

# Islam and Somali social order



Koranic school © Ryan Anson/Interpeace

## ***Suluh* (pacification)**

Peace and reconciliation are among the fundamental tenets of Islam, which preaches the virtue of the conflict resolution method known as *Suluh* ('Pacification'). This is mentioned in several verses of the *Qur'an* along with the importance of promoting reconciliation. According to Islam, promoting reconciliation is an act of goodness and people are encouraged to resolve their differences this way.

But according to the Prophet Mohammed (Peace Be Upon Him – PBUH), conflict breeds chaos and puts all the other pillars in jeopardy. Therefore, to pacify those in conflict is the most beneficial and *Suluh* is key to it all.

## **The Somali Islamic tradition**

Somalis traditionally have adhered to the *Shafi'i* school of *Sunni* Islam. Historically most have belonged to one of the established *Sufi* orders and in their practices have fused local traditions and beliefs with Islam. Clan ancestors have been assimilated as *Awliya* or 'trusted ones' and Somali customary law incorporates elements of *Shari'a*.

Somalia's post-independence civilian and military governments recognized Islam as the official state religion, but there was no tolerance for political Islam. When religious leaders challenged the government of Mohammed Siyad Barre in 1975 over a new Family Law giving equal rights for men and women, ten Muslim scholars were publicly executed. By the 1980s more radical interpretations of Islam had begun to gather pace as Somali Muslim scholars returned from Egypt and Saudi Arabia against

a backdrop of widespread corruption, economic downturn and growing civil unrest.

In 1991 the Barre regime collapsed and reformist Islamic movements established a real foothold in the country, particularly in the south central regions. When the state collapsed Somalia fell into the same chaos that is also mentioned in the *Qur'an*. Clans fought against each other; political factions clashed over the pursuit of power; and crimes became a common occurrence. At this time killing sprees also became part of daily life and criminals walked without fear of being held accountable for their crimes. All of this violence came at the expense of innocent civilians, whose desperation spurred the creation of Islamic courts.

As people turned to Islam for security and the moral and physical reconstruction of communities, Islamic foundations and benefactors outside of the country invested in businesses and social services. At different times Somali political leaders also promoted Islamic movements in pursuit of their own political strategies.

## **The emergence of the Islamic Courts**

The first Islamic Courts were established in Maka and Medina neighborhoods of Mogadishu as early as 1991. The militant Somali Islamic group Al Itihad Al Islamiya also established Islamic Courts in Gedo region around that time. More courts were established in North Mogadishu in 1994 and they later spread to other districts throughout Mogadishu from 1998 until 2000.



“ Islamic groups have also invested in social sectors such as education and health. Before the mass displacement of people from Mogadishu in 2007 more than 130,000 children were being educated with the support of Islamic foundations and charities. Higher educational institutes, such as Mogadishu University, were also revived with support from Islamic finance”

These courts were originally clan-based, but merged to form the Islamic Courts Union (ICU) in 2004. The primary reason behind their creation was to bring law and order and to promote *Suluh* among families, clans and individuals. The courts dealt with murder cases on the basis of Islamic jurisprudence, categorizing killings into three classes: intentional; semi-intentional (killing by means that would not normally threaten life) and accidental. All cases were dealt with through the application of Islamic law.

After achieving some success in containing criminality, the courts moved to address civic cases such as land disputes, divorces, inheritance claims, car-jacking and family disputes, employing both punishment and dispute resolution methods to achieve settlements.

Later on special tribunals were set up to tackle some of the unsolved crimes that had happened before the establishment of the courts. They offered the accused and the defendant a choice whether they wanted to agree compensation or to accept the court's judgement. The courts also responded to requests to deal with incidents that took place in areas outside their immediate jurisdiction. In some murder cases, they applied traditional blood compensation where evidence was found.

### **Interweaving Islamic and customary systems**

The Islamic Courts worked alongside traditional elders to gain acceptance of their rulings by the clans, as well as their help in consoling the bereaved and arresting criminal suspects.

But in other respects, Islamic Court rulings differed from traditional laws. Under traditional law, elders can influence individuals and families to accept or refuse a compensation settlement and have the power to overrule the victim's own family. The Islamic courts did not endorse this and insisted that the victim's own family must agree to the terms of any settlement.

Under customary law certain clans have their own rules for settling disputes, such as the payment of a limited amount of money as compensation for homicide. The courts, in contrast, applied Islamic law in homicide cases, compensating the killing of a man and a woman by 100 and 50 camels respectively – or cash equivalent. However, Muslim scholars believed that the proper application of Islam should always draw upon the support of Islamic leaders and elders, as well as intellectuals and other community leaders.

Somali customary law also states that the concept of punishment for a crime is largely absent as a basis for resolving disputes. Instead, the practice is one of restitution with the level of compensation negotiated by elders and the *Ulema* (religious scholars). The *Hudud* punishments under Islamic law that have been carried out by some of the Islamic Courts are not supported in Somali customary law. Encouragement for forgiveness between those in conflict was always a major part of conflict resolution both in Islam and in traditional Somali practice.

Before the inception of the Islamic Courts, Muslim scholars did not contest this combination of traditional and Islamic

practice and elders and religious leaders worked side-by-side. Elders and Muslim scholars, including some from the moderate Somali Islamist group Ahlu Sunna Wal Jama'a, had their own small *Shura* Islamic Councils, comprising religious scholars, clan elders and business and community figures.

The Councils' role was to maintain backing for the judges and keep the support of their clansmen. The 1994 Islamic Courts in north Mogadishu had a separate higher authority known as the Supreme Council of *Shari'a* Implementation. This acted as a 'board of governors' responsible for implementation and general guidance. It was led by a *Sufi* scholar and included traditional clan elders among its members.

### **Islam and social responsibility**

In addition to peacemaking and law enforcement, Islam has been increasingly influential in commerce and in efforts to revive and maintain public services. Many of the new enterprises that have grown up during the war, in the import/export trade, telecommunications and money transfer, are owned by people inspired and motivated by new reformist Islamic sects.

Applying Islamic principles, these businesses attract shareholders from different clans, enabling them to operate across political divides. Islamic groups have also invested in social sectors such as education and health. Before the mass displacement of people from Mogadishu in 2007 more than 130,000 children were being educated with the support of Islamic foundations and charities. Higher educational institutes, such as Mogadishu University, were also revived with support from Islamic finance.

### **The *Ulema* and reconciliation**

Islam has always played a tangible role in peacemaking and peacebuilding. The *Ulema* command automatic respect and people have always turned to them to help with unresolved disputes. During Somali reconciliation meetings in and outside the country, the *Ulema* have played important roles by counseling negotiators and speaking to them through the media, urging them to show flexibility and compromise. They would urge leaders to refer to Islam in solving their differences.

Some of the biggest conflict resolution efforts by religious leaders took place in 1991. When clan elders failed to contain violence between Ali Mahdi Mohammed and General Mohammed Farah Aideed in Mogadishu in 1992, Somalia's most famous Islamic scholars – Sheikh Mohammed Moallim, Sheikh Ibrahim Suley and Sheikh Sharif Sharafoow (all now deceased) – met with Ali Mahdi and General Aideed to advise

them against war. When the two sides started exchanging heavy gunfire the scholars continued traversing the frontlines in the midst of crossfire in a symbolic effort to urge ceasefire.

After the takeover of Mogadishu and much of south central Somalia by the ICU in 2006 the role of the *Ulema* scholars was taken over by the Courts. The ICU set up the *Shura* Council, which accommodated most of the leading Islamic scholars. They also formed an executive branch that was tasked with daily operations.

Scholars from Ahlu Sunna Wal Jama, an organization of Somali *Sufi* religious leaders created in 1991, found the atmosphere increasingly hostile because of the dominant influence of the *Wahhabists* and *Salafists*, who have always challenged and criticized what they perceived as the 'passive' role of *Sufis* in Somali political life.

But not all Islamic Courts were controlled by *Wahhabists* and *Salafists*. For instance, in 1994 the Islamic Courts in north Mogadishu were entirely run by *Sufis*, while *Sufi* scholars from Ahlu Sunna Wal Jama'a founded some of the clan-based Islamic Courts that were established in Mogadishu in 1998.

All these Islamic groups, including *Wahhabists*, *Salafists* and Ahlu Sunna Wal Jama'a, can be considered *Ulama*. However certain factions from the politically active Islamist groups, such as the Majma' *Ulema* (*Ulema* Forum), Al-Islah and Ahlu Sunna Wal Jama'a claim to be the biggest advocates of *Suluh*. These groups are most likely to collaborate with each other, but all can co-exist, as they showed before the ICU takeover, and as is further evidenced by the reaction of many Muslim scholars from different groups to the current militancy in Somalia.

In 2009, after the establishment of the new TFG under Sheikh Sharif's leadership, the *Ulema* Council was formed in Mogadishu. Two disastrous years of Ethiopian military involvement had sewn confusion over faith and politics.

The primary purpose of the Council was to create a religious authority that could provide moral leadership to the people. However conflict had already erupted between the government and opposition groups. The *Ulema* tried to tackle the conflict head on, issuing directives that were often controversial. They demanded the withdrawal of AU peacekeeping troops serving with AMISOM within a four-month period and demanded that Parliament be reconvened to adopt *Shari'a*.

At the same time they called on the opposition to stop fighting the government. In May 2009, after the opposition

launched major attacks on the TFG, the *Ulema* tried to broker a ceasefire between the two sides but the opposition refused. The Islamic scholars have been very clear about the current troubles. Sheikh Omar Faruq, perhaps the greatest living Muslim scholar in Somalia today, denounced any justifications to take up arms against the current government on the pretext of Islam. This has left the opposition Hisbal Islamiya and Jabhatul Islamiya divided on whether to endorse the *Ulema's* proposals.

### **Islamic scholars and external mediation**

If peace and security are to be sustained in Somalia, the engagement of the Islamic leadership is crucial. Islamic scholars have attended most previous reconciliation conferences, but usually as observers. Members of the Ulema Forum and Ahlu Sunna Wal Jama'a were observers to the 1993 Addis Ababa conference. Muslim scholars also took part in the 2000 Arta conference, although in a personal capacity, and several scholars from the Courts and members of Al-Islah became parliamentarians in the Transitional National Government (TNG).

Islamic Scholars had less influence in the Mbagathi peace talks in Kenya from 2002 to 2004, where warlords and clan elders were the main actors. And the 4.5 formula of clan representation has limited their numbers in the TFG parliament. However they were consulted in the drafting of the Transitional Federal Charter and they warned that any passages that contravened Islam would not be accepted.

The 2008 Djibouti negotiations between the TFG and the Alliance for the Re-liberation of Somalia (ARS) also involved a large number of Muslim scholars as ARS representatives. As a result of the Djibouti talks, Muslim scholars and other religious activists have their biggest representation in the subsequently expanded parliament and are playing a more prominent role within the Somali political process.

Many Somali Islamic scholars believe that only Islam has the potential to achieve absolute security in the country because Somalis are 100 per cent Muslim and will accept Islam more readily than any other political system. They believe that the stability achieved in the six-month period of ICU rule in Mogadishu was not a fluke and could be repeated.

Islamic scholars consider that political Islam is going through a turbulent period in Somalia similar to the warlordism that existed until recently. The difference is that most warlords and faction leaders were politicians, whereas today's militant opposition groups lack the leadership of recognized Islamic

scholars who practice *Suluh* because of the violent attitude of these groups. The expectation amongst the scholars is that, with time, the Somali people will accept Islamic leadership under the guidance of respected scholars.

A number of Somalia's Islamic scholars also suspect that external powers would never accept an Islamic system taking root in the country. They see the actions of the international community as supporting this general thesis, particularly the West's condoning Ethiopia's intervention to topple the Islamic Courts. Many in southern Somalia strongly believe that Somalis could agree on one leadership and achieve trust and peace under *Shari'a*. Without external interference, they see a very real possibility of an Islamic state becoming established in Somalia.

Analysts debate whether the current Somali militant Islamic organizations have a domestic Somali agenda or an internationalist one. Previous radical Islamist groupings, such as Al Itihad Al Islamiya, articulated a domestic agenda. This is less clear for the militants of today. Al Qaeda's top leaders, including Osama Bin Laden himself, have recently sent supportive messages to the Al Shabaab leadership, which has reciprocated with pledges of allegiance to Osama Bin Laden.

### **Where next?**

At the beginning of the Somali civil war, the conflict was between clans and later clan-based factions. Today, Islamic factions are pitted against a government that has stated its intention to apply *Shari'a* in full.

Politics rather than religion lies at the heart of the fighting today, with rival religious ideologies mobilized to support personal and political ambitions. The reality is that the current debacle has undermined the authority of the *Ulema* and has done serious damage to the reputation of Islamic leaders.

The militant Islamic organizations are too violent and ideologically polarized to bring together all sections of the Somali society and their actions have highlighted the sensitivities of putting religion at the centre of modern governance. The failure to uphold peaceful Islamic principles has created the current chaos and has damaged Islam in Somalia. Paradoxically, the militants' violent pursuit of an Islamic state may be pushing the prospect of an Islamic state further away than ever.

---

The author is a Somali writer. Author's identity withheld.