democracy', through among other things 'issue Islamic fatwas', 'arrange preaching for Friday and Eid prayers in mosques' and 'regular controlling and monitoring of mosques'. The ministry has sets out to 'fight against narcotics...social corruption, superstitious customs ...and unacceptable customs that go against Islam'. (Ministry of Hajj and Endowment, 2007:2)

The ministry is organized administratively in terms of national, provincial and district levels. Resource constraints, however, limit the government's actual presence.<sup>119</sup> Links

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<sup>113</sup> Interview with ANDS official. Kabul, November 2006.

<sup>114</sup> Interview with international community actor, Kabul, October 2006.

<sup>115</sup> Islamic Republic of Afghanistan Ministry of Counter-Narcotics, Press Release, n.d. available at [http://www.mcn.gov.af/eng/downloads/press\\_release/decrees\\_fatwa.htm](http://www.mcn.gov.af/eng/downloads/press_release/decrees_fatwa.htm) (accessed 27 June 2007).

<sup>116</sup> According to the ANDS website, in total, 180,000 copies of this fatwa have been produced for distribution to mosques and other locations; see

<http://www.and.s.gov.af/admin/ands/goa/upload/UploadFolder/Cabinet%20Committee%20on%20Counter%20Narcotics%20-%20Progress%20Against%20CNIP%202005%20-%20English.pdf> (accessed 31 May 2007).

<sup>117</sup> Interview with religious leaders in Kabul, Sayedabad and Kunduz, September–December 2006.

<sup>118</sup> The actual relationship between the ministry and the ulama, however, is not specified or described in the strategy, and remains unclear.

<sup>119</sup> The Ministry Hajj and Endowment is responsible for collecting endowment related revenue. According to the Ministry of Hajj and Endowment (2007:2), the Ministry transfer a 'significant amount to the revenue account of the government and that the revenue has increased during the last six month'. The amount, however, is not specified in the report. The Ministry

between the local mullah imams and the ministry vary from place to place. In his study of the role of religious leaders, Rahmani (2005/06) shows that government presence is fairly high in Kunduz province. This corresponds with our data from Kunduz, where the Department of Hajj and Awqaf is situated inside the main government madrasa in Kunduz city, the longstanding Takharistan madrasa. Our findings from Sayedabad in Wardak, however, suggest a much more limited government presence there, with links between local mullahs and the government almost non-existent. This demonstrates the considerable variance in religious governance across the country. While the Ministry of Hajj and Endowment claims it can reach out to a network of 60,000 mosques,<sup>120</sup> in practice the Ministry seems to have limited overview of Afghanistan's mosques and other religious institutions.

The use of the Friday prayer for public and political messages has made controlling what is preached in the mosques important for the government.<sup>121</sup> One way of enabling such control has been the co-optation of preachers (*tablighis*) by putting them on the government's payroll. State-salaried religious positions and religious allowances (*wazifas*) have been used by the state since the end of the 19th century. Distribution of messages for Friday prayers and co-optation of individual scholars through paying their salaries were done by Amir Abd ul Rahman (rule 1880-1901), the communist PDPA administration (rule 1979-86) and the Taliban (1996-2001). According to the Ministry of Hajj and Endowment in Kabul, approximately 2,000 religious leaders are currently on the ministry's payroll as preachers.<sup>122</sup> In Kunduz, the ministry pays a number of mullahs and preachers between 1,500 and 2,500 afghanis per month, and some receive Eid gifts (a grant of 6,000 afghanis and a shawl). The majority of mullahs interviewed, however, receive nothing from the state. In 2006, President Karzai announced 500 new posts for ulema, a move that has been seen as an attempt to please the clergy.<sup>123</sup>

The Afghan state is not monolithic but represents different views, agendas and interests. Thus, the conflict between 'reformist' and 'traditionalist' agendas also exists within the state apparatus. Interest in and relationships to religious actors vary between different departments of the state – with a division between the modern, donor-funded ministries receiving money, the foreign and returned Afghan expatriate policy advisers (and the pressure), and the domestic, traditional, 'forgotten' and bypassed ministries (such as those covering religious and tribal affairs). 'Religious Affairs' is included as a thematic area in the ANDS consultative process.<sup>124</sup> Though, receiving very little foreign funding, the Ministry of Hajj and Endowment opted out of the ANDS consultative process, and nobody seems to have called for the ministry to join it. On one hand, the fact that the Ministry Religious Affairs stays out of the ANDS process suggests that the process is mainly concerned with managing foreign funds; on the other, this can be seen as a strategy by one fraction in the Afghan government to keep religion off the agenda and out of foreign scrutiny and influence.

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claims it has 'more than hundred thousand *jereeb* land in different provinces' and other property, some of which has been seized by 'irresponsible individuals', and from which the Ministry is in the process of reclaiming the property (Ministry of Hajj and Endowment (2007:2).

<sup>120</sup> Interview with official from the Ministry of Hajj and Endowment, Kabul, September 2006.

<sup>121</sup> According to Kamali (2001), the pulpit in the mosque has historically been the most important socio-political institution in the creation of the 'relatively independent sphere', one of five conditions for civil society identified by Kamali, as discussed in Chapter 1.

<sup>122</sup> For an overview of current salaried positions, see Rahmani 2005/06.

<sup>123</sup> The official from the Ministry of Hajj and Endowment interviewed (Kabul, September 2006) could not confirm whether these positions were actually realized.

<sup>124</sup> 'Religious Affairs' is part of the ANDS

### *The Mullahs' Relationship to the Government*

Given the often limited presence of the Afghan government across the country, day-to-day interaction between local religious leaders and the government is often quite limited. Differences between clerks and clergy, however, are nothing new. They reflect the divide between religious and secular education that segregates the Afghan elite. Some government officials and religious leaders also have a history of fighting on different sides. After the defeat of the Taliban, many of the country's warlords and commanders were brought back into government, bringing with them hostile attitudes towards some religious leaders (CPAU, 2007).

Stories told by the mullahs of Sayedabad and Kunduz confirm a general lack of engagement between the government and local religious leaders at the local level. As far as participation in the peacebuilding and development process was concerned, none of these religious leaders had any relation with government development programmes in their capacity as religious leaders. A few reported that they had been elected as representatives of their communities to NSP Community Development Councils. These mirror traditional community councils (shuras or jirgas), where religious leaders, along with elders, have been part of the traditional community leadership. In general, the mullahs from rural Sayedabad seemed less well connected both to the government and to formal civil society (both religious and secularist) than those interviewed in the city of Kunduz. In both places, however, the complaints made by religious leaders resembled those commonly heard from other actors concerned with development in Afghanistan: development is too slow, ridden with corruption, and does not reach the needy. Nevertheless, despite the apparent disconnect between the government and local religious leaders – particularly in an area like Sayedabad – the majority of the religious leaders in both Sayedabad and Kunduz welcomed the government's development agenda. This seems to be viewed as something apolitical, based on humanitarian need, and part of a collective responsibility to rebuild the country. The underlying assumption, however, is that development will not contravene Islamic principles. Religious leaders not only are generally positive to the government's development strategy, but also believe that they could positively contribute to this in their role as religious leaders, in terms of both generating support for the project and taking part in more direct implementation of development projects. Mullahs generally seem to view themselves as key to reaching the people. They believe they could play a role, particularly in encouraging people to participate, but are not consulted. Many voice concerns that the gap between the government and the mullahs may increase if the government does not consult them.

### *Donor Support to Civil Society*

Examining the international support to Afghanistan since 2001, all of the leading donors view civil society as central actors in the peacebuilding and development process. The European Commission, for instance, states that civil society plays a 'key part in conflict prevention, democratization and general socio-economic development but has been sorely neglected in Afghanistan's recent history',<sup>125</sup> and the United States Agency for International Development (USAID) states that, 'based on our own national experience, we support a strong civil society as a key ingredient of democracy and development'.<sup>126</sup> Since 2001, a number of donor-funded initiatives have emerged aimed at promoting civil society development and

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<sup>125</sup> European Commission Country Strategy 2003–2006; available at [ec.europa.eu/external\\_relations/afghanistan/csp/03\\_06.pdf](http://ec.europa.eu/external_relations/afghanistan/csp/03_06.pdf) (accessed 27 June 2007).

<sup>126</sup> USAID Deputy Mission Director Barry Primm, quoted at the USAID website; see <http://afghanistan.usaid.gov/en/Article.97.aspx> (accessed 27 June 2007).

strengthening the capacities of civil society organizations in Afghanistan. The two most comprehensive programmes are the European Commission-funded Civil Society Programme<sup>127</sup> and the USAID-funded Initiative to Promote Afghans Civil Society (IPACS).

As part of the international support to Afghanistan civil society a few initiatives have been made to map and assess the capacities of civil society organizations. A roundtable consultation held to discuss how Afghans view civil society showed that 'Afghans' consider religious actors to be part of civil society, and it was stated that civil society organizations 'should also work to incorporate Islamic principles that promote civil society into their work-plans ... [and] sessions and discussions on Islam and democracy have to be designed and planned specifically for ulema and youth'.<sup>128</sup> In the programme strategies and documents of the government of Afghanistan, too, the international donor community and representatives of Afghan modern civil society emphasize the importance of including religious actors and other traditional actors as civil society. Nevertheless, little has so far been done in practice to engage religious actors. Explicit target groups are women and youth, as well as the media and advocacy organizations. Programmatically, existing civil society support has primarily been concentrated on organizational capacity-building, disbursement of small-scale grants for development activities and implementation of civic education projects. These support activities are closely related to implementation of donor-funded projects and can be seen as means of carrying out development activities rather than being aimed at strengthening civil society as such.

### *Giving Voice or Using Voice?*

There are a number of initiatives, however, that aim at working with or through religious leaders. UN agencies in particular have utilized religious leaders and networks in order to reach out to people. The United Nations Children's Fund (UNICEF) has, for example, actively sought to involve imams in their work to improve health, education and protection.<sup>129</sup> The World Health Organization (WHO) has used religious leaders in their vaccination campaigns.<sup>130</sup> And, in another initiative, the United Nations Development Programme has tapped into Sufi networks for voter education.<sup>131</sup> Among international NGOs, Swisspeace engaged mullahs in civic education and voter information campaigns before the 2004 and 2005 elections.<sup>132</sup> Common for these initiatives is that religious leaders are primarily used as a means of securing acceptance for ideas and access to project beneficiaries. Such a practice raises questions about how the government and other development actors are engaging with religious leaders. Religious actors are rarely given a voice; rather, their voices can be seen as being used.

As discussed above, several civil society meetings and parallel civil society forums have taken place alongside the post-2001 political process. Civil society has been engaged in what are

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<sup>127</sup> Under the new EC country strategy for 2007–13, civil society is no longer a priority area of support and initiatives to promote and support civil society will need to be included under other budget lines; see [http://ec.europa.eu/external\\_relations/afghanistan/csp/index.htm](http://ec.europa.eu/external_relations/afghanistan/csp/index.htm).

<sup>128</sup> Counterpart International (n.d.)

<sup>129</sup> In 2004, UNICEF gathered together 52 imams to involve them in work to improve health, education and protection. 'UNICEF considers the religious community to be a vital partner in ensuring improved opportunities for women and children. Working with the Afghan Ministry of Religious Affairs, UNICEF is supporting a series of similar workshops throughout Afghanistan in 2004, with the aim of reaching 50,000 religious leaders. The workshops are designed to help the religious community develop effective communication strategies for promoting key rights of women and children.' See [http://www.unicef.org/media/media\\_20160.html](http://www.unicef.org/media/media_20160.html) (accessed 27 June 2007).

<sup>130</sup> CPAU/PRIO case study Sayedabad and Kunduz, August – December 2006.

<sup>131</sup> Informal communication with UN official, Kabul, September 2005.

<sup>132</sup> Interview with Susanne Schmeidl, Swisspeace in Bern, February 2007.

frequently called ‘civil society consultations’. The recommendations emerging from these, however, have largely been sidelined or ignored.<sup>133</sup> One civil society actor suggested that the reason for the limited space given to civil society by donors and the government is that those parties were afraid of unleashing civil society’s unknown powers.<sup>134</sup> It is perhaps not so surprising, then, that religious civil society actors – seen as conservative traditionalists that challenge and sometimes directly oppose some of the fundamental values associated with establishing a liberal democracy – have not been included in civil society consultations in any comprehensive manner.

### *Mullahs and Nongovernmental Organizations*

NGOs – both national and international – have been central in the implementation of government programmes since 2001. NGOs have become the agents of the modernization agenda: pushing for reform, challenging traditional norms and practices, and upsetting longstanding power structures. A number of incidents over the last few years have resulted in direct attacks on NGOs by religiously motivated mobs (such as attacks on a number of NGOs across the country in May 2005 following a report that the Quran been flushed down the toilet at the US detention camp at Guantánamo Bay).

Religious leaders interviewed in Sayedabad and Kunduz, however, reported little direct collaboration with NGOs or other private organizations.<sup>135</sup> The mullahs were generally positively inclined towards the work of NGOs, but viewed the quality of work being carried out with concern. Among the general criticisms raised were corruption, lack of transparency in the organizations’ work, inability to reach the poor, and concerns about private, profit-making businesses posing as NGOs. In addition to issues raised in relation to government collaboration, many mullahs were concerned about NGOs and private organizations providing cover for foreign spies or Christian missionaries. The main concern raised by the clergy in Kunduz and Sayedabad, however, was the protection of Afghan and Islamic values and traditions. As long as these were respected, the work of NGOs was generally welcomed and mullahs were keen to participate. Many religious leaders would, perhaps not surprisingly, like support to building and maintaining mosques and religious schools, but also see themselves playing an important role in education and other development activities. However, many of the religious leaders expressed a need for mutual trust and confidence-building to collaborate in development.

### *Mullahs’ Views on International Assistance*

Although only a few of the mullahs interviewed had been directly involved with development, nine out of ten religious leaders interviewed in both Kunduz and Wardak were positive to assistance provided by international community. This was not seen as foreign intervention, but as something the international community owed Afghanistan for waging jihad against communism. The local mullahs of Sayedabad and Kunduz also seemed surprisingly well informed about and familiar with issues central in the development discourse. Some emphasized that international aid should be unconditional. In Sayedabad, one mullah underlined how ‘assistance is important for Afghanistan and the world owes Afghanistan this assistance. But we don’t need loans.’ Another mullah emphasized that ‘assistance needs to be without conditionality, especially political conditionalities’. While mullahs in both districts

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<sup>133</sup> Interviews with modern Afghan civil society actors in Kabul between September and November 2006.

<sup>134</sup> Interview with Susanne Schmeidl, Swisspeace in Bern, February 2007.

<sup>135</sup> The term *moasesa* (organizations) is used in Dari to describe all sorts of organizations, not only NGOs registered with the Ministry of Economy.

were generally positive to foreign assistance, many raised concerns about money ending up in the pockets of influential people and how much current aid did not seem to reach the needy. That foreign assistance was going back to donor countries without actually benefiting Afghans significantly was another common criticism. However, here, too, the main concern that was voiced concerned respect for traditional Afghan and Islamic values. As one mullah in Sayedabad put it, 'The world is like a home. Everyone should help each other in this home. But, doing so, everyone should respect each other's religious and cultural values.' It was in sectors dealing directly with such matters – such as the justice sector in relation to the status of Sharia law – that the mullahs were most concerned about foreign assistance. Foreign assistance and advice in the justice sector were directly rejected by almost all the religious leaders interviewed in both Sayedabad and Kunduz. If any assistance should be provided in these areas, it ought to be from other Muslim states having relevant experience and respecting values and traditions, the mullahs said.

### *Mullahs and International Military Forces*

While the religious leaders interviewed in Sayedabad and Wardak were generally quite positive to foreign assistance in rehabilitation and development, they were more sceptical of foreign military assistance to Afghanistan. Views on the international military presence, however, were what differed the most between mullahs in the two districts.<sup>136</sup> In Kunduz, 15 out of 20 religious leaders viewed foreign military assistance as necessary for creating security in the current, insecure, circumstances. In Sayedabad, 18 out of 20 were negative to the military presence, and of these two said that jihad against foreign forces was obligatory (*farz*).<sup>137</sup> The two who were not negative saw the military presence as necessary in the current situation of poor security. Few of the mullahs, however, had had any direct interaction with the military. In Kunduz, the German Provincial Reconstruction Team (PRT) had funded part of the reconstruction of the main government madrasa (the Takharistan Madrasa), which has been positively received by the clergy. The view in Sayedabad is more critical, with one member of the Provincial Council describing the situation in the following manner:

It is out of question that mullahs will meet the PRT. Last year, some PRT teams visited the area one or two times, and they were badly treated by the public. Children started to throw stones at their convoy. Last year, they had asked if they could place a security post somewhere in the district, and it was refused by the elders from the district. People said if they are going to have their security post in the district, then we have to leave our houses and go to neighbouring districts. The PRT do not have very big projects, and people will not risk the threat from Taliban for such a small amount of assistance.<sup>138</sup>

As described above, these religious leaders have otherwise shown a positive attitude to both international assistance and government development policy. This indicates the importance of distinguishing between civilian and military engagement.

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<sup>136</sup> In Kunduz, six out of ten of the religious leaders interviewed knew the difference between coalition forces and the ISAF. The German-led PRT in Kunduz was established in November 2003. In Sayedabad, one out of ten of the religious leaders interviewed knew the difference between coalition forces and the ISAF. There was no PRT in Wardak province at the time of the interviews. Since then, in November 2006, a Turkish-led PRT has been established in Maidan Shar, the capital of Wardak province.

<sup>137</sup> The Dari and Pashtu term *farz* (from Arabic *farḍ*) means a religious obligation.

<sup>138</sup> Interview made with representative from the district to the Provincial Council.

*Civil Society Initiatives: Modern Afghan Civil Society Actors*

Modern Afghan civil society has developed considerably since 2001. Some of the networkworking out of Pakistan to coordinate national and international NGO assistance to Afghanistan have now transferred to Afghanistan,<sup>139</sup> and a number of Afghan umbrella organizations have been established, such as the Afghan Civil Society Forum (ACSF), the Foundation for Culture and Civil Society (FCCS), and a number of women's and human rights networks. What many of these actors have in common is that they follow the international development debate and are conversant with both the language of the international community and development jargon. They also have experience with donor funding and reporting requirements. As elsewhere, these actors can be described as the civil society 'elite'. They share the values, objectives and language of human rights, democratization and emancipation with civil society organizations around the globe, and are often internationally connected. They are generally pro-modernization, and often make a distinction between religion and the secular. In the Afghan context, they can be seen as the counter to traditional, informal religious actors and institutions.

Despite tensions – and at times direct conflict – between modern and traditional religious actors, in comparison with both the Afghan government and international actors, modern Afghan civil society organizations are generally more open and more proactive in terms of actually engaging with religious actors. Many of the modern civil society representatives interviewed for this study recognized and emphasized the need to include religious leaders, because the latter were seen as important in shaping people's opinions. Human rights stand out as one of the most conflictual issues between the modernizing reformist and the traditionalists, however. The modernization agenda – with its focus on human rights, civil society and democracy – is viewed with scepticism by many traditionalist religious actors. Many of the modern civil society actors interviewed were concerned about the conflict over human rights, yet they expressed a need for moral and political support and backing from the religious civil society.<sup>140</sup> Realizing that values cannot be changed overnight, they believe it is necessary to find ways of dealing with differences and to search for common ground that can provide a foundation for further engagement. Among the initiatives that have been taken are efforts to include religious leaders in human rights training.<sup>141</sup>

One notable example of collaboration between modern and traditional forms of civil society has been the efforts by the Tribal Liaison Office (TLO) to include religious leaders in its work. The TLO, a Kabul-based Afghan NGO working to advance peace and development in the country's south-eastern region, has invited religious leaders to join tribal leaders at peace jirgas arranged to discuss how local actors can contribute to solutions to the conflict in the southeast.<sup>142</sup> In the light of the current conflict, these types of engagement and forums may be a way for modern civil society organizations to tap into traditional civil society. Indeed, this dialogue initiative demonstrates how modern and traditional civil society can work together on issues that the government – lacking integrity and credibility – is not in a position to address.

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<sup>139</sup> For example, the [Agency Coordinating Body For Afghan Relief](#) (ACBAR). Others have disintegrated (or gone underground), such as the Islamic Coordination Council.

<sup>140</sup> Interview with modern Afghan civil society actor, Kabul, October 2006.

<sup>141</sup> Such as by the Afghan Independent Human Rights Commission (AIHRC).

<sup>142</sup> Tribal Liaison Office, 2007

### *Are Religious Actors and Institutions Seen as Civil Society?*

The government, donors and national and international civil society actors all recognize that religion has a high level of social significance and that religious leaders have a huge influence on people's lives. Religious actors are therefore recognized as important 'change agents'. Despite this, practice defines civil society as formal organizations such as NGOs and social and cultural organizations. This mirrors Clarke's (2006:836) observation that 'donors acknowledge many forms of civil society organisation, yet their programming focuses on non-governmental organisations (NGOs) which subscribe to key elements of donor ideology and strategy'. Howell & Pearce (200:2) describe the conceptual and programmatic dilemma inherent in this practice, arguing that 'current donors discourse and practice is in danger of reifying civil society as a natural and historically inevitable component of a developed capitalist economy', while at the same time 'donor attempts to operationalise the concept in the form of civil society strengthening programs threaten to reduce the concept of civil society to a technical tool and so depoliticise it in a way that paradoxically could lead to a constriction of intellectual and political space'.

The nature of civil society in Afghanistan is made complex by the presence of traditional institutions and informal networks and alliances, and this may tempt some to reduce the definition of civil society to easily recognizable institutions from Western civil society, such as NGOs, professional associations and specialized interest groups. Looser, less formal institutions are more difficult to recognize, and international agencies have less experience in working with them, something that may cause engagement with traditional actors to be perceived as carrying greater risk.

### *Concluding Remarks on Chapter 4*

Almost by definition, traditional religious actors and institutions represent undemocratic organizational practices and conservative values that conflict with the liberal democratic ideas that define the official peacebuilding and development agenda in Afghanistan. Among the Afghan government and international community, many seem to be concerned about unleashing the power of religious leaders by granting them formal authority and recognition.

### *Difficult Politically for Home Constituencies*

There is also a need to legitimize the choice of civil society partners in donor home countries, where a normative understanding of civil society as a force for modernization and democratization is dominant. The legacy of the Taliban and related stereotypes can further help explain the limited engagement with religious actors, as such engagement is seen as politically difficult and risky.

### *Need To Disburse Funds and a Lack in Implementation Capacity in Afghanistan*

With huge amounts of aid to be delivered and insufficient capacity for implementation among Afghan state actors, strengthen the capacities of Afghan civil society actors to act as implementing partners for service delivery is part of the Afghan reconstruction strategy. That religious civil society actors generally do not perform service-delivery roles may be a contributing factor to a situation where civil society support is not being directed towards traditional and religious actors.

## Chapter 5 Five Years After Bonn

Following arguments for the inclusion of religious actors and institutions as an integral part of Afghan civil society in the post-2001 environment, this chapter will take a closer look at how the current political situation is affecting religious actors and institutions, and discuss a few central issues that have merged from the present study.

### *Dwindling Government Support and the Resurgence of the Taliban*

The US-led invasion of Afghanistan ousted the fundamentalist clerical regime of the Taliban and replaced it with a government approved by the USA. The US intervention was carried out in the name of freeing Afghanistan from an oppressive regime, but US efforts were soon to focus on the 'War on Terror' and the search for Al Qaeda and Taliban activists in southeast Afghanistan. Since 2001, the Afghan insurgency has been growing steadily, seeing its deadliest year in 2006, with more than 4,000 people killed.<sup>143</sup> Increasingly, Afghans are losing patience with the government and with foreign assistance.<sup>144</sup> As a result of frustration with the US-led 'War on Terror', on the one hand, and growing disillusionment with the peace, reconstruction and development process, on the other, the space available for different opinions is diminishing. With people being pressed to take sides, support for the Taliban is again on the increase.

### *How Are Religious Actors Affected by the Current Conflict?*

There is no space to breathe for non-pro-government and non-pro-Taliban religious leaders.<sup>145</sup>

Since early 2005, there has been a rise in insurgence attacks on pro-government religious leaders; thus killing the religious opponents to the insurgency.<sup>146</sup> While no one seems to be systematically recording the killing of religious leaders (at least, data on the matter are not publicly available), news reports regularly note the deaths of pro-government religious leaders.<sup>147</sup> According to reports from Afghan civil society organizations in the south, pro-government religious shuras in Uruzgan and Helmand have shut down owing to threats from the Taliban and other anti-government groups.<sup>148, 149</sup>

Speaking to the *Los Angeles Times*, Defence Ministry spokesman General Mohammed Zahir Azimi said that it was 'impossible to provide security for the more than 3,000 local

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<sup>143</sup> *Associated Press* (2007)

<sup>144</sup> Commenting on a report by the Center for Strategic and International Studies ('Breaking Point: Measuring Progress in Afghanistan'), the *Washington Post* (2007) noted that (1) Afghans were losing their trust in their government owing to an escalation in violence; (2) public expectations were being neither met nor managed; and (3) conditions had deteriorated in all key areas targeted for development.

<sup>145</sup> Interview with modern Afghan civil society actor, Kabul, 2006.

<sup>146</sup> *Asia Times Online* (2006) reports on 7 October 2006 that the 'Taliban relies on intimidation tactics to subdue Afghans living in the countryside. They include killing moderate tribal leaders and clergy to create a climate of fear, and burning down schools and medical clinics.' ( see *Asia Times Online*, 2006)

<sup>147</sup> The Taliban had killed 20 clerics and wounded 40 over the past year, said Haji Khasrauw, aide to former chief justice Fazl Hadi Shinwari to the *Observer* (UK) on 27 August 2006; see *Observer* (2006). According to a *BBC* report on 17 October 2005 three ulema were been killed over three days, following what 'appears to be a systematic campaign (that) began in May (2005), when a prominent religious leader and government supporter was shot dead in the southern city of Kandahar'; see *BBC* 2005.

<sup>148</sup> Interview with modern Afghan civil society actor, Kabul, October 2006.

<sup>149</sup> The Ministry of Hajj and Endowment point out that religious service delivery is facing impediments in areas where government control is weak and that ulema on government payroll are constrained from preaching due to insecurity ( The Ministry of Hajj and Endowment, 2007:5)

religious leaders around the country.... We know that they are in a dangerous position, but there is nothing we can do at the moment for them.... They have to live like every average Afghan.<sup>150</sup> This demonstrates the extent to which the government has been unable to provide protection to moderate religious leaders. On the contrary, reports indicate that non-radical religious leaders are being rounded up and harassed by the government, blamed for criminal acts committed by non-government groups.<sup>151</sup> Because they are seen by both non-religious and religious actors as still being influential in their communities, these 'middle ground' religious leaders have found themselves a precarious position. They are viewed as a threat to many, and protected by none. The case study of religious leaders in Sayedabad, where the Taliban is gradually gaining ground, suggests that religious leaders – scared of retaliation by the Taliban – are currently avoiding forming coalitions or joining religious gatherings and groups such as the shura e ulema.<sup>152</sup> For some of these religious leaders, this means that they are being pushed out of public participation. As one mullah in Sayedabad put it:

No, there is no one [i.e. no mullahs participating in the elections]. During the elections, we wanted one mawlana to stand, but fearing the Taliban, he lives a low-profile life in his village.<sup>153</sup>

The government has lost legitimacy among a number of religious actors who have positioned themselves 'in the middle' – that is, not supporting the government, not supporting the radicalized fundamentalists. This situation may be forcing additional mullahs to retreat to their villages – or towards the Taliban.

#### *New Turn toward Religious Actors*

In 2005, when I first started examining the role that religious civil society actors, groups and institutions had been given in the Afghan peace and development process, religious actors and institutions were rarely mentioned and few initiatives were made to actually engage religious leaders in practice. Over the last two years, however, a few new initiatives have emerged, bringing together religious leaders in the capital.<sup>154</sup> Critics, however, are sceptical of the value of these national-level committees. One Kabul-based mawlana, for example, asked, 'What has come of it? Bringing a few ulema together in Kabul will make no difference.'<sup>155</sup> Another recent move to address religion as part of the new Afghanistan is the initiative by the Ministry of Education to establish new educational 'Centres of Excellence' in all provinces (see the section 'Threat of Radicalization' in Chapter 2). There are different perspectives on this issue: modern reformists call for a revamping of national madrasas and see this as essential for turning the wave of radicalization. Others – more traditionally minded – have doubts about the sincerity of the government's intentions. These initiatives may be read as a direct result of the increasing insurgency and an attempt to rope in support for the government from religious leaders in an effort to keep the 'religious middle' from joining the Taliban and associated groups.

If the government fails to meet the clergy's expectations, this could add to the already growing distrust and widen the gap between 'middle ground' religious actors and the

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<sup>150</sup> *Los Angeles Times* (2005)

<sup>151</sup> Interview with retired government official, Kabul, September 2006.

<sup>152</sup> CPAU (2007)

<sup>153</sup> CPAU interview with mullah in Sayedabad, August 2006

<sup>154</sup> Two new committees for consultation with the ulema – a new council called Wetaq e Milli (National Concord) led by Minister of Hajj and Endowment Nematullah Shahrani, and the National Peace Foundation (led by ex-jihadi leader, now president of the parliament, Sighbatullah Mujaddidi) – were established by President Karzai in 2006.

<sup>155</sup> Interview with ulema, Kabul, November 2006.

government. It remains to be seen whether these new initiatives have credibility within the ranks of the religious, or whether a co-optation of certain religious leaders could potentially prove counterproductive to the government's aims. Here, the stakes are high and there are many interests to balance.

### *Tensions between the 'Modern' and the 'Traditional'*

Modernization reforms – challenging traditional norms, practices and power structures – have shaped the relationship between the government and the clergy throughout modern Afghan history. The conflict between modern civil society, often associated with secularist ideas, and traditional civil society, associated with the religious, can be found in the first modernization reforms of Amir Amanullah in the 1920s, later reforms under Prime Minister Sardar Muhammed Daud Khan in the 1950s, and the reforms introduced by the communist government in the late 1970s. Currently, the competition between traditionalist and reformist is being played out in many arenas. A variety of forces produce tensions and conflicts that regularly erupt into violent confrontations between the government, NGOs and religious actors. Afghans returning from exile, both from neighbouring countries and from the West, bring with them new ideas, ambitions and expectations, some which directly challenge the 'old order'. Modern values are also introduced by foreigners and expatriate Afghan experts taking up positions in the central government and consultancies with international agencies. In Afghanistan, tensions between 'the modern' and 'the traditional' are often played out as a conflict between the secular and the religious. Questions about the place of religion in the public sphere and the relationship between religion and the state can therefore be seen as central to the current conflict.

### *Stereotypes*

In his study of religion and civil society, David Herbert (2003) notes that neither the official nor the popular discourse in Muslim societies, or in the West, shows a clear understanding of the complex ways in which religions interact in contemporary societies. Rather, he contends, the discourses tend to oversimplify, using polarized interpretations of Islam as either the 'peace religion' or 'fanaticism', and of the West as 'promoter of liberty' or 'invader of Islam' (Herbert, 2003: vii). In Afghanistan, negative stereotypes of 'the other' are widespread on both sides. On the one side, in the words of one civil society actor, are 'anti-government religious leaders using propaganda and brainwashing the people',<sup>156</sup> and the word in the villages is that the call to prayer has been banned in Kabul, which has become a city of sin, where prostitution is rampant.<sup>157</sup> On the other side are the Western states and development actors, for whom the stereotype of the religious leader and institution is one of 'radical fundamentalism' – associated with the Taliban and fundamentalist madrasas – commonly depicted in media coverage. These stereotypes ignore the diversity of actors working in the 'middle ground'. To get a better understanding of the forces making up Afghan civil society today, it is necessary to move beyond the stereotypes and appreciate the differences that also exist within religious civil society.

### *Radicalization: A Self-Fulfilling Prophecy?*

The peacebuilding potential of civil society is increasingly being recognized by academics, practitioners and policymakers (Paffenholz and Spurk, 2006; Harpviken & Kjellmann 2004).

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<sup>156</sup> Interview with modern Afghan civil society actor, Kabul, 2006.

<sup>157</sup> Afghan civil society actor reporting from southeast Afghanistan, Kabul, October 2006.

As discussed in Chapter 3, Afghan religious actors and institutions currently perform civil society functions that can both support and work against peace, development and statebuilding processes. The present study reveals that many religious actors are not only positive to the government's development agenda, but also believe that, as religious leaders, they could positively contribute to this agenda, in terms of both generating support for the project and taking part in more direct implementation activities. In spite of the current limited engagement – in some areas, such as Sayedabad in Wardak, almost a total lack of interaction – between religious leaders and the government, civil society and international development actors, there is still willingness and an interest in collaboration. Avoiding interaction with religious actors may seem to be a wise move; however, such an approach may create a self-fulfilling prophecy: in refusing to interact with religious actors out of a concern that their influence might be predominantly negative, one risks pushing religious actors towards precisely such unhelpful roles.

While the relationship between religion and development, and the role of faith-based civil society, has recently seen renewed interest among both development practitioners and academics, little attention has so far been given to the role of religious civil society in Afghanistan. There is thus a need for more detailed studies of religious civil society in the country, as well as of how these traditional institutions change in the meeting with the growing modern civil society sector.

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