The dialectic of religion and politics in Hamas’ thought and practice

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Title: The Dialectic of Religion and Politics in Hamas’ Thought and Practice

Author: Osama Abuirshaid

Keywords

1-Hamas
2-Muslim Brotherhood
3-Israel
4-Palestine
5-Islam
6-Religion
7-shari‘a
8-Fiqh (Jurisprudence)
9-Ideology
10-Political

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Abstract

The Dialectic of Religion and Politics in Hamas’ Thought and Practice

This study discusses the relationship between the religious and the political in the thought and practice of the Islamic Resistance Movement Hamas in its struggle with Israel as it views it. It critically investigates the thought and the religious framework of the movement and its mother organization, the Muslim Brotherhood. It explores the overlap between the religious and/or the ideological dimensions of the theory and practice by revealing how Hamas draws inspiration from Islam, a framework it describes as "religious". It analyses the ground on which Hamas’ ideological convictions are based, and how they developed. This is being done by attempting to understand the role of religion in the formulation of the convictions (i.e. ideology) of the Muslim Brotherhood – and therefore those of Hamas - in their comprehension of the conflict with Israel.

This research has sought to fill a void in the context of studying the Muslim Brotherhood and Hamas by trying to explain the mechanisms of religious and political interaction and the role this interaction has played in shaping the ideological convictions of the two movements in the context of their conflict with Israel. Reviewing the religious reference of Hamas helps us to understand that any change in one of Hamas’ positions does not imply the abandonment of its religious reference, but rather a shift from one considerable Islamic fiqhi (jurisprudential) opinion to another.

Thus, the thesis examines the accuracy of many of the Brotherhood's and Hamas’ positions and ideological beliefs, as well as comparing them to the other authentic Islamic view points. The study further highlights in detail the impact of the movement’s adaptation to fixed “religious” principles and their implementation within a set of complex situations, as presented by the current state of affairs in Palestine. Moreover, the research examines Hamas’ application of the Prophetic and Islamic historical experiments, as they relate to the current conflict with Israel from the movement’s point of view.
Keywords

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Introduction

The Dialectic of Religion and Politics in Hamas’ Thought and Practice

Since the issuance of the "Balfour Declaration" on 2 November, 1917 which promised the Jews "a national home" in "Palestine", Palestine has been a battleground of clashing narratives, histories, religious beliefs, and bloodshed. After the defeat of the Ottoman Empire in the First World War and the takeover of the British forces in Palestine in December 1917, Great Britain began opening the doors to Jewish migration. This policy was further strengthened after The Council of the League of Nations issued "The Palestine Mandate" on 24 July, 1922, supporting the "Balfour Declaration" and holding the British Mandate responsible for its implementation.

The Palestinians and the Arabs rejected the "Balfour Declaration", which they considered a disavowal of British promises made to them after they supported it against the Ottoman Empire. According to Sharif Hussein's correspondence in 1915

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1 Arthur James Balfour was the British Foreign Secretary. He issued this declaration on behalf of the British cabinet, to what is known as the British Zionist leader, Lord Rothschild. The declaration stated the following:

(Foreign Office
November 2nd, 1917
Dear Lord Rothschild,
I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.
"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."
I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.
Yours sincerely,
Arthur James Balfour)

2 The mandate stated that: "the Principal Allied Powers have also agreed that the Mandatory (Great Britain) should be responsible for putting into effect the declaration originally made on 2 November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national home for the Jewish people". http://avalon.law.yale.edu/20th_century/palmanda.asp
with the British High Commissioner Henry McMahon, Britain made a commitment to support the establishment of a united Arab state led by Sharif Hussein of Mecca if they revolted against Ottoman Empire in Greater Syria and the Arab Peninsula Areas, which were under the Ottoman control at that time.\textsuperscript{3} But the British Mandate authorities in Palestine continued to ignore the demands of the Arabs and the Palestinians, despite the successive revolutions carried out by the Palestinians against the facilitation of the Jewish immigration to Palestine and their continued acquisition of land.\textsuperscript{4}

With the announcement of the British Mandate authorities in April 1947 of its intention to withdraw from Palestine, Great Britain called for the inclusion of the Palestinian issue on the agenda of the General Assembly of the United Nations. And on 29 November, 1947 the General Assembly issued Resolution 181, calling for the partitioning of Palestine into two states, Jewish and Arab. Thus, the state of Israel was declared on 15 May, 1948. As a result of the Arab armies’ defeat in the 1948 war, Israel was able to dominate 78% of the land of historical Palestine, and hundreds of thousands of Palestinians were displaced.\textsuperscript{5}

Ever since the establishment of Israel, the Palestinians have resisted the new state. However, the Palestinian resistance intensified after the Israeli occupation of the West Bank and the Gaza Strip after the 1967 June war. The most serious consequences of that war was Israel's hegemony over all of historic Palestine, including East Jerusalem, which encompasses the \textit{Al-Haram al-Sharif} (or the Temple


\textsuperscript{4} Ibid., pp. 205-224.

\textsuperscript{5} Ibid., pp. 224-227. Also, see AbdelSatar Kassem and Ghazi Rababaa, \textit{Alhoroub Alarabia Alesraelia},[The Arab Israeli Wars], chapter 2/part 3 in Jawad El- Hamad (Editor), \textit{Al madkhal ila ailaqadiya alfilasteeniya}. Ibid., pp. 300-314, and Ibrahim Abu Jaber, Jawad El- Hamad, and Sameer Samaan, \textit{Qadiatu Alquds wa Mustaqbaloha},[The Issue of Al-Quds and its Future], chapter 3/part 4, pp. 679-680.
Mount, according to Jewish terminology), and the displacement of tens of thousands of Palestinians to the neighbouring Arab countries.

In order to organise the Palestinian resistance efforts, dozens of Palestinian factions were formed with different intellectual and ideological identities. Some of them were Islamic, others were of a national nature, while others were of Pan-Arab or leftist backgrounds.

The Muslim Brotherhood (MB) was one of the first organised Arab movements that resisted the Jewish presence in Palestine before the establishment of the state of Israel, and then, after the establishment of the state. However, its resistance declined dramatically starting in the 1950s after its clash in Egypt with the regime of the former President Gamal Abdel Nasser. After that violent clash, the MB went through a major intellectual review that eventually resulted in the development of a new strategy, based on the principle of empowerment “tamkeen,” as opposed to the idea of liberation. These issues will be discussed in more details in chapter 1 of this study. In addition to a national and Pan-Arabist dimension, a religious dimension was strong also. This issue will be discussed in chapters 1 and 2 of this study. After reconciling the two dialectics of empowerment and liberation at the intellectual level, the MB returned to military resistance after decades of absence. This return was facilitated by the first Palestinian Intifada (uprising) in December 1987, but this time through a new frame, the Islamic Resistance Movement, Hamas. This issue will be further discussed in chapter 1.

According to a study conducted by Paul Scham and the author of this thesis:

As the first Palestinian uprising erupted in mid-December 1987, a group of the Muslim Brotherhood’s leaders in the Gaza Strip met in the house of Sheikh
Ahmad Yassin, the main founder of the movement. There, they established Harakat al Muqawama al Islamiyya (the Islamic Resistance Movement), best known by its Arabic acronym “Hamas” (zeal), as a framework for the representation of the Muslim Brotherhood in the activities of the Intifada.\(^6\)

And "less than a year later, Hamas issued its charter (or covenant), which has continued to define the organization in Western eyes. The charter is an unapologetically hard-line document that vividly promises destruction to Israel."\(^7\)

However, with the passing of time and because of the difficult circumstances that surrounds the movement (which will be illustrated in this section and in chapters 3 and 4), the discourse of Hamas has become much softer, though the major beliefs of the movement remain unchanged and it continues to refuse the recognition of the state of Israel. The reasons will be discussed in more detail below and in chapters 3 and 4.

**Subject of Research and Methodology**

This study seeks to discuss the relationship between the religious and the political in the thought and practice of the Islamic Resistance Movement Hamas in its struggle with Israel as it views it. It will critically investigate the thought and the religious framework of the movement and the MB, its mother organization. It will explore the overlap between the religious and/or the ideological dimensions of the theory and practice by revealing how Hamas draws inspiration from Islam, a framework it describes as "religious". The thesis will attempt to examine the accuracy of many of

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the Brotherhood and Hamas’ positions and ideological beliefs, as well as comparing them to the other authentic Islamic view points. The study further highlights the distinction between what is political ideology or *Ijtihad* “innovation” (according to Islamic terminology), and what is purely “religious” in this context. In addition, this study will highlight in detail the impact of the movement’s adaptation to fixed “religious” principles and their implementation within a set of complex situations, as presented by the current state of affairs in Palestine. Finally, the research will examine Hamas’ application of the Prophetic and Islamic historical experiments, as they relate to the current conflict with Israel from the movement’s point of view.

**The Importance and Originality of the Research**

This research is important because it uncovers the unique nature of the movement as a distinctive aspect of new Islamic thought and shows how it attempts to reconcile the two stages of liberation and *empowerment* “*tamkeen,*” as they are viewed side by side in the context of the Palestinian issue. This issue will be further explained in chapter 1.

Since its emergence, Hamas has become an important element not only in the Palestinian arena, but also for its effect on the regional stability of the Middle East. This importance stems not just from its popularity, or its military operations, but rather its ability to cause deep tremors in the region and to the peace process. Because Hamas has become an integral element in the region’s politics its views must be taken into consideration if there is any hope for positive change.

There has been no single study of Hamas which has gone as far as this study to analyse the dynamic relationship between the religious thought that frames the
movement, provides its ideological reference, and regulates its general political rhythm on the one hand, and its application on the ground, on the other. No single study exists that focuses, as this study does, on the interaction of the religious framing of Hamas’ political ideology and the ways in which this harmonizes and stabilizes the interpretation of religious principles in dynamic political circumstances. No study has ever tried to examine the referential framework that informs Hamas’ positions and reflect on its relationship to Islamic understandings derived from original textual references or mainstream Islamic *fiqh* (jurisprudential) schools (we will explain later on in this section the meaning of mainstream Islamic *fiqh* schools). In the absence of such an examination it is not possible to understand Hamas’ policies or anticipate its future actions.

One of the main features that distinguish this study from other existing studies is that it deals with religion's power as an independent variable in studying Hamas and its political discourse. It addresses some of the concerns that were raised by researchers in the field of religion and politics. For example, Eva Bellin inquired into the power of religion as an independent variable to shape events, interests, and identities, "and how might the study of religion answer the questions that grips so many students of ideas in politics. How do ideas change? And when do ideas resonate and become politically significant?"8 This study does that in the context of its attempt to understand the interaction between religion and politics in the MB's and Hamas' thought and practice.

That does not mean, however, that this study undermines the other variables relevant in this field, most notably the political, historical, and the socio-economic, all of which are utilized adequately in this study but not as extensively as religion. The

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latter variables do affect Hamas and help shape its views. This study merely suggests that the religious referential framework of Hamas as an independent variable is absent from most, if not all exiting literature on Hamas and this is the main contribution of this thesis since other studies have discussed in detail the political, historical, and the socio-economic factors in shaping and understanding Hamas' statements and positions. In other words, the emphasis on religion in this study becomes necessary because it helps give meaning to many of the MB's and Hamas' positions. As Talal Asad notes, the religious theory is essential "for judging the validity of [others'] cosmological utterances. But always, there must be something that exists beyond the observed practices, the heard utterances, the written words, and it is the function of religious theory to reach into, and to bring out, that background by giving them meaning."9

Many existing studies are either historical, descriptive self-reflections, based on experiences within the movement, or encyclopedic studies. Many, though not all, Israeli and Western studies are framed by a concern with terrorism. In general, existing literature focuses on the evolution of the movement’s statements and positions, either over time or in respect of changing of the political circumstances. Other studies have dealt with certain aspects of the movement, e.g., militaristic, financial or social. This thesis fills a void in the literature and the analysis here provides an original contribution to understanding this important movement’s ideas.

The importance and relevance of this study will be amplified in the context of Hamas' landslide victory in the Palestinian Legislative elections of January 2006, and its formation of the government in March of the same year. The importance of this study will be further enhanced after Hamas' take over of the Gaza strip in June 2007.

following violent clashes with the Palestinian Authority's (PA) forces that are loyal to the chairman of the PA and of the Palestinian National Liberation Movement's "Fatah", Mahmoud Abbas. The clashes took place over the extent of government jurisdiction given to Hamas and the presidency under Fatah's control. Despite the financial sanctions that were imposed on the Palestinian people by Israel and Western governments, and despite the pressure on the movement by some Palestinian factions and Arab and Muslim regimes to quell its hard-line positions, (such as its rejection of Israel’s right to exist),\textsuperscript{10} Hamas has refused to this day to abandon its convictions. Not even a cruel embargo on the Gaza strip in which 1.5 million Palestinians live, nor a massive Israeli attack on Gaza and Hamas (December 2008-January 2009) were successful in compelling the movement to give up its convictions and bow to international pressure.

From one angle this study will explain where and how Hamas has drawn its conclusions and why it remains intransigent. And from another angle it will also explain the interactions between the religious and the political dimensions within Hamas’ thought and practice.

Because it examines the religious reference and its interaction with the ideological and political convictions of Hamas, it will shed light on some of the more flexible statements and positions that it came to adopt after it was elected (and its formation of the government) and the religious framework used to support these

\textsuperscript{10} For example The New York Times reported from Cairo, Egypt on 1 February, 2006, that Egypt under the regime of the ousted President Hosni Mubarak insisted that Hamas, after it won the January 2006 elections, must renounce violence, confirm existing agreements between Israel and the Palestinians, and recognize Israel if it wants to form the next Palestinian government. The New York Times said that "the statement, from the Egyptian intelligence chief, Omar Suleiman, was the most forceful to emerge from the Arab world." The report quoted Suleiman as saying that Hamas should: "One, stop the violence. Two, it should become doctrine with them to be committed to all the agreements signed with Israel. Three, they have to recognize Israel." If Hamas "won't commit to these conditions," he said, the Palestinian president, Mahmoud Abbas, "is not obliged to ask them to form a government."

"Egypt Urges Hamas to End Violence and Recognize Israel." http://www.nytimes.com/2006/02/01/international/middleeast/01cnd-egypt.html?_r=0
positions. Such a moderate tone does not point to a leadership coup or a fundamental shift in the ideology of Hamas as it might appear at first glance, but a revision of the most radical interpretations of the original Islamic texts in favour of more flexible ones. It is more of an intellectual evolution than a coup as will be explained in chapters 3, and 4.

One of the examples that illustrates this point is Hamas’ announcements through its political bureau chief, Khaled Meshaal. He was quoted in an interview on Wednesday, 10 January, 2007 as saying that Hamas will consider a formal recognition of the state of Israel only if a Palestinian state has been created on 1967 borders, that includes Gaza, the West Bank and East Jerusalem and Israel’s acceptance of the right of return. However, this softening in Hamas’ rhetoric does not mean that Hamas has abandoned its formal position that rejects such recognition. In the same interview Meshaal insisted that Hamas acknowledges the existence of Israel as a reality, and that it will not deal with it in terms of recognizing or admitting it. Yet, this interview was followed by a press release by Hamas (Thursday, 11 January) denying that Meshaal mentioned any possibility of recognizing Israel if a Palestinian state is created. How and why did Hamas reach such conclusions? And why will Hamas never consider the form of recognition of the right of existence for the state of Israel? This study will try to provide some answers.

Since its emergence in December, 1987, Hamas has made a unique contribution to Islamic work in general and to life in Palestine in particular. It is obvious that Hamas’ thought, experience, and actions, though based upon the MB, the mother movement, does enrich the political thought and intellectual development of

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the Brotherhood. In fact, Hamas has even bypassed the mother movement in many areas especially in the area of coalition-building with the secular and leftist Palestinian and Arab movements. Additionally, its far-reaching relationships extend to the Arabs-Muslims, Europeans, Russians, Chinese and other members of the international community.\textsuperscript{13}

In sum: the contribution of this research lies in the answers it provides to a number of important questions, specifically: how does Hamas apply its understanding through its affiliation to the MB School of Thought? What is the relationship between the “religious”, and the “political” dimensions of thought and practice? What are the patterns of interaction between the two sets of variables? How does Hamas apply its ideological thought to the complex current state of affairs? Furthermore, this study will investigate in depth the credibility of some of Hamas’ ideological convictions as they are classified as “innovative” or \textit{Ijthihad}. This is also a critical analysis. Hamas and the Brotherhood are merely schools of thought within this flexible universe of innovation or \textit{Ijtihad} thought, which necessarily means it is open to discussion, criticism, evaluation, and amendment. This is especially true if such evaluation is based upon the standards of “literal religious texts”, which are “absolute”, and the innovations, which are “flexible” and relative in nature and open to evaluation.

Approach to the Research Problem

Since its putative inception on 14 December, 1987, Hamas emphasized the fact that it attains its intellectual understanding from the teachings of Islam. Thus, Islam itself provides the general framework, or the ideology that represents the intellectual foundation of Hamas. According to Hamas’ charter “the Islamic Resistance Movement: The Movement's programme is Islam. From it, it draws its ideas, ways of thinking and understanding of the universe, life and man. It resorts to it for judgement in all its conduct, and it is inspired by it for guidance of its steps.”\(^\text{14}\)

For Hamas this understanding is consistent with The MB’s school of thought. Again, according to Hamas' charter:

The Islamic Resistance Movement is one of the wings of the Muslim Brotherhood in Palestine. The Muslim Brotherhood Movement is a universal organization which constitutes the largest Islamic movement in modern times. It is characterised by its deep understanding, accurate comprehension and its complete embrace of all Islamic concepts of all aspects of life, culture, creed, politics, economics, education, society, justice and judgement, the spreading of Islam, education, art, information, science of the occult and conversion to Islam.\(^\text{15}\)

Based on the preceding it is possible to conclude that Hamas declares itself clearly as an ideological Islamic movement. Its doctrines and beliefs are based on the Brotherhood’s school of thought, originally based upon the idea of “revivalism” of


\(^{15}\) Ibid., Article 2.
Islamic discourse after the collapse of the Islamic Caliphate and the separation between religion and politics which occurred in the process of state formation and the demarcation of national territories. Thus, Hamas, like the MB, seeks reconciliation and harmonization between Islam and all aspects of life especially in the areas of politics, economics, society and culture. More aptly put: the implementation of the comprehensive nature of Islam in its land (i.e. were Islam is the dominant religion and Muslims constitute a majority in a nation or a state).

Since Hamas is one of the embodiments of the Brotherhood’s school of thought it does not recognize barriers between "politics" and "religion". In addition, since Hamas distinguishes itself as a resistance movement against the Zionist/Jewish (the obvious confusion here in Hamas' terminology will be discussed in more detail in chapter 3) colonial project, as it describes its aims in its charter and statements, there is a great need to discuss the ways that Hamas deals with the question of Palestine and its way of implementing its Islamic Brotherhood understanding through the Palestinian issue.

The expression 'Brotherhood's school of thought' raises some important issues. As indicated, this school of thought believes in the comprehensiveness of Islam. In fact this belief is consistent with the mainstream Islamic jurisprudence and is not unique or distinguished. Furthermore, the Brotherhood school of thought is not a rigid, homogeneous, and cohesive school of thought in terms of all of its juridical convictions. Thus, the Brotherhood School of thought is not merely a fiqh (jurisprudential) Islamic school. Beyond the consensus within the school on the comprehensiveness of Islam, different branches of the society and even members

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within the same branch differ in their adoptions of different fiqh rulings. And the overwhelming majority of them subscribe to different mainstream fiqh rulings. Thus, there is a variety of opinions within the Brotherhood and Hamas, but contained within a certain framework that always strives to maintain an Islamic legitimacy for any opinion or position, as explained in the different chapters of this study.

Because the MB's school of thought is pluralistic, yet bounded, it tends to benefit from all of the opinions and intellectuals who function within the realm of the 'mainstream' regardless of their affiliations within the MB. Therefore, the intellectual framework of the MB is not only advanced by MB thinkers, but by others who subscribe to the belief of the comprehensiveness of Islam.

The last point is of great importance in this study. Hamas was not originally founded as an intellectual movement. It was meant initially to be a resistance movement on behalf of the Brotherhood. Hence it depended on the intellectual framework of the Brotherhood and other intellectuals who subscribe to the same way of thinking. This means that it is possible to examine the Brotherhood's and Hamas' ideas about the Palestinian question in the light of Islamic textual, jurisprudential, and historical teachings and experiences, both in order to determine their originality and their possible flaws.

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17 For more details on this subject see the discussion by Kamal al-Masri on one of the websites that is affiliated with the Muslim Brotherhood in Egypt: Alekhtilaf Alfiqhi Enda Alikhwan Almyslmeen. [The Jurisprudential variation within the Muslim Brotherhood.] http://www.ikhwan.net/forum/showthread.php?21483-%C7%E1%C5%CE%CA%E1%C7%DD-%C7%E1%DD%DE%E5%ED-%DA%E4%CF-%C7%E1%C5%CE%E6%C7%E4-%C7%E1%E3%D3%E1%E3%ED%E4

18 Hamas' sixth communiqué declared that “the Islamic Resistance Movement is the armed wing for the Society of the Muslim Brothers.” Hamas' communiqué #6. Issued 11 February, 1988 and was published in Wathaa'eek Harakat Al-Muqawama Al-Islamiya Hamas. [The documents of the Islamic Resistance Movement Hamas], A series of the Communiqués of Hamas - First year of Intifada – (Hamas' Information Office. No Publisher info and no year of Publication (an approximate year: 1989.), pp. 30-31.

Two other major and interconnected issues constitute a real challenge to this research and need to be explained. The first issue has to do with Hamas' charter that many observers refer to as the constitution of the movement. The second has to do with Hamas' identity as an Islamic movement (i.e. religious based), whose main objective is to liberate Palestine, as opposed to being a mere political national liberation movement.

On the question of the charter, this was issued on 18 August, 1988, less than nine months after the initiation of Hamas. Andrea Nusse argues that the charter was "interpreted as an Islamic alternative to the political blueprints of the secular nationalists." And according to Shaul Mishal & Avraham Sela "Hamas' charter is anchored in religious principles of holiness, divinity, and eternity, with no option for amendment." However, the view that the charter cannot be amended is not shared by all scholars on Hamas. Some scholars contend that Hamas no longer refers to it or quotes it in its contemporary declarations. Jeroen Gunning, asserts that Hamas' charter "neither does justice to the political thinking of Hamas' leaders (it is weak on specifics) nor does it adequately reflect the views of the present leadership, few of whom would quote it or regard it as reflecting their positions." Those scholars argue that the charter should be discounted in any study of Hamas today. Even some Hamas leaders make the same point. Ahmad Yusuf, Hamas' former deputy foreign minister, says that the charter was written more than two decades ago in order to mobilize the Palestinian people. According to him it is "a valuable historical document but it’s not the constitution of the movement. In fact Hamas has bypassed

the charter with its contemporary political positions and stands". Sayyid Abu Mosameh, a Hamas MP, says that "the charter signifies a historical stage that Hamas bypassed in its sayings and actions".

There is certainly evidence to suggest that the sharpness of the language of the charter was toned down in the early nineties and that it faded noticeably at the beginning of the present century. Nonetheless, there has never been any official decision by the Hamas movement to amend or nullify the charter. Though there are reports that Hamas has actually contemplated drafting an alternative charter that represents a new position for the movement, this new charter has not been issued and Hamas has never officially confirmed the report. Some Hamas leaders insist that there is no evidence that Hamas has abandoned its charter or any official statement by Hamas or any of its leaders to that effect. Moreover, some Hamas experts and intimates deny the report of the new charter and insist that the movement will never replace it.

In an Op Ed piece in the Los Angles Times, Mousa Abu Marzook, the deputy of the political bureau of Hamas argues that Hamas should not be solely judged by its charter. Abu Marzook, however, does not go to the extent of saying that the charter is nullified. However, in a press release issued on 5 May, 2009 the political bureau chairman of Hamas, Khaled Meshaal went further, and denied what the American newspaper, the New York Times attributed to him in a previous interview, namely that Hamas was about to change its charter. He said in his statement, that Hamas was not

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23 Ahmad Yusuf. Written answers to the researcher’s questions, 22 March, 2010.
24 Sayyid Abu Mosameh. Written answers to the researcher’s questions, 12 March, 2010.
25 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., p. 147.
26 Ibid., p. 150.
27 Khalil Abu Leila. Written answers to the researcher’s questions, 25 February, 2010.
http://www.latimes.com/news/opinion/commentary/la-oe-marzook10jul10,0,777568.story
like others that change their charters under pressure to meet the demands of other parties. “This principle is not acceptable,” he said.30

Those who contend that Hamas has outgrown its charter also point out that this charter was closer to an internal document reflecting the conventional understanding within the MB at the time. It was aimed primarily at the Arab and Islamic audiences. Azzam Tamimi, a leading proponent of this view, points out that some Hamas leaders realized early on that the language of the charter could be an obstacle to expanding relations outside the movement’s ideological realm, not to mention its international relations. Specifically, it might leave Hamas open to accusations of anti-Jewish sentiment. According to Tamimi, the 9/11 attacks hastened the necessity of revisiting the issue of the charter’s language within the movement, in an attempt to avert being associated with Al-Qaeda in the U.S.’s broad “global war on terror.” Tamimi argues that Hamas has actually commissioned a draft of a new charter that avoids the language of religious confrontation. However, as he explains, the success of Hamas in the Palestinian legislative elections in January 2006 and the subsequent sanctions by Western and Arab states compelled Hamas to put the project on hold to avoid the perception that it was giving in to external pressures.31

30 (http://www.palestine-info.co.uk/en/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxEpmO%2bi1s77NyxlbsjaH0VrVL %2bRaaIZ7B9B5ldSh%20%2EFCk7Sun0gCfSMuKoKZbklhZVY5iDY06S0Nfxb4NOZKLFxpAhJM tU9e9s7O60Rhl9xUmMHmHQ%3d). The Palestine Information Center is widely considered to be the official website of Hamas.

31 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., p.150. Also, see Beverley Milton-Edwards & Stephen Farrel, Hamas: The Islamic Resistance Movement, (Polity Press, Cambridge, 2010.), pp. 14-15. Milton-Edwards & Farrel quote Dr. Omar Abdel Razeq, a Hamas leader in the West Bank who briefly served as Hamas’ finance minister in 2006, as saying: “that is why Hamas has been looking into changing or modifying this charter.” Ibid., p. 15. He further adds: “you do not get changes in Hamas’ platform or character through pressuring the government, or pressuring the Palestinian people economically. We need time to adjust.” Ibid., p. 15. They also quote Yehya Moussa Abbadsa, a Hamas MP based in Gaza as saying: “you will find there is a huge difference between that (i.e. the charter) and Hamas now. It has become part of history. It is part of the literature of Hamas, but it does not orchestrate the movement’s thinking. In practical terms it is out of practice but it is not political to abandon it in public. The political programme of Hamas overpasses the covenant.” Ibid., p. 15.
Tamimi’s assertions which are corroborated by Beverley Milton-Edwards & Stephen Farrel are particularly important because they attribute these claims to major leaders in Hamas whom they interviewed. However, the ambiguity does not end there. As Tamimi himself clarifies, the current document reflects the internal convictions of the Brotherhood school and by extension, that of Hamas "at that moment of time".

Since Hamas has never officially disavowed its charter, and there are many within its high ranking leadership who still consider it as an official document of the movement, this study will quote the charter and use it as a primary source in its analysis. The use of the charter will show how Hamas has progressed and changed over time, and in some instances departed from some of the hard-line positions to adopt more flexible stances while maintaining a legitimate Islamic jurisprudential umbrella. However, some of the central positions expressed by the charter still represent Hamas’ positions today. One main example here relates to the issue of Palestine as being a land of Islamic Waqf (endowment), an issue that we will discuss in the second, third and fourth chapters of this thesis.

As for the question of Hamas being an Islamic movement or a national liberation movement, Hamas sees no discrepancy between the two. Yet, there are some researchers who try to minimise the role of the religious framework in Hamas’ struggle against Israel, a point we will attempt to clarify throughout this study. Azzam Tamimi seems to embody this understanding. Other researchers such as Nusse go further than this by considering the question of nationalism in Hamas’ thought as

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33 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., p. 148.
34 We will use here Yale's Law School translation. http://avalon.law.yale.edu/20th_century/hamas.asp
35 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., pp.147-156.
"innovative and unorthodox move away from Islamic thought of the past." She argues that the "Palestinian fundamentalists discarded the old incompatibility between Islam based on ideological grounds and the Western idea of the nation-state which is based on territorial claims." Furthermore, she asserts that the "forefathers" of the Islamic movement, most notably al-Banna and Qutb never developed any theoretical basis for nationalism. While this could be true in the case of Qutb, it in no way applies to al-Banna. (See chapter 1 of this study). Also, her conclusion that nationalism is not compatible with Islam could be undermined in a way by the notion of the "jihad of Defence" in Islamic jurisprudence. The "jihad of Defence" requires the people of an invaded country themselves to fight the aggressor first before asking for support from the rest of the Muslim *Umma* (nation) if they were unable to defeat the aggressor. (For more details see chapter 4 of this thesis.)

In a document issued by Hamas titled "this is what we struggle for", Hamas says: "The Islamic Resistance Movement (Hamas) is a Palestinian national liberation movement that struggles for the liberation of Palestinian occupied lands and for the recognition of Palestinian legitimate rights." Nevertheless, Hamas' view is that:

The subject of politics within the movement does not contravene religious boundaries, especially if you take into consideration that for a Muslim Islam is a complete way of life that has a remedy for all of his political,

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37 Ibid., p. 49.
38 A memorandum prepared by Hamas' Political Bureau in the late 1990s at the request of Western diplomats in the Jordanian capital Amman. Published in Tamimi's *Hamas Unwritten Chapters*. Ibid., p. 247. Milton-Edwards & Farrel note that, Hamas is "firmly rooted in Islam, but it has always confined its military activities to Israel and the occupied territories. It has also had repeated verbal disagreements with worldwide jihadi organisations such as al-Qaeda, which castigated its decision to enter politics, arguing that holy war is the only path." Beverley Milton-Edwards & Stephen Farrel, *Hama: The Islamic Resistance Movement*. Ibid., p. 13.
moral, economic and social needs. At the same time it is a national liberation movement, meaning that there is no contradiction... The Prophet peace and blessing be upon him says whoever dies defending his homeland is a martyr.  

For Hamas "Islam is the guiding factor for our deeds and actions in our work. Indeed what has been revealed (and transmitted) in the texts of the Quran and the authentic traditions (regarding occupation and resisting aggression) are the parameters we work within to liberate our land and holy sites."  

One Hamas leader explains the dialectical relation between the religious identity of the movement and it being a national liberation movement as follows: "national liberation movements resort to their religious heritages in the process of assembly and mobilization on the grounds that this serves as an incentive to mobilize the resources of the nation and encouraging it to give and sacrifice."  

In other words "Hamas is a Palestinian national liberation movement that adopts Islam as its reference. Islam is the civilizational and cultural component of all of the Palestinian people who lived historically on this land regardless of their religions."  

Mishal & Sela argue that by introducing such a criteria in defining nationalism Hamas sought to confront the Palestine Liberation Organization's (PLO) "secular nationalism with an Islamic-national concept, which needed no alteration of the PLO's original..."

39 Mousa Abu Marzook. Written answers to the researcher’s questions 2 June, 2010.  
40 Ibid.  
41 Ahmad Yusuf. Written answers to the researcher’s questions. Ibid.  
42 Ibid.
goals or its strategies for achieving them, but merely their Islamization. Thus Hamas defines the "national struggle in religious terms." Because Hamas does not acknowledge any contradictions between it being an Islamic movement with a strong religious identity and it being a national liberation movement, this thesis will discuss Hamas from within its own frame of reference. In other words, this thesis will study Hamas as Hamas presents and understands itself. This thesis agrees with Carsten Bagge Laustsen and Ole Waever assertion that "one cannot understand a phenomenon without considering the way this very phenomenon is described by those confronting and practicing it." They further argue that:

One has to be within a religious discourse to accept the validity of it. One cannot enter religious discourse through the work of reason and accordingly judge religious beliefs as true or false. The same goes for the experience of religion. One cannot feel the magic of religion without being religious.

For that reason, this study will not attempt to dismiss how Hamas sees and presents itself, regardless of this author’s agreement or disagreement with its stated frame of reference. Accordingly, Hamas sees a harmonious relationship between the two identities it assumes (i.e. the religious identity and being a national liberation movement.) In its charter Hamas clarifies the issue in its understanding as follows:

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44 Ibid., p. 44.
46 Ibid.
Nationalism, from the point of view of the Islamic Resistance Movement, is part of the religious creed. Nothing in nationalism is more significant or deeper than in the case when an enemy should tread Muslim land. Resisting and quelling the enemy become the individual duty of every Muslim, male or female. A woman can go out to fight the enemy without her husband's permission, and so does the slave: without his master's permission.

Nothing of the sort is to be found in any other regime. This is an undisputed fact. If other nationalist movements are connected with materialistic, human or regional causes, nationalism of the Islamic Resistance Movement has all these elements as well as the more important elements that give it soul and life. It is connected to the source of spirit and the granter of life, hoisting in the sky of the homeland the heavenly banner that joins earth and heaven with a strong bond.47

Research Methods

This is a qualitative theoretical study, and it will adopt an analytical approach to examine Hamas’ intellectual and ideological convictions. The research uses a number of primary sources – interviews and documents - from Hamas' inception to the present. Secondary sources will include several previous studies. The study will focus on the dialectic of the religious, jurisprudential, ideological and political in Islamic political jurisprudence in general, while placing more emphasis on the Brotherhood school of thought and its political ideology, as it is the mother organization of Hamas.

47 Hamas’ charter. Ibid. Article 12.
The emphasis on the MB’s school of thought within this context is extremely important, since Hamas, as mentioned above, was created primarily as a liberation movement that did not produce its own unique intellectual base; rather it depended on the MB’s intellectual production in this regard. Therefore, an extensive use of the primary MB’s sources will be used in this research as it provides the ideological and intellectual framework for Hamas as well. Additionally, it will discuss Hamas’ comprehension, based on its MB’s affiliation, of what is religious and what is political and its implications on the ground.

This study seeks to examine the authenticity and the credibility of many of Hamas and the MB’s positions and convictions regarding the Palestinian issue. To do this it will track the roots of their ideological and political convictions and how they were drawn in order to compare them with the original Islamic sources. Thus, this will require an expansive use of, and dependence on Islamic primary sources. This will help verify whether the convictions and positions of the MB and Hamas can be defined as “literal religious texts”, or they are just mere jurisprudential, ideological, and political innovations within the Islamic framework. This will be further illustrated in chapters 3 and 4.

Adopting a historical framework will enable the thesis to compare and contrast many of Hamas’ political and ideological convictions to those similar in nature to the Prophetic experience and throughout the Islamic historical experiment. Thus it will address Hamas’ understanding of the "political" and the "religious" and its impact on the current state of affairs and the future course of action. To this end, the study seeks to investigate the mechanisms and the complexities of the relationship between the ideological/ political and the religious and to investigate its theoretical premises and their impacts on the ground. In addition, critically investigating Hamas’ adopted
religious views, as it believes them to be, and their application in its struggle against
Israel will be treated. Furthermore, it seeks to investigate such complex relationships
between the ideological/ political and the religious actions and beliefs of Hamas, and
whether the religious actually conceptualises and motivates the political actions of the
movement.

In that vein, this study will address the background that assisted in formulating
Hamas’ intellectual and ideological tendencies. It will also address Hamas’
understanding for such complexity using a critical approach to investigate the factors
that led to such intellectual and ideological conceptualisation. At a later stage, it will
investigate the ways and means used, (whereby Hamas has employed such
understanding) in its struggle against Israel on the ground as seen by Hamas’
instruments of struggle and liberation, by assuming that Hamas’ positions and
convictions are rational choices within the broader Islamic framework. Furthermore, it
will discuss the mechanism of its way of employing its religious norms and values as
it comprehends them through analysing the dialectic relationship of the dynamic
reality as it is lived by Hamas, with its set of beliefs, intellectual ingenuity and
background, attached to which is a sense of “sacredness” and “holiness”.

In addition, the study will analyse the evolution in some of Hamas’ positions
and politics regarding many issues, and their reasoning, and whether or not such
changes in the positions or the approaches are consistent with the religious framework
of the movement. And it will examine whether or not such new positions have
authentic Islamic precedents.

In the process of conducting this study, some interviews were conducted with
officials of, and experts on, the movement both face to face and by submitting written
questions. The United States of America’s designation of Hamas as a terrorist
organisation has affected direct interviews with the leaders of the movement. However, I was able to conduct some interviews with some leaders of Hamas through emails, both in the Gaza Strip and Damascus. I commissioned researchers to help with conducting such interviews but none were successful. Securing the interviews was not an easy task given the harsh laws affecting intellectual freedoms in the U.S.

Some past interviews with some Hamas leaders used in this study were conducted years ago in Jordan before I relocated to the U.S. An interview with the leader of the MB in Jordan was conducted face to face in Amman, Jordan. Another interview with a Muslim Scholar was conducted face to face as well in Falls Church, VA, U.S.A. And another one was conducted with an expert on Hamas in London, U.K. More details about these interviews will be included in the bibliography.

It is imperative here to note that the main factors that determined the identity of Hamas' leaders that I interviewed recently were based on four elements:

1) The representation of some of them of the official positions of Hamas, as in the case of Dr. Mousa Abu Marzook, the deputy of the political bureau of the Movement.

2) Some others represent, in some cases, dissenting political views from within the movement, vis-à-vis the official political position. This is more obvious in the case of Dr. Ahmad Yusuf, Hamas' former deputy foreign minister.

3) Hence, they represent most, if not all, of the political views across the political spectrum within the movement. This claim can be further justified by the fact that this study quotes dozens of published interviews with other leaders of Hamas.

4) They were the only ones who actually responded to my repeated attempts to secure their cooperation.
As for my interview with the leader of the MB in Jordan, Dr. Hammam Said, its importance stems from the fact that he represents the MB's branch in which Hamas was initially under when it first came out. Many reports also indicate that Dr. Said is a member of the \textit{Shura} (consultative) Council of Hamas.$^{48}$

Two key issues warrant treatment here. The first one has to do with the allocation of this study to a broad discussion of the intellectual contributions of both, the Egyptian Islamic thinker, the late Sayyid Qutb and the renowned Egyptian Muslim scholar Dr. Yusuf al-Qaradawi. The aim of this allocation is to contrast the impact of the radical intellectual contributions of Qutb on the discourse and behaviour of the MB and Hamas in its early years of inception, with those of al-Qaradawi that helped the MB and Hamas to adopt a more flexible jurisprudential, ideological, and political discourse. The focus on the contributions of the two men will greatly help us to understand the transition that took place in Hamas' discourse at the ideological level in relation to many of the issues that this study discusses. (See chapters 3 and 4 in particular.)

The ideology of Qutb was primarily the result of the repression suffered by the MB at the hands of Nasser's regime. Because of that bloody repression, Qutb developed while in prison (1954-1964) his thesis which gives priority to empowerment over liberation. He also considered the Muslim \textit{Umma} at large to be living in a state that he termed \textit{Jahiliyyah} (an expression traditionally used to describe the pre-Islamic period of ignorance.) In 1965 Nasser's regime accused him of plotting to overthrow the regime. He was arrested that year and executed the following year. (For more details see chapter 1.)

$^{48}$ See Sami Alzbedi: \textit{Istiqlal Hamas An Ikhwan Alardoun}. [The Independence of Hamas from the Jordanian Brotherhood.]
http://www.alrai.com/article/8508.html
And: http://berkleycenter.georgetown.edu/resources/people/hamam-said
Moreover, Qutb’s contributions portrayed the nature of the relationship between Muslims and non-Muslims as a hostile relationship on the basis of belief rather than transgression. Qutb's ideas had an enormous influence on the MB in general and in Palestine in particular, mainly in Gaza starting from the mid-fifties, and throughout the sixties, seventies, and until the late eighties. (For more details see chapters 1 and 3). The MB in Palestine initially refrained from engaging with Israel in an armed resistance since the mid-fifties - (with the exception of a short lived experience under the umbrella of Fatah in northern Jordan between 1968-1970) - and until the creation of Hamas in late 1987. (For more details see chapter 1.) At a later stage, in the early years of Hamas' inception the impact of Qutb's ideas was obvious on the movement. Indeed, it did consider that the conflict in Palestine was a religious conflict between truth and falsehood, and between Islam and Judaism. (For more details see chapter 3.)

By contrast, al-Qaradawi's jurisprudential and intellectual contributions relatively helped in moderating the contemporary discourse of the MB and Hamas. Al-Qaradawi is considered by the MB to be one of the most prominent intellectuals and jurists. Also, he is considered to be one of the most prominent Muslim scholars in general, highly revered, and very influential. Furthermore, his relationship with Hamas and his impact on the formulation of its ideological convictions are very clear as we will see throughout the different chapters of this study, in particular in chapters 3 and 4. And because of the highly regarded jurisprudential opinions introduced by al-Qaradawi and other Muslim scholars (who are close to the MB), such as the Tunisian scholar Rashid al-Ghannouchi, Hamas was able to secure the jurisprudential umbrella necessary for the transition of some of the more radical positions on the ideological level to other more flexible positions within the context of its struggle against Israel.
For instance al-Qaradawi's (and other like minded Muslim scholars’) jurisprudential contributions helped Hamas to shift its view on the nature of the struggle in Palestine from a belief based to a transgression based one. Also, these jurisprudential contributions helped Hamas to find Islamic justification in seeking a temporary political solution. (for more details see chapters 3 and 4).

No serious study of the MB and of the Islamic trend in general will be able to understand their ideology during the 50s, 60s, 70s, and 80s without paying sufficient attention to the Qutb factor in shaping that ideology. The same thing applies to studying Hamas and the impact of Qutb's intellectual framework on it, especially in its early years of inception. For that reason, this study will focus on the intellectual and ideological contributions of Qutb relevant to this study. Also, given the lofty status that al-Qaradawi enjoys with the MB and Muslims in general, this study will give considerable space for his views, as it will show the impact these views have on Hamas and its contemporary ideological discourse.

An additional point in this context is the considerable space that this study gives to other Muslim scholars who are affiliated with, trusted by, or close to the MB. This is due to their influence on the formulation of Hamas' positions, and the fact that they function within the mainstream of Islamic jurisprudence. (For more detail, see below the definition of 'Mainstream Islamic Scholars'.)

The second issue has to do with the translation from Arabic to English. Given that most of the original references of this study are in Arabic, and often due to the lack of English translations, I have myself translated the texts used in this study. In the case where proper English translations were available I have used these translations as with the charter of Hamas in which I relied on the translation done by the Yale Law School.
Defining Crucial Terms

Many terms will be repeated often in this study and need to be clarified in advance. Most important of these are: religion, shari'a, jurisprudence, mainstream Islamic jurisprudence, and ideology. In many cases, these terms will appear throughout our study as overlapping. However, the reason for that is that the Brotherhood, Hamas, and many studies that will be used in this research tend in many instances to mix the terms while employing them. Because the study will have to deal with these terms as contained in the original sources, although I recognize that there is an imbalance in the language settings. Therefore, this study will strive to use the right terminology when it is not quoting a source based on the following definitions:

1) Religion: In Islamic terminology this means: "the submission to Allah (God) the Almighty and accepting it. Religion is the denomination of Islam and the theology of monotheism which is the religion of all the messengers from Adam to Noah and the Seal of the Prophets Muhammad peace be upon him."49

In the context of our study, religion will be used primarily in reference to the core texts of Islam, rather than to religious practices, symbolism, rituals, etc.

2) Shari'a: "In Islam is synonymous to religion and they have the same meaning. It is what Allah prescribed for His slaves of rules (laws), but these rules are called shari'a because of its position, obviousness, and integrity. It is called religion because people have to submit and worship God by it". More precisely it means in "the Islamic terminology: what Allah has prescribed for

His slaves of religion, which means various rules".  

According to other scholars, shari'a rulings are a matter of consensus, but if there is no confirmed text and an issue is disputed it enters into the realm of Islamic jurisprudence, not established religious law.

3) Fiqh (Jurisprudence): According to the Muslim Scholars it means the “knowledge of the shari'a operational rulings through the detailed evidence by inference". The Muslim scholars condition the knowledge of these rulings to come through consideration and Ijtihad (innovation) in the shari'a evidence. The provisions of belief and morality are outside the scope of fiqh, and its significance is limited to the operational provisions, i.e., worship and dealings. Also outside of its scope are the provisions that are stipulated by definitive texts and do not require interpretation or ijtihad.

4) Mainstream Islamic Jurisprudence: The body of Islamic jurisprudence, both contemporary and classical, is rich in diverse denominational schools and doctrines. The main reasons for the doctrinal and denominational diversity are due to a) the abstract shari'a texts, specifically most of the provisional texts in the Quran, can be interpreted in different ways of understanding as they can be projected onto reality in different ways, b) evidence considered significant by one school may be minimized by another. This issue is most notable in determining the authenticity of a tradition (hadith) of Prophet Muhammad. The text is analyzed and its attribution to the Prophet is debated for authenticity. Most Muslim scholars agree that the denominations and Islamic schools of jurisprudence, which function within the sphere of the

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51 Personal Interview with Imam Muhammad al-Hanooti, Grand Mufti of the Washington Metropolitan Area, (Washington D.C. 10 January, 2007.)
Shari'a texts, and that are bound by its regulations (most notably the extent of interpretation as permitted by the Arabic language), are all sound and authentic schools within the definition of mainstream Islamic jurisprudence.53

5) Mainstream Islamic Scholars: In the classical sense it means the great Sunni medieval Muslim scholars who are revered by the overwhelming majority of contemporary Muslim scholars. Also, within the classical sense, it means the opinions of scholars that belong to the four Sunni Islamic jurisprudential schools (i.e. Hanafi, Maliki, Shaafi’i, and Hanbali). And within the contemporary sense it means the scholars who abide in their jurisprudential opinions by the rules of jurisprudence of which we discussed in the point above (i.e. Mainstream Islamic Jurisprudence.) One issue has to be noted here though. When this study engages with contemporary 'mainstream' Muslim scholars, it does engage most of the time with MB affiliates or scholars close to the MB. However, these scholars are considered the 'mainstream' in the field of our study (and in the field of Islamic jurisprudence in general), although this does not negate that there are competing voices and opinions whether in Palestine or elsewhere. These scholars do follow and abide by the rules of mainstream Islamic jurisprudence as they are very diverse in their opinions as well. Also, in the context of this study, the opinions of those contemporary scholars are not left unchallenged, rather they are being checked for authenticity vis-à-vis the primary Islamic sources.

6) Ideology: This defined to mean: "the integrated assertions, theories and aims that constitute a sociopolitical programme" of an individual, group, or culture.54

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53 This is understanding is transmitted through a personal discussion with Imam Muhammad al-Hanooti, the Grand Mufti of the Washington Metropolitan Area, (Washington D.C. 29 December, 2010.)
According to Laustsen and Wæver:

\[\textit{Religion and securitization equals ideology.}\]

Ideologies can be seen as attempts to legitimise a given polity and policy by the use of quasi-religious semantics. By overlaying a religious discourse with a political one (securitization) certain favoured political options are presented as the only ones, political actions understood as prescribed by a transcendent power and hence as necessary, imperative. Ideology is religion securitized.\(^{55}\)

In the context of our study, the term ideology represents the religious, jurisprudential, and political opinions and convictions adopted by the MB and Hamas. In this sense it is not a religion or \textit{shari’a}, or even jurisprudential reference, but rather it is the result of the interaction of all of these references and factors in their understanding in addition to the reality as lived by them, that result in the constitution of their ideology. Thus the ‘political’ here means the pragmatic behaviour of the MB and Hamas in response to different constraints.

One last point that needs to be made here, some literature of the MB and Hamas, especially in previous decades, tend to mix and confuse some concepts such as ‘Jews’ and ‘Zionists’. In many instances it seems as if the MB and Hamas have a problem of regulating their language. And this is something that we will try to explain in the study.


\(^{55}\) Carsten Bagge Laustsen and Ole Wæver, In Defence of Religion: Sacred Referent Objects for Securitization, Ibid., p. 726.
Research Questions

1- How does the Brotherhood school of thought define the “religious” and the “political”, and how does it translate in Hamas’ thought? And are there any distinctions between the “political” and the “religious” in the Brotherhood and Hamas' thought?

A) How does the “religious” facilitate and influence the “political” in Hamas’ thought?

B) Does Hamas’ view of the “religious” embody the untouchable “sacred”, or are there any other views to the religious that differ from the views of Hamas and their implementations?

2- Hamas willingly admits that it is a branch of the mother organization, The Society of the MB, not only in terms of its organizational affiliation, but also by subscribing to its understanding, views, and beliefs in all aspects of life. Hamas refers to the Brotherhood framework of thinking as: "characterised by its deep understanding, accurate comprehension and its complete embrace of all Islamic concepts of all aspects of life."

Two question arise here:

A) How do the Brotherhood school of thought and Hamas view the nature of the struggle in Palestine? Is it a religious one with the "Jews" or more of a national liberation quest against an "occupier", or a combination of both?

B) If there is an evolution in this position, should it be considered as a departure from the authentic Islamic understanding or merely an adoption

56 Hamas’ charter. Ibid. Article 2.
of a more flexible Islamic understanding, but still as authentic as the former?

3- As previously mentioned, Hamas asserts that Islam provides its general framework, or what it considers as the ideology that represents its intercultural foundation. It emphasizes, that it draws its guidelines from it. “From it, it draws its ideas, ways of thinking and understanding of the universe, life and man. It resorts to it for judgement in all its conduct, and it is inspired by it for guidance of its steps.”

Given this, and since Hamas references all of its convictions and steps in Islam:

A) How authentic are Hamas' ideological convictions regarding the Palestinian issue vis-à-vis the original Islamic sources and the Islamic historical experiences?

B) What makes Palestine sacred in the Brotherhood's and Hamas' thought? How authentic is this understanding? And how does this notion of sacredness affect Hamas' view and politics towards the Palestinian issue?

4- How does Hamas apply its ideological thought to the complex current state of Affairs?

5- How does the MB school of thought, and Hamas by extension, view the dialectical relationship between Judaism/Zionism or Jewish/Zionist? Who is the "enemy" in the Brotherhood and Hamas' thought? Is it Judaism and Jews in general, or the ones they perceive as "aggressors" among them? And where does mainstream Islam stand on this issue?

6- Do the Brotherhood and Hamas believe in peaceful solutions? If not, why? And if yes, what is Hamas' definition of an acceptable peaceful solution? What

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57 Ibid. Article 1.
is Hamas’ position on negotiations and does it reject them in principle? If not, what makes them acceptable for Hamas? Also, how do Islamic jurisprudence and historical experiments influence Hamas' thought in this regard?

7- Where does Hamas, in particular, stand on the issue of peaceful settlements and how has its position evolved over time? How does Hamas view "interim" solutions and where do they stem from in Islam?

**Research Hypotheses**

This study argues the following:

1- In understanding Hamas as an Islamic movement it is not always necessary that all of its statements, convictions, and positions (i.e. ideology) regarding the Palestinian issue represent the authentic understanding of the teachings of the primary Islamic sources and the Prophetic and the historical Islamic experiences. However, Palestine as a land, according to the primary Islamic sources, is considered sacred in Islam regardless of its contemporary political context and how it is being utilized. This distinction is important because the sacredness of Palestine informs many of Hamas' positions as will be explained in chapter 2 of this study.

2- With the passage of time Hamas came to soften some of its rhetoric especially after the Palestinian Legislative Elections in January, 2006 that brought it to power in the Palestinian territories. However, this is not a rejection of its old convictions and positions, rather it is an adoption of more flexible opinions within the same Islamic framework of thinking, which Hamas views itself within. This applies in particular to its stand on the issue of peaceful solutions,
the issue of recognition of Israel’s existence, and the entity of the "enemy". This thesis agrees with Andreas Hasenclever and Volker Rittberger's observation that "among scholars working in the field of religious studies it is generally accepted that the great world religions encompass a multitude of sources and traditions." They further assert that:

These sources and traditions have emerged in particular historical constellations and reflect the spirit of their times. Consequently, religious communities in general and religious authorities in particular are challenged to apply the received depositum fidei to new social and political circumstances. In this never ending process of rereading and rearranging the canon of respected traditions, gaps ‘between professed belief and operative belief” are unavoidable. Some traditions gain importance in a given historical situation while others are pushed into the collective subconsciousness of a religious community.

Yet, this does not mean that there are no other redlines in this context that Hamas cannot cross according to the Islamic teachings, such as the recognition of the right of the state of Israel to exist, but not the existence itself, which might be considered. (All of these issues will be discussed in more details in the upcoming chapters.)

59 Ibid
3- Hamas, as part of the MB School of thought, takes into consideration its comprehensive understanding of Islam and the denial of the distinctions between the “religious” and the “political”.

4- Hamas views and practises the “political” as an integral part of the “religious” and its actions are facilitated by its religious convictions (i.e. ideology) and all efforts of flexibility shown by Hamas are confined to the “ideological-political context.”

5- Some of the ideas and principles adopted by Hamas within the “religious” realm are themselves mere “dynamic political” calculations even by Prophetic practice and Islamic historical experience which Hamas is inspired by such as the concepts of *hudna* (truce) and negotiations with the “enemy”. This will be further explained in chapters 3 and 4.

**Literature on Hamas**

There are several serious and distinguished research projects and studies written on the Islamic Resistance Movement, Hamas. Some of these studies chose to study Hamas’ evolution and thought. Others study its practice and project of liberation. Some studies adopt both approaches simultaneously. Notably absent is a study that examines the intellectual, ideological and referential structures of Hamas and their impact on its practical system and political behaviour. There is no single work that has attempted to examine the Islamic referential principles that frame Hamas’ positions and convictions and their accuracy vis-à-vis the authentic and the primary Islamic understanding and experience.

The initial investigation found that some of these studies are confined to the
study of Hamas’ intellectual and ideological reference as set forth by “the Charter of the Principles.” Furthermore, they rely heavily on the theoretical contributions made by some of Hamas’ leadership. Some of these principles were reflected in its stances with regard to the instruments of liberation and political participation or the rejection of the peace process. However, these studies refrained from penetrating their analyses of the essence of such sets of thought and ideas, and how such thought was formulated. Moreover, these studies lack the ability to comprehend the comprehensive framework of Hamas as an Islamic movement representing an embodiment of scholarly and innovative Islamic thought.

As stated above, there were several studies that dealt with the issue through different approaches and from different angles. However, there are nine important studies so far that cover six of the most significant categories. The first category: is the one that attempts to provide a comprehensive scholarly understanding of Hamas, its evolution, its thought, and practice. The second category: is the one that attempts to provide a comprehensive scholarly understanding of Hamas, its evolution, its thought, and practice but through fieldwork study and interviews. This approach places more emphasis on the socio-economic, historical, political and ideological contexts that affected and still effect Hamas' positions. The third category: is a descriptive and historical one, which tackles the issue of the evolution and the development of the movement throughout its different stages. The fourth category: is the one that seeks to study Hamas, its ideology, and its positions. It relies on Hamas' charter and some other publications, such as its leaflets and journals, which are presumed to be associated with Hamas (i.e. the study of the text). The fifth category: is the one that provides a personal experience within the movement that explains in part the course of the decision making process within the movement, and how it came
to develop its organizational structure throughout the different periods and how it
developed some of its ideological convictions. The sixth category: deals with the
perception of some of the Israeli and western academicians and writers of the
movement as being a terrorist organization. This category fails in general to see the
other aspects and denominations of Hamas, such as its social work and its pragmatic
political behaviour. One of my goals here is to provide a brief review of the six
categories.

**The first category:**

The most distinguished two studies that were conducted on Hamas within this
category are:

1- *Hamas: Political Thought and Practice* by Khaled Hroub, Institute for Palestinian
Studies, Washington, DC, 1996.\(^{60}\)


This is an edited study by Jawad El-Hamad and Eyad al-Bargothi. This study was
accomplished by several contributors, who are experts on the subject, and was
published by the Middle East Studies Center in Amman, Jordan, 1996.

What is obvious about these two studies is the sense of seriousness, the depth
of the analysis and the interconnectedness between the introductions and the
conclusions. Besides that, is their reliance on primary sources and interviews of the
leadership of Hamas, most of which have never been published before. However,
neither study analyzed the backgrounds of Hamas’ thought and ideology, the factors
that led to the formation of such convictions, their status within the “Islamic” *Ijihad*

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\(^{60}\) Hroub's book has two editions, one in English and the other one is in Arabic. I will be using both
editions through out this study since they are not a 100% identical.
(innovation), and the mechanisms and processes of applying such conviction in the field.

The first study that was done by Hroub is by far considered the most authoritative contribution on the subject. This study basically focuses on the political thought of Hamas including the theoretical and the practical aspects of such thought. The study follows a developmental approach that seeks to analyze the process of Hamas’ political-theoretical development since its inception. Despite the comprehensiveness of this study, it stops short of analyzing the intellectual foundations of Hamas’ thought and/or its relationship to the MB. It discusses the convictions of Hamas and its ideological beliefs as opposed to its political path. What is primarily missing is the methodology and referential frame that lies in the Islamic religion, as Hamas comprehends it that led to such positions and beliefs. Besides, it does not address and examine the accuracy of the religious principles as comprehended by Hamas upon which it built its current political and ideological views and their application. Thus it neglects the examination of the mechanisms that Hamas employs to facilitate the dynamic political within the constant religious.

The second study that was edited by El-Hamad and al-Bargothi is considered to be the second authoritative study on the subject. This study examines Hamas from different angles such as the political, historical, intellectual, and the level of its relationship with different players in addition to its dealing with the regional and international frameworks.

As with the first study we also find this one unable to address the background to understand Hamas and its complex understanding of the religious and the political, and the application of such constant and flexible variables upon a changing environment. i.e., we do not find in the previous two studies, despite their
comprehensiveness and importance a discussion of the patterns of interaction between the religious and the ideological and the political from Hamas’ perspective. In addition to that they lack the investigation of the mechanisms of Hamas’ self formation of its referential (i.e. framework) background and their inability to investigate the application of such understating on the reality which is described as “complex”.

The second category:

The most prominent study in this category is: *Hama in Politics: Democracy, Religion, Violence*, by Jeroen Gunning. (Columbia University Press, New York, 2009.)

This study relies on scores of filed interviews conducted by the author with many Hamas leaders and ordinary members, both in the Gaza Strip and in the West Bank and abroad. In addition, he also interviewed many Hamas opponents and local analysts. During the study's period, the author lived in Gaza city for nine months in 1998. Indeed, Dr. Gunning's work is an impressive and a serious political analysis study.

The study focuses on the role of democracy, religion, and violence in the political thought and practice of Hamas. Through these three parameters and their interaction within Hamas, Gunning tries to understand Hamas as it understands itself, however, without being limited to this understanding. Gunning argues that Hamas is the product of a socio-economic, historical, political and ideological changing environment. He further stresses that although Hamas' political behavior is pragmatic and "confined by necessity and opportunity, its practice is nevertheless self-consciously informed by political theory." (p. 55).
Gunning criticises two of the primary approaches in studying Hamas, which are according to him, 'terrorism' studies and 'Islamism' studies. He argues that their conceptual framework and methodology are insufficient for understanding the complexity of Hamas. He believes that these two approaches rely too much on secondary sources and they give little attention to field study and interviews. And while he criticises studying Hamas from the standpoint of terrorism, violence, and the inability to change, he seems to share the view of those who criticise the studies of Islamism as "overly textual" and "insufficiently sociological". (p. 5)

However, Gunning's study does not take into account a central issue that it itself confirms, and that is that Hamas is not a movement of philosophers. Yet it treats the statements of Hamas' leaders and activists, obtained through the interviews as evidence of the intellectual framework of reference for the movement without paying attention to the broader framework of reference of the MB and Islamic trend which informs its positions and convictions.

"Hamas in Politics: Democracy, Religion, Violence", covers Hamas' roots in the MB before its creation in late 1987, and until the 2006 elections and Hamas' takeover of the Gaza Strip in 2007. The study also discusses the intellectual and political diversity within the leadership of Hamas and the impact of the internal and external leaderships of the movement on the formulation of its positions. It also covers Hamas' positions on issues such as democracy and the peace process, as it discusses the issue of hudna and its backgrounds within the ideological and political framework of Hamas. The most important aspect of this study is its extensive discussion of Hamas' political theory.

In his study, Gunning discusses the tensions within Hamas between "freedom and morality, popular will and revelation, representative and religious authority" (p.
63) and the impact of these tensions on Hamas' formulation of its political positions.

Gunning concludes that Hamas does separate practically between the realms of religion and politics, an assertion that contradicts one of the main hypotheses of this study. The findings of Gunning, are due in part to the fact that his study does not take into account – as this thesis claims to do - the unique nature of the Islamic religion and the profound role it plays in shaping its followers comprehension of their surroundings. Indeed, Gunning's work does emphasize the importance of religion in understanding and studying Hamas and how it is being comprehended by the movement and its leadership, as it criticises the attempts to impose the Western concept of religion on the comprehensive Islamic conceptualisation of it.

Nevertheless, in his overall analysis he appears to marginalise the role of religion, its uniqueness, and its comprehensive nature in the Islamic context. Take for example, his arguments on issues such as peace, the economy and human rights in studying Hamas. For the author these issues are more of 'secular' issues rather than 'religious' (pp. 117-118.) The same issue appears in his consideration of some types of educations and professions as 'seculars' (p.163.) Moreover, in discussing Hamas' elections manifesto of 2006, he considers issues such as "housing, health, agricultural policy, improving education and scientific research …" as 'secular' issues that are "not ostensibly influenced by religion" (p. 167.) One of the claims of this thesis is that religion in Islam does encompass all of these issues and the mere fact that they do not belong to the literal definition and field of religious studies does not put them out of the religious realm in the Islamic context of comprehending the role and scope of religion. (for further discussion of this issue see the conclusion of this study.)

One of the most remarkable features of Gunning's work is his efforts to provide the political, economical, and the social contexts for some of Hamas' Political
positions and evolution. This research agrees with most of the contextualisation that he introduces in this regard. However, what this study seeks to contribute in the context of this discussion is to understand the frame of reference that such issues and debates function within. This study assumes that it is impossible for Hamas, on the ideological level, to go against a strictly religious text if it existed, such as the issue of the sacredness of the land of Palestine (see chapter 2), or the recognition of the right of Israel to exist (not the recognition itself) (see chapter 4.) As for how to deal with the political consequences of these issues in a flexible manner there is a vast jurisprudential framework that provides a cover for Hamas' ideology to be more flexible, and for its politics to be more realistic, without waiving or compromising its intellectual or religious principles and convictions. (See chapters 3 and 4).

Nevertheless, the work of Gunning remains outstanding in terms of the depth of its analysis and the impressive discussion that it introduces in regards to the interactions between religion, public opinion, popular mandate, as well as the political, economical, and the social contexts and their impact on the formulation of Hamas' positions.

The third category:

The most important studies in this category are:

1- Hamas Unwritten Chapters, by Azzam Tamimi, (Hurst & Company, London, 2007.)


3- The Palestinian Hamas: Vision, Violence, and Coexistence, by Shaul Mishal &

Tamimi's book is the best study that has been published so far about the historical and intellectual emergence and development of Hamas.

This study traces the roots of the movement in the mother organization of the MB in Egypt, and the presence and activities of its Palestinian branch on the Palestinian scene, in the West Bank and most notably in the Gaza Strip. It discusses the different stages of developments (i.e. the establishment of the institutions, the relief and social work, the Islamic student blocks at the universities, and the early attempts to start a military resistance in the occupied territories in the early ‘80s) that the MB in Palestine went through until the formation of Hamas with the embarkation of the first Intifada in late 1987.

From one angle what is unique about this study is the fact that it uncovers for the first time in the public domain some information about the decision making process within the Palestinian MB branch to move towards the military resistance. The author explains that this decision was a collective one, which had been in process since the early ‘80s when the organization of the Brotherhood in Greater Syria established the “Committee for Palestine” in 1983. Furthermore, this study reveals, that the decision to form Hamas was a coordinated one between the MB’s Palestinian leadership in the Gaza strip and the Palestinian leadership abroad, especially those who were residing in Kuwait, Saudi Arabia, and Jordan, in addition to other figures who lived in the west, such as Dr. Musa Abu Marzook, who was living at that time in the United States, and who became the first announced head of the political bureau of the movement.

The second angle that distinguishes this study is its revelation of a well-guarded secret within the Palestinian Islamists, or at least a discussion that was not
known to the public until recently. This is the issue of the charter of Hamas. The book affirms that Hamas has contemplated a new charter that will replace the one that exists now. What stopped these efforts were Hamas’ victory in the Legislative Elections in January 2006 and its formation of the Palestinian government afterward, followed thereafter by the blocking of aid by the West and Israel to the Palestinians.

According to the author, Hamas has postponed the efforts of drafting a new charter to deflect the assumption that it had bowed down to international pressure. The new charter, Dr. Tamimi contends, will define Hamas as a liberation movement struggling against a colonial project. It will negate any religious tone when speaking about the conflict with the Jews and the conspiracy by them to fight Islam, and will instead trace the roots of the issue to the Jewish problem within Europe, which compelled the two parties (the European and the Jews) to solve this problem at the Palestinians expense. However, Tamimi emphasizes that the contemplated new charter, like the one that exists now, will never recognize the right of Israel to exist as a Jewish state, rather will accept the Jews that were not brought by means of war and occupation to live as equal citizens under a Palestinian state.

The third aspect that makes this study unique is its discussion of the roots of the concept of *hudna* in the Prophetic and the Islamic historical experience. Despite the importance of the second and the third angles of this study, which relates directly to my research, they are buried within the historical developments and the events that the movement witnessed throughout its different stages. The issue of the accuracy of some of the statements of Hamas’ charter, e.g. the religious nature of the struggle with the Jews, and the status of the Palestinian land as being a land of *Waqf* and the issue of *hudna*, though they were discussed in Tamimi’s book they were not discussed in an extensive way. Dr. Tamimi tends to make statements based on his Islamic knowledge.
While this study shares some of his conclusions it delves into their underpinnings. He makes the conclusions for his readers after a brief discussion without explaining adequately how he reached them within Islamic jurisprudence methodology, and how he decided that some of Hamas’ convictions as they are stated in its charter are not accurate if taken into examination within Islamic jurisprudence. This might be because the main goal of his research was to bring to light new information about the establishment and the events the movement went through, as the title of his book “Hamas unwritten Chapters” suggests.

The second study by Milton-Edwards & Farrel treats the historical and intellectual evolution of Hamas through its various stages. The work is based in part on a significant amount of personal interviews with Hamas leaders, experts on the movement. It also depends on testimonies from witnesses who lived through some of the key events in the history of the movement.

The book briefly traces the historical and intellectual roots of Hamas in the MB and their role in the Palestinian arena under the British Mandate. It also describes the impact of the experience of the Syrian fighter and theologian, Sheikh Izz ad-Din al-Qassam, (who fought the British forces in Palestine from the early 1930s – 1935), on Hamas. Decades after he was killed Hamas was launched and its military wing was named after him. Milton-Edwards & Farrel also discuss briefly the MB's presence and influence in the Gaza Strip and the West Bank after the 1948 war and the creation of Israel. After the war, the Gaza Strip was under Egyptian administration, while the West Bank was under the control of the Hashemite regime in Jordan. They also discuss the situation and the activities of the MB in the West Bank and the Gaza Strip after they were occupied by Israel in June 1967, and up to the formation of Hamas and its involvement in the first Palestinian intifada. The study attempts to understand
the reasons behind Hamas' opposition to the peace process between the PLO and Israel, as it seeks to understand the reasons behind its rejection of the 1993 Oslo accords.

Furthermore, the study explains the strained relationship between Hamas and the PA since 1994, and it discusses the outbreak of the second Palestinian uprising in September 2000. The study also covers the participation of Hamas in the Palestinian legislative elections in 2006 and the reasons behind it after it boycotted them in 1996. The work also addresses the Hamas formation of government and the dispute with Fatah and President Mahmoud Abbas up to Hamas' control of the Gaza Strip in June 2007 and the subsequent Israeli attack on Hamas controlled Gaza (December 2008-January 2009).

The study also briefly touches on matters of prime concern to this research, such as the issue of hudna and the debate within Hamas about the role of the charter, and the role of religion in the formation of the MB's and Hamas' thought and awareness. However, Milton-Edwards & Farrel's discussion of these issues do not suffice from the perspective of this thesis to understand the intellectual referential framework of Hamas vis-à-vis these issues. As in the case of Tamimi's study, Milton-Edwards & Farrel did not intend to study the intellectual framework of reference for Hamas as their emphasis was different.

The third study is an Israeli study authored by Shaul Mishal & Avraham Sela. The study discusses the circumstances that led to the formulation of Hamas and the factors that paved the way for its ascension. It also discusses the factors that contributed to the formulation of its intellectual and religious convictions throughout the various stages that it experienced. Furthermore, it tracks the intellectual and the historical roots of Hamas within the MB and the different stages that their work in
Palestine went through, whether under the British Mandate, or under the
administrations of Jordan and Egypt in the West Bank and Gaza Strip, or at a later
stage under the Israeli occupation, leading to the establishment of Hamas and the
Palestinian Authority. The study seeks to explain the impact of each of these stages on
the flexibility and policies of Hamas after it was established. The study is based on
primary sources, "mostly unpublished documents such as flyers, leaflets, and Hamas'
internal position papers, as well as material from the Palestinian, Islamic, Arabic, and
Israeli press." (p. 5.)

The study also illustrates the complex and difficult conditions faced by Hamas
since its inception and its tireless attempts to harmonize between its rigid ideology
and a changing reality and the mechanisms utilized to achieve a balance. Moreover, it
discusses the pattern that governed the relationship between Hamas and the PLO,
Hamas and Fatah, and Hamas and the PA. It also tries to explain the pattern of
interactions between Hamas' "inside" leadership and the "outside" leadership and the
impact of that on Hamas' rigidity or flexibility in its different stages of existence.
Mishal's & Sela's work also covers Hamas' positions vis-à-vis the peace process and
the Oslo Accords (1993), as well as the Palestinians legislative and presidential
elections in 1996, and its attempts to harmonize between political pragmatism dictated
by the facts on the ground, and the principled positions dictated by its ideology.
Because the first edition of the study was published in 2000 (i.e. before the 2006
Palestinian elections), the second edition of the study in 2006 includes a preface that
covers the victory of Hamas in the legislative elections that year.

The study also includes discussions on issues such as nationalism and truce in
the thought and practice of Hamas, and it provides some political contextualisation to
them, as it touches on the religious dimensions of both issues in the thought of
Hamas. However, and despite the importance of the political contextualisation for Hamas' patterns of adjustments between the principle and reality, it does not go far enough to discuss the religious framework in which these adjustments take place, as this thesis does. Indeed, the emphasis of Mishal's & Sela's work is different from this one.

The fourth category:

The most prominent study in this category is: *Muslim Palestine: The Ideology of Hamas*, by Andrea Nusse, (Harwood Academic Publishers Imprint, Amsterdam 'The Netherlands', 1998.)

This study relies to some extent on Hamas' charter and its leaflets. However, it relies more on a journal called "Filastin al-Muslima" (the Muslim Palestine) which was published in London since the early 80s. Nusse insists that this journal is linked to Hamas and thus she seeks to understand Hamas' religious and political convictions and positions through reports and articles published in this journal.

Nusse's study covers several topics. The introduction discusses the development of Islamic thought in the 20th century which she believes began in the second half of the 19th century influenced by the Western expansion in the Arab-Muslim world. The study argues that the MB was initially founded by Imam Hasan al-Banna in Egypt in 1928 as an educational and reformist movement. It then "developed a political dimension calling for an Islamic reform of state and government." (pp. 12-13.) Also, it discusses the impact of Qutb on the thought of the MB and his role in reintroducing the concept of *jihad*. Further, it discusses the historical and economical reasons that led to the outbreak of the Palestinian uprising
in December 1987. In Nusse's opinion, the intifada served as a gateway for the Palestinian MB to enter into the political arena and to become a force on the ground competing with other secular forces that are organized under the umbrella of the PLO.

The first part of the study "The Basic Themes in the Thought of Hamas" devotes several chapters to Hamas' problematic comprehension of the issue of Israel, Zionism and Jews. It also discusses the goal of Hamas, which the study defines as an "Islamic Palestinian State". Nusse's book also discusses Hamas' international, Arab and Palestinian relations politically with the PLO, or religiously with the Palestinian Christians and the concept of "Dhimma" (i.e. the Jewish and the Christians minorities who live under Islamic rule.) (See chapter 3 of this study for more details on the subject of "Dhimma"). Moreover, it discusses Hamas' implementation of its vision and convictions, especially through jihad in dealing with Israel.

Of concern to this thesis in the first part of Nusse's book are the issues pertaining to Hamas' understanding of Israel, Zionism and Jews, the concept of the Islamic state and the issue of Palestinian land as a land of Waqf, as well as Hamas' concepts of jihad and dhimma.

The first chapter in the first part of the book discusses Hamas' comprehension of Israel, Zionism, and Jews. According to Nusse, Hamas believes that the Jewish state is a global Jewish conspiracy as well as an expression of the global influence of the Jews. (pp. 29-32.) In this chapter Nusse attempts to explain the reasons for the confusion between Judaism and Zionism in Islamist ideology. She also tries to trace the historical and religious reasons that contributed to the formulation of the negative perception and mistrust by the Islamists, including Hamas, of the Jews.

Chapter two discusses what Nusse describes as Hamas' goal which is an "Islamic Palestinian State". In this chapter Nusse's work reaches conclusions that the
findings of this thesis disagree with. Nusse asserts that the use of Waqf to describe the land of Palestine is a recent development, and that the sacredness of the land of Palestine emerged recently. According to her argument, the Quran only blessed the towns of Mecca and Medina in modern day Saudi Arabia (p. 48.) Thus she believes that the sacredness of Palestine in the ideology of the Islamists today, and in particular in Hamas, was influenced by Judaism, "in which the notions of the sacred territory and the promised land are prominent." (pp. 48-49.) From a meticulous and careful reading of the primary Islamic sources this thesis disagrees with such assertions. (See chapter 2 of this thesis.) She also discusses in this chapter the concept of nationalism between Hasan al-Banna and Sayyid Qutb, as well as Hamas' comprehension of the same concept.

In the sixth chapter of the first part Nusse uses a selective and limited reading of Islamic jurisprudence and concludes that Sunni mainstream Muslim jurists all agree "with almost no exception" that jihad is "a collective rather than individual obligation" when Muslim land is occupied. (p. 72.) This assertion is contrary to the findings of this study. (See chapter 4.) In the ninth chapter she discusses the concept of "Dhimma" without expansion on it in Islamic jurisprudence. (See Chapter 3 of this thesis.)

The second part of the book "Application of General World View to Specific Political Events" discusses through several chapters issues such as Hamas' stand on the peace process and the Oslo Accords and the political, economical and religious reasons for its rejection of them. It also discusses the issue of hudna and its background in the thought of Hamas. Moreover, it discusses the political justifications that have prevented Hamas from participating in the first Palestinian legislative elections in 1996.
Despite the importance of some of Nusse's arguments, in the opinion of this thesis the book lacks sufficient depth to understand Hamas' ideological convictions and it often reaches erroneous conclusions. This is due in part, in the opinion of this thesis, to the fact that Nusse sought to confine her work to "the purely ideological side of the phenomenon" (p. 3). However, in her attempt to understand this ideology she relied on a very limited number of "certain Arabic language publications" (p. 3) that by no means can sufficiently cover Hamas' jurisprudential and intellectual frame of reference. Neither the charter, nor Filastin al-Muslima journal, assuming that it is in fact an "unofficial organ of Hamas" as Nusse insists (p. 4), provide the sufficient depth by themselves to understand the complexity of Hamas' ideology. Moreover, it is unrealistic to consider every article or report published in Filastin al-Muslima as actually expressing the stands of Hamas, especially when it comes to ideology.

This thesis argues that Hamas' ideology is the result of complex interactions and adaptations between the religious and the jurisprudential sphere on one hand, and the difficult political, social and economical realities that Hamas finds itself in on the other hand. Thus Hamas' flexibility in some situations is not due, as Nusse argues to "the techniques of elaborating a position on the basis of a certain supposedly fixed religious principles and the procedure of departing from them when necessary." (p. 4.) Rather it is due to the flexible and vast nature of Islamic jurisprudence that allows Hamas to move from one interpretation or position to another without abandoning its religious reference or rebelling against it. This study seeks first to understand the religious and the jurisprudential background that impacts Hamas' formulation of its ideological convictions, and then to understand the way the religious and the political interact within Hamas and its mechanisms.
The fifth category:

There are not very many books that provide a personal experience within the movement. This might be in part because of the secret nature of the organization. However, there is one prominent book in this category that we can mention here and that is the book that was authored by Emad al-Falujy, a former leader within the organization in the Gaza strip before he was forced out late in 1995. The fallout was due to a disagreement between him and the movement about how to deal with the Palestinian Authority in the aftermath of its establishment in the West Bank and the Gaza strip in late 1994. Al-Falujy became a minister in the cabinet of the late Palestinian President Yasser Arafat, and before that he was elected for the Palestinian Legislative Council in 1996. Al-Falujy authored “Darbu Al-Ashwaak: Hamas.. Al-Iintifada.. Al-Sulta” or “The Pathway of Thorns: Hamas.. The Uprising.. And the Authority.” (Dar Al-Shuruq for publication and distribution, Ramallah, 2002.)

In his book Al-Falujy speaks about Hamas since the day it was initiated. He details its activities, its apparatuses, and the crackdowns by the Israeli authorities on it. He goes to discuss the relationship between Hamas and the other Palestinian factions and the (PLO), and in a later stage with the Palestinian Authority (PA). He discusses Hamas’ position on the peace process, and the clashes that took place between Hamas and Fatah, and the tension between Hamas and the PA. He also details his disagreement with his own movement over how to deal with the Oslo accords that were signed between Israel and the PLO in which it allowed the birth of the first Palestinian Authority in most parts of the Gaza Strip and some parts of the West Bank. This disagreement will result at the end in his exclusion from the movement.
In his book al-Falujy does not touch much on the ideological convictions of Hamas, rather he sometimes discusses the political wisdom of some of its positions that had led him to differ with it until he was ejected from it. Yet, al-Falujy’s testimony is still very important since it provides an internal account of many of the discussions and debates that took place within the movement vis-à-vis different events at stages.

The sixth category:

Many Israeli and Western contributions on the subject introduce the movement as a terrorist organization. However, there are some objective studies in this category as mentioned before.

The most recent and significant study that introduces Hamas as a terrorist organization written by the American author Matthew Levitt, is fairly typical of the genre. In his book, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*, (Yale University Press, New Haven, U.S.A, 2006), Levitt argues against those who say that Hamas shouldn’t be only looked at from the angle of its military operations, whereas it has other wings and aspects, such as the social work, the charitable work, and the political work. Levitt believes that these wings or fronts of Hamas are all connected, and that the mosques, schools, orphanages, summer camps, and the sports leagues that are run or sponsored by Hamas are all integral parts of its over all path of “terror”. Moreover, Levitt does not shy away from admitting that he obtained most of his information from intelligence services in the U.S, Israel, Canada, and elsewhere. For Levitt every aspect of Hamas is a recruiting tool for “terror”. He also accuses Islamic charity organizations in the U.S. and Europe of being economic tools of
financing Hamas’ “terror”. Levitt’s work exemplifies the general trend of the Israeli and the Western model, notably the American, in introducing Hamas as nothing but a terrorist organization. It is mostly written from an intelligence and incitement viewpoint.

Therefore, as previously mentioned, this study is explanatory rather than dismissive. It seems to understand the movement, not to condemn it. It will try to explain and reveal how Hamas draws many of its conclusions from its referential Islamic framework. It will also attempt to examine the accuracy of many of Hamas’ positions and ideological beliefs as opposed to the other understandings of the authentic Islamic point of view based on the different interpretations of the scripture, the Prophetic, and the Islamic historical experiments. This will be based on the assumption that there is a difference between what is merely political Ideology or Ijthihad according to the Islamic terminology and what is purely “religious” in this context. Through productive engagement, the research seeks to reveal the spaces that might exist for dialogue, an essential part of the Palestinian peace process.

**Structure of Research**

In our endeavor to discuss all the themes that we mentioned earlier, we will divide this study into four chapters. The first chapter will cover "Hamas' Historical and Intellectual Roots in the Muslim Brotherhood". While the second chapter will cover "Palestine in Islam and Hamas' Thought".

Chapters 1 and 2 will help us to understand the factors that contribute to the formation and development of the thought of Hamas with regard to its concepts and perceptions about the conflict with Israel. The interaction of the two realities: 1) the
The fact that Hamas belongs to the MB’s school of thought which espouses the comprehensiveness of Islam; and 2) the sanctity of Palestine in Islam, both comprise the intellectual ground from which the thoughts of Hamas' stem. This interaction between the two variables provide us with the nature of the logical argumentation, or the formal system of reasoning and thought of Hamas (dialectic)\(^6\) that helped compose its positions as will be discussed in the 3rd and 4th chapters.

Chapters 3 and 4 will discuss The Dialectic of the Religious and the Political in Hamas’ Approach to the Conflict, and The Dialectic of the Religious and the Political in Approaching "Israel" and the Final Status Solution of the conflict as Hamas perceive them. The two chapters will help us to understand the applications and forms of the interaction and the overlapping of the religious and the political in the thought of the MB and Hamas. Moreover, these two chapters will help clarify the mechanism through which this interaction between the religious and the political in the MB's and Hamas' thought take place in the context of a very complex reality. As it will better illustrate the quest of the two organizations to regulate any conflict between the principle and reality.

For that the structure of the research will be in its general outlines as follows:

**Introduction:** Subject of Research and Methodology

**Section One:** Subject of the Study and Defining the Problem

**Section Two:** Defining Crucial Terms

**Section Three:** The Research Question and its Importance

**Section Four:** Methodology

**Section Five:** Previous Studies

\(^6\) Those two definitions of "dialectic" are taking from: http://dictionary.reference.com/browse/dialectic
Chapter One: Hamas' Historical and Intellectual Roots in the Muslim Brotherhood

Section One: The Religious and the Political in the Brotherhood's Thought

Section Two: Palestine in the Consciousness of the Muslim Brotherhood

Section Three: The Muslim Brotherhood and the Issue of Palestine

Section Four: The Collision Between the Two Dialectics: “Empowerment” and “Liberation”

Section Five: The Philosophical Foundation of the Two Dialectics

Section Six: After Fatah and the 1967 Defeat to the Founding of Hamas

In this chapter I will discuss in brief the nature of the Ideology of the Brotherhood and the comprehension within its intellectual thought of what is religious and what is political from an Islamic standpoint? Where it is derived from? And how authentic is its understanding vis-à-vis the original Islamic teachings? Also, I will trace the roots of the Hamas movement within the society of the MB. Hamas emerged from the womb of the MB, and it’s a continuation of the Palestinian MB branch. Not only will the historical roots be discussed here, but the intellectual and the organizational as well. In this chapter I will explain how the idea of Hamas came to develop within the Palestinian MB’s branch, both on the intellectual and organizational levels. This chapter will trace the MB’s interest in Palestine and the way they view it as well. This chapter is very important since the MB’s Islamic school of thought represents the ideological framework for Hamas. Since its inception Hamas did not worry much about producing an intellectual presence since it depended on the intellectual production of the MB’s school of thought. So in order to understand many of Hamas’ convictions we have to first understand the MB’s connection to Hamas.
Chapter Two: Palestine in Islam and Hamas' Thought

Section One: Palestine in Islam

Section Two: The Implications of Palestine as Being a Land of *Waqf* (Endowment)

Section Three: The Identity of the Islamic Nation and the Right to Palestine

Section Four: Palestine as the Central Issue to the Muslim Umma

Section Five: The "liberation" of Palestine and the Restoration of the Islamic Caliphate

In this chapter I will discuss the position of the land of Palestine in Islamic jurisprudence. Does it really have a unique position *Waqf* (endowment) in Islam? And is it sacred in Islam? If yes, why? I will also discuss the MB's and Hamas' interpretation of such a status if it exists. In addition, this part will explore how Hamas views the role of "liberated Palestine" in the process of reestablishing the Islamic *Khilafa* (i.e. Caliphate). Moreover, this part will investigate whether Islam views "Occupied Palestine" as a more important issue than any other Islamic occupied land? The questions here are; is it only because it is Palestine or does Islam not accept any occupation of the Muslim lands? And within the Islamic jurisprudence does it really matter if the occupier is a Jew or even a Muslim given the assumption that there is an aggression?

Chapter Three: Hamas’ Approach to the Conflict

Section One: The Nature of the Conflict

Section Two: Muslim-Jewish Relations: Between the Theological and the Political
Section Three: The Struggle as Defined by The Muslim Brotherhood and Hamas

Section Four: The Approach of the “Other Aggressor” Between Zionism and Judaism

This chapter will discuss historical Muslim-Jewish relations and the Islamic jurisprudential comprehension of it. It will further discuss the MB's and Hamas’ view of the conflict, whether it is based on religious or political grounds. If it is religious, this part will try to identify to what exactly the religious dimensions apply. Does it apply to the identity of the “occupier” and his religion or does it apply to the “aggressor” with disregard to his religion? This will help us in positioning Hamas’ view of the conflict and whether it bases its animosity towards Israel on its Jewish identity or what Hamas views as its aggression on the Palestinian land and its people or both?

Chapter Four: The Religious and the Political in Approaching "Israel"

Section One: The General Islamic Jurisprudential Concept of War and Peace

Section Two: Peace and Hudna in Islamic Jurisprudence

Section Three: Hamas’ Evolving Position on the Peaceful Solutions

Section Four: Between the Interim and the Historical Solution

Section Five: Would the MB and Hamas Ever Recognize Israel?

This chapter will investigate the MB's and Hamas’ view of the nature of the solution. Does Hamas believe in settlements and permanent peaceful solutions that do not secure the "liberation" of the entire historical Palestine? Hamas’ official position provides us with a big no. Why? Here we will inject the Quranic perceived teachings,
Prophetic and Islamic experience in such situations, and Islamic jurisprudential discussions. How did the Prophet and historical Islamic experience deal with such matters? Is there room in the Islamic context to recognize the existence of the “aggressor”? Does the MB's and Hamas’ view go accordingly with the Prophetic and the Islamic experience? The study will also try to explore Hamas’ view of its offer of the “truce” with the state of Israel rather than the recognition of the right of its existence. The authenticity of such a position within an Islamic context will be examined.
Chapter 1: Hamas' Historical and Intellectual Roots in the Muslim Brotherhood

Since its formation in late 1987, the Islamic Resistance Movement “Hamas” has consistently emphasized its association with the MB. As early as 1988, during the first Palestinian Intifada, an uprising that broke out the previous December, the Movement’s sixth communiqué declared “the Islamic Resistance Movement is the armed wing for the Society of the Muslim Brothers.” Hamas strove to assert this relationship on numerous occasions, most notably in its charter. The second article of the charter states that “the Islamic Resistance Movement is a branch of the Muslim Brotherhood chapter in Palestine.”

In spite of the conscious effort by Hamas to associate itself with the broad current of Palestinian resistance, the characteristics, ideology, and political discourse of Hamas reflect its organizational roots and historic ties to the MB. As such, understanding the organizational, ideological and historical background of Hamas requires a discussion of the MB in Egypt and its relationship with the issue of Palestine. Without this context, it would be difficult to trace the appearance of Hamas in late 1987 and the speed with which it formed structures that enabled it to emerge as a main player in the Palestinian arena. Furthermore, this discussion will assist us in understanding the ideological positions of Hamas and their developments.

The roots of the MB in the Palestinian arena predate the establishment of the state of Israel on 15 May, 1948. Palestine held an important position in the MB’s thought from the time it was formed in 1928 in Isma‘iliyyah by Hasan al-Banna. One study argues that “it is no secret that the MB was among the first political movements

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63 Hamas’ charter. Ibid., Article 2.
in the Arab homeland that evinced a great concern for the Palestinian issue."65

According to the researcher Ibrahim Al Bayoumi Ghanim, under al-Banna’s leadership, the MB demonstrated a deep commitment to assist the liberation movements in their resistance against Western colonialism in the Muslim world, devoting particular attention to the Palestinian issue.66 And as Gunning notes that from its inception the MB "had shown concern for the fate of Palestine."67

This chapter will attempt to understand the historical and intellectual background that prompted the idea of Hamas as a vehicle for the MB to reenter the field of the Palestinian armed struggle. This reentry during the 1980s came after decades of the MB’s absence from armed resistance against Israel, after it clashed with Nasser’s regime in Egypt during the 1950s. Before that, the MB had taken a leading role under the leadership of its founder Hasan al-Banna. The ferocity of Nasser’s regime in dealing with the MB, led to the evolution of a current of thought within the MB that prioritised the idea of empowerment and the establishment of the Islamic state over liberation. This discourse continued to dominate in the MB during most of the 1950s and throughout the 60s and 70s. However, during the 1980s, and due to multiple factors, the Palestinian branch of the MB developed a new position that combined empowerment and liberation, and this led to the creation of Hamas.

All of these issues will be discussed here in four main sections. The first section will trace the roots of the relationship between the MB and the issue of Palestine. As was pointed out earlier, the MB was one of the first groups organized in

the Arab world to get involved in the Palestinian issue and was the first Arab group to carry arms and fight against the Jewish settlers before the creation of the state of Israel, and after the creation of the state itself in May, 1948. This discussion will be organized under three main headings: 1) The Early Period: before the 1948 war. 2) The Muslim Brotherhood and the War of 1948. 3) The Palestinian Brotherhood after the Defeat of 1948.

This section will help us understand the historical and organizational background that enabled Hamas to be launched so quickly and the considerable strength it gained within the Palestinian society. Indeed, right after its announcement Hamas came to compete directly for domination with the Palestinian factions. This would not have happened had it not utilized the MB's historical struggle against Israel and had it not converted all of the MB's institutions and infrastructure in the Palestinian occupied territories to serve its objectives.

The second and third sections will discuss the context which led to the decline in the MB's engagement in the resistance activity in the Palestinian arena. This occurred because of its bloody clash with the regime of the former Egyptian President Gamal Abdel Nasser. As was noted earlier, the severe repression suffered by the MB at the hands of Nasser's regime, led to the emergence of a new thesis within the MB that called for priority to be given to empowerment over liberation. The MB thinker, Sayyid Qutb, was the most prominent figure within the MB ranks to present this new intellectual discourse. His thesis called for a long term programme of training, and education to prepare the MB's members, based on a return to pure Islam as a prelude to a process of state building that would provide solutions to problems and challenges, including *jihad*. This new intellectual approach, however, led to a split within the Palestinian MB organization, in which its young elements insisted on continuing
resistance. Their insistence on resistance and the rejection of the Palestinian MB organization, sparked the first clash between the two goals, empowerment and liberation. This eventually led to the birth of the Fatah movement from within the womb of the Palestinian MB and the split between the two.

The fourth section will discuss the context and the factors that led the MB to find a way of transcending the contradiction between empowerment and liberation, and to reconcile these goals, as was the case during al-Banna's period. Hamas, was the framework in which this reconciliation process took place.

However, before entering into the analysis there is a need to provide a quick review of two issues. The first one is the religious and the political in the MB's thought. The importance of this review is that it will help us to understand the overlap between the religious and the political in the discourse of Hamas and its approach to the conflict with Israel. The mother organization of Hamas (i.e. the MB) sees no contradiction between the religious and the political. Hamas believes the same. And the second issue is the status of Palestine in the consciousness of the MB that prompted them to give it priority. This issue will be discussed in more detail in the upcoming chapter, "Palestine in Islam and Hamas' Thought."

The Religious and the Political in the Brotherhood's Thought

The Society of the MB emerged at the end of the 1920s as a revivalist movement espousing the notion that Islam is a comprehensive way of life and system of governance. The MB believes, as al-Banna puts it:
Islam is an all embracing concept regulating every aspect of life, prescribing for every one it concerns a solid and rigorous order. It does not stand helpless before life’s problems, nor the steps that must be taken to reform mankind. Some people mistakenly understand that Islam is restricted to religious practices or spiritual exercises. Thus they limit their understanding to these narrow lines.68

Al-Banna further notes that:

Islam is a comprehensive system which deals with all spheres of life. It is a nation and homeland or a government and a state. It is conduct and power or mercy and justice. It is a culture and a legal system or knowledge and jurisprudence. It is material and wealth or gain and prosperity. It is jihad and a call or army and a cause. And finally, it is true belief and correct worship.69

And as was mentioned in the introduction of this study, the notion of the comprehensiveness of Islam is not an understanding unique to the MB. Rather, it has been the dominant notion in mainstream Islam since Prophet Muhammad founded the state of Medina. This issue will be further discussed in the conclusion of this study. Also, it is important here to reiterate what we pointed out earlier in the introduction of this study, that the notion of the comprehensiveness of Islam in the mind of the MB is linked with the philosophical discourse rather than jurisprudence. Indeed the MB is not a school of jurisprudence, and not even a homogeneous intellectual school when it comes to details and secondary issues. It serves primarily as a regulatory framework for different trends concurring on a minimum of

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69 Ibid., p. 268.
fiqh convictions, but they all agree on the notion of the comprehensiveness of Islam and the need to apply it in all walks of life.⁷⁰

Thus, the researcher will find within the ranks of the MB Salafi and Sufi currents for example, and followers of different schools of Islamic jurisprudence.⁷¹ However, it must be emphasized here that the vast majority of them, if not all, remain always within the sphere of mainstream Islamic jurisprudence, a notion that we explained in the introduction of this study. All of the different currents within the MB always strive to maintain an Islamic legitimacy for any opinion or position, as explained in the different chapters of this study.

There remains an important issue that needs to be mentioned here. The notion of the comprehensiveness of Islam in the MB's thinking is linked to governance and the establishment of the Islamic state, which will help to realize the unity of the Islamic nation.⁷² According to al-Banna "governance is considered in our books of jurisprudence as part of beliefs and fundamentals of the faith, and not from the jurisprudential and secondary issue. Indeed that Islam is a rule and implementation, as it is a legislation and education, as it is law and judiciary, neither can be separated from the other."⁷³ This is an issue that we are going to discuss in more details in this chapter and the next.

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⁷⁰ For more details on this subject see the discussion by Kamal al-Masri. Alekhtilaf Alfiqhi Enda Alikhwan Almyslmeen. Ibid., http://www.ikhwan.net/forum/showthread.php?21483-%C7%E1%C5%CE%CA%E1%C7%DD-%C7%E1%DD%DE%E5%ED-%DA%E4%CF-%C7%E1%C5%CE%E6%C7%E4-%C7%E1%E3%D3%E1%E3%ED%E4
⁷¹ Hasan al-Banna himself confirms this in his letter to the fifth Assembly. He describes the MB among other things as a "Salafi call" and a "Sufi truth". Imam Hasan al-Banna, Majmoo'at Rasa'il Al Imam Alshaheed Hasan al-Banna. The Letter to the Fifth Assembly. Ibid., pp. 156-157.
⁷³ Imam Hasan al-Banna, Majmoo'at Rasa'il Al Imam Alshaheed Hasan al-Banna. Ibid., p. 170.
Palestine in the Consciousness of the Muslim Brotherhood

Within the context of Islam’s comprehensive nature and the unity of the Islamic nation, the MB believes that authority should come from one state, the Islamic state. Thus, Palestine holds an important place in the MB’s vision. In fact, the MB treated the issue of Palestine as the primary issue facing Muslims.74 “Palestine occupies in our souls a sacred spiritual place above the simple nationalistic feeling. The breeze of blessed Jerusalem blows upon us, the blessings of the Prophets, and the birthplace of Christ, peace be upon him. All of that enlivens the soul and nourishes the spirit.”75 Likewise, al-Banna perceived the issue of Palestine as “an issue of the Islamic world altogether. So, it is a measure of its nobility and a reflection of its awe and power.”76 It was not difficult for the MB to establish this concern for Palestine on solid religious grounds, or a ground which any Muslim could identify with. The MB worked to crystallize these values and mobilize support for them. In the Muslim imagination, Palestine represents the land of the Prophets, the first of the two Qiblahs (direction to which Muslims turn to in prayer), the second of the two mosques, and the third of the three sanctuaries. It houses Al-Aqsa Mosque, to which Muhammad traveled in his Night Journey.77

Yet religious reasons alone did not guide the MB’s stance on the issue of Palestine. Political and strategic considerations also contributed to the group’s

77 For more details, see chapter 2 of this study.
analysis. The MB believed that Egypt was the country closest to “the danger of the Zionist attack.”

Some researchers contend that the MB’s expansion into Palestine was a natural development stemming from the concern for the Palestinian issue within the mother movement in Egypt. In fact, the first expansion of the organization outside of Egypt was motivated by this concern. Much of the literature on the MB attempted to explore and understand the decision of the Egyptian monarchy to dissolve the MB in December 1948, followed shortly by the assassination of its General Guide, Hasan al-Banna on 12 February, 1949. These events are thought to have resulted in a large part from the MB’s position on Palestine and the impressive support their volunteers gave in the 1948 war for Palestine. Those gains motivated Western powers, led by Britain, France and America, to direct the Sa’di government under the leadership of An-Nuqrashi Basha, to move against the MB.

79 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p.12.

Al-Banna himself confirmed the incident. He pointed out that the British and French ambassadors, as well as the Charge D’Affaires in the American embassy, presented to An-Nuqrashi Basha, after they met with him in Al-Fuayad on 6 December, 1948, a memorandum containing a demand to dissolve the MB. The reason, according to al-Banna, was because of what they saw as “an obstacle in front of their claims and its people in the Nile valley, the Arab lands and the Islamic homelands.” Al-Banna continued: “The Egyptian and Arab governments failed in a devastating way in resolving the issues of Palestine and Sudan. And the government has complete knowledge that the MB knows the internal affairs and the causes of this failure. The MB feels that they will be severe reckoning with them. So, it wanted to precede them to that and cover that failure with this procedure perchance they expected that the MB will revolt in Egypt or the volunteers in Palestine would rebel, so then the government will hold them responsible for the consequences that will follow suite.” See: Hasan al-Banna, Watha’ik Min Ahareekh: Akhir Makataba Al Imam Alshaheed Qubayla Ightiyali: Qadhiytuna. [Documents from History: The Last Writings of the Martyred Imam Before His Assassination: Our Case], (First Edition. No Publisher Info.), p. 40.
The Muslim Brotherhood and the Issue of Palestine

As was mentioned earlier, the concern for Palestine within the MB and their relationship with it started just a few years after the establishment of the MB in 1924. This concern has developed in a number of different stages since then. We will attempt here to delineate the three initial major stages which it went through.

1) The Early Period: Before the 1948 War

An article by al-Haj Amin al-Husseini, the Supreme Mufti of Jerusalem and the head of the Highest Islamic Council in Palestine eulogizes al-Banna on the second anniversary of his assassination, in 1951. It recalls that al-Banna’s concern for the issue of Palestine dated back to 1927, when he wrote a letter to al-Husseini.81 Within months after founding the MB, al-Banna publicized the young organization’s commitment to the cause of Palestine.

In a January 1929 article in Al-Fatih magazine, under the title “Jihad and its Status in Islam,” al-Banna points to the growing Zionist threat in Palestine saying: “The Jews are realizing their desires before the heedlessness of the Muslims.”82 However, the MB’s practical relationship with Palestine did not develop until 1935, when al-Banna sent two delegates to propagandise the MB and its mission there. They were his brother Abdur Rahman As-Sa’ati and Muhammad As‘ad al-Hakeem. The exiled Tunisian leader Abdul Azeez Ath-Tha’alabi also accompanied them on this trip. The delegation met with the Mufti of Jerusalem and the Head of the Highest

82 Ibrahim Ghanim, Al Fikr Assiyasi lil Imam Hasan al-Banna. Ibid., p.487.
Islamic Council, Sheikh Amin al-Husseini whose relationship with the MB deepened from that time. The MB’s support for a revered symbol of Palestinian resistance is often used as proof of the MB’s early commitment to Palestine. “The Muslim Brotherhood was in strong communication with ‘Izz Ad-Deen al-Qassam and would supply him with aid and support.” And when the great Palestinian revolution broke out in the middle of April, 1936, the MB became one of the first and most prominent popular associations that hastened to adopt the Palestinian cause, speaking out about it on both grass roots and official levels, in addition to sending some of its members to participate under al-Qassam in the revolt against the British.

Al-Banna and the MB were not satisfied with these efforts, however. Rather, they drew attention to two problems that became prominent during the revolt. First, was the increasing level of Jewish immigration into Palestine and, second the annexation of Palestinian land by the Jews. Al-Banna and the MB warned of these dangers for the future of Palestine. His fears were soon realised. On 29 November, 1947 a plan to partition Palestine into separate Arab and Jewish states was adopted by the General Assembly of United Nations. Al-Banna announced the MB’s rejection of

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86 Ibid., p. 46.
87 “In the first Islamic Conference which al-Banna called for and was held in 1937, the MB presented its idea of confronting the two problems. They proposed establishing an International Islamic Fund or company to purchase land in Palestine that the owners did not need so that it will not slip away to the hands of the Jews and they would have the right of ownership thereby strengthening their position and increasing their numbers.” As for the immigration of the Jews to Palestine, the MB presented a memorandum in 1939 to the Prime Minister of Egypt at that time, Ali Maahir Basha, demanding therein a complete cessation to the illegal Jewish immigration, and to break up the networks of smuggling Jews and implement severe penalties. This was requested in an effort to maintain and preserve the Arab majority of Palestine. See: Ibrahim Ghanim, Al Fikr Assiyasi lil Imam Hasan al-Banna. Ibid., p.498.
this project.\textsuperscript{88} The MB’s early policy toward the Palestinian issue contributed to a large extent to a high level of support the MB gained with the ranks of the Palestinian people.

\textbf{The Establishment and Development}

The active role that the MB played in Palestine contributed to its ability to expand and spread within Palestinian society. Among the means the MB used to publicize its activities was their daily paper, distributed in Palestine. Along with the callers whom the MB sent to the mosques of Palestine, these publications figured prominently. Their conversations and speeches were inevitably political in nature. The researcher Bayan Nuwayhid al-Hout asserts that “when the MB felt that their ideological call had spread, and when the Palestinian political movement began to exhibit some of its general characteristics, the MB decided to declare its existence officially and unveil branches in Palestine.”\textsuperscript{89}

\textsuperscript{88} Al-Banna proceeded on different levels to oppose the undertaking of this decision before the approval of the General assembly of the United Nations. He hastened in early October 1947 to send a telegram to the Secretary General of the United Nations and the American Secretary of State, George C. Marshall announcing the rejection of the MB to this project and confirming again, in the text of the telegram “the issue of Palestine is the issue of all the Muslims of the world, and the establishment of a Jewish state in any part of Palestine will turn all of the east into a human slaughterhouse, and our religion orders us to resist this aggression.” Al-Banna hastened, also, to send another telegram to Abdel Rahman ‘Azzaam Basha, Secretary General of the Arab League on 8 October, 1947, on the occasion of the convening of the Council of the League to look into the issue of Palestine. Among the points in the telegram was that the MB could not see any way to save Palestine “except by force, and for that they are placing under the control of the Arab League ten thousand of their best young fighters as first squadron in the rescuing army.” With the issuance of the partition decision by the United Nations on 29 November, 1947, al-Banna directed an urgent appeal to the Islamic and Arab governments to immediately withdraw from the United Nations and to prepare the Islamic people for the defense of Palestine. Al-Banna wrote saying in his telegram about Palestine, “It is the first line of defense which, if we lose it we lose everything after it. And the first strike is half of the battle.” He called for the establishment of a general committee for salvation in the Nile Valley announcing a general mobilization, organizing the efforts and directing the squadrons of \textit{Allah} (God) to martyrdom for the highest of goals in the most noble of fields.” For more information: Ibrahim Ghanim, \textit{Al Fikr Assiyasi lil Imam Hasan al-Banna}. Ibid., p.501.

There is some difficulty in determining the actual date of the inauguration of the MB in forming branches in Palestine. Some studies indicate that the organization launched its work by way of the religious societies that did not carry the name though they imitated the direction of its work. And the first of these banners were “Jam’iyyatul Makaaram” in Jerusalem in 1943.\(^90\) Other studies indicate that the first of these branches was in the city of Gaza and its leader was al-Haj Thaafir Ash-Shawaa’. And this branch was established approximately after the end of World War II,\(^91\) which means in late 1945 or the beginning of 1946. Yet, other studies indicate that the first of the branches of the MB opened on 5 May, 1946, in Jerusalem. The announcement met with much fanfare as Abdul Mu’izz Abdus Sattaar, the official delegate of the MB, spoke on behalf of the General Guide, Hasan al-Banna.\(^92\) This last account is likely the most accurate since the announcement was accompanied by an official celebration attended by a Brotherhood representative from Egypt. It was also attended by a number of known Palestinian leaders, including the leader of the Arab Party and an official from the Higher Arab Committee in Palestine.\(^93\)

Nevertheless, it seems clear that there was an established presence for the MB in Palestine before the branch was established in Jerusalem. The Palestinian MB sent delegates to the fifth conference of the Muslim Brotherhood held in Aleppo, Syria in 1944. The conference is notable for the decision requiring the various associations

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\(^91\) Mohsen Muhammad Saleh, *Altayar Alislami Fi Falasteen wa Atharuh Fi Harakat Aljihad 1917-1948*. [The Islamic Trend in Palestine and Its Effects on the Struggle Movement 1917-1948], (Kuwait, Kuwait: AlFalah Library. Second Edition, 1988.), p. 441. According to Gunning, it was not until the mid-1940s that MB branches were established in Palestine, “facilitated by the emergence of a more autonomous Palestinian lower middle class, and a nascent Islamist trend which had grown as a result of, among others, the preaching, institution-building, and ‘paramilitary' activities of 'Izz al-Din al-Qassam.” Jeroen Gunning, *Hamas In Politics: Democracy, Religion, Violence*. Ibid., pp. 26-27.  
\(^92\) Bayan Nuwayhid al-Hout, *Al-Qiyadat Wal-Mo’assasat Al-Siyasiya Fi Filastin 1917-1948*. Ibid., p. 503. See Also, Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p.15. Khaled Hroub suggests that the Jerusalem Branch was opened on 6 May, 1946. Ibid.  
\(^93\) Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p.15.
established by the MB in different countries to be consolidated under the name of “the Muslim Brotherhood.”

No sooner had the Second World War ended than the chapters of the MB began to spread across Palestinian cities. It appears that the Palestinian MB did not have an independent organization, as was the case with the Syrian branch. Rather, there would be coordination with the Egyptian branch until 1948.

By November, 1947 the membership ranged between twelve and twenty thousand members in almost twenty different chapters. Several factors contributed to the quick success of the MB in Palestine. Foremost among them, According to the researcher Hussein Abu al-Namel, is “the prevailing public religious atmosphere in Palestine during what exceeded more than thirty years. This atmosphere was enhanced and nourished by the unity of the two political and religious leaderships in Palestine represented in al-Haj Amin al-Husseini who occupied the position of the Mufti in addition to the leadership of the nationalist movement.”

With the Arab rejection of the 1947 partition plan, the MB joined the mobilization of forces and al-Banna committed ten thousand volunteers from the MB as war became more likely.

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2) The Muslim Brotherhood and the War of 1948

The MB’s preparations for the war took several forms. Al-Banna’s visit to Gaza on 21 March, 1948, approximately two months before the war, represented the deep commitment of the MB to the cause of Palestine. According to MB members who witnessed al-Banna’s visit, he brought volunteers from the MB equipped with modern weapons.99 The researcher Mohsen Saleh argues that because the Arab governments decided not to confront the Jewish military formations in Palestine until the British army evacuated, “the burden of war with the Jews, over the period that exceeded six months was placed on the backs of the Palestinian people and a limited number of volunteers.”100 Many of the squadrons of the MB arrived on the field of battle before war broke out. Milton-Edwards & Farrel confirm the leading role that the MB played in this context. "Mujahidin from Egypt began to arrive in Gaza in the early months of 1948 to fight with the Palestinians in the war as a serious attempt to support the Palestinian issue."101

After the recruitment of volunteers and the completion of training, al-Banna ordered the branches of the MB to prepare for war in October 1947. The first squadron went into the field on the twentieth of that month,102 approximately six months before the outbreak of the war.

The involvement of the MB was not limited to the Egyptian branch. It also involved the participation of squadrons from Syria, Jordan, Iraq,103 and Palestine. The

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latter served under the Egyptian MB branch and even surpassed them in numbers.

According to Kamil Ash-Shareef, one of the leaders of the Egyptian MB in the war, in the southern areas alone, the number of fighters from the Egyptian MB under his leadership was two hundred, while the number of Palestinian fighters was approximately eight hundred.\(^\text{104}\) The researcher Bayan Nuwayhid al-Hout, contends that, “the earnest and heroic role the Brotherhood played in the battle is what made a special and distinct role for them in the Palestinian struggle, especially since the Brotherhood sent some of their leaders to lead the fight.”\(^\text{105}\)

Many of the MB writings recount in detail the role they played in this war. They distinguished themselves in guerrilla warfare and the official Arab forces sought their help in operations to break their encirclement, attack Jewish settlements and cut off transportation and provisions to the Zionist militias.\(^\text{106}\) These efforts of the MB in the war of 1948 compelled some scholars to confirm that there was “consensus on the heroic role played by the volunteers of the Brotherhood in the war of Palestine.”\(^\text{107}\)

Two weeks later, Arabs were forced to accept a truce by their vanquished regimes. For its part, the MB opposed any talk of a truce. Brotherhood volunteers in the war for Palestine engaged in guerilla fighting, partly at the request of the Egyptian army which found itself surrounded after the truce to which the Israeli forces did not


\(^{106}\) Likewise, the MB participated in the battle of “Al-Tabah 86,” credited with preserving the independence of the Gaza Strip at the time. They also led the battle of “Kaffar Daroum” and occupied many of the settlements. They played an important role in the defense of the heights of Soor Bahir, Bethlehem and Hebron. Additionally, they contributed to the protection of Jerusalem and preserved the southern part of it until the announcement of the truce upon which they surrendered their positions to the Jordanian Arab army. Bayan Nuwayhid al-Hout, *al-Qiyadat Wal-Mo’assasat Al-Siyasiya Fi Filastin 1917-1948*. Ibid., p. 505. And for more details see Kamil El Sharif and Alsiba’i, *Alikhwan Almuslimoon Fi Harb Filasteen*. Ibid.

There were parallel events taking place within the domestic Egyptian political scene, most notably the mounting tension in the relationship between the MB and the Egyptian government under the leadership of Prime Minister An-Nuqrashi. It became increasingly clear that the government was moving towards disbanding the MB. The MB insisted that the real reasons behind the banning of the MB were concealed by foreign pressure, (British to be exact), to strike at the MB. According to Richard P. Mitchell:

On the night of the 8th (December, 1948)… while Banna and many of the members waited in the headquarters for the outcome, the radios broadcast the order of the ministry of the interior dissolving the Society of the Muslim Brothers throughout the length and breadth of Egypt. Police immediately surrounded the headquarters and arrested everyone in it except Hasan al-Banna. The wealth of the Society was placed in the hands of a special agent of the ministry of the interior to be disbursed for welfare and social services on the order of the ministry of social affairs.

Barely twenty days passed after the decision to disband the MB in Egypt before some elements of the Special Apparatus attached to the MB assassinated An-Nuqrashi on 28 December. Shortly thereafter, Ibrahim Abdul Hadi, the close friend of An-Nuqrashi and the Royal Administrative Head became the Prime Minister and the leader of the As-Sa’adi party also. His appointment ushered in a new period of

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governmental repression. Tensions were raised with the MB as Abdul Hadi arrested and supervised the torture of thousands of its members except al-Banna. Although al-Banna condemned the assassination of An-Nuqrashi, the Sa’adiyyah government under the leadership of Abdul Hadi ordered his assassination in revenge for the killing of An-Nuqrashi.111 On 12 February, 1949 al-Banna received an anonymous summons to the General Center of the Muslim Youth where he was shot while attempting to take a taxi. He died later in a nearby hospital.112

On hearing of the dissolution of the MB, the Egyptian Brothers volunteering in Palestine became alarmed. Fearing a confrontation with the state, al-Banna had directly intervened before he was assassinated. In a letter to the members in Palestine, he wrote, “the volunteers have no business in the events going on in Egypt. As long as there is one Jew still fighting in Palestine, their purpose there is not finished.” In concluding the letter, he advised them to stay calm and maintain good relations with their brothers and colleagues among the officers of the Egyptian army and its soldiers.113

When the MB was dissolved in Egypt in 1949, the branches of the MB in Gaza, which was under the administrative control of Egypt, were forced to close their doors. Its leaders once again started working under the cover of “Jam’iyyah At-Tawheed”, an organization that the MB took as a front for their secret activities at that time.114 However, the decision to dissolve the MB in Egypt lasted less than two years, following which it won a petition before the Council of State against the Wafd

111 This accusation was confirmed in the trial of Abdul Hadi in September 1953 after the overthrow of the monarchy in Egypt. For more details see: Abdel Muta’al Al Jabri, Limatha Ughteela Al Imam Alshaheed Hasan al-Banna? Haqa’ik Jadeedah wa Watha’ik Khateera. Ibid., pp.157-165.
112 Ibid., pp.160-164.
113 Kamil El Sharif and Alsiba’i, Alikhwan Almuslimoon Fi Harb Filasteen. Ibid., pp. 171-214-222.
government. The decision of the court on 17 September, 1951, restored the legal status of the MB. With the revocation of the dissolution of the MB, the Brotherhood resumed its public activities in Egypt and Gaza.

3) The Palestinian Brotherhood after the Defeat of 1948

The Arab defeat in 1948 and the establishment of the state of Israel resulted in a redrawing of the political map.

The Islamic intellectual and writer Mustafa Al Tahan says that:

Palestine, with its known historical boundaries during the British mandate, disappeared. A new entity, demographically and politically, was established on 78 percent of historical Palestine, while the remaining area was distributed between two administrations, led by Jordan in the West Bank and Egypt in the Gaza Strip. Due to these developments, the Palestinian Brotherhood was no longer united as one organizational body. The MB of the West Bank became a part of the organization based in Jordan and the MB of Gaza depended on the organization in Egypt.

Another consequence of this divide was the lack of coordination between both groups and a divergence in their leadership and work styles. While the MB in the Strip was dedicated to revolutionary military action, the MB in the West Bank took an

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115 Richard P. Mitchell, The Society of the Muslim Brothers. Ibid., p. 84.
116 Mustafa Al Tahan, Filasteen Wal Mu’amara Alkubra. Ibid., p. 365. Also, see Jeroen Gunning, Hamas In Politics: Democracy, Religion, Violence. Ibid., p. 27.
educational and political orientation. The effects of this distinction continued until the founding of Hamas: like the MB of Gaza, it was too motivated by ideas of armed struggle. This idea was subsequently transferred to the West Bank, the most peaceful front of the MB at that time. Through Hamas, the Brotherhood in the West Bank and the Gaza Strip united the Palestinian Brotherhood’s organizational framework.

A) The Muslim Brotherhood in the West Bank:

Although the MB had formed more than twenty branches in Palestine, after the defeat of 1948 and the establishment of Israel, several branches of the Brotherhood active in cities that became part of the state of Israel, like Haifa and Jaffa, were forced to close their doors permanently. Many of the membership reemerged in the West Bank and the Gaza Strip.

In accordance with the annexation of the West Bank by Jordan in 1950, the population of the West Bank became its citizens. Consequently, the MB in Jordan absorbed its counterparts in the West Bank. In contrast to the situation in Jordan, where the MB was characterized as having “a good amount” of mutual understanding with the Hashemite regime, the Egyptian MB reached a state of violent confrontation with the revolutionary government of Gamal Abdel Nasser. In

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contrast with other movements and political parties, the MB was permitted to work in Jordan. Their work was public and supported by the authorities, though they were required to seek official approval before engaging in any activity.\textsuperscript{122}

The Jordanian regime hoped to use the Brotherhood as a bulwark against the rising tide of leftist and pan-Arab forces. In particular, after the success of the Free Officers Revolution in Egypt in 1952 and the emergence of Abdel Nasser as the symbol of Arab unity, the traditional Arab regimes such as that in Jordan needed popular allies to counter the threat. The Brotherhood fulfilled this important role, and did not object to it especially after its bloody collision with Nasser's regime in 1954. The fears of the Jordanian Brotherhood of being subjugated to a repression like the one that its sister organization in Egypt was going through were fed by the announcement of the Jordanian Hashemite regime of the foiling of a coup attempt in 1957 supported by the Nasser regime. The MB gave their support to the King in the confrontation that occurred between him and his prime minister, An-Nablisi, at a time when the other parties, the communists, Ba’athists, nationalists, leftists and the Nasirists, gave their support to An-Nablisi.\textsuperscript{123}

In the 60s and up to the early 70s, the fears of the regime became stronger as detachments of leftist and nationalist Palestinian resistance groups used Jordan as a base to launch attacks on Israel and formed an authority parallel to that of the palace in Jordan. A bloody clash between the two occurred in September 1970 in which the resistance was crushed. The MB was present in these events. The success of groups subservient to Nasser to change the structure, form and nature of the political system

\textsuperscript{122} Amnon Cohen, \textit{Political Parties in the West Bank Under the Jordanian Regime, 1949 – 1967}. Ibid., p.130.
\textsuperscript{123} See the opinion of Ziad Abu Ghanima, who was one of the Prominent Leaders of the Jordanian MB. Quoted in Ziad Abu-Amr, \textit{Al Haraka Alislamiya Fildifa Algharbiya wa Kita’ Gaza: Alikhwan Almuslimoon, Aljihad Alislami}. Ibid., p.23.
in Jordan meant their repression, if not complete destruction, as had occurred to their brothers in Egypt. The MB responded by lending its support to the Hashemite regime. In return, the regime did not stop their public work. At that time, King Hussein would meet with them, listen to many of their requests and even implement some of them. He even donated to their causes during his visits to their general office. This understanding meant that Jordan became a haven for the Brotherhood Societies driven out by hostile regimes, a fate that befell the Syrian Brothers in the early eighties.\(^{124}\)

This mutually beneficial relationship did not mean that there were no tensions between the two parties. Indeed the controller general (i.e. the leader) of the MB was forced to flee to Damascus in 1955 to escape arrest. Soon after, he was actually arrested for the first of several times. Likewise, at the beginning of the 50s the government refused to give permits to a number of branches of the MB in the West Bank, though it licensed them later on.\(^{125}\) In spite of these challenges, the MB did not resort to illegal actions in pursuit of its goals.

On the military front, the MB of the West Bank made no noteworthy gains until 1968. However, according to Jordanian security documents dating to the 50s, the state expressed concerns about MB scouts with weapons training. These scout teams came from cities across Jordan and the West Bank. In 1956, the Brotherhood smuggled weapons by way of Sinai. Following the Suez Crisis of 1956, the Brotherhood chapter in Hebron reached an agreement with the local commander of the Jordanian army to receive weapons training from the military. Likewise, the Brotherhood supported the position of the National Guard in the cities of the West


Bank treating it as the front line in the war against Israel. They provided financial and logistical support.\textsuperscript{126}

B) The Muslim Brotherhood in the Gaza Strip:

The situation of the MB in the Gaza Strip was affected by the Egyptian Government’s decision to ban the MB in December, 1948. It was compelled to cease its public work and go underground. There was no official presence in Gaza until the prohibition was lifted in Egypt in December 1951, though some contend that the MB remained the primary political force in the Gaza Strip until 1955.\textsuperscript{127}

The Free Officers Revolution in Egypt on 23 July, 1952, signaled a major turning point in the work of the MB in Egypt and the Gaza Strip. The Brotherhood was permitted to work without restrictions, once again. Many even believed that the MB was the party of the state.\textsuperscript{128} Building on this belief, membership in the MB spread in the Gaza Strip hoping to achieve favour with the new military government. Branches were opened again, as the good relationship between the revolutionary government and the MB remained for the first year and a half.\textsuperscript{129} The MB used it to strengthen its presence in the Strip, while the revolutionary government helped the movement strengthen its presence among the citizens of the Strip, permitting the

\textsuperscript{126} Ibid. pp. 168-169.
\textsuperscript{127} Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 21.
\textsuperscript{129} Abdallah Abu A’azah, Ma’ Alharaka Alislamiya Filaqtar Al’arabia. [With the Islamic Movement in the Arab Countries] (Kuwait, Kuwait: Al Qalam House,1992.), p. 20.
Abdallah Abu A’azah was the leader of the MB in Gaza during the Israeli occupation from November 1956 - February 1957 when he was arrested by the Israeli troops. Since then he was a prominent leader of the MB and he represented the Palestinian MB in the executive office of the MB in the Arab world until 1972 when he resigned from the Brotherhood.
Brotherhood to send missions from Egypt. These missions served to strengthen the bond between the organizations in Egypt and the Gaza Strip.130

Another contributing factor to the strengthening of the Brotherhood in Gaza was the material aid collected by Egyptian government to help the people of the Strip in what was known as “the Train of Mercy.” The Brotherhood was given the responsibility of distributing this aid, providing opportunities to connect with people and earn their trust. The opening of Egyptian universities to students from the Strip afforded another opportunity for a new generation to encounter first-hand the MB’s message.131 However, this era of Brotherhood activities in the Gaza Strip witnessed a setback from which it would not recover for decades to come. With rising tensions between the Brotherhood and the revolutionary government, the MB was officially outlawed on 13 January, 1954.132 Following a brief reprieve, an assassination attempt (26 October, 1954) on President Gamal Abdel Nasser led to the final ban against the MB, resulting in thousands of its members being imprisoned.133

The MB in Gaza was also banned by the Egyptian authorities, though it was the biggest organization with respect to numbers and mass appeal.134 In the context of this new reality, the MB was transformed from “the party of the authority” to one of renegades. These new developments directly contributed to the contraction of the number of those associated with the organization and adversely affected its size and development.135

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133 Ibid., pp. 126-127.
135 One of the leaders of the Gazan MB describes that period by saying: “Thus did the Brotherhood no longer have branches or offices. Nor did their scouts put on parades or have excursions. The Brotherhood could no longer have camps and celebrations or speeches on Tuesday. And with that, they maintained the usrahs (i.e. a study circle within the organization, where a few members meet every
In spite of the ban, the mid-50s was a period of political activity for the MB and other Palestinian groups, especially the communists. In addition, it undertook military action across the border of the Strip to disrupt Israeli civilian and military life, transportation and water and electrical lines. The objective was to draw the Revolutionary Council in Egypt into a military clash with Israel, an encounter that the Egyptian regime wanted to avoid according to Gazan members of the Brotherhood who witnessed these events.

The most prominent actions of the Gazan Brotherhood after the ban was its participation in demonstrations and protests in alliance with the communists and Ba’athists, causing the failure of the Sinai project for the settlement of Palestinian refugees. This plan, agreed upon by the Egyptian government and the United Nations Relief and Works Agency was seen as a means to neutralize the Palestinian issue. After the first occupation of the Gaza Strip by Israel in 1956, the MB began to restore the organization’s ranks and developed the idea of orchestrating armed resistance against the occupying forces.

With the evacuation of Israel from the Gaza Strip in 1957, the internationalization of the Strip began. The MB insisted on the return of the Egyptian Administration. With its return in 1957 the MB became the subject to other campaigns by the Egyptian government. As Abdel Nasser emerged as an Arab hero after the “Tripartite Aggression” launched by Britain, France and Israel against Egypt in 1956, the MB found that maintaining opposition to his government was

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137 Abdallah Abu A’azah, Ma’ Alharaka Alislamiya Filaqat Al’arabia. Ibid., pp.21-22.
138 Ibid., p.30.
139 Ibid., pp. 40-50.
increasingly difficult. It became generally discredited among the people, limiting its effectiveness, size and activities until after the defeat of 1967, which greatly diminished the appeal of Abdel Nasser with the Arabs generally and among the Palestinians in particular. The MB in the Gaza Strip was subject to constant surveillance and restrictions until this time. As was mentioned before, any friction between the group in Egypt and the Revolutionary Council would reflect negatively on the Brotherhood in Gaza during that period. They were exposed to campaigns of arrests, the most violent of which was in 1965, when the Egyptian authorities announced that they had uncovered a coup attempt arranged by the Brotherhood. One of the symbols of the MB, Sayyid Qutb, whose ideas would have a clear effect on the future direction of the MB, was executed as a result.

Perhaps it is necessary here to point out that the MB in the Gaza Strip formed in the period “from 1954 to 1956… two secret groups to practise armed action. The first was the group “Youth of Revenge” and among the most prominent of its members was Salah Khalaf, later a co-founder of Fatah, and the other was the “Squadron of Truth,” which included Khalil al-Wazir, also a co-founder of Fatah. This group was the first to stage military action inside Israel.” The importance of these developments is that they form the nucleus for the formation of the “Fatah” movement, from which military resistance to the occupation extended beyond the religious and ideological realm and put aside the animosity of Nasser for the MB.


The Emergence of “Fatah” out of the Palestinian Brothers:
The Confrontation Between Empowerment and Liberation

In 1954, the bloody conflict between the MB and the Free Officers in Egypt turned the MB, with its Egyptian and Palestinian components, from the party of the authority, as it was perceived, to an outlaw organization preoccupied with self-preservation in the face of a repressive campaign by the Nasser regime.

The repression of the MB continued, including in the Gaza Strip. Popular support increased for the MB at the height of these campaigns, as it was seen to represent the interests of the people as in its successful challenge to the Sinai resettlement plan of 1955. It also played a pivotal role in causing the failure of the internationalization of the Gaza Strip in 1957. The great strike suffered by the MB across the Arab world occurred at the height of Nasser’s popularity, following his "heroic", as perceived by the Arab masses, confrontation against the “Tripartite Aggression” in 1956.143

As was mentioned earlier, Abdel Nasser’s defiance in the face of this alliance and his refusal to submit to the demands of the powers made him a symbol in the Arab street. As such, any opposition to him was seen as a stance against the symbol of Arab defiance. As the leading opposition movement to the Egyptian regime, the MB found itself before a popular opposition to which it was unaccustomed. Nasser succeeded in exposing the Brothers before the masses in a series of announcements about foiled plots and threatened coups against his government. As a consequence, the MB faced growing unpopularity, even in places of traditional influence. The

movement in the Gaza Strip saw its withdrawal from the public sphere as its only option to escape continued repression and popular sentiment against it.¹⁴⁴

All of these factors resulted in a severe ideological shock in the thought of the MB. Palestinian discussions centered on the two dialectics of empowerment and liberation. It was the perceived contradiction between these concepts that led to the first split in the MB organization in the Gaza Strip, from which the Palestinian National Liberation Movement, “Fatah” emerged with an ideological foundation based on the priority of liberation, not empowerment, the traditional MB framework at the time.

To understand this ideological shock and the central concepts related to it, one must explore a major idea espoused by the Brotherhood since its inception. The MB placed the restoration of the Islamic Caliphate as its primary aim. The founder of the MB, Hasan al-Banna, was among those to call for the idea of “the Islamic League” at a time when other influential powers called for “the Egyptian League.” A number of researchers see that the establishment of the MB four years after the announcement of the dissolution of the Ottoman Caliphate was, in itself, a reaction to the fall of the Islamic state, although the MB did not succeed in restoring the seat of Islamic authority, or even realize the goal of the “Islamic League.”¹⁴⁵ However, that did not

¹⁴⁴ One of the leaders of the MB in the Gaza Strip who lived during that stage describes it with this statement: “the situation of the Brotherhood was extreme weakness in the period following the disbanding of the MB in 1954 until the fall of Gaza and Sinai in the hands of the Israeli occupation (1956). The leaders and members of the administration of the branches as well as those of repute and intellectual and social weight scattered as a result of the decision to disband. None remained except a few numbered small youth, most of whom were students and some teachers and workers.” See: Abdallah Abu A'azah, Ma'laraka Alislamiya Filaqtar Al'arabia. Ibid., p 41.

¹⁴⁵ For more information about this subject, see: Jalal Al Ansari, Harakat Ihya’ Alfikr Aldini ‘Ind Al Imam AlKhumaini: Kir’ā’u Fi Malim Alfikr Alsiyasi. [Al Imam Alkhumaini’s Reviving Discourse of The Religious Thought: A Reading in the Milestones of the Political Thought] (Al Tawheed Magazine, Tehran, Iran , September 1997.), p.75. Also, Ahmad Musalili, Qira’u Nathariya Ta’sisiya Fil Khitab Alislami Alisooli (Nathariyat Alma' rafa' Waldawla Walmujtama’). [A theoretical Founding Reading in the Fundamental Islamic Discourse (The Theories of Knowledge, State and The Society)], (Cairo, Egypt: The Publisher for Publications, Distributions and Commercial. First Edition, 1993.), p. 91. Also, Faisal Daraj and Jamal Baroot (Editors), Al Ahzab Wal Harakat Wal Jama’at Alislamiya. [The Islamic Parties, Movements and Groups], (Damascus, Syria: The Arab Center for Strategic Studies. Part 1,
prevent it from moving effectively within a host of other issues, Palestine among them. al-Banna did not condition what he believed as the importance of the liberation of Palestine on the restoration of the Islamic state. Therefore, the MB under his leadership did not hesitate from supporting the issue in the media, in charitable activities or in the political sphere, under the pretext of the absence of the Islamic state. More interesting, once the MB sent volunteer forces to the frontlines, it did not cease these efforts even after the dissolution of the MB in late 1948 and the assassination of Hasan al-Banna, in early 1949.

Therefore, the MB’s efforts to change Egyptian reality in particular, and the Arab and Islamic reality in general (i.e. the restoration of the Islamic state and life), did not prevent it from participating in more immediate issues and events. Al-Banna embodied this philosophy of reconciliation, serving as the regulator between the aspirations of the Brotherhood and its interaction with reality as it is. Palestine was one of those areas that embodied the policy of reconciliation between the two concepts of empowerment and liberation. It is this balance that allowed the Brotherhood then to become the most popular political current in Palestine (1947-1955), which led to its expansion organizationally, especially after participating in fighting operations that mobilized Palestinian youth.

This reconciliation between the two dialectics disintegrated later on, creating a bitter conflict that caused organizational contraction and a retreat from public work in favour of underground activity. This underground activity was aimed at protecting the MB from government repression during the Nasser regime. The period of repression under the Nasser regime lasted from 1954-1970. Since the liberation of Palestine was one of the most obvious areas in which the concepts of empowerment and liberation

met, the withdrawal of the MB from public life reduced liberation to a slogan, and one that was perceived by the new MB to be impossible to realize. Priority was given to the social, cultural, and political work of reforming the longstanding Arab and Islamic structures, restoring the Islamic state as a condition for liberation. The revision of the MB’s priorities caused widespread outcry, mainly in the Gaza Strip. Many of the student and youth elements that had continued their membership in the MB after the security campaign of the Nasser regime did so because they saw the MB as a vehicle for the liberation of Palestine. Now they concluded that a search for a new framework was needed for the liberation of Palestine. The tension between the MB and the regime of Nasser created a dilemma for them: “how is it possible to work within the organizational framework of the Brotherhood while it is subjected to prohibition of its political activities and its members are on the run?”

Abdullah Abu A‘azah - one of the leaders of the MB in Gaza from the late 50s to 1972 - points to the nature of the dispute that raged within the ranks of the Brotherhood as a result of this questioning of the MB:

> Are we not Palestinians? Of course! Are we not Islamists? Of course! Is it not our duty to work for the liberation of Palestine? Of course! Doesn’t Islam require *jihad* of us in order to realize this goal? Of course! Then why don’t we carry out our duty? Why does the Brotherhood refrain from establishing the duty of *jihad*? And whom is it that we wait to liberate Palestine for us? If we waited for action from the Arab nations, or from the international organizations, or the big nations, is it possible they would do something for us that would return us to our nation? By no means! Then what are we waiting

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for? How long do we languish? And until when and because of what reason does the leadership of the Brotherhood stand as spectator?\textsuperscript{147}

These questions formed the ideological foundations of the Fatah movement. Acknowledgement of these legitimate grievances led to a search for a framework to resume the struggle for the liberation of Palestine. Since the MB was driven out and lost the support of the masses, the solution was hidden in the creation of a substitute framework that the MB would adopt along with their organization “such that it would not carry the Islamic colour in its appearance and slogans, rather it would carry the slogan of liberation of Palestine by armed struggle. And the new organization would have the responsibility of preparation for this struggle and begin with its application when the needed equipment was ample.”\textsuperscript{148} Those who thought of a new organization made it a prerequisite that the call would come from outside the MB: any ties with previous organizations should be severed, and they should refrain from identifying with any belief or partisan ideology or any particular Arab government, and instead concentrate solely on the Palestinian issue.\textsuperscript{149}

These ideas and conceptions were drafted in a memorandum presented to the MB in Gaza in July, 1957 by Khaleel al-Wazir (Abu Jihad), who later became a prominent Fatah leader. The leadership of the MB ignored the memorandum, but three years later reached a decision not to adopt it, only after it had lost a large number of its active elements.\textsuperscript{150}

\textsuperscript{147} Abdallah Abu A’azah, \textit{Ma’ Alharaka Alislamiya Filaqtar Al’arabia}. Ibid., pp.75-76. Abu A’azah’s book is considered the most authoritative source that details the relationship between the MB in Gaza and Fatah at the time of the emergence of Fatah. He is one of the leaders of the MB in Gaza that opposed the Idea of the creation of Fatah, and was instrumental in formulating the MB's position against it.

\textsuperscript{148} Ibid., pp.71-72.

\textsuperscript{149} Ibid., p. 72.

\textsuperscript{150} Ibid., p.73.
Some researchers argue that the opposition of the leadership of the MB in Gaza to the Fatah project stemmed from their view that the establishment of an alternative framework to the MB reflected the inability to bear the burden of underground work. At the same time, the supporters of the idea of a new national organization saw the wave of national liberation as a progressive concept. It was the prevailing emotion in the Arab world, inspired by the experiences of Algeria, Cuba and Vietnam.\footnote{Ziad Abu-Amr, \textit{Usul Alharakat Alsiyasia fi Qita ` Gaza 1948-1967}. Ibid., p. 86.}

Looking at the available sources that recorded the dispute about Fatah within the ranks of the MB, it is difficult to accept the notion that the Brotherhood opposed the idea of a new organization only because they saw it as a sign of weakness. This means that the shift in the MB’s approach (i.e. to give priority to empowerment over liberation) not only reflected abstract ideological calculations but also a responsiveness to political developments on the ground, as the MB perceived them. Moreover, the position of the MB to reject the creation of a new national liberation organization owed something to the political reasoning that members adopted at that time. Most scholars of this period depend on Abdullah Abu A’azah’s book \textit{With the Islamic Movement in the Arab States} to examine the MB's thinking. Written by one of the MB leaders in Gaza at the time, it is considered the most authoritative reference for this stage of the MB's history. Some studies drawing from Abu A’azah’s book contend that the MB sought to justify its opposition to the new project. However, these studies fail to address the events that caused these developments as it was set forth in the same book.\footnote{As an example, Khaled Hroub, \textit{Hamas: Political Thought and Practice}. Ibid., pp. 25-29. Also, Ziad Abu-Amr, \textit{Usul Alharakat Alsiyasia fi Qita ` Gaza 1948-1967}. Ibid., pp. 86,87.} The conclusion in Abu A’azah’s book states that it is appropriate:

\footnote{Ziad Abu-Amr, \textit{Usul Alharakat Alsiyasia fi Qita ` Gaza 1948-1967}. Ibid., p. 86.}
(f)or the Brotherhood to increase its efforts in aiding their call and lifting the status of their movement because when the movement of the Brotherhood achieves victory, it is the one that will liberate Palestine. And when the Brotherhood takes its talents for liberation, the Palestinians will not be the only ones to take on this mission. Rather, the Islamic nation will share with them in all of its regions. This participation will not be in the form of cooperation and aid, but rather it will be in the form of carrying out the blessed duty on every Muslim in rescuing the First of the Two Qiblahs, purifying the Land of the Night Journey and Ascension from the filth of the criminal Zionists, lifting the injustice from the Muslim Palestinian people and uprooting the crouching Zionist danger in the heart of the Islamic world lying in ambush for the Islamic people, all of them.153

This conclusion is based on a MB memorandum mentioned in Abu A’azah’s book refuting the arguments and justifications of the advocates of the idea of the new organization. The memorandum was critical of the advocates of the new organization for making no commitment to the Islamic character of the struggle on the basis that whoever joins this organization must leave his ideological affiliations behind. This is what motivated the MB to request assurances that the followers of the other trends would give up their previous associations if the MB gave up its affiliation in the new organization.

In any case, in its memorandum, the MB considered the suggestions by the authors of the new idea to be based on many unrealistic notions that would not lead to the desired goal of liberation. Likewise, they saw in it an opening for a confrontation

153 Abdallah Abu A’azah, Ma’ Alharaka Alislamiya Filaqtar Al’arabia. Ibid., p.86.
for which they were not prepared. The Brotherhood believed that embarking on a battle of that sort, without sound preparation, might lead to Israel’s occupation of the Gaza Strip and West Bank, further complicating the objective of liberation.\textsuperscript{154} The memorandum points to a number of obstacles faced by the new organization. First, the Arab regimes would not agree to be drawn into a military confrontation with Israel. Therefore, any Palestinian resistance occurring from the neighbouring Arab states would inevitably entangle Arab armies whose regimes feared Israeli reprisal. Additionally, the Brotherhood feared that the Palestinian resistance would be transformed into a political tool in the hands of different Arab regimes to fulfill their own objectives in relation to neighbouring states.

Secondly, the objections represented a rejection of the comparison between the Palestinian situation and the Algerian experience. Algeria was a case of traditional colonization, while the Palestinian situation was a colony of settlements. Another major difference was that the Algerian resistance was based within Algeria, a wide geographical field with a difficult physical terrain, while the geographically small Palestine required that resistance be staged from outside the country, leading to the possibility of Israeli occupation of neighbouring states. Based on the view expressed in the memorandum it was not possible to confront Israel without mobilizing the capabilities of the whole Islamic nation for that cause.\textsuperscript{155}

The 1960 memorandum opposing the Fatah project, resolved the dispute inside the Palestinian organization in the Palestinian territories, namely in the Gaza strip. It was reinforced in 1961 in a statement by the Palestinian MB organisation:

\textsuperscript{154} Ibid., p.79.
\textsuperscript{155} The memorandum argued that if the Arab governments refused permission to mobilize all elements of power at their disposal to meet this confrontation, it will be opportune and necessary to change the situation. The situation can be changed either by convincing the governments to change their position, through popular pressure, or by staging a violent popular revolution to throw aside those defeatist regimes, “and bring about suitable governments in their place that believe in liberation in word and deed.” Ibid., pp. 79-85.
“the Brotherhood has no animosity for Fatah, does not oppose or fight it, but it is not convinced of its plan and does not cooperate with it.”\(^{156}\) The dispute continued, however, to spark heated debates among the members of the Palestinian MB in the Gulf states. By the same token, it created confusion in the Arab MB organizations, some of which embraced Fatah as a MB organization, because some of its leaders were known to have been active Palestinian Brothers. It took more years to settle the dispute, which was achieved gradually between the years of 1965-1969.\(^{157}\)

As pointed out earlier, the MB position on the establishment of Fatah was built on a political and analytical basis. However, this does not invalidate the claim that there was an ideological departure that began to crystallize within the MB’s framework. This new ideological discourse argued that it was not possible to discuss liberation until a change in the social, cultural and political structure in the Arab world was realized. In other words, the project of liberation was conditional upon the accomplishment of the desired stage of empowerment. Obviously, this new departure in Brotherhood thought ran counter to the position it took under its first guide, Hasan al-Banna. Al-Banna did not neglect the stage of liberation as we previously illustrated, in order to wait for the success of the process of empowerment that might or might not come. Instead, this new ideological departure from al-Banna’s methodology gave a back seat to the Palestinian issue, while the nationalist and leftist groups carried the mantel of liberation, gradually assuming the place traditionally occupied by the MB. One study argues that “the Brotherhood retreated from the public field and traded its leadership of the masses for engrossment in things pertinent to organization and education, calling to supporters, polishing them religiously and in manner of

\(^{156}\) Ibid., p. 93-94.
\(^{157}\) Ibid., p. 87
comportment, hoping to prepare them to become the required generation for liberation.\textsuperscript{158}

After the Islamic trend had carried the Palestinian struggle from the 20s to the mid-50s, it appeared that there was a rise in the “Palestinization” of the Palestinian issue lead by secular and leftists trends. This would become the dominant current in Palestinian politics from the early 60s to the early 80s. According to the researcher Khaled Hroub, the result of the unyielding MB position to the establishment of Fatah was that:

The real separation between the Palestinian rifle and the Islamic movement began. The distinction between the two lines increased as Fatah pursued its national project of liberation. It embodied the characteristics of the Palestinian identity through nationalizing the military, in addition to the dismissal of slogans that placed the burden of liberation on the Arab regimes and considered military practice the practical entrance to plunge the Arab armies into the battle.\textsuperscript{159}

\textbf{The Philosophical Foundation of the Two Dialectics:}

\textbf{Empowerment and Liberation and its Palestinian Implications}

It was previously pointed out that the nature of the struggle with the Zionist project in Palestine was not a point of sharp dispute until the mid-50s. The prevailing ideological trend among the Arab masses was Islamic in nature, and it sought inspiration from the legacy of Palestinian resistance based on Islamic principles. In

\textsuperscript{158} Faisal Daraj and Jamal Baroot (Editors), \textit{Al Ahzab Wal Harakat Wal Jama’at Alislamiya}. Ibid., p. 385.

addition, from the late 20s to the late 40s, the national leadership was embodied in the person of the Mufti al-Haj Amin al-Husseini, the most prominent religious personality in Palestine. It was not long before the MB’s stance left a strong impression among the Palestinian resistance. According to one study “Palestinian combative and national awareness in the early stages did not live in its initial phase, a detachment prior to the contradiction between the three constituent factors: nationalism, Arabism and Islam. Its leaders did not feel the need to draw parallels to cause reconciliation (between them).”

Furthermore, according to the chief of the political bureau of Hamas, Khaled Meshaal, the Arab people had not distinguished between nationalism and Islamism in their anti-colonial revolts in the late nineteenth and mid-twentieth centuries. Rather, nationalism was synonymous with Islamism, as was clearly on display in the Palestinian arena. This distinction began with the establishment of Fatah and the conscious split from the MB (approximately between 1957-1960) by its founders, most of whom came from the MB. So, according to the study edited by Jawad El-Hamad and Eyad al-Bargothi, “the establishment of the Fatah movement, with what it represented of secular Palestinian nationalism, is considered the first stage in the split between nationalism and Islamism” in the Palestinian arena.

The brutal security apparatus employed by the Nasser regime against the MB not only turned the masses against it by way of calculated media campaigns, it also played a decisive role in the development of what Brotherhood literature calls Fikr Al Mihna “the hardship ideology”. This laid the groundwork for the withdrawal of the

162 Ibid., p.161.
MB from public work in favour of the grand project of empowerment and, in the case of Palestine, eventual liberation. According to the description of this stage by a Palestinian Islamist writer and a Hamas senior leader, “the results of the campaign that Abdel Nasser launched throughout two decades (1954-1970) was that religion became strange among us and the caller for the return to Islam faced condemnation and accusations of backwardness, conspiracy and acting as an agent.”163

The Egyptian Islamist and MB’s thinker, Sayyid Qutb most prominently expressed this view (the priority of empowerment) from the mid-50s and his central role resulted in his eventual execution, having been found guilty of forming a revolutionary organization bent on overthrowing the regime. Brotherhood sources point out that the decision to execute him was taken after the publication of his controversial book, *Ma‘ālim Fi al-Tariq* (*Milestones*), which presents a comprehensive theory for the restoration of the Islamic mission.164 *Milestones* was born out of the oppressive circumstances faced by the Islamic movement. Thousands of Brotherhood members were imprisoned and tortured during this period. Many leaders were executed and Qutb himself was imprisoned and tortured from 1954 until May 1964. It was not long before he was detained again on 9 August, 1965 and executed the following year on 29 August, 1966.165

During Qutb’s first incarceration, his thinking was redirected toward the “realization of the superiority of Allah over the hardship (in which the MB suffered under the Nasser regime), perseverance on the path of calling to Him and giving it a

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165 For more on his biography visit: http://www.aljazeera.net/NR/exeres/2B28A8CF-500D-4B91-8F0B-C7A7AB0BA87C.htm
new effusion.”\textsuperscript{166} His thought began to crystallize in the ideas upon which he built \textit{Milestones}. Some scholars believe that these ideas date to an earlier period, as signs of them could be found in his Quranic commentary \textit{Fi Thilal al-Quran} (In the Shade of the Quran), whose third revised edition was published in 1961.\textsuperscript{167} It is essential to explore these new ideas put forward by Qutb which weighed on the question of the Brotherhood’s withdrawal from the social sphere to focus on the organizational sphere, and the implications of this new thought on the MB’s role in the Palestinian struggle.

Qutb argues in \textit{Milestones} that the world lives in a state of \textit{Jahiliyyah}, a term traditionally used to describe the pre-Islamic period of ignorance. He elaborates on this concept, stating that the most prominent characteristic of this \textit{Jahiliyyah} is represented in the transgression upon the sovereignty of Allah (\textit{Hakimiyyat Allah}) on earth, and upon the exclusive characteristics of divinity and sovereignty. According to Qutb, sovereignty has been wrongly attributed to man, and some have become lords over others.\textsuperscript{168} He goes further when he announces that the “Islamic nation” no longer exists, since the end of the \textit{Shari’a}’s application.\textsuperscript{169} He concludes by stating:

We are also surrounded by \textit{Jahiliyyah} today, which is of the same nature as it was during the first period of Islam, perhaps a little deeper. Our whole environment, peoples’ beliefs and ideas, habits and art, rules and laws, is \textit{Jahiliyyah}, even to the extent that what we consider to be Islamic culture,
Islamic sources, Islamic philosophy and Islamic thought are also constructs of Jahiliyyah.170

Building on that, Qutb rejects any compromise between the Islamic banner and any other, whether nationalist, socialist or humanist. According to his view, Islam does not accept compromise or dilution: it is either Jahiliyyah or Islam.171 Since the whole world lives in Jahiliyyah, Qutb sees that the solution comes from a genuine Islamic Revival. But how is this Islamic revival to occur?

Here Qutb relies on the first Islamic call. He contends, according to the Islamic thinker, Muneer Shafeeq, that it is necessary to organize a group of people to acknowledge the servitude to Allah alone, and who reject legislation from any other source than Allah.172 To achieve this stage, Qutb argues that it is necessary:

(In) the way of the Islamic movement that in the early stages of our training and education we should remove ourselves from all the influences of the Jahiliyya in which we live and from which derive benefits. We must return to that pure source from which those people derived their guidance, the sources which is free from any mixing or pollution (the Quran). We must return to it to derive from it our concepts of the nature of the universe, the nature of human existence, and the relationship of these two with the perfect, the real being, God most high. From it we must also derive our concepts of life, our principles of government, politics, economics and all other aspects of life.173

170 Ibid.
171 Ibid., pp. 31-32, 117-118.
Qutb requires a stage of long-term preparation for the emergence of this vanguard. He calls it “constructing faith.” It is to be followed by a stage of state building that will provide solutions to the problems and challenges, among them the issue of *jihad*. It is possible to conclude that Sayyid Qutb seeks to defer every goal of the Islamic movement until the restoration of divine sovereignty (i.e. sovereignty of Allah on earth.)

Qutb’s ideas incited widespread confusion in the ranks of the MB because some perceived in them a charge of disbelief against fellow Muslims on the basis that they are “people of *Jahiliyya*”. In addition, they appeared to directly conflict with the ideas of the MB’s founder, Hasan al-Banna. As Nusse notes, Qutb "does not limit *Jahiliyya* to the time of pagan ignorance reigning on the Arabian peninsula before the arrival of Muhammad, but interprets it as a situation which occurs at any time when God's programme and laws are neglected by society and rulers."

Several years later after the publication of *Milestones*, the General Guide Hasan al-Hudaibi attempted from his prison cell to settle the matter by writing his book *Dua La Qudah (Preachers not Judges)*. Authored and distributed among the imprisoned Brothers in 1969 (though it was not published until 1977), al-Hudaibi argues that the term sovereignty (Al- *Hakimiyya*) is not mentioned in any Quranic verse or Prophetic Tradition and has no basis in juristic rulings. As such, it is only an expression of general meanings, used by those who wish to draw attention to its importance. Al-Hudaibi disagrees with Qutb’s conclusion that “the state is from the

174 Ibid., p. 37.
175 Ibid., p. 34.
176 Ibid., p. 65-66.
177 See Aljazeera Channels interview with Fareed Abdelkhaleq one of the early leaders of the Egyptian MB who was contemporaneous with al-Banna. http://www.aljazeera.net/NR/exeres/3D329308-914D-4D2C-84BB-2EA6BB77DC0E.htm
178 Yusuf al-Qaradawi, *Hal Yukafir Sayyid Qutb Muslimai Ilyom*. [Does Sayyid Qutb Make Disbelievers of Today's Muslims?] A series of articles were published on Islam Online: http://www.islam-online.net/Arabic/contemporary/2004/05/article01a.shtml
principles of belief.” Rather, he acknowledges that the non-existence of this state does not diminish the Islamic nature of the nation or the correctness of its Islam. Likewise, al-Hudaibi resolved the question of whether the Brotherhood is “a group of Muslims” or “the group of Muslims” in favour of the first understanding.\(^\text{180}\) However, even though he presented the official opinion of the MB, in opposition to the theory put forward by Qutb, he was not able to prevent the intellectual split with those who supported Qutb’s views.

In any case, the ideas of Sayyid Qutb formed the basis of “the hardship ideology”, or what the Brotherhood literature designates as the dialectic “empowerment” first. According to him, as was indicated earlier, this dialectic begins with the preparation of an Islamic vanguard that does not accept compromise or truce with any other belief or ideology. The contrast with Hasan al-Banna's work is stark. He believed, according to the Muslim scholar and MB figure Yusuf al-Qaradawi, Islam to be present and established, as one nation that spans the globe, not as Qutb, that preparation necessarily requires in-depth training and education. Though inevitably there will be neglectful Muslims, the fundamentals of faith remain in place, though it may be in need of revival. This is the true mission of the Islamic call.\(^\text{181}\) As opposed, according to al-Qaradawi, Qutb believed:

That Islam’s existence had been discontinued on earth, as there was no Muslim nation, no Muslim society, nor any individual Muslims. This is not because they had apostatized, but rather because they had not originally entered into Islam. Entrance into Islam requires the testimony that “there is none worthy of worship except Allah” which entails the assignment of

\(^{180}\) Salah Isa, An Article about Sayyid Qutb’s Intellectual Thoughts. Ibid.
\(^{181}\) Yusuf al-Qaradawi, Hal Yukafir Sayyid Qutb Muslimai Ilyom. Ibid.
http://www.islam-online.net/Arabic/contemporary/2004/05/article01a.shtml
sovereignty to Allah, Most High. But they do not utter the testimony with that meaning.\textsuperscript{182}

Qutb’s treatise clashed with al-Banna’s ideas in another respect. Al-Banna, as was illustrated earlier, did not defer some of the MB’s goals to later stages (empowerment then liberation) as Qutb argued. Additionally, Qutb moved beyond al-Banna in presenting Muslims with a choice between Islam or \textit{Jahiliyya}. On the other hand, al-Banna believed in a “conditional compromise” between the three axes of Islamism, patriotism and nationalism.\textsuperscript{183}

Returning to the implications of the unprecedented “hardship ideology” for the Brotherhood, the Palestinian MB’s thought, most notably in the Gaza Strip, was affected and influenced to a large extent by this line of thought (i.e. the theory of empowerment first). On this basis, the stage of liberation was deferred until the preparation of the needed Islamic generation “because the movement of the Brotherhood, when it is victorious, is the one who will liberate Palestine. When the Brotherhood prepares for liberation, the Palestinians will not be alone in undertaking this mission, rather the Islamic nation in all its regions will share this with them.”\textsuperscript{184}

With Fatah’s split from the MB, as a result of this new stance, a conflict arose over the notions of the Islamic and the patriotic in the occupied Palestinian territories.\textsuperscript{185}

\textsuperscript{182} Ibid.
\textsuperscript{183} Hasan al-Banna, \textit{Majmoo’at Rasa’il Al Imam Alshaheed Hasan al-Banna}. The Letter of Our Message. Ibid., pp. 17-21. Given al-Banna’s comprehensive and multi-tiered understanding, the MB participated in the Palestinian war and worked for its cause under the banner of the Arab League. Furthermore, despite the disputes they worked under the Egyptian state and its successive governments. Also, they worked in alliance with trends and parties that had ideologies opposed to theirs. As a result of this open minded thinking, the MB participated in the actions of resistance in the Suez Canal in 1951 despite their tense relationship at that time with the Egyptian government.
\textsuperscript{184} Abdallah Abu A’azah, \textit{Ma’ Alharaka Alislamiya Filaqtar Al’arabia}. Ibid., p. 86.
A Hamas leader clarifies the discussion that took place during this period which led to Fatah’s split. He defines the choice as being one out of two possible paths:

To initiate guerilla fighting operations against the Jews as the Palestinian organizations did, and the reality is the reality, and use the same youth who were raised in the shade of these regimes and ideas that are far removed from Islam, and with this there will be an extension to all that happened in the past and repetition of its mistakes … or to start a process of a comprehensive revival of the nation in order to revive Islam in its souls, and only after this emergence would there be an embarkation toward liberation.  

The MB chose the latter stance while Fatah chose the first. Perhaps one of the most instructive points about the influence of Qutb’s thought on the Palestinian MB is the Brotherhood’s refusal to work with other Palestinian forces. That led to the accusation of “the Islamist in regards to their stance on the Palestinian issue. The absence of the MB from the battle against the Israeli occupation in the West bank and Gaza until the early 80s, put its patriotism under scrutiny.” Whether the new Brotherhood position expressed ideological agreement with Qutb’s thesis of non-cooperation between “the Muslim group” and other groups or whether it developed as a result of the severity of Nasser’s campaign against them, the result was the same. From the late 50s to the late 80s, the Palestinian MB gave priority to empowerment

186 Ibrahim Maqadma, Ma’alim Filtareeq Ila Tahreer Filasteen. Ibid., pp.254-255.  
over liberation and did not cling to the logic of compromise between the two, embodied by the MB during al-Banna’s life, and after his death up to the mid-50s.

Another noteworthy issue is the distinction between the MB as it existed in the West Bank and the Gaza Strip, where the new ideological line was far more prominent in the Gaza Strip, because of its proximity to Egypt and experience of repression. The effects of this appeared in the stage that followed, which saw the participation of MB elements in military operations embarking from north Jordan under the shadow of the Fatah in 1968-1970. These actions were widely supported by the MB in other Arab states, especially Jordan, while the MB of Gaza strongly opposed it.188

After Fatah and the 1967 Defeat to the Founding of Hamas

The early 60s to the defeat of June 1967, represented the low point for the MB in Palestine. According to Sheikh Ahmad Yassin, the founder of Hamas, the Brotherhood lost more of its cadre during that period than any other. Abdel Nasser’s propaganda campaign was a major cause for their loss of popularity. Youth movements wishing to work for Palestine, even if they were religious, often had no choice but to join other Palestinian trends, especially Fatah.189

Until the June 1967 war, there was no prominent nationalist Brotherhood activity in the 60s.190 According to Yassin, the beginnings of organized Palestinian MB work occurred only after the defeat of the Arabs in the war and Israel’s consequent occupation of the West Bank, the Gaza Strip, Sinai and the Golan Heights

188 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 30.
189 Ahmad Yassin's Interview with Aljazeera Channel, Third Series. Ibid.
http://www.aljazeera.net/NR/exeres/305B8274-BE5A-43EB-95DB-606D0ED9034B.htm
190 Khaled Hroub, Hamas: Al fikr Wal Mumarasa Alsiyasya. Ibid., p.28.
of Syria. This defeat, known in the Arab political dictionary as the *Naksah* (setback) resulted in several changes within the MB in general, and the Palestinian MB in particular. Both the West Bank and Gaza Strip came out from Jordanian and Egyptian administration, respectively. Thus, they were "re-united under one sovereign power", (i.e. Israel). This had a particular impact on the MB of Gaza which was rid of Nasser’s campaign. Likewise, the *Naksah* was a defeat of the Arab regimes, “in which the regional picture was shaken to some extent, especially with respect to the absolute Nasserist domination, with its discourse and slogans, on the political front of the Palestinian issue.”

Despite the fact that this defeat released the MB from the repression of Nasser’s security apparatus, and to a certain extent, his propaganda campaign, it confronted the Palestinian MB with a new challenge. It found itself under Israeli occupation, leading to the resumption of the debate within its ranks about the priorities of empowerment and liberation. The difficulties for the MB increased as nationalist and leftist groups filled the void that resulted from the official Arab defeat and these movements advanced their leadership in the resistance against the occupation. At the head of these Palestinian resistance groups was Fatah, which had only recently split from the MB.

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191 Ahmad Yassin’s Interview with Aljazeera Channel, Third Series. Ibid. http://www.aljazeera.net/NR/exeres/305B8274-BE5A-43EB-95DB-606D0ED9034B.htm
In this atmosphere, some MB organizations around the Arab world began to favour increased involvement in the resistance. The subject of the resistance operations became a dominant discussion in Brotherhood meetings and conferences around the Arab world. Usually the discussion was about the necessity of establishing training camps for the MB in Jordan for the purpose of engaging in resistance operations. The most prominent advocates of this idea were the MB organizations in Jordan (including the MB's members from the West Bank who were part of the Jordanian organization), Sudan, Kuwait and expatriate Egyptians, while the Palestinian organization (namely in Gaza) strongly opposed it. The Palestinian organization based its opposition on the same ideas with which it opposed the founding of Fatah years earlier. The Brotherhood ultimately founded four bases for resistance operations under the umbrella of Fatah in northern Jordan. They called these the “Sheik bases.” Aside from the use of its name, Fatah itself had no role in their administration.

The Brotherhood “Sheik bases” shared in resistance operations along the Jordanian-Palestinian border in the period 1968-1970. According to Brotherhood sources who participated in these events, volunteers came from several Arab states and performed well in military operations across the border. This experience was cut short in September 1970 with the confrontation between the Jordanian military and the Palestinian resistance. The MB preferred to stay neutral, wishing to avoid participation in the shedding of Muslim blood, and also because of the uncertainty

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195 For more details on this issue see Abdallah Abu A’azah, Ma` Alharaka Alislamiya Filaqtar Al’arabia. Ibid., pp. 128-144.
196 For more details on this issue see the book of one of the leaders of these bases, Abdallah Azzam, Hamas Aljuthur Altareekhiya wal Mithaq. [Hamas: The Historical Roots and its Charter.], (Bishawir, Pakistan: The Office of the Mujahideen Services. First Edition, 1989.), p.84.
197 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p.30.
198 For more details see the book of Abdallah Azzam, Hamas Aljuthur Altareekhiya wal Mithaq. Ibid.
about fighting against the Jordanian army and the absence of an Islamic banner.\footnote{Ibid., pp.88-89.}

“Despite the brief and modest nature of this episode, it left an imprint on the subsequent literature on the contribution of the Islamists to the Palestinian cause.”\footnote{Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p. 21.}

The result of the defeat of Palestinian resistance groups in Jordan in what came to be known as Black September was their expulsion from Jordan to Lebanon, effectively ending the role of the Jordanian MB in the resistance. Subsequently, the voices supporting empowerment first returned to direct the Palestinian MB. This change in direction resulted in the near complete absence of the MB from the Palestinian national resistance in the 70s. However, it also led to the establishment of a strong organizational base and broad popularity for the MB. It appealed mainly to students in schools and universities. The number of educated members of the MB increased tremendously.\footnote{During that period the organization of the MB expanded. The religious manifestations in the Palestinian streets rose, developing, after that, to the stage of establishing organizations and firmly rooting the presence of the Islamic movement on the Palestinian street. That came after a big dose of confidence that it acquired on many fronts and levels. For more details, see: AbdelSatar Kassem and Osama Abu-Irshaid, *Madkhal ila Harakat Hamas*. The introduction in *Dirasa Fil Fikr Alsiyasi Liharakat Almuqawama Alislamiya (Hamas) 1987-1996*. Jawad El-Hamad and Eyad al-Bargothi (Editors), Ibid., pp. 33-34.}

The early 70s witnessed the first surge in enrollment of Palestinian youth into universities, especially in Egypt. Abdel Nasser died on 28 September, 1970 and his vice President and member of the Revolutionary Council, Anwar Sadat, assumed the presidency, soon confronting the Nasserist legacy and its socialist supporters. This motivated him to free the incarcerated Brotherhood and open the arena of public work to them, including Egyptian universities, where they confronted Nasser supporters. This new atmosphere provided the Palestinian youth with an opportunity to reconnect with the MB in Egypt. This section of students played a big role in spreading
religiosity and regaining acceptance for the Brotherhood message in the occupied Palestinian territories.\(^{202}\)

Hamas commentators describe three stages in the ideological development of the Palestinian MB leading to the formation of Hamas:\(^{203}\)

1) **Building Mosques (1967 to 1975).** In this period the Islamic movement was concerned to influence the new generation, assembling, shaping, directing it by planting the seeds of Islamic thought deeply in their souls.\(^{204}\) The Palestinian MB dedicated itself toward the theory of social change. The MB believed “that social change will lead to political change, and it is necessary to cause this change so that the MB will mature toward a comprehensive resistance to the occupation. Any movement that will resist the occupation is not possible without the availability of a firm ground and appropriate atmosphere.”\(^{205}\)

2) **Building Islamic Foundations (1976-1981).**\(^{206}\) This stage is distinguished by the appearance of Islamic Societies, youth and sports clubs, charitable committees, libraries, and student unions in the universities.\(^{207}\) The Palestinian Brotherhood sought to expand the movement’s base and its horizons. During this stage Islamic student


\(^{204}\) Khalil Al Qawqa., [Interview with Al-Anba’ Newspaper] (Kuwait, 8 October, 1988.) Al Qawqa is one of the early leaders of Hamas in Gaza to be sent to exile by the Israeli’s after the Uprising.


\(^{207}\) Khali Al Qawqa., [Interview with Al-Anba’ Newspaper]. Ibid.
blocs appeared in Palestinian universities, competing with Palestinian nationalists in student elections in the universities and institutes.

The movement in the Gaza Strip also established “the Islamic Assembly” to represent the most important centres of social activity.\textsuperscript{208} The stage of institution-building reached its height with the establishment of the Islamic University in Gaza in 1978. It came into existence after a bitter battle with nationalist factions and the Palestine Liberation Organization about the identity of the university and the means of its administration.\textsuperscript{209}

The importance of this stage was apparent after the Palestinian \textit{Intifada} was launched in December 1987 when Hamas was founded.\textsuperscript{210} These institutions of the Islamic movement covered numerous fields and specialties, such as health and teaching establishments and children's kindergartens. They were distinguished both because they were inexpensive for citizens and by the good character of those who ran them. In comparison to many of the other establishments then operating, which emphasized the factional affiliations and tried to profit from their constituents.\textsuperscript{211}

\textbf{3) Preparing for Confrontation (1981-1987).} During this stage the apparatus necessary for moving into the mode of resistance were put in place. This period saw the MB take to the streets and transform the movement into a political force. In this

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\textsuperscript{208} Ziad Abu-Amr, \textit{Hamas: A Historical and Political Background}. Ibid., Ibid., p. 7. \\
\textsuperscript{210} Personal Interview with Muhammad Nazzal. Ibid. According to Nazzal, the wide foundational network established by the Palestinian MB shared in firming up the pillars of Hamas since its inception and earned additional supporters for it. \\
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period, the preliminary preparations began for armed struggle against the occupation.\footnote{AbdelSatar Kassem and Osama Abu-Irshaid, \textit{Madkhal ila Harakat Hamas.} The introduction in \textit{Dirasa Fil Fikr Alsiysi Liharakat Almuqawama Alislamiya (Hamas) 1987-1996.} Jawad El-Hamad and Eyad al-Bargo\'thi (Editors)., Ibid., p. 37.}

Khaled Meshaal, head of the political bureau of Hamas, indicates that a meeting was held outside the Palestinian territories in 1983 that included a number of Brotherhood leaders from the West Bank, Gaza Strip and the Diaspora to discuss the manner in which to build the coming project. According to Meshaal, this meeting was the first to bring together the internal and external leadership of the nascent Hamas movement to define its objectives. Sheikh Ahmad Yassin and other prominent leaders from Gaza did not participate in this meeting because of their inability to travel under the Israeli occupation. At the meeting it was agreed that the MB inside the occupied Palestinian territories would lead the actual resistance, while the leadership outside would play a political, financial, and public relations role.\footnote{Interview with Khaled Meshaal, the head of the political bureau of Hamas, Second Series. \textit{Al Hayat} Newspaper, London. 5 December, 2003. Shiek Ahmad Yassin says that these efforts started in 1982. \url{http://www.aljazeera.net/NR/exeres/CDCE5A11-A8F4-4911-B996-59F598ACA189.htm}}

The MB inside the occupied Palestinian lands did not delay in implementing its part. Signs of the new Brotherhood direction were manifested in civilian confrontation with the occupation. Of that, according to Muhammad Nazzal, who is a member of the political bureau of Hamas:

The sparking of the uprisings of the mosques in the years 1982 and 1983 that were represented in huge demonstrations that began from the mosques and announced their anger following specific events like the intrusion into the al-\textit{Aqsa} Mosque. Then again in 1985 and 1986 after the decision of the movement in the summer of 1985 to depend on the policy of inciting the
masses, arranging the appropriate opportunity and seizing it to implement the operation of mass uprising to reject the occupation.\textsuperscript{214}

This new direction within the MB was demonstrated by the formation of two apparatuses, military and security, in 1983. The military unit was named \textit{Almujahidoona Alfilastiniyoun} (the Palestinian Fighters), and it was under the leadership of Sheikh Salah Shahadah, who would later become a leader of the military wing of Hamas, “the ‘Izz ad-Din al-Qassam Brigades.” The security apparatus was under the banner of \textit{Munathamat Majd} (the Organization of Glory) under the leadership of both Yahya As-Sinwar and Muhammad Shiratihah. Sheikh Ahmad Yassin became the head of this new organization which would later become known as Hamas.\textsuperscript{215}

The most prominent expression of this new direction was on 15 June, 1984, when Israeli authorities arrested a number of Brotherhood leaders in the Gaza Strip, including Yassin, Shahadah and Sharatihah and accused them of “establishing a religious organization whose objective was attacking the state of Israel by using force and violence and establishing an Islamic state upon its collapse; conspiracy to buy weapons and means of fighting by way of intention to use them to realize their goals, and possessing weapons without a license.”\textsuperscript{216}

\textsuperscript{214} Personal Interview with Muhammad Nazzal. Ibid.
They were only released after a prisoner exchange operation between the Israeli authorities and the Popular Front under the leadership of Ahmad Jibreel in 1985.

Israel’s campaign to destroy the new Brotherhood before it took off did not affect the decision to raise tensions with the occupation, taken by the MB in 1983. It reaffirmed it in the summer of 1985. Indeed, the MB followed up these efforts, participating in the demonstrations of 1986 out of Bir Zeit University, and clashed with Israeli security forces leading to the first two deaths among the MB’s followers. Some Hamas leaders consider years 1985 and 1986 to be “an initiation to the plan of confrontation, and that the beginning of the eighties to 1987 as the period of secret preparation and the involvement of the Palestinian youth through the students blocs and the mosques in the Islamic movement for confronting the occupation.”

Factors in the Transformation of Palestinian Brotherhood Thought

The stage at the end of the 70s to the end of 1987, the year in which the first Palestinian Intifada began and in which Hamas was born, was marked by a number of variables and factors that helped shape the Palestinian MB’s thought and its move towards the national struggle. Some of these were internal and related to the developing discussion within the Islamic movement and the increasing influence not just in the Palestinian streets, but also in Arab and Islamic areas. Others were external but they affected the thought of the Palestinian MB and its directions. These factors

217 Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid. In fact, the decision of the MB to prepare for clashing with the Israeli occupation on the basis of patriotism meant that they were moving in fast strides toward entering the stage of open confrontation with Israel. The transformation into “Hamas” embodied this intention which took its practical form with the outbreak of the first Palestinian Intifada on 8 December, 1987, that witnessed the birth of “Hamas”.

both contributed to the hastening of the Palestinian MB toward national action and the plunge into the armed struggle against the Israeli occupation through “Hamas.”

It was previously stated that the Palestinian MB succeeded in the 70s in restoring its organizational framework and rebuilding its popular base. The year 1979 was decisive in increasing the size and influence of the Islamic current, not only in Palestine, but also in Arab and Islamic streets. That year witnessed two important events that contributed to the development of the Palestinian Brotherhood. The first was the Soviet invasion of Afghanistan and the second was the Islamic revolution in Iran under the leadership of Khomeini, who overthrew the regime of the Shah, one of the most important allies of America in the Middle East. The Soviet invasion of Afghanistan represented a rare opportunity for the United States to give the Soviets “an Islamic Vietnam.” The Islamic and Arab states allied with the United States, especially Saudi Arabia, facilitated the path for zealous Muslim youth to fight the Soviets. The stories and sacrifices of these Muslim youth inspired the determination of others who had not participated in this struggle. But its most important aspect was the renewed confidence of the Islamic current in their ability to lead a struggle under an Islamic banner, by way of “jihad.”218 The Palestinian Islamic field took inspiration from these events and learned their lessons. The Islamic movement in general, and the Palestinian movement especially, benefited from the weakening of the Left in the region.219 The Arab left’s support for the Soviet invasion of Afghanistan caused them to lose a lot of sympathy with the people.

As for the Islamic revolution in Iran, in spite of its Shi’i nature, its antagonism towards America and Israel, revived the hope of the Palestinians and especially the Islamists among them, about the possibility of gaining a strong ally in their battle with

218 Ahmad Bin Yusuf, Harakat Almugawama Alislamiya, Khalfiyaat Alnasha Waafaq Almaseer. Ibid., p. 12.
219 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., pp. 31-32.
Israel. Likewise, the overthrow of an important American ally and the establishment of an Islamic state gave the Islamic movement new hope about the possibility of restoring the Islamic state. Palestinian symbolism appeared in the revolution in the closing of the American and Israeli embassies in Tehran, increasing Palestinian popular support for the revolution in Iran.220

These two factors accompanied an increase in the influence and effect of the MB in the Arab states, especially in Egypt, Jordan and some of the Gulf states, such as Kuwait, in which a large Palestinian community resided. In the later years after the founding of Hamas, many Palestinian activists in Kuwait who led the Palestinian student activism in its universities became prominent leaders of Hamas.221 The Arab Brotherhood organizations shared in supporting the Palestinian organization, providing financial and other support for its activities.

The events of 1979 reopened the debate about the priorities of the Islamic movement within the Palestinian MB for a third time vis-à-vis the two dialectics of empowerment and liberation. These discussions began among some students in Egyptian universities who were deeply affected by the Islamic revolution in Iran. Prominent among them was Fathi al-Shiqaqi, who later became the founder of the Palestinian Islamic Jihad (PIJ). He authored a book in 1979 under the title *Al-Khomeini: The Islamic Solution and the Alternative*. These youth criticized the non-confrontational strategy toward the Israeli occupation adopted by the MB at the time and tried to push it in a new direction. What also contributed to strengthening their convictions were their interactions with Egyptian Islamic groups that believed in

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220 Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
221 For example, in this backdrop, Khaled Meshaal, the present chief of the political bureau of the movement, Muhammad Nazzal, a member of the political bureau, and Osama Hamdan, the former representative of the movement in Lebanon and a current member of the political bureau, all rose through the ranks.
violence. These groups soon announced their separation from the MB and founded PIJ in 1980.222

Some researchers see that the evolution of the PIJ and its adoption of Islam as an ideological badge, like the MB, “made that movement a strong competitor to the Brotherhood on the spiritual field in the first degree, and from here it was on the Muslim Brotherhood to take *jihad* steps to limit the command of the spotlight on the competitor movement Islamic Jihad.”223 The founding of Islamic Jihad challenged the Brotherhood, causing its zealous elements to initiate internal discussions about their priorities and if working for social change precedes working for liberation of Palestine.224

The number of youth in the ranks of the MB at the time was significant and their enthusiasm for resistance was high. Moreover, that period witnessed a rise in Israeli suppression of Palestinians. By emphasizing education and the necessity of social change, the youth of the MB found themselves the subject of ridicule from the national factions because of their absence from the field of nationalist activities against the occupation. What added to their sentiment of frustration is the increasing respect and popularity that the youth of the PIJ were gaining as a result of their adopting the line of resistance.225 As was mentioned before, those PIJ youth were just recently in the ranks of the MB.

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225 According to Gunning: “The wider process of radicalisation had similarly begun to undermine the Brotherhood's position, as its activists were eclipsed by the feats of nationalists, and Islamic Jihad, activists.” Jeroen Gunning, *Hamas In Politics: Democracy, Religion, Violence*. Ibid., p. 36.
These are the developments that led to demands from within the ranks of the MB to move toward working for liberation. The demands of the youth translated into resistance in 1979 and the early 80s with the Brotherhood's first experience of military action through *Usrat Al Jihad* (family of *jihad*), which was composed of Palestinians with Israeli citizenship under the leadership of Sheikh Abdullah Nimr Darweesh. Upon being discovered by the Israelis in 1981, its members were incarcerated and charged with possession of weapons, forming an organization hostile to Israel and carrying out a number of military operations.  

Another factor contributed to the hastening of the MB toward national resistance: the writings of Islamic thinkers who criticized deferring the *jihad* in Palestine to an unknown future in which certain ideals had been realized. They concluded that:

> The statement that the liberation of Palestine will come to pass through Islamic societies is correct, but it is not correct alone. The statement that the revival of Islamic societies will come to pass with the Palestinian issue is also correct, but not by itself. What is more correct, as the plans for *jihad* develop, is that both sides go necessarily and actually through the other, not with a theoretical choice alone.  

These arguments were accompanied by major developments in the conflict, including the Israeli invasion of Lebanon in 1982, the expulsion of the Palestinian

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resistance, and the departure of the remaining Palestinian militant factions from the arena of direct military action with Israel through neighboring Arab countries. At the same time, following its defeat in Lebanon, the PLO headed down the path of political action and negotiations with Israel on the basis of international resolutions. The Islamists decisively condemned this route, because they believed it granted a degree of legitimacy to Israel. Adding to this gloomy picture is the fact that “the decreasing Arab interest in the Palestinian cause was evident at the 1986 Arab summit in Amman. Within Palestine, the increasing socioeconomic and political pressures caused by the conditions of the Israeli occupation were tremendous and pushed the situation to the boiling point.”

Hamas confirms that all of the preceding factors pushed the announcement of its inception from within the womb of the Palestinian MB. Whereas:

It was necessary for a Palestinian Islamic jihad project, its characteristics beginning in the "family of jihad" in 1981 and the group of Sheikh Ahmad Yassin in 1983 and others. And with the end of 1987 the circumstances had ripened sufficiently for completing the new project for liberating Palestine, established on a new basis. So, it was the Islamic Resistance Movement, Hamas, that the Muslim Brotherhood in Palestine had a fundamental role in founding.

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228 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 36. For more details on the Socio-Economic reasons for the Intifada, see Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., pp. 16-22. Also, Jeroen Gunning, Hamas In Politics: Democracy, Religion, Violence. Ibid., pp. 34-35.

The interplay of these factors, absorbed and articulated within the Palestinian
Brotherhood, set the stage for them to enter into national resistance. All the conditions
were right for a move toward the following stage, which was realized on 8 December,
1987, the day in which the Palestinian *Intifada* exploded, coinciding with the birth of
Hamas.\(^{230}\) According to Hamas' narrative, two major conditions allowed the smooth
transformation in the MB from a missionary, social, and educational organization to
the resistance movement, Hamas.\(^{231}\) Those two conditions were: 1) The completion,
in the mid-80s, of the Brotherhood's apparatuses (i.e. military, security, and youth..
etc) necessary for confronting the Israeli occupation.\(^{232}\) 2) The completion of the
theoretical foundation concerning the priorities of the Palestinian Brotherhood. These
had "developed years earlier a formula that harmonizes the two priorities:
(empowerment and liberation) and tries to remove any contradiction between them or
putting one before the other. This formula espoused the possibility and the necessity
of undertaking efforts for the realization of both in an accompanying form and not
delaying either until the other is established."\(^{233}\)

\(^{230}\) It is instructive to note that the tokens of Hamas predated the embarkation of the Palestinian *Intifada*
in December 1987. The MB took a decision on 17 November, 1987, to form military groups. The work
actually began by way of the military group (101) in the two areas of Jabaliya and Bait Hanoun in the
Gaza Strip by planting mines in the path of the Israeli army. Ahmad Yassin's Interview, The Sixth
Series.
http://www.aljazeera.net/NR/exeres/763793D0-E386-4C5D-AB5C-530EFD899864.htm

\(^{231}\) For more details on the subject, see Azzam Tamimi, *Hamas Unwritten Chapters*. Ibid., pp. 44-51.

\(^{232}\) Ahmad Yassin's Interview, the Fourth Series.

\(^{233}\) Husam Al Nasser, *Harakat Almuqawama Alislamiya Hamas, Alintilaq wa Mu‘adalat Assira‘*. Ibid.,
pp. 3-4.
From the Muslim Brotherhood to Hamas

The tension between the Palestinians and the Israeli authorities in the Gaza Strip began to rise in mid-1987. The atmosphere seemed to head toward inevitable confrontation.

In May 1987 six members of the Palestinian Islamic Jihad succeeded in escaping from the central Gaza prison. They hastened to form a military cell in the Gaza Strip that carried out a number of successful operations against Israeli forces, provoking their anger and leading them to launch an unprecedented search campaign for the fugitives. On 1 October, they succeeded when an Israeli military ambush killed four of the six men. With this event the “public anger was ready to boil over, particularly after the Israeli army stormed the campus of the Islamic University in Gaza, where thousands of students had gathered for a prayer service for the four. The Israeli troops opened fire, wounding dozens of students.” On 6 December, a PIJ member killed an Israeli settler in the main square of Gaza city. The Israeli response was swift. Only two days later, on 8 December, a Jewish truck driver ran over Palestinian workers in Gaza on their way home from work, killing four and injuring nine others.

This incident ignited the Palestinian Intifada, leading to immediate angry protests that evening after three of the four victims were buried. In Jibaliya camp in the Gaza Strip, protesters made their way to an Israeli army station. Protestors clashed with soldiers who responded with gunfire, wounding a large number. Less than a week later, Palestinian popular demonstrations confronting Israeli occupation forces had spread to all cities, villages and camps of the Gaza Strip and the West Bank.

234 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p.39.
235 Ibid., p.39.
Though it must be acknowledged that other factions, such as the PLO and PIJ have differing narratives crediting their movements with the launch of the *Intifada*, and that some believe it to have been the product of spontaneous mass action, what concerns us in these events is the official Hamas narrative regarding the chain of events that led to the *Intifada*. This period is critical to understanding the movement’s evolution from the MB to Hamas.

According to this narrative, on the evening of the day following the truck incident, the MB’s administrative office in Gaza met and discussed the necessity to utilize this incident to mobilize national religious sentiments among the Palestinians and direct them toward action against the Israeli occupation. The meeting was held in the house of Sheikh Ahmad Yassin and was attended by six other leading members of the MB: Ibrahim al-Yazzouri, a pharmacist from Gaza, Muhammad Sham’ah, a teacher from the Al-Shati’I camp, Abdul Fattah Dukhan, principal of a school in Al-Nusirat camp, Abdul Aziz Ar-Rantisi, a physician from Khan Yunis, Isa al-Nashar, an engineer from Rafah, and Salah Shahadah, an Islamic University in Gaza employee from Bait Hanoun.238

That gathering is considered by Hamas the founding meeting of the movement. In that meeting, the first announcement of the movement was drafted and the first announcement of the *Intifada* was decided, according to Hamas literatures. According to Sheikh Ahmad Yassin, he personally dictated the language

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238 Ahmad Yassin’s Interview, The Sixth Series. Ibid.
http://www.aljazeera.net/NR/exeres/763793D0-E386-4C5D-AB5C-530EFD899864.htm Also, Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
239 Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
of that announcement at the meeting.\textsuperscript{240} It was distributed within the Gaza Strip on 14 December and in the West Bank the following day. It designated the name “\textit{Intifada}” to describe the mass demonstrations\textsuperscript{241} and was issued in the name of “the Islamic Resistance Movement” without the word “Hamas” present in the document. At the time, the movement had not arrived at the abbreviated name that would later become famous. According to Meshaal, a month after these initial deliberations between the internal and external leadership of the movement, they came to agree on the name of “Hamas,” an acronym for \textit{Harakat al-Mukawama al-Islamiya} “The Islamic Resistance Movement.”\textsuperscript{242} Hamas in Arabic also means “zeal” or “religious passion.”

Immediately after that first meeting, the MB’s religious, social, and security institutions were incorporated into the newly born movement.\textsuperscript{243} It was also decided at the meeting that the group in Gaza should coordinate with Sheikh Jameel Hamami in Jerusalem to form a Hamas organization in the West Bank and to join the \textit{Intifada}.\textsuperscript{244}

Hamas represented the framework that would reconcile the two dialectics that had caused such a divergence within the Brotherhood: empowerment and liberation. Indeed, Hamas became the vehicle of the MB in Palestine to regain whatever popular and political legitimacy had been lost. With its immediate engagement of the Palestinian national resistance, the MB succeeded, through Hamas, to restore to the MB a status in Palestine it had enjoyed under its founder, Hasan al-Banna, and a few years after his assassination as was illustrated earlier.

\textsuperscript{240} Ahmad Yassin's Interview, The Sixth Series. Ibid. http://www.aljazeera.net/NR/exeres/763793D0-E386-4C5D-AB5C-530EFD899864.htm
\textsuperscript{241} Khaled Hroub, \textit{Hamas: Political Thought and Practice}. Ibid., p. 40.
\textsuperscript{242} Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
\textsuperscript{243} Ahmad Bin Yusuf, \textit{Harakat Almuqawama Alislamiya Hamas, Hadathun Abir am badilun Da’im}. Ibid., p. 29
\textsuperscript{244} Ibid. Also, Shaul Mishal & Avraham Sela, \textit{The Palestinian Hamas: Vision, Violence, and Coexistence}. Ibid., p. 36.
It is noteworthy that Hamas would outgrow its parent organization, a result of its not making membership conditional on prior or current membership in the MB. The strict conditions that the MB enforced on its members were loosened for membership in Hamas. According to Nazzal, as a result, Hamas became a “mass organizational framework wider than that of the MB, which maintained its special characteristics and dimensions with organizing and recruiting individuals.”

Despite the fact that Hamas gradually replaced the Brotherhood, the role of the MB remained evident in the outlook of Hamas, which continues to be Brotherhood in character, because its core members were trained by the MB, and the main leadership comes from its ranks. In time, Hamas took on a role larger than that of a Brotherhood wing dedicated to resistance in the occupied territories. It developed as a far-reaching foundational movement whose institutions extended beyond the military into the realms of charitable, educational, academic and social action.

The parent organization learned valuable lessons about how to deal with the emergence of Hamas from its experience with Fatah in the late 50s, which it opposed and therefore allowed to get out from under its influence. Fatah’s split from the MB proved to be a test to the Islamic movement, as it polarized the active youth at the time. An important question arises concerning the nature of the differences between the experience of the Palestinian MB with Fatah and Hamas. What factors led to the rejection of the first project and adoption of the second?

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246 Personal Interview with Muhammad Nazzal. Ibid.

It is possible here to note a number of important differences between the two experiences. First, in the Palestinian Brotherhood experience with Fatah, the leaders reached their decision from a position of weakness and sagging in their ranks. Nasser’s brutal campaign made self-preservation the priority above all and at the expense of patriotic issues. This, in turn, led to the restlessness of the youth who wanted to pursue the course of resistance, one of the reasons they had joined the MB in the first place. In the case of Hamas, the internal discussions and external circumstances that led to its founding arose from a position of strength, the result of the MB restoring its organizational and popular base in the 70s. Only then did the internal discussions give serious consideration for the necessity of the MB to reenter national resistance.

Second, as was previously mentioned, the founders of Fatah saw the necessity of their organization’s independence from the MB, so as not to carry the burden of the MB’s differences with the Nasser regime. At the same time, the MB insisted that any organization come through the MB and with its approval. In the case of Hamas, it was agreed that Hamas would exist within the MB framework, bearing the consequences of the resistance against the Israeli occupation. Third, the decision to form Fatah emerged from a movement of zealous Brotherhood youth without the agreement of the leadership, while in the case of Hamas the decision to found a new organization was made by the MB leadership directly. Fourth, since the idea of Fatah appeared in the minds of its founders, the concern was with the nationalist cause of resistance, without paying much attention to educational and social change. In other words, Fatah gave precedence to liberation over empowerment, a notion the MB rejected at the time. As for Hamas, its formulation came to find a compromise between the two
arguments as it maintained the MB’s educational and social work while fighting Israel at the same time.

As for the case of the Palestinian Islamic Jihad, whose leadership came from the MB, it appears that the dispute was limited to the timing of national resistance work. The PIJ hastened the conflict, because of what its leaders saw as the rising tide of leftist and nationalist factions in this field. By contrast, the Brotherhood leadership believed the time had not yet come for resistance, lead to the split of the PIJ from the MB, while preserving the Islamic reference points. Some Hamas leaders justify the MB’s stance of not being swept away by the action-oriented position of the PIJ saying:

The Islamic movement believed in the liberation of Palestine and realized the danger of the Zionist project. And it considered the project that it was striving to build to be huge and requiring time to ripen. It didn’t want to get involved in a limited experience of sacrificial action. It had a comprehensive and strategic view. The Zionist project that takes Palestine as a base for it represents a danger to the Islamic and Arab nation.248

In concluding this chapter, an important issue that should be addressed is the suggestion by some scholars that there was a role played by the Israeli authorities in strengthening the role of the Islamic current in the occupied Palestinian lands. This suggestion is on the grounds of the initial assumption by the Israelis in the 70s that the MB did not believe in armed resistance at the time. According to these scholars, this Israeli contribution was apparent in its turning a blind eye to the activities of the MB

248 Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
and providing the space for it to move among the Palestinian masses with relative freedom, forming clubs and foundations in the hope that it would compete with the nationalist Palestinian factions, especially the Palestine Liberation Organization, which led the struggle against the occupation. This view holds that the Israeli strategy backfired. The MB transformed from the sphere of missionary, organizational and social work into the realm of national resistance by joining the Intifada and benefiting from the strong organizational and foundational base that it built under the Israeli disregard for its activities.249 Indeed, there are those who see that the increasing influence of the rightwing Likud in Israeli politics during this period helped increase the strength of the Palestinian Islamic trend.250

In refuting the Israeli role in strengthening the Islamic movement some Hamas leaders respond that the Palestinians, with all of their parties and factions, had a limited margin allowed by the Israeli authorities for establishing clubs and foundations. The foundations established by the MB were civilian in character and did not have a military component that the occupation would oppose.251 However, this did not mean that Israel did not disregard the growth of the Islamic current, hoping that the different Palestinian ideological trends would turn their attention toward each other, thereby weakening all of them. This view is supported by Sheikh Ahmad Yassin himself.252 As for the argument that the rise of the Israeli right coincided and possibly aided the growth of the Islamic movement in Palestine, this does not have

251 Interview with Khaled Meshaal. Second Series. Al Hayat Newspaper. Ibid.
252 Ahmad Yassin's Interview, the Fourth Series. Ibid.
much traction. One can note here that Hamas gained more strength in the Palestinian occupied territories while the Labour Party governed Israel from 1992-1996. It would be more accurate to observe the rise of political Islam across the entire region, whether in Jordan, Egypt, the Gulf, or Iran and Afghanistan. The Palestinian scene was not far removed from the developments in these areas.

**Summary**

This chapter discussed the formation and emergence of Hamas historically and intellectually. Such a background is necessary to understand, first, the level of popularity, swift widespread, and organizational discipline that Hamas enjoyed in the Palestinian arena after a short period of its inception. Secondly, and most importantly, it is necessary to understand the formation of Hamas' ideological convictions. As previously stated, Hamas was not intended primarily as an ideological framework, but as a resistant movement based on the intellectual and ideological treatise of the MB. Without understanding the historical and intellectual background of the emergence of Hamas and its development, it would be difficult for us to understand the ideological convictions of Hamas vis-à-vis the Palestinian issue and its comprehension of the conflict on the "land of Palestine." Furthermore, this background is important in this context, because positioning Hamas in the MB's historical and ideological sphere will help us in understanding the progress in Hamas' thinking and its limitations, as will be evident in the coming chapters.

The next chapter will discuss the position of the land of Palestine in the Islamic faith and jurisprudence. It will delineate its unique statues in Islam, the extent of this status, and where does it derive from. It will also discuss the MB's and Hamas'
comprehension of the this status and how they interpret it ideologically, and how it effects their political discourse.
In the previous chapter we discussed the status of Palestine through the perception of the MB and the historical stages that their relationship with it went through. Also, we discussed the intellectual debate that took place within the ranks of the MB after it clashed with the regime of the former Egyptian president, Gamal Abdel Nasser. We examined the emergence, as a result of that clash, of the two dialectics (i.e. "empowerment" and "liberation") in their thought and the impacts of that on the Palestinian branch of the MB. Also, we noted in that chapter the intellectual and the practical factors that led to the formation of Hamas and the mechanism for that. This chapter will discuss the special status of Palestine in Islam, where it drives from, and how the MB and Hamas comprehend it. Furthermore, this chapter will explain how this special status of Palestine impacted the MB's and Hamas' positions in relation to the conflict, as they see it.

In order to understand the religious and ideological backdrop of Hamas’ politics, including its refusal to recognize the right of Israel to exist, one must explore the material and spiritual value that Palestine holds in traditional Islamic thought, in the MB school in general, and in Hamas in particular. Hamas emphasizes that Palestine “is a religious problem, and should be dealt with on this basis.”

The religious character has a number of dimensions. “Palestine is an Islamic land which has the first of the two Qiblahs (direction of Muslim prayers), the third of the holy sanctuaries, and the point of departure for Muhammad’s midnight journey (to the...
Moreover, “Palestine contains Islamic holy sites. There is al-`Aqsa (Farthest) Mosque, which is bound to the great Mosque in Mecca in an inseparable bond as long as heaven and earth speak of Isra` (Muhammad’s midnight journey to Jerusalem from Mecca) and Mi'raj (Muhammed's ascension to the seven heavens from Jerusalem.)”\textsuperscript{255} Finally, the land of Palestine, in the view of Hamas, which is in accord with the MB ideology on the issue, “is an Islamic Waqf (endowment) consecrated for future Muslim generations until Judgment Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up.”\textsuperscript{256} So, on the basis of these beliefs, Hamas’ firmly-rooted conviction is that: “Abusing any part of Palestine is abuse directed against part of the religion”\textsuperscript{257} itself.

Before analysing the ideology of Hamas and its view of Palestine “the land and the symbol” it is appropriate for us to present a brief survey of the status of Palestine within Islam itself. Such a presentation will assist us in setting the backdrop for the ideological convictions of Hamas and allows for a comparative approach with respect to its views and the general Islamic understanding (as was presented in the Quran, the traditions of Prophet Muhammad, and other Islamic primary sources). Likewise, it will allow us to delineate the extent of the accuracy of some of the statements and stances that Hamas takes. For instance, the claim that the land of Palestine is an Islamic endowment can be better explored through traditional Islamic thought on the question, than in isolation. This conviction is of particular significance, as it translates into the prohibition against recognizing the right of Israel to exist, and consequently, the rejection of any possibility for the permanent existence of Israel on

\textsuperscript{254} \textit{Hamas’ charter}. Ibid., Article 14.
\textsuperscript{255} Ibid., Article 15.
\textsuperscript{256} Ibid., Article 11. Again, Ismail Haniyeh and other Hamas senior leaders continue to emphasis the same stand on this issue. See Haniyeh's statement: “Palestine is a land of Islamic waqef.”
\textsuperscript{257} \textit{Hamas’ charter}. Ibid., Article 13. Also, see Ismail Haniyeh's previous statements.
any piece of Palestinian land. (We will be discussing these issues in more details in chapter 4).

Additionally, this approach will help clarify an important issue presented in this context: the centrality of the Palestine question over all other issues facing the Islamic nation in the contemporary period. On this, the movement of Hamas, the Society of the MB and contemporary Islamic thought as a whole are agreed.

The discussion of Palestine is followed by two further sections. The first will discuss the status and the value of Palestine in Islam, specifically, in the first and second sources of legislation in Islam (i.e. Quran and the Prophetic traditions), and in Islamic jurisprudence, both classical and the contemporary. The second will try to delineate how the MB and Hamas comprehend this sacredness and the special status of Palestine, and how they formulate their comprehension of the issue ideologically based on the religious teachings and the jurisprudential discussions on the topic.

The first section is organized under two broad headings, namely: The Status of Palestine Religiously and Spiritually in Islam and for Muslims. This section has six fields:

1) The Land of the First Qiblah. 2) Jerusalem: the Cradle of the Second of the Two Mosques, the Third of the Three Sanctuaries. 3) The Land of the Night Journey and Ascension. 4) Palestine, Land of Prophecy and Blessings. 5) Palestine: The Land of the Gathering and the Spreading Out. 6) Palestine: The Land of Guarding the Frontier and Jihad.

The second heading, The Identity of the Islamic Nation: Inheritors of the Prophets and the Right to Palestine has four fields: 1) The Issue of "Imama". 2) The "The Justly Balanced Nation". 3) “the Witnessing Nation”. 4) "The Best Nation".
The second section of the chapter, which looks at the MB and Hamas understanding of Palestine has three main fields: 1) Palestine: The Land of Islamic Endowment. 2) Palestine: The Central Issue of the Muslim *Ummah*. 3) Jerusalem: The Capital of the Islamic *Caliphate*.

**Palestine in Islam**

Palestine, and especially Jerusalem occupies a lofty status in Islam and the Islamic consciousness. This status derives from the importance given to it by the two primary sources of legislation in Islam: the Quran and the Prophetic traditions. Indeed, one is hard-pressed to find a single Islamic academic reference that suggests any kind of doubt concerning the sacredness of Palestine and its importance in the Islamic treatise.

The status of Palestine is not derived from faith or its spiritual dimensions alone. There are other dimensions. An extensive reading of the texts of the Quran and the Prophetic traditions shows that Palestine is bound with the identity formation of the Islamic *Ummah* (nation). The Quran emphasizes three characteristics that are specific to the Islamic nation, given to it on the basis of its adherence to the "true religion", as Muslims believe. They are characteristics described as “the justly balanced”, “witnessing” and “excellence”. These three characteristics are directly linked to the traditions about Palestine.

The issues of Palestine in general and Jerusalem in particular are to be examined in the context of the Quran and the Prophetic traditions, which define the Islamic nation and describe its place among other nations. The section that follows will explore this definition in greater detail. However, an important intervening issue
deserves mention here. A lack of knowledge of Islamic theology makes any understanding of the sacredness of Palestine to Muslims difficult to appreciate, especially since Quranic and Prophetic references to the sacredness of the Al-Aqsa mosque occur without direct mention of Palestine. For example, the Quran indicates in the clearest text the degree of importance appointed to the Al-Aqsa mosque in Islam in the saying: “Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque, whose precincts We did bless.”

Classical and contemporary Muslim scholars maintain that the blessing cited in the Quran is not reserved for the Al-Aqsa mosque alone. Rather, it is a central point from which this blessing extends to the entire land of Bilad al-Sham (Greater Syria) that today includes: Palestine, Jordan, Syria and Lebanon. Some scholars say that in addition to this region, the blessed Bilad al-sham also include parts of Iraq, Egypt and the northern Arabian Peninsula. Muslim scholars and Quranic interpreters rely on a number of verses and traditions in their explanations.

Palestine, therefore, in the Islamic view, is the centre of sacredness, and this follows from the blessing: “whose precincts We did bless”. And the extent of this sacredness extends to all of the area situated between the Nile and the Euphrates, or,

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259 “The area referred to in the verse as the surroundings which have been blessed is, for the Muslims, Bilad al-Sham, a region which in its entirety has been continuously endowed with blessings from Allah.” For more details: Ibrahim al-Ali, *Alard Almuqadasa bain almadi wal hadir wal mustaqbal*. [The sacred land between the past, present and the future], (London, England: The Muslim Palestine. Second Edition, 1998.), p. 17.

260 Hatem Bazian, *Jerusalem in Islamic Consciousness, A Textual Survey of Muslims Claims and Rights to the Sacred City*, (No information’s are provided on the publishing and the publisher, 2006. U.S.A.), pp. 47.

The Status of Palestine Religiously and Spiritually in Islam and for Muslims

To recognize the status of Palestine in Islam, religiously, spiritually, and historically we are required to refer back to the fundamental Islamic sources. These focus on the following issues: Palestine’s relationship with Jerusalem, the first Qiblah, the second of two mosques and the third of three sanctuaries, the land of the Night Journey and Ascension. Likewise, the sources identify Palestine as the land of Prophethood and blessing, the land of gathering for the Day of Reckoning, and, finally, is the land of the frontier and Jihad.

1) The Land of the First Qiblah

The first reason that Muslims give for the sacredness of Palestine is the fact that Jerusalem is the first Qiblah in Islam. The Prophet and his early followers prayed in its direction before and after the migration from Mecca to Medina in 622 AD. Three years earlier in 619, the five daily prayers were made obligatory for Muslims during the Prophet’s Night Journey and Ascension. “They continued to pray in its direction

while in Mecca and for sixteen months after their migration to Al-Madina (i.e. Medina) until the Quran commanded them to turn to the Ka’abah, or The Sacred Mosque.”

The Quran indicates that the decision to change the Qiblah was not without its detractors. Attacks on Islam and its Prophet were especially prominent among Jewish tribes of Medina who were also praying towards Jerusalem at the time. Some Muslim scholars explain the change of the Qiblah from Jerusalem to Mecca as being further evidence that Islam is a continuation of the religion of Abraham, who took the Ka’abah in Mecca as his Qiblah. Likewise, the change of the Qiblah is evidence that “divine revelation was transferred from the sons of Ishaq (Isaac) bin Abraham to the sons of Isma’il (Ishmael) bin Abraham”. In any case, there are other dimensions tied to this issue connected with the identity of the Islamic nation and its description, which we will discuss later on in this chapter.

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263 The Quran states: “So from whencesoever thou startest forth, turn thy face in the direction of the Sacred Mosque; and wheresoever ye are, turn your face thither.” Yusuf al-Qaradawi, Alquds Qadiyatu Kul Muslim. Ibid., p. 8.

264 The Quran transmits the event and its response to those who cast doubt and to those it described as fools in the following: “The Fools among the people will say: "What hath turned them from the Qibla to which they were used?" Say: To Allah belong East and West: He guideth whom He will to a Way that is straight. Thus have We made of you an Ummat justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves; and we appointed the Qibla to which thou wast used, only to test those who followed the Messenger from those who would turn on their heels (from the Faith). Indeed it was (a change) momentous, except to those guided by Allah. And never would Allah make your faith of no effect. For Allah is to all people most surely full of Kindness, Most Merciful. We see the turning of thy face (for guidance) to the heavens: now shall We turn thee to a Qibla that shall please thee. Turn then thy face in the direction of the Sacred Mosque: wherever ye are, turn your faces in that direction. The people of the Book know well that that is the truth from their Lord, nor is Allah unmindful of what they do.” The Holy Quran. Ibid., Surat Al-Baqarah, chapter 2, verses 142-144., pp. 56-57. Also, see the commentary of Al Imam Alhafith Emad Aldin Abu Alfida Ismail Ibn Kathir, Tafseer Al Quran Al Athim. [The explanation of the Great Quran] (Riyadh, Saudi Arabia: Dar Taiba for Publications and Distribution, volume 1, 2nd Edition, 1999.), pp. 452-454.

2) Jerusalem: the Cradle of the Second of the Two Mosques, the Third of the Three Sanctuaries

The second reason for the sanctity of Palestine is that in Jerusalem is the site of the second of the first two mosques built in Islam and the third of the Sacred Sanctuaries. It has long been considered the third of the Great Cities in Islam after Mecca and Medina. Also according to Muslim belief, its importance comes as a result of its being the resting place of the third of the Sanctuaries that God honored, with the Blessed Farthest Mosque that God blessed all around it. This is confirmed by the Prophetic tradition which states, “Journey is not made except to three mosques: the Sacred Mosque, the Farthest Mosque and this Mosque of mine.”

This tradition not only emphasizes the virtue of these three mosques in Islam over all others, but also limits the sanctity in Islam to these three places alone. Indeed, “the tradition came in the form of limitation, that these sites are not comparable to other mosques.” On this, the eminent medieval scholar Ibn Taymiyyah confirms that it is not permissible to change any one of these three mosques from its location.

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266 In the tradition narrated by Abu Dharr, and transmitted by al-Bukhari in his Saheeh in the chapter “Traditions of the Prophets”: that Abu Dharr, may Allah be pleased with him, asked the Messenger of Allah, peace be upon him, asked the Messenger of Allah, which mosque was situated on earth first. He said: “The Sacred Mosque.” He said: “I said: ‘then which?’ He said: “The Farthest Mosque.” I said: “How much time was between them?” He said: “Forty years, then wherever prayer overtakes you after its period, the virtue is in that place.” Sahih al-Bukhari. [The Corrections of al-Bukhari] (Beirut, Lebanon: Dar Alma’rifa, No year of Publishing, volume 6.), p. 407.


268 Yusuf al-Qaradawi, Alquds Qadiyatu Kul Muslim. Ibid., p.11.

assigning prayers there a reward equivalent to five hundred prayers in any mosque other than the Sacred and Prophet’s Mosques in Mecca and Al-Madina.270

3) The Land of the Night Journey and Ascension

The importance of Jerusalem in Islam increased tremendously because of its association with one of the miracles of the Prophet Muhammad, the event of Al-Isra and Al-Miraj, or the Night Journey and the Ascension. In the journey, the Prophet Muhammad traveled from Mecca to Jerusalem, specifically, the Farthest Mosque in a single night. The Ascension, the journey from the earth to the heavens, occurred in Jerusalem. Upon reaching the highest heaven, according to Muslim belief, God prepared for Prophet Muhammad an achievement never before reached by any human. This journey from Mecca to Jerusalem to the heavens occurred in one night during the eleventh or twelfth year of the Prophet’s mission.271

These events carry the most striking evidence of the sanctity of Palestine for Muslims. The Quran references them directly. It was during his ascension to heaven from the Dome of the Rock that the Prophet received the obligation of prayer from God, which would initially be directed toward Jerusalem.

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270 The tradition was narrated by Abu Ad-Dardaa’ from the Messenger, there came therein: “Prayer in the Sacred Mosque is favoured over other places by one hundred thousand prayers, and in my Mosque by one thousand prayers, and in the Mosque of Jerusalem by five hundred prayers.” Narrated in Sahih Al-Tabarani. This tradition was mentioned in Shbair. Baitul Maqdis wa ma Hawla. Ibid., p. 80.

The renowned contemporary scholar Yusuf al-Qaradawi is of the opinion that: “When Islam made the Farthest Mosque the third of the Great Mosques in Islam, and therein added Jerusalem to the two great Islamic cities: Mecca and Al-Madina, it intended to affirm an important principle; that it came to build, not to destroy, to complete, not to tear down. Jerusalem was the land of Prophethood and the Muslims are the most worthy people concerning the Prophets of Allah and His Messengers as the Messenger, peace be upon him, said: “We are more deserving of Moses than you.” Yusuf al-Qaradawi, Alquds Qadiyatu Kul Muslim. Ibid., p.12.

Perhaps the strongest religious link of Muslims to the land of Palestine is the view that Muslims are the inheritors of the previous messages. As the final Prophet, Muhammad and the Islamic nation took on the leadership role of previous Abrahamic faiths and with that came the rights to Al-Aqsa mosque, Jerusalem, and Palestine as a whole.

The Prophetic biography states that when he was taken by night from the Sacred Mosque to the Farthest Mosque on a creature known as the Buraaq, and in the company of the angle Gabriel, he led the other Prophets in prayer. Muslim scholars contend that this event was a symbolic divine announcement that the Farthest Mosque had become a mosque for the Muslims, connected to the Sacred Mosque in a permanent sacred bond. “The Sanctified House in Jerusalem is the place of origin of the Prophets from Abraham al-Khalil, peace be upon him, and for this reason they were all gathered together for him there. He led them in prayer in their own home. This indicated that he is the Great Imam and the leader put ahead of them.”

The symbolic aspects of the event of the Night Journey and Ascension are significant in their impact on Islamic opposition to Jewish claims to Palestine. The contemporary MB and Muslim scholar Yusuf al-Qaradawi holds the view that the culmination of the night journey in the Al-Aqsa mosque in Jerusalem was a:

Divine plan and for a Godly wisdom, that the final Messenger would meet with the messengers and pray with them as imam (leader). And in this was declared the transfer of religious leadership for the world from the children of Israel to a new nation, a new messenger and a new book: an

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international nation, an international messenger and an international book.275

Moreover, because the Night Journey occurred between the Sacred Mosque in Mecca and Al-Aqsa mosque in Jerusalem, the symbiotic nature of the two holy sites in which each became identified with the sacredness of the other, reinforced the symbol of Jerusalem’s holiness. A central tenet of most believing Muslims is that any violation of the Farthest Mosque is tantamount to a violation of the Sacred Mosque itself. Otherwise why “did not the Messenger ascend directly from the Sacred Mosque to the heavens? This indicates to us that going through this sacred station, passing by Al-Aqsa mosque in the land God blessed for the whole world, was intentional.”276

We will return to this central event, as it is commonly used in arguments put forward by Hamas and the MB intellectually as evidence of the identity of the Islamic nation, and its place among the nations and the position of its message among the other messages. It explains to a large extent why the MB and Hamas refuse to recognize Israel's right to exist on the land of Palestine.

4) Palestine, Land of Prophecy and Blessings

The importance of Palestine to Muslims also extends to the universal aspects of Islam, for it is the site where previous messages came down to many of the messengers of God and even contains the resting places for many Prophets. Therein the scriptures

275 Yusuf al-Qaradawi, Alquds Qadiyatu Kul Muslim. Ibid., p.9. He also quotes the verse: “We sent thee not, but as a mercy for all creatures.” And “Blessed is He Who sent down the Criterion to His servant, that it may be an admonition to all creatures.” This Islamic understanding will be discussed in this chapter.
276 Yusuf al-Qaradawi, Al Isra wal Miraaj: Qiyada Jadida Lilalam. [The night journey and the ascending to the seven heavens a new leadership for the world] (http://www.islamonline.net/Arabic/history/1422/10/article32.shtml)
were revealed to many Prophets, including David, Solomon, Zakariyah (Zechariah), John, and Jesus. They lived and thrived there. Other Prophets lived there as well; among them: Ibrahim (Abraham), Isaac, Jacob, and Joseph.277

Because Muslims believe that all Prophets and messengers before the Prophet Muhammad, were sent with one message, it follows that this understanding of the Islamic faith enhances, once again, the inheritance of this message to Muslims as a nation. Within this framework, Palestine becomes a part of what the Islamic nation inherited on the basis that it is the nation that follows the “true religion” brought by the Prophets and messengers, including the Prophets of the children of Israel. The Quran states that the Prophets and messengers came with a particular message for a particular time and place, while the Prophet Muhammad’s mission was universal and meant for eternity.278 The primacy of Palestine as a land of Islam is built to a degree on this divine claim.

5) Palestine: The Land of the Gathering and the Spreading Out

Palestine is also viewed by Muslims as having a central role in the ultimate reckoning of humankind. A Prophetic tradition says: “Al-Sham (Greater Syria) is the land of the Gathering and the Spreading Out.”279 A more specific tradition singles out the holy

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278 This was reflected in the verses: “They say: "Become Jews or Christians if ye would be guided (to salvation).” Say thou: “Nay! (I would rather) the Religion of Ibrahim, the True, and he joined not Gods with Allah.” Say ye: "We believe in Allah, and the revelation given to us, and to Ibrahim, Isma‘il, Ishaq, Ya‘qub, and the Tribes, and that given to Musa and ’Isa, and that given to (all) Prophets from their Lord: we make no difference between one and another of them: and we bow to Allah (in Islam).” So if they believe as ye believe, they are indeed on the right path; but if they turn back, it is they who are in schism: but Allah will suffice thee as against them, and He is the All-Hearing, the All-Knowing.” *The Holy Quran*. Ibid., Surat Al-Baqarah, chapter 2, verses 135-137, p. 54.

According to Muslim scholars, when the resurrection takes place, people will be driven to Jerusalem for their reckoning and settling of affairs. From there, they will be taken to either Paradise or to Hell. Based on that claim, one scholar sums this idea up by writing, “when Allah chose Greater Syria, Palestine and Jerusalem to be the land to which the people will be gathered, He knew it was one of the best lands, for it enjoys a lofty status of nobility and virtue and for that reason it deserves to be the land of the Gathering and Spreading Out.”

6) Palestine: The Land of Guarding the Frontier and Jihad

The final reason for the importance of Palestine in Islam to be discussed in this chapter is its role as a frontier to be guarded by Muslims as an Islamic land. Many Muslim scholars maintain that Greater Syria, generally, and Palestine in particular are on the frontlines of the jihad, or struggle against Islam’s enemies, to be guarded until the Day of Resurrection. They use as evidence of this a number of Quranic verses and Prophetic Traditions. The Quranic verses on the Night Journey make reference to the continuous state of jihad in Palestine and the surrounding area. The Quran states:

> And We gave (clear) warning to the Children of Israel in the Book, that twice would they do mischief on the earth and be elated with mighty

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arrogance (and twice would they be punished)! When the first of the warnings came to pass, We sent against you Our servants given to terrible warfare. They entered the very inmost parts of your homes; and it was a warning (completely) fulfilled. Then did We grant you the Return as against them: We gave you increase in resources and sons, and made you the more numerous in man-power. If ye did well, ye did well for yourselves; if ye did evil, (ye did it) against yourselves. So when the second of the warnings came to pass, (We permitted your enemies) to disfigure your faces, and to enter the Mosque as they had entered it before, and to visit with destruction all that fell into their power.\footnote{283 The Holy Quran. Ibid. Surat Al-Israa, chapter 17, verse 4-8, pp. 775-776.}

The verses here speak of two struggles in the land of Palestine. Though Quranic scholars differ about the facts of these two struggles and the time of their occurrence, they agree that the return of the children of Israel to their corruption requires another battle in which they are defeated.\footnote{284 "As for when the children of Israel return to making corruption in the earth, then the recompense will be at hand and the eternal and universal law will come to pass (but if ye revert, We shall revert) … Indeed, they returned to making corruption so Allah gave the Muslims dominion over them and they expelled them from the (Arabian) Peninsula completely. Then they returned to corruption again and Allah gave other of His slave’s dominion over them until modern times when He gave Hitler dominion over them. And they have returned (to corruption) today in the form of Israel that caused the Arab people of the land many woes. And Allah will give dominion over them to the one who will bring evil punishment to them, confirming the undeniable promise of Allah, in accord with His Divine Method, which will not be delayed., and tomorrow is always near to one who expects it!" Sayyid Qutb, Fee Thilaal Alquran. [In the shade of the Quran], (Beirut, Lebanon: Dar Al Shuruq, volume 4. 7th Edition, 1978.), p. 2214.} This is an issue that we will discuss in more detail in the next chapter. As for the Prophetic traditions, several are used in support of the placement of Palestine at the frontier of the Islamic nation. The most prominent reports include the saying: “The people of Greater Syria, their wives, children, descendants, male and female slaves, until the end of the (Arab) Peninsula are guarding the frontier in the cause of Allah. Whoever occupies one of its cities, he
is guarding the frontier and whoever occupies one of its ports, he is in jihad.”

A more specific one that is frequently cited states: “There will not cease to be a group from my nation on the truth, victorious, overpowering their enemy, they will not be harmed by whoever confronts them except what afflicts them of persecution, until the command of Allah comes while they are on that.” They said: “And where are they O Messenger of Allah?” He said: “in Jerusalem and around Jerusalem.”

From these traditions some of the scholars deduced that Greater Syria, aside from being blessed and Islamic according to faith, is also the guardian land of the frontier since it was first conquered at the hands of the companions of Prophet Muhammad. In addition, Palestine and the area around it is the land of living continuous jihad throughout the ages because “it is the field of struggle, strife and war with them (the enemies of Muslims) as well as the land of decision, settling the battle between truth and falsehood and between the Muslims and their enemies.” On this basis many of the scholars believe that God favoured it over “the other pieces of land and countries.”

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285 Narrated in Sahih Al-Tabarani. This tradition was mentioned in Muhammad Uthman Shbair. Baitul Maqdis wa ma Hawla. Ibid., p. 27.
286 Musnad Al Imam Ahmad Bin Hanbal, This tradition was mentioned in Muhammad Uthman Shbair. Baitul Maqdis wa ma Hawla. Ibid., p. 231.
288 Salah Abdul Fatah al-Khaalidi, Filasteen Ard Alribat wal jihad wal Hasam. [Palestine is the land of Steadfastness, Jihad, and Victory] (London, England: The Muslim Palestine, Issue of August 1993.) In fact, the reason for making this point prominent in this context is that it was a major justification in the ideology of Hamas in its early stages for refusing a peaceful solution and negotiations with Israel. Hamas saw itself as part of the continuation of guarding the frontier and jihad in the “blessed piece of land” in Greater Syria, and specifically, Palestine, realizing what it sees as the promise of God and the promise of His Messenger. “There is no solution for the Palestinian question except through jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors. The Palestinian people know better than to consent to having their future, rights and fate toyed with. As in said in the honorable Hadith: “The people of Greater Syria are Allah's lash in His land. He wreaks His vengeance through them against whomsoever He wishes among His slaves. It is unthinkable that those who are double-faced among them should prosper over the faithful. They will certainly die out of grief and desperation.” Hamas’ charter. Ibid., Article 13. This, in the understanding of the Islamists, is the jihad methodology that Islam encourages and the Messenger Muhammad depended on at “the beginning of Islam. So, there were campaigns of discipline led by the Messenger of Allah, peace be upon him, to the settlements of the Jews in the Arabian Peninsula and their gatherings in Bani Qainuqaa’ (the tribe of Qainuqaa’), Bani An-Nadeer (the tribe of An-Nadeer), Khaiabar, and Bani Quraithah (the tribe of
The Identity of the Islamic Nation: Inheritors of the Prophets and the Right to Palestine

It has previously been pointed out that the importance of Palestine in Islam, goes beyond the dimensions of worship, faith and spiritualism. It is also connected to the identity of the Islamic nation and its conviction that its religion is the true and final religion, and that Muhammad is the final Prophet and the foremost of the messengers without exception. As such, Muhammad and his nation are the inheritors and the carriers of the final message brought by the Prophets and messengers after their people, including the Jews and Christians, strayed from their guidance and corrupted their revealed texts.

This relationship represents the foremost Islamic claim to Palestine. It should be noted here that this religious justification of Muslim ownership of Palestine does not negate the existence of other ethnic and historical explanations for the right of the Arabs and Palestinians to Palestine. However, this historical and demographic reasoning does not represent in itself a Muslim claim to Palestine. The issue is far more complex.

As the Torah indicates and the Quran also states, the children of Israel were promised the land of Palestine by God and were victorious, after the death of Moses in the battle with the original inhabitants.\(^{289}\) The Quran tells of the Prophet Moses addressing his people, the children of Israel who fled from Egypt after the drowning of Pharaoh: “O my people! enter the holy land which Allah hath assigned unto you,

and turn not back ignominiously, for then will ye be overthrown, to your own ruin."  

But, according to the Islamic scripture, the children of Israel refused the call of their Prophet Moses out of fear of the power of the inhabitants of Palestine at that time. They were punished by God and forced to wander the desert of Sinai for forty years.  

A close examination of this historical period from an Islamic perspective shows that the children of Israel were the believers, supported by God, and that the Canaanites, Palestine’s original inhabitants, were on the side of “disbelief.”  

This framework begs the question: how do Muslims interact with such clear Quranic directives regarding “the land that God prescribed for the children of Israel,” and that the children of Israel were the favoured believing nation: “O Children of Israel! Call to mind the (special) favour which I bestowed upon you, and that I preferred you to all others (for My Message)”?  

The Night Journey and Ascension are relevant here, and will be discussed later in this section, following a more detailed explanation of the significance.  

The Quran is also direct in its affirmation that the Jews and Christians corrupted the messages brought by their Prophets. On this basis, Muslim scholars conclude that Jews and Christians who rejected the message of Muhammad are not the true followers of Abraham, Moses and Jesus, but rather that Muslims are the true

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290 The Holy Quran. Ibid., Surat Al-Maidah, chapter 5, verse 21, p. 288.  
293 Ibid., verses 47 & 122, pp. 20 & 49.  
294 "Then woe to those who write the Book with their own hands, and then say: "This is from Allah," to traffic with it for a miserable price! Woe to them for what their hands do write, and for the gain they make thereby." The Holy Quran. Ibid., Surat Al-Baqarah, chapter 2, verse 79, p. 32.  
Also, Say: "O People of the Book! Ye have no ground to stand upon unless ye stand fast by the Law, the Gospel, and all the revelation that has come to you from your Lord." The Holy Quran. Ibid., Surat Al-Maidah, chapter 5, verse 68, p. 308.  
And it is the same meaning confirmed by the Messenger Muhammad: “The People of the Book changed and modified the Book of Allah and wrote the Book with their own hands saying it is from Allah to buy therewith a small price.” Sahih al-Bukhari. Ibid., Volume 13. p. 334.
followers of those messengers. Therefore, Muslims become the true inheritors for these Prophets, and in this particular context, the inheritors of that group of the “children of Israel” who entered Palestine. But there remains the question: how did the Muslims arrive at this understanding?

The three divinely revealed religious traditions are united in their belief that Abraham is the father of the Prophets. However, they disagree about the nature of his message. What concerns this discussion is the Islamic interpretation of Abraham and his progeny. Quranic verses are useful to this discussion, as they form the basis of the Muslim belief that the message of the original Prophets was passed down through Muhammad, making his followers the inheritors of the original message. These verses deal with the nature of Abraham’s faith: “Ibrahim (Abraham) was not a Jew nor yet a Christian; but he was true in Faith, and bowed his will to Allah's (which is Islam), and he joined not gods with Allah.”

Other verses relate to the universality of Islam’s message, which predates the Prophet’s arrival, once again giving Muslims claims to the body of religious traditions. “The religion before Allah is Islam (submission to His Will): nor did the people of the Book dissent there from except through envy of each other.”

From the preceding verses it becomes clear to us the extent to which the Quran repeatedly states the universality of Islam, subsuming other Abrahamic faiths in its message (i.e. reaffirming the notion that Islam is the original message of all of the Prophets.) In fact, the Quran engages the Jews and the Christians on the faith of

295 The Holy Quran. Ibid., Surat Al-i-Imran, chapter 3, verse 67, p. 160. Other verses include: "They say: "Become Jews or Christians if ye would be guided (to salvation)." Say thou: "Nay! (I would rather) the Religion of Ibrahim, the True, and he joined not gods with Allah." The Holy Quran. Ibid., Surat Al-Baqarah, chapter 2, verse 135, p. 54. Also, Say ye: "We believe in Allah, and the revelation given to us, and to Ibrahim, Isma'il, Ishaq, Ya'qub, and the Tribes, and that given to Musa and 'Isa, and that given to (all) Prophets from their Lord: we make no difference between one and another of them: and we bow to Allah (in Islam)." Verse 136, pp. 54-55.

296 The Holy Quran. Ibid., Surat Al-i-Imran, chapter 3, verse 19, p. 146. And “If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he will be in the ranks of those who have lost (all spiritual good).” Verse 85, p. 166.
Abraham, declaring him neither a Jew nor a Christian, in addition to other Biblical Prophets, such as Noah, Jacob, Joseph, David, Solomon, Moses and Jesus. In effect, it states that all of them were in the fold of Islam. This specifically relates to the understanding of inheritance by Muslims, in which:

The thing considered in the realm of religion and faith is the religious relationship, not the relative relationship and faith-based inheritance and clientage, not blood-related inheritance. For that reason, blood relationship does not require that the people of this relation inherit faith. So, whoever inherits faith must be on the religion of the Prophet who is inherited. Therefore, the Muslims are the true inheritors of all the Prophets including the Prophets of the children of Israel because they are on the religion of all of these Prophets … and that is the religion of Islam.  

This statement highlights the understanding of inheritance with the Muslims as something passed on spiritually, not physically. The Quran confirms this with its statement: “Without doubt, among men, the nearest of kin to Ibrahim, are those who follow him, as are also this Prophet and those who believe”. The intent of the words “this Prophet” is Muhammad, and “those who believe” are the Muslims. The Prophet Muhammad confirms that interpretation in the previously cited Quranic verses addressing the Jews of Medina when he saw them fasting the Day of ‘Aashouraa.’ That holiday was celebrated as the day God rescued Moses and the Israelites from Pharaoh, so Moses practised fasting on that day. The Prophet is reported to have said

to them: “We have more of a right to Moses than you.” The narrator of this tradition, Ibn ‘Abbas confirms: “The Messenger of Allah fasted it and he ordered its fasting.”

From the interpretations of these Quranic verses and Prophetic traditions, Muslims derive their right in Palestine and the inheritance of its Prophets, including those of the children of Israel who entered into Palestine. For that reason we find among Muslim scholars a contention that the Islamic history of Palestine does not begin with Omar Bin al-Khattaab’s entry in 636 AD, but instead with God’s creation of the universe, since the first man, Adam, and all other Prophets were within the fold of Islam. Therefore, the entire earth was the land of Islam. All of humanity was one nation worshipping God, only to then go astray, creating the need for God to send messengers beginning with Noah. Abraham was one of his descendants sent to lead Palestine and its people on the right path. “Since that remote date, Palestine became the property of Islam, the right of Islam, entrusted to the Islamic nation. The one Islamic nation in which all Prophethood is gathered for all time until the Hour comes.”

The rights of the believing servants are affirmed in Quranic verse:

Allah has promised, to those among you who believe and work righteous deeds, that He will, of a surety, grant them in the land, inheritance (of

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300 This fact is explained by the following statement: “The promise of the Holy Land for the children of Israel in the time of Moses, peace be upon him, is a special prescription in a specific time for a specific generation and for a specific cause. It is not a general and everlasting prescription preserved by a bloodline for the Jews with consideration of them as Jews, until the establishment of the Hour as the Jews of this time claim.” According to this account, “the promise of Palestine was reserved for the believing generation of the children of Israel, due to their faith and virtue over the unbelievers in their time. When successive generations broke away from the beliefs of their forefathers, acting in opposition to the conditions of empowerment, they broke the covenant of God, rejected faith and transgressed, so God’s curse and wrath fell upon them and He took this land from them and gave its inheritance to the Islamic Nation, the Blessed Nation.” Ibrahim al-All, *Alard Almuqadasa bain almadi wal hadir wal mustaqbal*. Ibid., p. 24.
power), as He granted it to those before them; that He will establish in authority their religion, the one which He has chosen for them; and that He will change (their state), after the fear in which they (lived), to one of security and peace: 'They will worship Me (alone) and not associate aught with Me.' If any do reject Faith after this, they are rebellious and wicked.\(^{302}\)

It further states: “Before this We wrote in the Psalms, after the Message (given to Musa): ‘My servants, the righteous, shall inherit the earth’.”\(^{303}\)

If we apply this Quranic decree on the rightful claim of a generation of the Israelites to Palestine, it would be on the basis of their adherence to the "true religion" at that time. The Quran Says: “O Children of Israel! Call to mind the (special) favour which I bestowed upon you, and that I preferred you to all others (for My Message).”\(^{304}\)

It also states: “We did aforetime grant to the Children of Israel the Book, the Power of Command, and Prophethood; We gave them, for Sustenance, things good and pure; and We favoured them above the nations.”\(^{305}\) But again, because the children of Israel (like the Christians), strayed from the "true religion" and rejected what their Prophets brought forth, they were no longer considered the offspring of that generation of Israelites whom God favoured over the world, according to the Quranic expression. The Quran says: “The Jews call 'Uzair a son of Allah, and the Christians call Al-Masih the son of Allah. That is a saying from their mouth; (in this) they but


\(^{303}\) *The Holy Quran*. Ibid., Surat Al-Anbiyaa, chapter 21, verse 105, p. 944.

\(^{304}\) *The Holy Quran*. Ibid., Surat Al-Baqarah, chapter 2, verse 47, p. 20.

\(^{305}\) *The Holy Quran*. Ibid., Surat Al-Jathiya, chapter 45, verse 16, p. 1535.
imitate what the Unbelievers of old used to say. Allah's curse be on them: how they are deluded away from the Truth!"^306

The Quran goes even further in its affirmation of Muhammad’s mission as a chance for them to return to the essence of the messages brought by their Prophets and rejoining the community of the faithful after a long period of corruption. The Quran says:

O People of the Book! there hath come to you Our Messenger, revealing to you much that ye used to hide in the Book, and passing over much (that is now unnecessary): There hath come to you from Allah a (new) light and a perspicuous Book. Wherewith Allah guideth all who seek His good pleasure to ways of peace and safety, and leadeth them out of darkness, by His Will, unto the light, guideth them to a Path that is Straight.\(^307\)

The preceding section clarified the concept of inheritance in Islam and the relationship of Muslims to the prior messages, Prophets and nations. In addition, it explored how this concept was extended to Muslim inheritance of Palestine and as such, the rejection of Jewish claims to the land. This methodology provides here another line of argument. The supplication of Abraham in the Quran describes his request for God to allow his nation to inherit the Imamah (leadership). But according to the Quran, God excludes the unjust among them: “And remember that Ibrahim was tried by his Lord with certain commands, which he fulfilled. He said: ‘I will make

[^306]: The Holy Quran. Ibid., Surat At-Tauba, chapter 9, verse 30, p. 507. And it also says: “Ye People of the Book! why reject ye the Signs of Allah, of which ye are (yourselves) witnesses?” The Holy Quran, Surat Al-i-Imran, chapter 3, verse 70, p. 161. And it says: “They do blaspheme who say: Allah is one of three in a Trinity: for there is no god except One God.” The Holy Quran. Ibid., Surat Al-Maidah, chapter 5, verse 73, p. 310. And it says: “In blasphemy indeed are those that say that Allah is Al-Masih the son of Maryam.” The Holy Quran. Ibid., Surat Al-Maidah, chapter 5, verse 17, p. 286.

[^307]: Ibid., Verses 15-16.
thee an Imam to the Nations.’ He pleaded: ‘And also (Imams) from my offspring!’ He answered: ‘But My Promise is not within the reach of evil-doers.’”

The question begs itself: who is meant by the unjust among the offspring of Abraham? In his capacity as an Islamic Scholar, Sayyid Qutb, writes on this verse in his renowned Quranic exegesis "In the Shade of the Quran":

The response came to him (Abraham) from his Lord who examined him and chose him, establishing the great principle that we saw previously… that the Imama is, for he who deserves it by actions and beliefs, uprightness and faith, and it is not the inheritance of lineages. Nearness is not the close ties of flesh and blood, rather it is the close ties of religion and conviction, and the claims of blood, race, and nationality are nothing but the claims of the Days of Ignorance which is fundamentally opposed to true faith. The Imama that is prohibited to the unjust comprises all definitions of leadership: the Imama of the message, the Imama of the Caliphate, the Imama of prayer. Therefore, justice, with all of its meanings, is the basis for deserving this Imama in any of its forms. Whoever acted unjustly in any shade of injustice, stripped himself of any right of Imama in all of its meanings. This is what was said to Abraham, peace be upon him. This covenant is unambiguous. It is decisive in removing the Israelites from the Imama because they were unjust, disobedient and rebelled against the order of Allah. They were corrupted from the faith of the forefather Abraham.

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308 The Holy Quran. Ibid., Surat Al-Baqarah, chapter 2, verse 124, pp. 49-50.
This interpretation is in accordance with the Quranic verse: “Both the Jews and the Christians say: ‘We are sons of Allah, and His beloved.’ Say: ‘Why then doth He punish you for your sins?’ Nay, ye are but men, of the men He hath created: He forgiveth whom He pleaseth, and He punisheth whom He pleaseth.”\(^{310}\) But, where is the event of the Night Journey and Ascension classified with all of this and what is its connection?

1) The Issue of "Imama"

The Night Journey and Ascension of the Prophet Muhammad, which occurred before his migration to Medina, was described previously. Likewise, it was previously indicated that Muslims have cited this event to attest to their right to Palestine and how this journey firmly rooted their conviction that the Prophet Muhammad was the inheritor of previously revealed divine messages. What concerns us here is the Prophet Muhammad’s leading all other Prophets in prayer at the Al-Aqsa mosque. In addition, we will discuss a related aspect that concerns the identity and status of the Islamic nation and its relationship to the Al-Aqsa mosque, Jerusalem and Palestine.

There are many narrated traditions on the Imama of the Prophet Muhammad of the previous Prophets in prayer. We will concentrate on two of them. A narration of Ibn ‘Abbas states: “The night the Prophet, peace be upon him, went on his Journey and entered Paradise… when he entered the Al-Aqsa mosque he stood to pray. He turned and turned again, and he saw all of the Prophets praying with him.”\(^{311}\) The narration by At-Tabari transmits from Anas Ibn Malik, states: “He traveled until he (the angel Gabriel) brought him to Al-Aqsa mosque. He prayed therein as imam with

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\(^{310}\) *The Holy Quran*. Ibid., Surat Al-Maidah, chapter 5, verse 18, p. 287.

the Prophets and messengers.” Some scholars take both narrations together to strengthen the contention that “he prayed with the Prophets in the Al-Aqsa mosque. Whether he prayed with them before his ascension or after it, the important thing is that the prayer in the Al-Aqsa mosque is affirmed by the majority of the companions.” But how was the issue of the Imam applied and understood in Islam?

Here we find the Muslim scholars are in virtual agreement that the Imam of the Prophet Muhammad of the other Prophets was symbolic of his status as the “Great Imam and Leader of Precedence.” In their view, it is evidence of the virtue of the Prophet Muhammad over the other Prophets. It is evidence that the divine messages all maintain the same objectives and principles. It further attests that the message of Islam abrogates all the previously legislated religions and that the call of Islam is universal, sent down to guide all of humanity. In addition, it indicates that the light of Islam must shine from the Al-Aqsa mosque across the world.

This points to another important element in support of the concept of the inheritance of the Islamic nation. The Imam of the Prophet Muhammad of the other Prophets is viewed as a realization of a previous covenant they made with God. The Quran clarifies this covenant with its statement

Behold! Allah took the Covenant of the Prophets, saying: "I give you a Book and Wisdom; then comes to you a Messenger, confirming what is with you; do you believe him and render him help." Allah said: ‘Do ye agree, and take this

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312 Ibrahim al-Ali, Alard Almuqadasa bain almadi wal hadir wal mustaqbal. Ibid., p. 87.
313 Ibn Kathir, Tafseer Al Quran Al Athim. Ibid., Volume 5., p. 5.
my Covenant as binding on you?’ They said: ‘We agree.’ He said: ‘Then bear witness, and I am with you among the witnesses.’\(^{315}\)

This covenant is understood in the Muslim consciousness to mean according to Qutb, “The People of the Book were required to believe in the final messenger and to help him. But, they did not fulfill the covenant Allah made with them and with their early messengers.”\(^{316}\) We find support for this meaning in verses stating that Islam is the essence of all previous messages and that it is the religion that all of the previous Prophets preached. It forms the covenant of God with His Prophets. On this basis, it is the only religion that God will accept from His votaries.

After its clarification of the covenant between God and His prophets the Quran continues:

If any turn back after this, they are perverted transgressors. Do they seek for other than the religion of Allah? While all creatures in the heavens and on earth have, willing or unwilling, bowed to His Will (accepted Islam), and to Him shall they all be brought back. Say: ‘We believe in Allah, and in what has been revealed to us and what was revealed to Ibrahim, Isma'il (Ishmael), Ishaq (Isaac), Ya'qub (Jacob), and the Tribes, and in (the Books) given to Musa (Moses), 'Isa (Jesus), and the Prophets, from their Lord: we make no distinction between one and another among them, and to Allah do we bow our will (in Islam).’ If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in

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\(^{315}\) *The Holy Quran.* Ibid., Surat Al-i-Imran, chapter 3, verse 81, p. 165.

the Hereafter he will be in the ranks of those who have lost (all spiritual good).³¹⁷

Returning to the covenant once again, Muslims contend that it was realized by way of the İmama of the Prophet of the other Prophets in the Al-Aqsa mosque by way of the Night Journey and Ascension. It confirms the “extension of the right of Islam in Palestine and links to the larger land of Islam, including Mecca, in a bond first established by the migration of Abraham, peace be upon him.”³¹⁸ This is connected to the question of the İmama and its application on the question of Islam’s inheritance of what preceded it. The emerging question is about its relevance to the question of the identity of the Islamic nation and its definition of itself and its status among the other nations?

A close and meticulous examination of the Quranic texts finds that Islam gives its followers three characteristics that distinguish them from followers of other faiths. These characteristics are guaranteed to any Muslim, without regard to race, ethnicity, or language, so long as they believe in Islam, and adhere to its teachings.³¹⁹ The three characteristics are: “the justly balanced Ummah,” “the witnessing nation,” and “the best nation.” But how are these titles connected to the Muslim claim to Palestine?

We find that the first and second characteristics are mentioned in the context of the discussion of the Farthest Mosque, while the third characteristic is mentioned in the context of the “struggle” between the Islamic nation and the children of Israel, as many Muslim scholars see it. Of the first two characteristics, The Quran says:

³¹⁷ The Holy Quran. Ibid. Surat Al-i-İmran, chapter 3, verse 82-85, pp. 165-166.
³¹⁸ Adnan Alnahawi, Filasteen Bain al Minho al Rabin wal Wakie. Ibid., pp. 28-29.
³¹⁹ “The religion before Allah is Islam”. And whoever “desires a religion other than Islam, never will it be accepted of him.”. The Holy Quran. Ibid. Surat Al-i-İmran, chapter 3, verse 19, p. 146. And verse 85, p. 166.
The Fools among the people will say: "What hath turned them from the Qiblah to which they were used?" Say: To Allah belong East and West: He guideth whom He will to a Way that is straight. Thus have We made of you an Ummat justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves; and we appointed the Qiblah to which thou wast used, only to test those who followed the Messenger from those who would turn on their heels (from the Faith). Indeed it was (a change) momentous, except to those guided by Allah. And never would Allah make your faith of no effect. For Allah is to all people most surely full of Kindness, Most Merciful. We see the turning of thy face (for guidance) to the heavens: now shall We turn thee to a Qiblah that shall please thee. Turn then thy face in the direction of the Sacred Mosque: wherever ye are, turn your faces in that direction. The people of the Book know well that that is the truth from their Lord, nor is Allah unmindful of what they do.320

What concerns us here is the understanding of the two characteristics of the “Justly Balanced” and “Witnessing” and their connection with the first Qiblah, Jerusalem and Palestine as a whole to understand this bond. It is appropriate to define these two characteristics in the present context.

320 The Holy Quran. Ibid. Surat Al-Baqarah, chapter 2, verses 142-144, pp. 56-57.
2) "The Justly Balanced Nation"

The characteristic of the justly balanced Ummah means here, according to Muslim scholars, the best and most excellent of nations. Another meaning can be deduced from the context of the previous verses. It is connected, once again, to the issue of the inheritance of Islam and the Muslims of previous nations and religions. The context is set by the reality of the Abrahamic message and those who are the most deserving to claim relationship to him. It then extends to the fact that Abraham and his son Isma’il raised the foundations of the Ka’abah in Mecca. Their religion was Islam and they were the ones who asked God to send Muhammad, as a messenger and Prophet. The text proceeds to confirm that the religion of Abraham was Islam. Moreover, the Quran is quite clear in stating that the sons of Abraham were Muslims as well. In addition, it indicates that the children of Jacob announced their holding fast to the religion of Islam and belief in it. And within this very same context the Quran emphasizes, what was mentioned before, that Abraham was neither a Christian nor a Jew. Islam firmly roots Muslims as the true followers of the Prophets and messengers and have the most right to them of all people.

From the context of these verses, the justly balanced Ummah here means that the Islamic nation is the nation that follows “the true religion” brought by all previous messengers, without regard to ethnicities, languages or peoples to whom they were sent. Therefore, they are the most deserving people to inherit them, as they do not distinguish between one and another in their faith. In this context, the discussion concerning

the change of the first Qiblah, Jerusalem, to Mecca serves as additional proof that the leadership transferred to this religion and its nation. It is consistent with the tradition of those Prophets that came before them.

Redirecting them to pray toward the Ka’abah at a later stage is a return to the Qiblah of the father of all the Prophets, Abraham.\textsuperscript{323}

Based on this understanding, if the first Qiblah (Jerusalem) disappeared from the belief of the Muslims, this would automatically mean a corresponding loss of the characteristic of the justly balanced Ummah that is strongly bound to it on the basis of the understanding of the Islamic inheritance of what came before.

3) “The Witnessing Nation”

The second characteristic, “the witnessing nation,” also relates to the event of the Night Journey and Ascension. By conducting the prayer as an imam of all previous Prophets and messengers at the Furthest Mosque in Jerusalem, the Prophet Muhammad became, according to Muslim belief, a witness over all the Prophets and messengers before him and over all mankind, while his nation became a witness over

\textsuperscript{323} Sayyid Qutb writes:
"Indeed, Allah took a covenant from Abraham to be a Muslim, and Abraham took a covenant from his sons to stay on the religion of Islam after him and, likewise, he took a covenant from Jacob (Israel). Abraham knew that the inheritance of the covenant of Allah and its virtue was not for the unjust. Indeed, Allah took a covenant from Abraham and (his son) Isma’il to establish the foundation of the Sacred House (in Mecca)… and it is a heritage for them, inherited by whosoever inherits the covenant. And the Muslim nation is the heir to the covenant of Allah with Abraham and Isma’il and the favour of Allah on them. So, it is natural and logical to inherit the House of Allah in Mecca and to take it as a Qiblah. So, if the Muslims faced, for a period of time Al-Aqsa mosque that the Jews and Christians faced, this direction was because of a special wisdom, to which the context pointed as we clarified before. Now, Allah willed to give the inheritance to the Muslim nation, and the People of the Book refused to revert to the religion of their father Abraham - and that is Islam - and share in this inheritance. Therefore, the change of the Qiblah came in its time, changing it to the first House of Allah, which Abraham built, so that the Muslims would be distinguished with all of the characteristics of inheritance, feeling and perceiving it: inheritance of the religion, inheritance of the Qiblah and inheritance of the favour of Allah, all together.” Sayyid Qutb, \textit{Fee Thilaal Alquran}. Ibid., Volume 1. p.127.
other nations. By praying behind Prophet Muhammad, the other Prophets fulfilled their covenant with God. According to this theory, it is the Muslim nation that carries the true message and the essence of the pure belief that the Prophets and messengers brought them.324

4) "The Best Nation"

As for the third characteristic, it occurs in the chapter of the Quran titled “The Family of ‘Imran.” These verses support the contention that Muslims are the best among all nations. “Ye are the best of Peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah. If only the People of the Book had Faith, it were best for them: among them are some who have Faith, but most of them are perverted transgressors.”325

Muslim scholars agree that the excellence of the Islamic nation is underwritten by its virtue and good order and prohibition of vice and evil. As long as they do that, they will be the best of nations on the basis "that they (the Muslims) are the best of nations and the most beneficial of people to humanity."326 However, it is appropriate to note here that this characteristic, like the two previous ones, is not detached from the inheritance of Islam either from those previous Prophets and messengers, or the earlier nations who followed them. Moreover, we find that this characteristic is tied to an aspect of the struggle that took practical form between the

324 This tradition of the Messenger is used to support this contention: “A Prophet will come on the Day of Resurrection and two men will be with him and more than that. So, his people will be called and it will be said: ‘did this one convey the message to you?’ They will say: ‘No’. It will be said to him: ‘Did you convey to your people?’ He will say: ‘Yes’. It will be said: ‘Who is a witness for you?’ He will say: ‘Muhammad and his nation.’ So, Muhammad and his nation will be called. It will be said to them: ‘Did this one convey to his people?’ They will say: ‘Yes’. It will be said to them: ‘How do you know?’ They will say: ‘Our Prophet came to us and informed us that the Messengers conveyed their messages’.” Ibn Kathir, Tafseer Al Quran Al Athmi. Ibid., Volume 1., p. 455.
325 The Holy Quran. Ibid., Surat Al-i-Imran, chapter 3, verse 110, p. 173.
Muslims and some of the Jews in one of the stages of the life of the Prophet Muhammad, according to Muslim beliefs. This issue will be further discussed in more detail in the following chapter.

As for the context of inheritance that this characteristic brings, it begins with the issue of the covenant, and the belief that Islam is the only suitable religion for the worship of God. These are the two affairs that were discussed previously. The verses arrive at the fact that Abraham was in the fold of Islam. “Say: "Allah speaketh the Truth: follow the religion of Ibrahim, the sane in faith; he was not of the Pagans.”  

The text continues to confirm that the Ka’abah was the first mosque built on earth for worship and notes Abraham’s relationship to this landmark. “The first House appointed for men was that at Bakka (Mecca); full of blessing and of guidance for all kinds of beings: In it are Signs manifest; the Station of Ibrahim; whoever enters it attains security.”

In his Quranic exegesis, the Muslim and MB Scholar, Sayyid Qutb sees that this verse represents a return to the subject of changing the Qiblah from Jerusalem to Mecca, because of which the Jews faulted the Muslims, transferring the issue, once again, to the question of inheritance. Qutb writes:

Then, it responds thusly to their objections to changing the Qiblah- that subject which took up a broad field in the chapter of “The Cow” (i.e. chapter 2 in the Quran) before. It becomes clear to them that the Ka’abah (i.e. the sacred house for Muslims in Mecca) is the House of Abraham and

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327 The Holy Quran. Ibid., Surat Al-i-Imran, chapter 3, verse 95, p. 169.
328 Ibid., Verses 96-97.
the first House placed for mankind for worship on the earth. So, objecting to it is unheard of from those who claim the inheritance of Abraham!\(^329\)

The verses go on to criticize the Jews and the Christians for their disbelief.\(^330\)

And they conclude in the realm of the understanding of “inheritance” with a warning to the Muslims about following the People of the Book on the basis that it is the path to disbelief.\(^331\) The text concludes with the acknowledgement of the “excellence” of the Islamic nation on the basis of commanding virtue and good and prohibiting evil. This is defined by Qutb as:

To assume the responsibilities of the excellent nation with all of what is behind these responsibilities of hardship, and with all of what is in their path of harsh consequences… It is opposition to evil, encouraging good and protecting the society from the factors of corruption… And all of this causes exhaustion and difficulties, but it is thusly necessary for the establishment of the righteous society and its protection and for the realization of the picture that Allah loves see in the life of humanity.\(^332\)

However, this characteristic is also tied to the discussion about the Jews, who Muslims believe will be defeated every time they bring God’s wrath upon them due to


\(^{330}\) “Say: "O People of the Book! why reject ye the Signs of Allah, when Allah is Himself witness to all ye do?" Say: "O ye People of the Book! why obstruct ye those who believe, from the path of Allah, seeking to make it crooked, while ye were yourselves witnesses (to Allah's Covenant)? But Allah is not unmindful of all that ye do." *The Holy Quran*. Ibid., Surat *Al-i-Imran*, chapter 3, verses 98-99, p. 170.

\(^{331}\) “O ye who believe! if ye listen to a faction among the People of the Book, they would (indeed) render ye apostates after ye have believed! And how would ye deny Faith while unto you are rehearsed the Signs of Allah, and among you lives the Messenger? Whoever holds firmly to Allah will be shown a Way that is straight.” *The Holy Quran*. Ibid., Surat *Al-i-Imran*, chapter 3. Verses 100-101.

disbelief or disobedience. It is important to point out here that the Quran distinguishes between two groups of the people of the Book. The first is the group that disbelieved and disobeyed, while the second is the group of believers whom the Quran exempts from its reproach and praises and purifies them.

Not all of them are alike: of the People of the Book are a portion that stand (for the right); they rehearse the Signs of Allah all night long, and they prostrate themselves in adoration. They believe in Allah and the Last Day; they enjoin what is right, and forbid what is wrong; and they hasten (in emulation) in (all) good works: they are in the ranks of the righteous. Of the good that they do, nothing will be rejected of them; for Allah knoweth well those that do right.

The importance of this Quranic distinction will become clear in the next chapter, when we arrive at the nature of the struggle in Palestine and the identity of the “enemy,” as Hamas understands it.

The extensive discussion of the status of Palestine in traditional Islamic discourse is essential not only as a backdrop for contemporary interpretations of its status in the geopolitical context, but also to clarify common misconceptions that exist in the West concerning the place of Palestine in Islamic belief. For example Nusse argues that no territory in Islam "was ever considered to be of a more central or sacred

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333 “They will do you no harm, barring a trifling annoyance; if they come out to fight you, they will show you their backs, and no help shall they get. Shame is pitched over them (like a tent) wherever they are found, except when under a covenant (of protection) from Allah and from men; they draw on themselves wrath from Allah, and pitched over them is (the tent of) destitution. This because they rejected the Signs of Allah, and slew the Prophets in defiance of right; this because they rebelled and transgressed beyond bounds.” The Holy Quran. Ibid., Surat Al-i-Imran, chapter 3, verses 111-112, pp. 173-174.

334 Ibid., Verses 113-115, pp. 174-175.
nature than another." According to her argument only Mecca and Medina were mentioned in the Quran and that the notion of sacred territory is limited to their surroundings. Based on this analogy she concludes by saying that "the Al-Aqsa mosque is venerated as a holy Muslim place, but the idea that the specific territory of Palestine is holy only emerged more recently." She further asserts that the notion of the sacredness of Palestine in the ideology of Hamas was influenced by two notions in Judaism: the sacred territory and the Promised Land. Such arguments and assertions are refuted by the meticulous and extensive discussion of the primary Islamic sources that we laid out previously.

These misconceptions are reflected in the inability of most Western commentators to understand the perspective from which the MB and the Hamas movement articulate their refusal to recognize the right of Israel to exist in the land of Palestine. The contextualisation provided by this thesis here is not conducted as an attempt to support the position adopted by the MB and Hamas, only to clarify the scriptural sources which sustain it.

The sanctity of Palestine in Islam, which became prominent in the life of the Messenger Muhammad, has remained so through contemporary times. Whether it is because Jerusalem was the only city whose keys were personally possessed by the second of the four Rightly Guided Caliphs (Omar Bin al-Khattaab), or because the great Islamic hero Salah ad-Din al-Ayyubi made such tremendous efforts to liberate Jerusalem from the hands of the Crusaders, the history of Islam has a rich store of references, symbols and stories to inspire a modern revivalist movement. Indeed, the Muslim nation, since the time of the Messenger, has regarded Jerusalem as a noble

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336 Ibid.
337 Ibid.
338 Ibid., pp. 48-49.
sanctuary, a blessed house and an honoured sacred place. It journeyed to it after its opening, entered into Ihram (state of ritual consecration) from it for Hajj and Umrah, and visited it in search of prayer and blessing, and it surrounded it with religious oversight.  

The significance of the preceding presentation is represented by its embodiment of the ideological and theological background that governs the positions of the MB and Hamas, their views, approaches, and the implications of the issue. Furthermore, this background is a fundamental element in specifying and identifying the “transgressor,” according to Hamas, and the most useful of ways to deal with it. It remains for us here to clarify how these theological and jurisprudential convictions are translated ideologically and politically in the language of Hamas and its justifications. In other words, how do these convictions find their expression in the logic of Hamas?

**Palestine in Hamas' Thought**

The sacredness of Palestine in Islam, and the Muslims comprehension of the dimensions and implications of this sacredness, found its way to the ideological philosophy of the MB and Hamas. This ideology expressed itself into three main areas: 1) Palestine: The Land of Islamic Endowment. 2) Palestine: The Central Issue of the Muslim Ummah. 3) Jerusalem: The Capital of the Islamic Caliphate

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1) **Palestine: The Land of Islamic Endowment**

The position of Palestine in the thought of the MB and Hamas does not depart from the Islamic sacredness of Palestine previously described. According to Hasan al-Banna “Palestine occupies in our souls a sacred spiritual place above the simple nationalistic meaning, the breeze of the Blessed Jerusalem blows upon us, the blessings of the Prophets and Truthful, and the birthplace of Christ, upon him be peace. And all of that enlivens the souls and nourishes the spirits.”\(^{340}\) Hasan al-Banna also looked at the issue of Palestine on the basis that it was “an issue of the Islamic world altogether. So, it is a measure of their nobility and a scale of their awe and power.”\(^{341}\) As with all Muslims, Palestine, in the view of the MB and Hamas, is the location of the Farthest Mosque, the first Qiblah for the Muslims and the third of the Noble Sanctuaries that God increased the reward of prayer therein. Likewise, it is the Land of the Night Journey and Ascension where the Prophet led the messengers and Prophets together in prayer. It is the land that God singled out for a number of the Prophets, and therein many of the companions and their followers resided and are buried.\(^{342}\)

All of these beliefs are translated by the MB and Hamas in a number of forms possessing an ideological political philosophy that espouses the religious and legislative dimensions of the Palestinian case. The first of these religious ideological expressions is their consideration of the land of Palestine as an Islamic land of *Waqf* (endowment) for the generations of Muslims. According to the MB:

\(^{340}\) This is part of an article written by Hasan al-Banna in the "Muslim Brotherhood Journal". 1 May 1948. It is quoted in Abd-Al Fattah El-Awaisi, *TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya*. Ibid., p. 28. And in Muhammad Morrow, *AlHaraka Alislamiya Fi Masr Min 1928 ila 1993 Ru’ya Min Qurb*. Ibid., p. 163.


\(^{342}\) Abd-Al Fattah El-Awaisi, *TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya*. Ibid., p. 28.
Palestine is a part of the Islamic ideology and its land is an Islamic trust for all of the generations of Muslims, past, present and future, up to the Day of Resurrection. It is not permissible to anyone, whoever he might be, to give up not even a very small part of it. Therefore, it is not the property of the Palestinians or the Arabs alone; rather it is the property of all the Muslims. And it is on all Muslims everywhere to share practically in giving wealth and blood in its defense.\textsuperscript{343}

This point is presented in full in the eleventh article of the charter of the Hamas movement:

The Islamic Resistance Movement believes that the land of Palestine is an Islamic \textit{Waqf} on the Muslim generations till the day of Resurrection. It is not allowed to give up any part of it. No Arab state or all the Arab states, no king nor leader, or kings or leaders, nor organization, Palestinian or Arab, have such authority because the land of Palestine in an Islamic Trust (endowment) upon all Muslim generations until the Day of Resurrection. And who has the true spokesmanship for all the Muslim generations until the Day of Resurrection?\textsuperscript{344}

The MB and Hamas justify such beliefs with the statement “This is the law governing the land of Palestine in the \textit{Shari'a} (Islamic law) and the same goes for any

\textsuperscript{343} Ibid., pp.28-29.
\textsuperscript{344} \textit{Hamas’ charter}. Ibid., Article 11. Ismail Haniyeh reiterated this position recently. See: http://alwatan.kuwait.tt/articleDetails.aspx?Id=171692
land the Muslim have conquered because during the times of (Islamic) conquests, the Muslims consecrated these lands to Muslim generations until the Day of Judgment." The argument is based on a historical precedence during the early Islamic state, under the second Rightly Guided Caliph:

When the leaders of the Islamic armies conquered Syria and Iraq, they wrote to the Caliph Omar bin al-Khattaab, asking for his advice concerning the conquered land—whether they should divide it among the soldiers, or leave it to its owners. After consultations and discussions between the Caliph and companions of the Prophet, Allah bless him and grant him salvation, it was decided that the land should be left with its owners who could benefit by its fruit. As for the real ownership of the land and the land itself, it should be consecrated for Muslim generations until Judgment Day. Those who are on the land, are there only to benefit from its fruit. This Waqf remains as long as earth and heaven remain. Any procedure in contradiction to the Shari'a, where Palestine is concerned, is null and void.

It is clear from the preceding segment that the objective of including it in the charter of the movement, and which, continues to be repeated in the statements of its leaders, is to enhance and assert continuity with an Islamic logic. The logic is used by the MB and Hamas to maintain a prohibition against giving up Palestine in whole

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345 *Hamas' charter*. Ibid., Article 11.
346 *Hamas' charter*. Ibid., Article 11.
Also, see more statements to this effect by other Hamas senior leaders in chapter 4 of this thesis.
or part. Indeed this has coincided with the PLO's inclination in the late 80s of the last century to seek peaceful solutions to the conflict with Israel. According to Mishal & Sela "whereas the PLO perceived the conflict with Israel in national-secular and realistic terms, Hamas regarded any possibility of a political settlement based on compromise as a violation of Palestine's status as an Islamic endowment (waqf)."\(^{348}\) The authors further note that "Hamas maintained that the peace process intended to legitimize the 'Zionist entity' and clear the way to further usurpation of the Muslim and Arab wealth by the foreign invaders."\(^{349}\) Hamas affirms this reading in its early years of inception. In a letter to the Palestinian National Council (PNC) on 12 November 1988 it asserts that:

First: the land of Palestine is an Islamic sacred land. It is an integral part of the greater Arab and Islamic world. Second: Palestine is one unit and indivisible from the sea to the river. It belongs to the generations of Muslims until the Day of Resurrection. It is not permissible to give it up or to give up any part of it. No Arab country or all Arab states, no organization or organizations have such authority, no matter how long it takes.\(^{350}\)

However, this legal-based justification requires further explanation of the concept of Islamic endowment as it has come to be used by Hamas. The root of the

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\(^{349}\) Ibid.

\(^{350}\) Hamas' letter to the Palestinian National Council (PNC) "Wathiqat Litareekh", 12 November 1988, *Wathaa'ek Harakat Al-Muqawama Al-Islamiya Hamas*. First year of Intifada. Ibid., p. 186. Also, see to the conditions that where set by Hamas to join the PNC. These conditions came in a letter in response to a request from the PNC:

"Two: The rejection to give up any part of the land of Palestine, and to refuse to consider the Jewish entity as a legitimate and recognised entity under any circumstances. And to reject all of the international resolutions that detract from the right of our people in their land, including resolutions 181, 242, 338." A document from Hamas to the chairman of the PNC on 7 April 1990. Published in Khaled Hroub. *Hamas: Al fikr Wal Murarasa Alsiyasiya*. Ibid., p. 320.
term *waqf*, in the Arabic language, is defined as “to hold, set aside or to dedicate for charitable purposes.” An endowment of an estate, according to Arabic linguists, is detaining it from the possession of the donor and maintaining it for some designated expenditures.\(^{351}\)

In Islamic conventional *fiqh* (jurisprudence) and thought, *waqf*, has several meanings. What follows are the definitions by the four legal schools of Sunni Islam:

1. *Hanafi* School: “Holding a piece of property on the ruling it is the property of the donor and to give in charity the benefits derived there from to the poor, while the property remains.”

2. *Maliki* School: “Giving the benefit of something for the period of time of its existence while it remains the property of the donor even if only by presumption.”

3. *Shaafi‘i* School: Imam An-Nawawi defined it with his statement, “Holding wealth having the possibility of benefiting from it while the property remains, by preventing the free disposal by the donor or other than him in his oversight, and it is spent in the way of good seeking closeness to Allah, Most High.”

4. *Hanbali* School: “The owner detains the source of his wealth that gives benefit while it remains, for a period of time, for the purpose of righteousness.”\(^{352}\)

These definitions suggest that the endowment remains in the possession of the donor but the benefits that accrue from it go toward charitable good to be determined by the donor, whether it is for a determined period of time or not. For the MB and Hamas, Palestine is an Islamic endowment, and importantly, one without a

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\(^{352}\) Ibid., p. 8.
A) The Origins of the Endowment of Palestine

The sources of Islamic history tell of the advance of the Muslim armies under the command of Abu ‘Ubaidah ‘Amir bin al-Jarraah toward Jerusalem during the rule of the second Caliph Omar Bin al-Khattaab. Though they had already inflicted consecutive defeats against the Romans in Greater Syria and laid siege around Palestine, conquering Jerusalem was difficult for the Muslims. The Romans refrained from sending military reinforcements to the besieged inhabitants of the city.

After four months of siege, the people of Jerusalem despaired of receiving military reinforcements to help them against the Muslims. Likewise, the Muslim army laying siege to the city began to be affected by the winter cold and rain. Historical sources relate that the patriarch of the city, Sacrutees, addressed the leader of the Islamic armies, Abu ‘Ubaidah, and informed him that he will not surrender the keys to the city to anyone except the Muslim Caliph, explaining that they find in their holy books the descriptions of the one who conquers their city in the person of Omar. Upon receiving word from his general, the Caliph traveled to Jerusalem where the patriarch surrendered the keys of the city to him. Omar entered the city from the gate that the Prophet Muhammad entered during his Night Journey and prayed in the place of the Farthest Mosque. Then he and his army washed it and removed the garbage from it.

353 “As for the real ownership of the land and the land itself, it should be consecrated for Muslim generations until Judgment Day. Those who are on the land, are there only to benefit from its fruit. This Waqf remains as long as earth and heaven remain. Any procedure in contradiction to Islamic Shari‘a, where Palestine is concerned, is null and void.” Hamas’ charter. Ibid., Article 11.
This “opening” of Jerusalem took place in the sixteenth year (637 A.D.) after the migration of the Prophet Muhammad from Mecca to Medina.\(^{354}\)

After the Muslims emerged victorious, Omar sought to divide Palestine among the Muslims. As the Muslim scholar Abi Obaid Allah narrates in his book *Al-Amwaal,* he came to Al-Jaabiyyah in Greater Syria, where Mu’aadh bin Jabal, one of the companions of the Messenger and one of the leaders of the Islamic conquering army, said to him:

By Allah, then it will be what you hate. If you divide the land today a large portion will come to the hands of the people (the conquerors) then they will perish and it will go to one man and woman (as in feudal estates), then there will come after them another generation of Muslims and they will not find anything. So consider a matter that will encompass the first of them and the last of them. So, Omar took the opinion of Mu’aadh.”\(^{355}\)

Books of Islamic jurisprudence suggest that this opinion was not unanimous among the companions of the Messenger. For example, the companion of the Messenger Muhammad Bilaal bin Rabaah, who participated in the conquest of Greater Syria and Jerusalem, opposed this opinion.\(^{356}\) Ibn Az-Zubair, an elder

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356 Some of the narrations indicate that Bilaal argued with Omar about the lands that were opened by force: “divide it between us and take its fifth.” Omar said; “no, this is an asset, but I will hold the property, to be for them (the army) and the Muslims.” Bilaal and his companions said to Omar; “divide it between us.” He said: “O Allah, suffice us Bilaal and his companions.” He said: “the period of a year did not pass and among them was an eye that blinks, i.e. they died.” Ibid., p. 135. Also, Ibn Ahmad Ibn Qudamah. *Al Mughni*. [The Sufficient], (Beirut, Lebanon: Darul Fikr. Volume 2. 2nd Edition 1997.), p. 576.
companion of the Prophet, took the same position after the Muslim conquest of Egypt. Ibn Az-Zubair demanded the commander of the army ‘Amr Ibn al-‘Aas divide the land, but Ibn al-‘Aas refused after consulting Omar.  A distinguishing feature of this discussion is that it presents the fiqhi Islamic opinion upon which the supporters of division rely, an issue that will be clarified later.

The majority of the scholars, according to Ibn Taymiyyah, are of the opinion that the first three Caliphs, Abu Bakr, Omar, and ‘Uthman, conquered Arab, Roman and Persian land, but none of them divided captured territories among the victorious armies. Rather, they made the land acquired for the Muslims in the context of the Quranic verse: “What Allah has bestowed on His Messenger (and taken away) from the people of the townships, belongs to Allah, to His Messenger”. They did not ask for the permission of the actual soldiers, though many of them requested land distribution, just as Bilaal requested from Omar in Greater Syria, and Ibn Az-Zubair in Egypt.

What caused the difference in opinions between the companions in dividing the conquered lands and on what grounds did each party make its contention?

Islamic jurisprudence divides conquered land into two categories. First, land whose conquest occurred peacefully, in which leaders negotiated a peace treaty

357 When ‘Amr bin al-‘Aas conquered Egypt, Ibn Az-Zubair stood up and said: ‘O ‘Amr bin al-‘Aas divide it.’ ‘Amr said: ‘I will not divide it.’ Ibn Az-Zubair said: ‘We will divide it as the Messenger of Allah divided Khaibar.’ ‘Amr said: ‘I will not divide it until I write to the Caliph. So, he wrote to Omar, and Omar wrote to him to leave it until another result comes from it.” Abi Obaid Allah. Al Amwaal. Ibid., pp. 135-136. Also, Ibn Ahmad Ibn Qudamah. Al Mughni. Ibid. Volume 2, p. 576. A similar discussion takes place after the conquest Iraq and Persia in the time of the Caliph Omar. The narration indicates that Omar wrote to the companion Sa’ad bin Abi Waqqaas the day he conquered Iraq: "Your letter reached me that the people asked to divide between them the spoils and what Allah gave them. Look and see what they brought to you in the camp of cattle and wealth and divide it between those who are present among the Muslims and leave the lands and rivers to their workers so that it will be in the benefit of Muslims, in future. For if we divided it between those who were present there would be nothing for those after them.” Ahmad Fahmi Abu Sinna, Tahdeed Almulkiya bil Islam. [Determining Ownership in Islam] (Al azhar Magazine) (Cairo, Egypt: Al Azhar , Issue #3, October 1952) pp. 141-145.

358 The Holy Quran. Ibid., Surat Al-Hashr, chapter 59, verse 7, p. 1718.

without fighting. In those instances, possession of the land remains with them along with a determined kharaaj (land tax) from it. This kharaaj takes the ruling of the jizyah (tribute). If the owners of the land accept Islam it will be dropped and they may sell it, give it away or pawn it because it is their property. As for the second type, it is land conquered by force, and its people removed from it by the sword. These lands are not divided among the fighters, but become an endowment for the Muslims as a whole and a determined kharaaj is levied on it and taken from it every year. It remains in the hands of its owners as long as they pay a kharaaj, “whether they are Muslims or non-Muslim citizens. And its kharaaj is not dropped by its owners becoming Muslim or if it is transferred to a Muslim because he is in the status of leasing it.”

The companions did not disagree regarding the land conquered peacefully. The difference of opinion occurred in the ruling of land conquered by force. This disagreement appeared after the conquest of Greater Syria, Egypt, Iraq, and Persia. The party that saw the necessity of division among the companions, and later scholars who supported them, argued on the basis of the actions of the Prophet Muhammad when he divided Khaibar, conquered in the seventh year after the Migration (629 A.D.)

After that war the Messenger divided half of the land between the Muslims and he endowed half for his allotted portions and needs (i.e. the state). As for the party of companions that disagreed with distribution, they argued that dividing the conquered land would create feudal estates among the soldiers who participated in the conquest and deny other Muslims who did not participate in the battle, in addition to future generations, from benefit. For that reason, they allowed division of the movable

361 Ibid.
362 Abi Obaid Allah. Al Amwaal. Ibid., p. 133.
spoils among the fighters and kept the land itself as an endowment for all Muslims. This jurisprudential difference between the companions on the basis of shari’a would only be resolved by a decisive act of the Caliph, in this case represented by Omar Bin al-Khattaab. Nevertheless, this did not end all discussion on this important legal matter. To the contrary, early Muslim scholars would return to this question in later times.

Early Muslim scholars addressing this question adopt one of three fiqhi (jurisprudential) opinions:

1. The majority opinion: The Caliph may choose between distributing the land among the soldiers or establishing it as an endowment for all Muslims. They add that if the leader sees the best interest in making it part of the spoils he may divide it between the soldiers, as the Prophet did at Khaibar. But if he sees it fit not to divide it, this is permissible, as the Prophet did not divide Mecca though he conquered it by force. These opinions also note that the first three Caliphs did not divide lands conquered by force among the victors.363

2. The second opinion: Some scholars argue that the land conquered by force becomes an endowment by seizure, according to the agreement of the companions. The supporters of this opinion argue that the division of the Prophet Muhammad in Khaibar was at the beginning of Islam’s spread in Arabia, when the needs of the community were more severe. As such the Prophet took the best interests of the community into account. According to

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363 Among the scholars who held this opinion was Abu Hanifa, Sufyaan Ath-Thauri, Abi Obied Allah, and Imam Ahmad bin Hanbal according to the most well known sayings of his. AbdulRahman Bin Muhammad Bin Alqasem. Majmoo’u fatawa Shiek al Islam Ahmad Ibn Taymiyyah. Ibid., (Volume 34.), p. 118.
this argument, the best interests after that early period became endowment of the land, making it obligatory on future Muslim leaders.\footnote{Ibn Qudamah. \textit{Al Mughni}. Ibid. Volume 2. p. 578.}

3. The third opinion: Imam Ash-Shaafi’i and another group of early Muslim scholars contend that distribution of the land conquered by force is a legal obligation (i.e. \textit{shari’a}).\footnote{Like Imam Malik in a narration from him, Abu Thaur, and Isma’il bin Ishaq.} It is so because of the precedence set by the Prophet and his action is more suitable than the action of others. This is also tied with the Quranic verse: “And know that out of all the booty that ye may acquire (in war), a fifth share is assigned to Allah, and to the Messenger.”\footnote{\textit{The Holy Quran}. Ibid., Surat \textit{Al-Anfal}, chapter 8, verse 41, P. 480.}

According to the supporters of this view, this verse provides that four-fifths of the spoils go to the fighters.\footnote{Ibn Qudamah. \textit{Al Mughni}. Ibid., Volume 2. p. 578.} Ash-Shaafi’i allows one exception: in the event that the soldiers give their consent to the ruler, then he has the right to make it an endowment.\footnote{AbdulRahman Bin Muhammad Bin Alqasem. \textit{Majmoo’u fatawa Shiek al Islam Ahmad Ibn Taymiyyah}. Ibid. (Volume 34.), p. 119.} Ash-Shaafi’i responded to those who disagreed with him by saying that Mecca was conquered by force and the Prophet Muhammad did not divide it, by asserting that Mecca was not conquered by force, but rather by a non-aggression pact. This opinion was opposed by a majority of scholars.\footnote{Ibid.} In fact, they opposed the very notion that Omar sought the pleasure of the fighters in the conquest of Greater Syria, Iraq, Egypt and Persia. They claim that he declared them endowments without any desire on the part of the soldiers.\footnote{Ibid.}

Upon reviewing the three opinions, the great Imams have given more weight to the opinion of the majority. “The opinion of the majority is the more just and most
resembles the Book, the Sunnah (i.e. the saying, practices, and silent approvals of the Prophet), and Shari’a principles. And there are those who said: We give the Imam a choice between two affairs: a choice of opinion and best interest, not a choice of passion and desire.” The renowned Muslim scholar Ibn Qudamah emphasizes this in Al-Mughni: “We do not know that anything that was conquered by force was divided among the Muslims, except Khaibar.”

Returning to the subject of Palestine, Muslim scholars are in agreement that the land of Greater Syria, including Palestine, was conquered by force. Although they disagreed about the priority of its endowment for all of the Muslims and their generations, or the necessity of dividing it among the soldiers, all of them agreed that the decision of the Caliph to make it an endowment was carried out and accepted by the companions, whether Omar sought their pleasure or not. Nor was the decision ever reversed or rescinded. This means that it continues to the present day.

Based on that, the majority of the companions and Muslim scholars are of the opinion that it is impermissible to buy, sell, give away, or inherit this endowed land. In fact, that same opinion was stated by Omar Bin al-Khattaab, with his words: “It is not to be sold, or given away or inherited.” The Muslim scholar al-Auzaa’iy affirms that “the agreement of Omar and his companions concerning the conquered endowed lands for the generations of Muslims to come is not to be sold or inherited.”

The above detailed discussion of the origins of the endowment of Palestine in Islamic primarily sources and the early historical Islamic experience refutes Nusse's

371 Ibid.
375 Ibid.
claim that the waqf of Palestine is a recent development in Islamic thought.\textsuperscript{376}

Irregardless, it does not negate the case that MB and Hamas have emphasized this jurisprudential issue in their contemporary discourse as a counterweight argument to the Jewish notion of the "Promised Land."

B) Methodological Notes on the Issue of Endowment

From the preceding juristic and historical study we conclude that the belief of Hamas and the MB which espouses that the land of Palestine is an Islamic endowment is in accord with the legal positions of the companions of the Prophet Muhammad and the early scholars. However, there are several methodological notes that should be discussed here:

1. The first relates to the juristic foundation of the question of the endowment of Palestine in the view of Hamas and the MB. At a time when they affirm that “this is its ruling in the Islamic Shari’a” it also becomes clear to us from the discussion of the previous dispute between the companions and scholars that this question is a fiqhi (jurisprudential) and ijtihad (innovation), not a determined legal issue. Though there was a majority opinion, there was no consensus therein. Cases in which there is no confirmed text are disputed and enter into the realm of Islamic jurisprudence, not established religious law.\textsuperscript{377} Given that the dispute occurred on this issue between the companions and early scholars, it is not from the core of the Shari’a but from the case of jurisprudence that are periodically taken and rejected. However, it is imperative to note here that

\textsuperscript{376} See Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., p. 48.

\textsuperscript{377} Personal Interview with Imam Muhammad al-Hanooti, (Washington D.C. 10 January, 2007)
endowment as a concept is a Shari’a issue, but its understanding and its application is what is within the realm of fiqh.

2. Having said that, and in spite of the fact that this question is juristic in nature, this does not mean that the issue of the endowment of Palestine is open to review from a juristic methodological perspective. This is due to the fact that the soldiers who fought in the conquest died while they were bound by the decision of the Caliph Omar. Whether they were pleased with it or not, that it is an endowed land on all the Muslims and their generations. Therefore, as say the majority of the companions and Muslim scholars, it is not permissible to sell it, give it away or to give it up.

3. The reason for the land of Palestine being an Islamic endowment land goes back to the fact that it was conquered by force and the victors agreed to accept the decision of the Caliph to make it an endowment for all Muslims and future generations. Therefore, the logic of endowment does not go back to the sacred dimensions of Palestine in Islam that were previously detailed.

4. The methodological nature of the majority argument on the issue of endowment of lands conquered by force means that every land conquered by force is an Islamic endowment. Therefore, there is no relevance, in this context, to the identity of the occupier, in this case as “Jewish.” So, as long as an occupation has occurred in any Islamic lands conquered by force, the identity of the occupier, whether Jewish or Christian, and whether that land is Palestine or some other territory, becomes irrelevant. As explained earlier what qualifies land to be an endowed land in Islamic fiqih is one that is taken forcibly from non Muslims.
The previous methodological points help to clarify how Islamic jurisprudence approaches the question and engages it. The importance of these notes is that they aid us in understanding the background from which Hamas, the MB, and the majority of Muslims in general embark in their dealing with the issue of Palestine. Understanding this issue will also aid us in understanding to a large extent the positions of Hamas in rejecting recognition of Israel and its right to exist. However, it is important to note here that this thesis agrees with Gunning's observation that:

While religion influences the way Hamas conceptualises itself, the conflict, and its enemy, it does so usually in conjunction with other narratives. The *waqf* argument, for instance, is reinforced by arguments invoking the notion of inalienable human rights and justice which are similarly influential in precluding compromise.378

Gunning’s point is insightful and quite accurate. What this thesis brings home in this context is that the Islamic juristic issues inform and explain to a large extent the seemingly immovable stances of the movement. This does not mean, however, that there are no Palestinians and Arabs who do not see any possibility of negotiating with Israel and dividing the land. This is something to be discussed in the fourth chapter. What we seek to explain here is how Hamas, the MB and the Islamists understand the issue by examining its accuracy within the framework of Islamic jurisprudence.

In addition to its place as an Islamic endowment, a second aspect of the professed political philosophy of Hamas and the MB - that is inspired by the spiritual and legal dimensions of the Palestinian cause - is its place as the central issue of the Islamic nation. In other words, the issue’s significance is not limited to the Palestinian people or dependant on their capability for liberation. Rather, it is the issue of every Muslim. We will explore what makes Palestine unique and how these groups make that distinction in their arguments.

The answer to this question can be found in the literature of the MB and Hamas and the works of scholars who are close to them. The thing to note here is that the foundational logic to the understanding of “the justly balanced Ummah” brings with it all of the previous meanings that we presented. Palestine is central, firstly, because of the sacred and religious symbolism it represents in the *Shari’a* and Islamic consciousness. It is also central because the struggle therein is a comprehensive struggle with the "Jewish project" / "Zionist Project" (i.e. as an occupier) supported by the West (we will discuss the apparent confusion here in determining the identity of the enemy in chapter 3). It is a religious struggle and a struggle for existence, not a struggle of boundaries (this issue will also be further discussed in chapter 3). Finally, Palestine represents the central issue of the Muslim nation because its liberation means the establishment of the Islamic state, the capital of its Caliphate being Jerusalem. This is an issue to which we will return in a separate section within this chapter.

The literature of the Muslim MB points out that “the Palestinian issue is a central issue because of its special characteristic, being the blessed land and the land
of the Night Journey and Ascension. Working for its liberation is an obligation on every Muslim.\textsuperscript{379} This understanding of the MB, as it was articulated by its Jordanian branch, underwrites 5 central commitments in its approach:

1) Palestine is an Islamic endowment; none of the Palestinians or others have the right of giving up any part of it or all of it. To do so is a betrayal to God, the Messenger, and the nation.

2) The responsibility of liberating Palestine falls on all Muslims and Arab nobles.

3) The Islamic solution to resolving the Palestinian issue is \textit{jihad} and it is obligatory on the rulers to prepare the nation for that.

4) The struggle with the Jews and their backers, especially America, is a religious and civilizational struggle for existence, not a struggle over borders. (In chapter 3 we will discuss the review that the MB and Hamas have undergone in relation to this issue).

5) All Muslims must support the mujaahideen in Palestine morally and materially for the continuation of their Blessed \textit{Intifada}.\textsuperscript{380}

The same position is offered by a Muslim thinker close to the MB who writes:

The Western project was able to anchor the Zionist entity as a dagger in the heart of the Islamic and Arab nation, aiming thereby for division and frustrating all projects for its revival no matter what its ideological color. The issue of this struggle with the intruding entity became the central issue for this nation. The nation plunged with it into an existential challenge, the mission of all whom an entity foreign to it invades.

Confronting it is unavoidable until it is driven away and the body is

\textsuperscript{379} \texttt{HTTP://WWW.IKHWAN-JOR.ORG/TAREEF.HTM}

\textsuperscript{380} Ibid. With the exception of the fourth point, this understanding still represents to a large extent the MB as a whole.
healed from it. So it resumes its tasks or fails in that imagining the possibility of living together with it taking its course to become nothing and destruction.  

Some commentators allied to the MB’s ideology critique those who do not see in Palestine the central issue of the nation, specifically those who argue that the priority is the establishment of the Islamic state and the destruction of the un-Islamic regimes. This line of thought suggests that only at that time will it be possible to go forth to liberate Jerusalem and Palestine, embarking from the newly liberated Arab capitals. According to those in the MB who see in Palestine the central issue of the Islamic nation, the sacred and religious dimensions of Palestine make it an issue out of the ordinary. “It is not the issue of a land that is occupied, rather, it is the issue of sacred places that have become impure and honor that has been sullied. It is not permitted to bargain it or to accept any compromises.”

How does Hamas approach the understanding of “the central issue”? 

Hamas’ thought is not at all far from the previous foundations of that understanding of the MB, but rather is largely in accord with it. According to Hamas' charter:

(t)he question of the liberation of Palestine is bound to three circles: the Palestinian circle, the Arab circle and the Islamic circle. Each of these circles has its role in the struggle against Zionism. Each has its duties, and

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381 Rashid al-Ghannouchi, *Najah Hamas wa ma’al al qadiya wal mantiga* [The victory of Hamas and the future of the issue in the region.]
http://www.aljazeera.net/NR/exeres/2E9E121-5AEC-45BE-9075-448353B8AF1E.htm
al-Ghannouchi is the leader of the Tunisian Ennahda Movement. Ennahda is currently the largest party in Tunisia and forms the government there. It is close to the MB.


383 Ibid. p. 45.
it is a horrible error and a sign of deep ignorance to overlook any of these circles. Palestine is an Islamic land that has the first of the two Qiblahs, the third of the holy sanctuaries, and the point of departure for Muhammad's midnight journey to the seven heavens… The day the problem is dealt with on this basis, is when the three circles mobilize their capabilities, the present state of affairs will change and the day of liberation will come.384

On that basis, Hamas cautions against withdrawing from the central nature of the Palestinian issue. Moreover, Hamas considers, in the context of its ideological political view, that:

World Zionism, together with imperialistic powers, attempt through a preconceived plan and intelligent strategy to remove one Arab state after another from the circle of struggle against Zionism in order to have it finally face the Palestinian people alone. The Islamic Resistance Movement calls on Arab and Islamic nations to persevere and prevent the success of this horrendous plan, and to warn the people of the danger emanating from leaving the circle of struggle against Zionism. Today it is Palestine, tomorrow it will be one country or another. The Zionist plan is limitless. After Palestine, the Zionists aspire to expand from the Nile to the Euphrates. When they will have digested the region they overtook, they will aspire to further expansion, and so on.385

384 Hamas' charter. Ibid., Article 14.
385 Ibid., Article 32. This issue will be further discussed in chapter 3 of this study.
And for that reason Hamas views that “leaving the circle of struggle with Zionism is high treason, and cursed be he who does so.”\(^{386}\) In emphasizing the understanding of the central nature of the Palestinian issue for the Islamic nation, Hamas argues that its role and the role of the Palestinian people in the realm of this struggle is nothing but a vanguard for the Islamic body as a whole in a larger struggle with the Jews and the West.

The Islamic Resistance Movement considers itself to be the spearhead of the circle of struggle with world Zionism and a step on the road. The Movement adds its efforts to the efforts of all those who are active in the Palestinian arena. Arab and Islamic Peoples should augment further steps on their part; Islamic groups all over the Arab world should do the same, since they are all the best-equipped for the future role in the fight with the warmongering Jews.\(^ {387}\)

This approach to the Palestinian issue, in light of its Islamic sacredness and religious symbolism, would undoubtedly make it the most central issue facing the Muslim world today. The problem here may not appear in the term “central” by itself, given the status of Palestine in Islam. Rather it is in the implications that result from it as the MB and Hamas believe, especially in relation to statements such as that the struggle is a religious and existential struggle, not one of boundaries, and from limiting the means to deal with the Israeli occupation by “\textit{jihad}”. These issues will be discussed in the coming chapters that examine their accuracy from an Islamic point of view, through the juristic and historical sources. Likewise, this discussion will aid us

\(^{386}\) Ibid.  
\(^{387}\) Ibid. This issue also will be further discussed in chapter 3 of this study.
in tracing the tremendous change in the thinking of Hamas regarding the application of its convictions on the ground. Despite the fact that Hamas continues to preserve a rigid ideological position, in its latter history it has managed to develop a more pragmatic political platform without revising its sacred certainties. However, it addresses the world today with the contemporary language, by attempting to develop temporary and creative solutions. These developments and their mechanisms will be discussed in the coming two chapters.

3) Jerusalem: The Capital of the Islamic Caliphate

The third political position that reflects the religious dimensions of the Palestinian issue as represented by Hamas and the MB, is the conviction that Jerusalem will be the capital of the awaited Islamic Caliphate.

There is no doubt that the issue of the Islamic Caliphate occupies a status of great importance in the Islamic consciousness. The discussion recalls memories of dignity, power and strength. The Caliphate reminds Muslims of the honorable past, a time when the Islamic state was the greatest power on earth, the time when the land of Islam was united, submitting to the authority of one state. In the consciousness of Muslims, the calamities, partitions, and occupations did not occur until the Islamic state became weak, before ultimately succumbing to collapse with the fall of the Ottoman Empire in 1924. It is notable that the Society of the Muslim Brothers embraced the idea of establishing the Islamic state in its original mission in 1928. It is the measure by which the unity of the Islamic nation will be realized. It made this notion the organization’s highest objective. The group was, since its origin, possessed
with the anxiety of the fall of the Caliphate, which it considered the fall of “all that is sacred in Islam itself.”

It had not been four years since the fall of the Ottoman Caliphate in March 1924, when al-Banna announced the formation of the Society of the MB. Since its founding, the organization did not disconnect the concept of the Islamic Caliphate from its thought.

The researcher Ahmad Musalili, argues that:

The Caliphate, from the perspective of the Islamists, such as Hasan al-Banna, was the symbol of Islamic unity. Many of the affairs of faith and worldly life are dependent on this symbol. So the Caliphate is not just something mentioned in the books of belief and fundamentals of the faith. For this reason, Hasan al-Banna says it is the obligation of every Muslim to think about the Caliphate, not just since its elimination, but also since the diversion from its path.

On this basis, al-Banna was among those affected by the call for the Islamic League after the fall of the Caliphate, given that it was a political league founded on the understanding of Islamic brotherhood. This was as opposed to those calling for Egyptian nationalism, such as the Egyptian League, or those who stressed the Pharaonic nature of Egypt after the fall of the Ottoman state and Egypt’s independence. Indeed, some consider the formation of the MB a direct and immediate

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389 Ahmad Musalili, *Qira’a Nathariya Ta ’sisiya Fil Khitab Alislami Alisooli(Nathariyat Alma’rafa Waldawla Walmujtama’)*. Ibid., p. 91.
response to “the overthrow of the Caliphate and the advance of secularism.”

Indeed, al-Banna left no doubt that restoring the Caliphate is at “the head of the curriculums” of the MB. The weakening of the Caliphate and the concomitant dire developments in the Palestinian arena had a tremendous impact on him. So did the refusal of the Egyptian government to recognise the Palestinian cause. These issues re-doubled his efforts to establish the Islamic League as a first step on the path to the Islamic state.

This same position is echoed by Hamas. Its professed belief is that the liberation of Palestine, is merely the first step in the establishment of an Islamic state. “As for the objectives, they are: fighting against falseness; defeating and vanquishing it so that justice could prevail, homelands be retrieved, and from its mosques the voice of the mu'ezzin (the caller for prayer) would emerge, declaring the establishment of the Islamic state, so that all would return to their rightful places.” The same notion is conveyed in the view that Hamas “strives to raise the banner of Allah over every inch of Palestine.”

Some Islamic thinkers within the MB’s school of thought or close to it believe that the liberation of Palestine and “the destruction of Israel means the removal of the insurmountable obstacle that stood between the arrival of Islam to the position of decision, the apparatuses of government and the centers of leadership in the Islamic world.” On what historical and religious precedent do the MB and Hamas rely, in their assertion that the liberation of Palestine means the establishment of the Caliphate with Jerusalem as its capital?

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393 Hamas’ charter. Ibid., Article 9.
394 Hamas’ charter. Ibid., Article 6.
To begin, it is appropriate to note here that many contemporary Muslim scholars believe in the return to the Islamic Caliphate to rule the Muslim world until the end of human history. As proof, they cite the tradition of the Prophet Muhammad:

Prophethood will be among you as long as Allah wills it to be, then He will raise it when He wants to raise it. Then, there will be an unjust kingdom as long as Allah wants it to be. Then He will raise it when He wills to raise it. Then, there will be a kingdom of coercion as long as Allah wills it to be. Then, he will raise it when He wants to raise it. Then, there will be a Caliphate on the model of Prophethood. Then, he remained silent.\(^{396}\)

The Muslim scholar Ibrahim al-Ali contends that these stages have been realized in the life of the Islamic nation, beginning with the stage of Muhammad’s Prophethood and continuing with the stage of the Four Rightly Guided Caliphs. According to this interpretation of history, the stage of the unjust kingdom followed, beginning with the Umayyad Caliphate and ending with the fall of the Ottoman Caliphate in 1924. Finally, the last stage of the coercive kingdom started with the fall of the Ottoman Caliphate and continues to the modern day. This period will continue until it is succeeded by the Caliphate once again. This will last until the Day of Judgment on the basis that the Prophetic tradition did not indicate another stage to follow.\(^ {397}\) Where does Palestine fall in this equation?

The final Caliphate will be situated in Jerusalem, according to some scholarly interpretations. As proof, they cite the Prophetic tradition narrated by a companion:

\(^{396}\) *Musnad Al Imam Ahmad Bin Hanbal*. Ibid., Volume 4, p. 273.

“The Messenger of Allah, peace be upon him, put his hand on my head, then said: ‘O Ibn Hawaalah, when you see the Caliphate situated in the Holy Land, earthquakes, trials and great matters will be near. And the Hour on that day will be nearer to the people than this hand of mine to your head’.”

On this basis some contemporary scholars believe that this Caliphate must rid the world of “the so-called Jewish state standing on the land of Palestine and this Caliphate will be established in Jerusalem.” This interpretation is alluded to by Hamas in its literature as pointed out previously. Moreover, most Muslims believe that God will send Jesus, son of Mary at the end of time, that he will return to Jerusalem and fight with the Muslims and their Caliphate against the Anti-Christ, and his supporters among the Jews and will be victorious over them. In other words, liberated Palestine is a condition for the establishment of the Islamic Caliphate in the understanding of Hamas and the Islamists. It is the means by which to retrieve the status of the Muslim nation attained through the Islamic state and its historical power.

Summary

This chapter sought to broaden the understanding of the status that Muslims assign to Palestine. Moreover, it examined the statements of Hamas and analyzed their accuracy with regard to the movement’s Islam-based approach to Palestine. By exploring this status, it is possible for us to understand many of the ideological stances of Hamas that are connected to this struggle, such as its continued insistence, even after its victory in the Palestinian legislative elections in 2006, to refuse to recognize Israel and the previous agreements that were reached with it through the

398 Musnad Al Imam Ahmad Bin Hanbal. Ibid., Volume 4, p. 425.
399 Ibrahim al-Ali, Alard Almuqadasa bain almadi wal hadir wal mustaqbal. Ibid., p. 177.
Palestinian Liberation Organization (PLO). Despite the placement of an international embargo on its government and other external pressures on it to recognize Israel and past agreements, Hamas continues to refuse to recognize Israel. This continued behaviour, even as it translated into policy following the formation of a Hamas-led Palestinian national government in March 2006, is difficult to understand unless we consider the religious, jurisprudential, and the ideological background from which it is formed. In other words, from the perspective of Hamas, the recognition of Israel is tantamount to the abandonment of basic Islamic principles and the denunciation of the Quran and the Prophetic Traditions themselves.

However, his does not negate the fact that Hamas takes the Fatah and the PLO's experience into consideration. After more than 21 years of negotiations (since October 1991) the Palestinians have yet to achieve a state of their own despite the acceptance of the PLO (September 1993) of the right of Israel to exist on more than 78% of historical Palestine.401 Add to that, that one of Hamas' main sources of strength in the Palestinian arena is that it claims to speak for the border Palestinian self envisioned rights, such as the right of return to the "their" homeland, which is Israel today.

In fact some of Hamas' top leaders intensified the use of Islamic terminologies, such as the land of \textit{waqf} since the movement took over Gaza from the forces loyal to President Abbas and Fatah in June 2007.402 This can be understood in three contexts: 1) As a devotion from those leaders to the ideological convictions that

\begin{itemize}
  \item [401] See this opinion as it was transmitted through Hamas' prominent leader in Gaza Dr. Mahmoud al-Zahar. Interview with Alarabiya.net on 15 March, 2009. http://www.alarabiya.net/programs/2009/03/15/68495.html
  \item [402] This issue will be revisited and further discussed in chapter 4.
\end{itemize}

They both came after Hamas’ take over of Gaza and Israel’s massive military operation (Operation Cast Lead 27 December, 2008 – 18 January, 2009) against the Hamas controlled Gaza strip.
they all espouse; 2) As a tool of contrast in their competition with Fatah, the PA, and the PLO in what they view as their failed policies after two decades of seeking peace with Israel; and 3) Indeed that the intensified use of Islamic terminology by some Hamas top leaders comes after violent escalations and clashes with Israel.403

The next chapter will discuss the historical Muslim-Jewish relations and the Islamic jurisprudential comprehension of it. It will discuss the MB's and Hamas’ view of the conflict, and whether it is based on religious or political grounds. It will further discuss the identity of the "enemy" and whether he is being defined based on religious grounds "Jewish" or political grounds as an “occupier” under the banner of the "Zionist Project". It will also track how the thought of the MB and Hamas developed in this regard, its mechanisms, and why. This will help us in positioning Hamas’ view of the conflict and whether it bases its animosity towards Israel on its Jewish identity or what Hamas views as its aggression on the Palestinian land and its people or both.

403 Ibid.
Chapter 3: Hamas’ Approach to the Conflict

In the previous chapter we discussed the unique status of Palestine as its held by traditional Islamic thought and the MB school in general, and Hamas, in particular. We also explained the religious character of the issue of Palestine, its roots, how it translated ideologically and politically in the discourse of the MB and Hamas, and how it impacted, or could impact on their positions and convictions.

This chapter will discuss Muslim-Jewish relations in history and the way in which Islamic jurisprudential has understood them. It will further discuss the MB's and Hamas' view of the Palestine conflict, and show the religious grounds to this politics. It will consider how the religious dimensions of Hamas’ understanding applies, looking specifically at ideas of “occupation” and “aggression”. This will help position Hamas’ view of the conflict and clarify the basis of its animosity towards Israel.

There is no more complex issue in the study of Hamas’ ideology than that of defining the struggle in Palestine. The question is whether this struggle is of a religious nature, against an eternal opponent described in divine texts or one of national liberation against a modern colonialist project. The ambiguity extends to the determination of the “enemy.” Is he a religious Jew or a Zionist colonist? This complexity is not unique to Hamas. Indeed, it is also found in the discourse of the MB as well as the general Islamic thought. Entering into this discussion is akin to crossing a minefield.

As was previously discussed, Islamic thought interacts with Palestine at a deeply religious level. Moreover, the issue occupies a lofty status in Islamic thought. On the basis of the status of Palestine in the Islamic context, the insertion of a foreign
occupation in “the land of Islam”, as the Muslims view it, poses a major dilemma as
will be further explained in the coming chapter. The complexity of the issue is
compounded within Islamic thought because the identity of the occupier is one that
carries significant historical weight. Why should it matter that Palestine is occupied
by the Jewish people? The reason according to this view lies in a legacy of religious
and historical animosity between Muslims and Jews that dates to the mission of the
Prophet Muhammad. Many contemporary Islamic interpretations are of the opinion
that the Quran and the Prophetic traditions both put forward decisive evidence of a
future clash between Muslims and Jews that will result in a Muslim victory.
According to this view, the historical struggle between Islam and Judaism, which has
continued in the contemporary setting, will be decided in the land of Palestine.
Supporters of this view go beyond the interpretation of the issue as one of occupation
and resistance, to the belief in an eternal struggle between truth and falsehood, an
existential battle between two religions. Palestine, in this context, is merely the
battleground, not the cause of the battle. This view will be further discussed later on
in this chapter.

This argument is not accepted by many past and present Muslim scholars.
There are some who consider that the conflict with Israel does not arise from its
identity as a Jewish state, and that it is simply a product of what they see as its
transgression against the land of Islam. Although these scholars deny that the struggle
with Israel is due to its Jewish identity, they nonetheless affirm that the liberation of
Palestine is an Islamic obligation under the Shari'a. Such a transgression against the
Islamic nation demands all efforts towards its removal, up to and including the use of
force. The matter becomes more urgent since Palestine is a sacred land, in contrast to
the “corrupted” religious claims of the occupying party. This is an issue that we discussed in the previous chapter, and will be explored in more detail in this chapter.

The views of the MB and Hamas waver between these two approaches. We find in their literature arguments which give considerable weight to the notion that the battle in Palestine is religious: a civilizational contest between Islam and Judaism. Likewise, we find in that same literature claims that give more weight to the second view, that it is a struggle against an occupation to remove the injustice inflicted on the Palestinian people (national liberation). Adding to the complexity is the demand by Israel, with the support of the United States, that the Palestinians recognize it as a “Jewish state,” thereby aggravating the ideological and civilizational hue in defining this struggle.

The complexity of Hamas' position has been simplified in some research. In some cases Hamas’ definition of the struggle is understood in purely religious and ideological terms, while in others it is seen as a national liberation movement without

404 For more details about the Muslims view of the Jewish and Christian beliefs see Ibn Qayim Aljawziya, Hidayatu Alhayara fi ajwibat Al yahud wal nasara. [Guiding the confused: Responses to the Jews and Christians] (Nasir City, Cairo, Egypt: Al Maktab Al Qayima liltiba’a wal Nashar, No Printing year.)

405 In June 2003, in Al-Aqaba summit in Jordan attended by the then U.S President George W. Bush, King Abdullah of Jordan, the then Palestinian Prime Minister Mahmoud Abbas, and the then Israeli Prime Minister Ariel Sharon, Bush emphasized, at the request of the Israelis, the commitment of the U.S towards the Jewish character of the state of Israel. Since then this became an Israeli condition that it wants the Palestinians to accept before any final agreement is reached between the two parties. http://www.presidency.ucsb.edu/ws/?pid=337

Also, in his remarks to the U.N. General Assembly on 23 September, 2011, the Israeli Prime Minister Benjamin Netanyahu said:

"I often hear them accuse Israel of Judaizing Jerusalem. That’s like accusing America of Americanizing Washington, or the British of Anglicizing London. You know why we’re called “Jews”? Because we come from Judea.

In my office in Jerusalem, there’s a — there’s an ancient seal. It’s a signet ring of a Jewish official from the time of the Bible. The seal was found right next to the Western Wall, and it dates back 2,700 years, to the time of King Hezekiah. Now, there’s a name of the Jewish official inscribed on the ring in Hebrew. His name was Netanyahu. That’s my last name. My first name, Benjamin, dates back a thousand years earlier to Benjamin — Binyamin — the son of Jacob, who was also known as Israel. Jacob and his 12 sons roamed these same hills of Judea and Sumeria 4,000 years ago, and there’s been a continuous Jewish presence in the land ever since.”

religious and historical dimensions. The latter view neglects the deeply rooted Islamic character of the movement that Hamas itself affirms and that shapes its views and stands. “The Islamic Resistance Movement: The Movement's programme is Islam. From it, it draws its ideas, ways of thinking and understanding of the universe, life and man. It resorts to it for judgement in all its conduct, and it is inspired by it for guidance of its steps.”

In its declarations, Hamas creates more ambiguity. In particular, its charter introduces contradictory positions regarding the nature of this struggle and the identity of the enemy. It speaks of “Our struggle against the Jews” on the one hand, and the movement as “the spearhead of the circle of struggle with world Zionism” on the other.

It is imperative here to recall the methodological point discussed earlier in the thesis about the status of the charter and, specifically, the work of Azzam Tamimi, who suggests that the charter is a historical document of little value to the study of Hamas' contemporary political positions. In the context of this chapter, Tamimi's work has a particular significance.

According to him, some Hamas leaders realized early on that the language of the charter allowed critics to argue that movement had an anti-Jewish character and it was for this reason that they wanted to replace it. However, what we will show in this chapter is that Tamimi’s reading neglects a very important idea. The position of

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406 An example of researchers who ascribe the purely religious and ideological definition of the struggle to Hamas can be found in the work of Anas Abdulrahman. Alqadeia Alfilistinia Baina Mithaqain: Almithaq Alwatani Alfilistini wa Mithaq Harakat Al-Muqawama Al-Islamiya (Hamas). [The Palestinian Issue between Two Charters: The Palestinian National Charter and the Charter of the Islamic Resistance Movement (Hamas)]. (Kuwait, Kuwait: Dar Albayan. First Edition, 1989.) On the other hand the work of Azzam Tamimi is research that attempts to minimise the role of the religious framework in Hamas' struggle against Israel. Azzam Tamimi, Hamas Unwritten Chapters. Ibid., pp.147-156.

407 Hamas' charter. Ibid., Article 1.

408 Ibid., the introduction.

409 Ibid., Article 32.

410 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., p.150.
Hamas exists, or existed, in a context of an overriding Islamic ideology that does not differentiate between Judaism as a religion and Zionism as a colonial ideology. There is a strong tendency, as a result, that defines the struggle within the corresponding religious, ideological and civilizational context. One of the aspects that distinguishes this study from others, like Tamimi's, is that it takes into account the broader Islamic juristic sphere in which many of the MB's and Hamas' positions were formulated within. So, the process of formulation was not based on a "selective" reading of the Quranic and Prophetic traditions that deal with the Jews, but rather was a part of a mainstream Islamic juristic trend. This will be further discussed in this chapter.

On this basis, statements such as “Jewish occupation” or “Jewish aggression” have a greater ability to awaken the Islamic emotions than statements like “Zionist occupation” or “Zionist aggression.” As one Hamas' leader puts it:

> National liberation movements, resort to their religious hereditary in the process of mobilizing and energizing their nations and to encourage them to give and to make sacrifices. For our part, there is no doubt, that we try to employ the stages that witnessed historical conflicts with the Jews to serve this phase of our resistance to the Zionist project, and to provide us with a solid ground to fight it and win against it.\(^\text{411}\)

The Quran and the Prophetic traditions are replete with statements casting the Jews in a critical light and reproaching them as a result of the early friction between them and the early Muslim community. Of course, there is no mention of Zionism in these\(^\text{411}\)

\(^\text{411}\) Ahmad Yusuf. Written answers to the researcher’s questions. Ibid. According to Nusse "the Israelis are mainly referred to (by the Islamists) as 'the Jews' which establishes the link to the sayings of the Quran and the Hadith about the Jews. As Joseph Nevo suggests, it is easier to focus one's hostility on a familiar target, the Jews, rather than on an abstract and vague Zionist demon." Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., p. 37.
texts, as it had not yet taken form. So the issue of the theological nature of the struggle dates back to the prevailing and not necessarily the accurate, (as will be explained in this chapter) religious and historical memory that governs the Muslims' comprehension in this context. For example, the Quran points to the animosity of the Jews towards the Muslims. “Strongest among men in enmity to the Believers wilt thou find the Jews and Pagans”. Ibn Kathir, one of the most famous Muslim commentators of the Quran, presents a highly regarded opinion – given his preeminent status by Muslims as an authority in the field of explaining the Quran - of this verse:

And that is for no reason except that the disbelief of the Jews is a disbelief of stubbornness and denial, being startled at the truth, contempt for the people, and belittling the bearers of knowledge. Therefore, they slew many of the Prophets to the extent that they tried killing the Messenger of Allah (i.e. Muhammad) more than once and they poisoned him, cast spells on him and gathered the forces of their allies from the polytheists against, consecutive curses of Allah be upon them to the Day of Resurrection.

This Quranic text is the basis of the modern Islamic consciousness, and in this context, it is not considered historical, but rather eternal. Therefore, the understanding of Hamas, at least in one point of its history, is but a natural extension of the prevailing understanding among Muslims.

As the preceding analysis demonstrates, it is not sufficient to take a selective approach to the declarations of Hamas’ leaders, whose statements support both

\[412\] The Holy Quran. Ibid., Surat Al-Maidah, chapter 5, verse 82. p. 313.

\[413\] Ibn Kathir, Tafseer Al Quran Al Athim. Ibid., Volume 3. p. 166.
framing mechanisms to the conflict. The picture is far more complex. The difficulties are not the result of Hamas’ concepts, but rather its historical and juristic foundation. The resulting ambiguity in the understanding of Hamas and the Islamic current in general is nothing more than a reflection of the ambiguity within the historic and juristic interpretations. Thus, the matter is bigger than Hamas, as the difficulties actually extend beyond the movement to the ongoing arguments within Islamic thought in general. It is because of these competing views that we find some Hamas leaders who speak about the struggle as a national liberation movement and another current that continues to speak within the religious and Shari'a vocabularies.

One point needs to be made clear here though, and that is that Hamas had never called officially, at any point of its existence, for the annihilation of the Jewish people, in Palestine or elsewhere. The charter itself distinguishes between hostility towards the state of Israel, that Hamas explicitly calls for bringing it down as a form of transgression and between the Jewish people as followers of a religion. Though this does not negate, that some Jews, according to Hamas' point of view, are transgressors by supporting and living in the state of Israel (i.e. occupied Palestine). This issue will be further discussed in this chapter.

We will attempt to clarify these issues in this chapter through three sections. The first section will engage in a brief historical review of the Muslim-Jewish relations from the perspective of Muslim historiography. These Islamic texts are by no means the only sources available on the subject, but they are the ones that serve to inform the Islamic perspective.

Such a review, which includes the Quranic references in the subject, the Prophetic traditions, and the Prophetic experience with the Jews and how they were understood by Muslim jurists and how and why they disagreed about them, will help
us understand the divergent positions intellectually and chronologically within the MB and Hamas on the subject. Each view has a traditional Islamic jurisprudential support, which paved the way for Hamas to shift officially from one position to another within the system of the Islamic sphere. (i.e. without the need to rebel against it). This will be further explained in this chapter.

This section is organized under three broad headings, namely: 1) The Non-Violent Conflict: From Prophethood to the Migration. 2) Before the Violent Conflict: From Migration to Confrontation. 3) The Violent Conflict: Military Clash and the Defeat of the Jews by the Muslims.

The second section will discuss how the Islamic jurisprudence understood and comprehended this early interaction between Islam/ Judaism and Muslim/ Jews. This will be illustrated through the two juristic readings: 1) 'The Theological Approach', that engaged Judaism and the Jews on a theological level. According to this view, Judaism is a "corrupted" religion first because of the process of alternation that it went through in history, and second because of the Jews rejection of Muhammad's Prophethood. This reading was the dominant reading when Jews lived (peacefully to a large extent) as the subject of the Islamic state. Within this reading scholars expressed different degrees of animosity towards the Jews, whether as a result of their religion or their transgression, as will be explained later on. 2) 'The Political Approach', which became dominant in the Islamic juristic discussion after the creation of the state of Israel on the land of Palestine. This reading sought to reread and to reinterpret the Quranic texts, the Prophetic traditions, and the early interaction between Islam and Judaism in light of the Palestinian question.

The third section will delineate how previous readings affected the MB's and Hamas' comprehension of the struggle in two stages. It will also consider how they
were able to move from one position to another based on changing political circumstances and the mechanisms by which this was accomplished. The first stage is 'The Traditional View: A Battle Among Faiths'. The second stage is: 'The Contemporary View: Transgression Based Conflict'.

**Muslim-Jewish Relations in the Early Islamic Period**

The friction between Muslims and Jews dates back to the early years of Islam, even before the migration of the Prophet Muhammad to Medina. It is appropriate to stress here that the friction that preceded the stage of migration and the establishment of the Islamic state therein, was a non-violent conflict that lasted until the first confrontation between the two parties soon after the migration that opened the period of violent conflict.

**The Non-Violent Conflict: From Prophethood to the Migration**

Biographers of the Prophet Muhammad assert that the Jews of Arabia threatened his life from birth through childhood. There are even accounts of some Jewish leaders seeking him out during his childhood in order to kill him.414

Some Muslims came to believe that the Jews of Arabia rejected Muhammad’s Prophethood because they had hoped the line of Prophets would continue through the lineage of the Israelites. Some Muslim historians, say that the migration of some of the Jewish tribes from Greater Syria to Yathrib (pre-Islamic Medina) was precipitated

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by an interpretation of Hebrew scripture that foretold of a Prophet who would be sent from the Arabian Peninsula, to migrate to a city with many date palms, among other descriptions. Many believed this place to be Medina and proceeded to settle there while others settled in its outskirts.  

According to Islamic sources, Jewish scholars at the time of Muhammad’s early Prophethood in Mecca attempted to test his authenticity by posing a series of theological questions that would challenge his claims. But Muslims believe that the responses were revealed by God and caused those plans to fail. A contemporary biographer writes of this event, “The attempt by the polytheist camp along with the Jews was in accord with their shared goals for bringing an end to the call of Islam.”

Indeed, some early Muslim scholars believe that the Jewish elders at the time knew the genuine nature of Prophet Muhammad and they informed the people of Mecca of that. As proof, these scholars point to the verse that came down in the Meccan period: “Is it not a Sign to them that the Learned of the Children of Israel knew it (as true)?” The exegesis of the Quran commentator, Tabari supports this view.

An important question that emerges in this period is why the portions of the Quran revealed in Mecca make mention of the Children of Israel despite their complete absence from Mecca? The answer to that question varies with historical context. Early Quranic commentators dealt with these verses in the context in which they occurred. In some instances, they informed the Prophet that he was not the first

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419 "Ibn ‘Abbas said: ‘The people of Mecca sent to the Jews while they were in Al-Madina asking them about Muhammad (pbuh). They said: ‘This is his time, and we find his descriptions in the Torah.’ This word of the scholars are attributable to everyone that has knowledge of their books, whether he accepted Islam or not.” Imam Abi Jafar Altabari. *Jami’al Bayan fi tafseer Alquran.* [The Collection of Eloquence in the Explanation of Quran] (Beirut, Lebanon. Darul Marifa, volume 9, 1987.) p. 69.
to be rejected by his people. In others, they affirmed that the Children of Israel strayed from the truth brought by their Prophets. Nonetheless, we find some contemporary Muslim scholars writing from the perspective of the contemporary setting, laying the groundwork for the concept of the eternal struggle between Islam and Judaism that began during the Meccan period.420

In spite of these sharp positions, we find that the Quran deals with the Children of Israel more objectively and peacefully in the Meccan period.421 However, the majority of these verses are found in the first part of the chapter of the Night Journey—the chapter that contains the clearest reference to the sanctity of Palestine. Contemporary scholars use many of the ideas that emphasize the complexity of the struggle between Islam and Judaism around their contemporary interaction in Palestine. That continuity is found in these verses:

And We gave (clear) warning to the Children of Israel in the Book, that twice would they do mischief on the earth and be elated with mighty arrogance (and twice would they be punished)!”

420 For example, the Muslim scholar and Jordanian MB leader of Palestinian origin, Muhammad Abu Faaris presents a reading clarifying this meaning by saying: “What catches the eye is that the Quran spoke to the Messenger and whoever believed with him about the Jews and much of their character and description at a time when the Muslims were weak and oppressed, none of them were capable of circumambulating the Ka’abah or to pray freely there one prostration.” Muhammad Abdul Qadir Abu Faaris. *Fi Thilal Al seerah Al nabawiya: alsira’ ma’ alyahud.* Ibid., p.16.

421 Verses: “And we appointed, from among them, Leaders, giving guidance under Our Command, so long as they persevered with patience and continued to have faith in Our Signs.” The Holy Quran, Surat Al-Sajda. Ibid., chapter 32, verse 24. p. 1233. “Of the people of Musa there is a section who guide and do justice in the light of truth.” Surat Al-A’raf, chapter 7, verse 159. p. 452. Ibid. The early commentators of Quran were of the opinion that these verses were concerned with the quality of a distinguished group of the Children of Israel within a particular generation, then the Children of Israel regressed, changed, were corrupted, and rejected faith. For Example, See Ibn Kathir, *Tafseer Al Quran Al Athim.* Ibid. Volume 6. p. 371.
When the first of the warnings came to pass, We sent against you Our servants given to terrible warfare. They entered the very inmost parts of your homes; and it was a warning (completely) fulfilled.

Then did We grant you the Return as against them: We gave you increase in resources and sons, and made you the more numerous in man-power. If ye did well, ye did well for yourselves; if ye did evil, (ye did it) against yourselves. So when the second of the warnings came to pass, (We permitted your enemies) to disfigure your faces, and to enter your Temple as they had entered it before, and to visit with destruction all that fell into their power.

It may be that your Lord may (yet) show Mercy unto you; but if ye revert (to your sins) We shall revert (to Our punishments): and We have made Hell a prison for those who reject (all Faith).  

A survey of some of the opinions of the early exegetes shows that none of them put these verses in the realm of “political commentary” as some of the contemporary scholars have done. There is no doubt that this is the result of the difference in the times of commentaries and the change in the historical realities. We find that the great early commentators agreed that the two instances of spreading corruption, to which the verses refer, occurred in past history, centuries before Muhammad’s mission.

Because they did not take into consideration the complexity of the theological struggle between Muslims and Jews, these commentaries have not convinced contemporary scholars who have striven to develop a new reading. The Egyptian scholar and MB leader, Abdus Sattaar Fathullah Sa’eed, for instance, disputes the

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traditional interpretations of these verses and identifies “the Book” mentioned in the verse as the Quran, rather than the Torah, as the early commentators thought. On this reading, these verses become a foretelling of the future, not a recounting of the past.\textsuperscript{424} Therefore, the “second corruption” refers to contemporary events.\textsuperscript{425}

Salah al-Khaalidi, a Jordanian MB leader of Palestinian origin, develops this approach. He employs the rules of the Arabic language and the linguistic structure of the verses to arrive at the same meaning reached by Sa’eed. Al-Khaalidi reads the words “Our servants” as to apply solely to the Muslims. As evidence, he cites their occurrence in other contexts in the Quran. Likewise, he argues that the conflict will be between the Jews and that same nation, supported by the prediction of a people who will be victorious over the Children of Israel, then will be defeated by them, before ultimately fulfilling the final promise and becoming victorious over them again. He identified this people as Muslims, who defeated the Jews during the Prophet’s time, and were subsequently defeated by them with the establishment of Israel. Al-Khaalidi believes that God’s will has been realized in gathering all of the Jews in the area of Palestine in preparation for the decisive stage represented in their defeat once again at the hands of the Muslims. He sees this as the realization of verses that occur later in the same chapter:

And We said thereafter to the Children of Israel, ‘Dwell securely in the land (of promise)’: but when the second of the warnings came to pass, We gathered you together in a mingled crowd.” This is in accord with his interpretation of the verse: “Behold! thy Lord did declare that He would send against them, to
the Day of Judgment, those who would afflict them with grievous penalty. Thy Lord is quick in retribution.426

The Muslim scholar and Jordanian MB leader of Palestinian origin, Muhammad Abu Faaris is of the opinion that the Meccan verses give descriptions of the Children of Israel to provide Muslims with the true character of Jews in preparation for their future dealings. He considered the logic of the Quran here suggests, “dealings of the Muslims with the Jews must be with insight and knowledge so that they don’t fall into their blasphemy, cunning, and deception or get burned by the fire of the treachery and corruption nor be corrupted by them.”427

This period lasted for thirteen years in the Meccan era and will come to an end with the immigration of the Prophet and his companions to Yathrib where a new phase of relationship and a direct interaction between the two parties will start.

Before the Violent Conflict: From Migration to Confrontation

Following the period of persecution of the early Muslim community in Mecca, the Prophet departed the town of his birth in search of a place in which he would have the necessary protection to deliver his message in safety and security. He was able to convince a visiting delegation from the tribe of Al-Khazraj in Yathrib to accept his message and to promise to assist him if he requested it. It was not long before the companions of the Prophet and then Muhammad himself migrated to Yathrib. The city became known as “Al-Madina Al-Munawwara” (The Illuminated City) or

427 Muhammad Abu Faaris. Fi Thilal Al seerah Al nabawiya: alsira’ ma’ alyahud. Ibid., p.16.
Medina. From this moment, the Medina period in the history of Islam began. This period witnessed the formation of the nucleus of the first Islamic state and the beginning of the conflict with the Jewish tribes.428

When he took control of affairs in Medina, the Prophet hastened to issue a document (i.e. constitution) governing the relations between the people of the city, its population of Muslims, Jews and polytheists. Perhaps the most relevant item in this document to the discussion at hand is that it considered the Jews of Medina citizens of the Islamic state. It states: “And whoever follows us from the Jews, they shall have aid and assistance, will not be wronged nor will there be any aid to their enemies against them.” Remarkably this document considered the Jews, with all their tribes and subdivisions, “a nation with the believers”.429 That document clearly delineated the duties of the Muslims and the Jews in Medina. Likewise it acknowledged the principle of freedom of belief, religious practice and worship for the two groups. It required the Muslims to defend the Jews of Medina. It also obliged the Jews to share in the defense of Medina with the Muslims if it became the target of an enemy attack, and to share in the war.430 The language of the document was clear that whoever violated one of its clauses carried the responsibility for their actions.431

It is worth mentioning here that the preceding facts present an important challenge to some Muslim scholars who argue that the basis of Muslim animosity.
toward the Jews is in their beliefs, not their actions. This logic is not supported by the constitution, which displayed Muhammad’s attempt to establish a cohesive, united community in Medina. The natural extension of this argument would be for the Prophet to have made war with the Jewish tribes of Medina, since the Meccan verses of the Quran were critical of the Jews at times. Instead, we find that Muhammad clearly delineates in the document that the basis of any conflict would be transgression not belief and that transgression and transgression alone would require retribution: “except he who does wrong and sins, he only destroys himself and his household.” This distinction will assist us to understand the juristic debate over the basis of the animosity of the Muslims towards the Jews and whether it is based on belief or transgression as will be further discussed in this chapter.

The biographies of the Prophet are replete with examples of the animosity displayed by the Jews of Medina in the early period following the Migration. These are described to some extent as incidents of envy, given Muhammad’s success in Medina and the refusal of the Jewish leaders to believe in his message. They are also described as a conspiracy by the Jewish tribes, due to their scorn of the new religion, by inciting partisanship and doubt. There are many instances in which they posed questions intended to denounce his Prophethood and expose him as a fraud before his followers. The recorded biography of the Prophet deals with these events in great detail. They confirm the animosity harboured by Jewish leaders for Islam, its Prophet and the Muslims, even providing evidence of alliances made with the enemies of the Muslims. Therefore, they acted toward the nullification of the agreement that

432 Ibid.
organized relations between them, which eventually resulted in military clashes in stages.433

Quranic verses that date to the Medinan period chronicles some of these early encounters, often casting them in a critical light.434 Once again, however, contemporary Muslim scholars extend the Quran’s historical description of the Jews of Medina to the contemporary context. They insist that, “the speech of the Quran here is all-inclusive. It has a wider range than the Jews of the peninsula and those who were contemporary to its revelation.”435 It is the passionate Islamic ideological current today that leans to the view that the struggle in Palestine is an eternal battle between the faiths. Nevertheless, after the tensions between the parties reached their limit, the ground was set for a violent clash between the Muslims and Jews of Medina.

The Violent Conflict: Military Clash and the Defeat of the Jews by the Muslims

In spite of what Muslims perceived as strong animosity from the Jews of Medina, the confrontation generally remained limited to the spheres of heated debates over theology. The relationship did not reach the stage of military conflict until after what Muslims considered a direct violation of the clause of the covenant that governed relations between them.

The major military clashes that occurred between the Muslims and the Jewish Medina are represented by four events:

1) The tribe of Qainuqaa’ (Year Two after the Migration)

433 Ibid., p. 155.
435 Ibid.
2) The tribe of An-Nadeer (Year Four after the Migration)

3) The tribe of Quraithah (Year Five after the Migration)

4) The raid of Khaibar (Year Seven after the Migration)

This chronology is significant for a number of reasons. Perhaps most importantly, it is evidence that the Prophet did not hold all of the Jewish tribes accountable for the offences committed by one of them. This supports the view that the conflict is based on transgression, not differences of belief. When some of the tribes violated a clause of the constitution that governed relations between the two parties, he did not use it as grounds for a campaign against all of Jews. But how did the military collision start and why?

The tribe of Qainuqaa’ was the first of the Jewish factions in Medina to confront the Muslims after they broke the covenant, according to the Islamic sources. This conflict occurred on account of a transgression against a Muslim woman and the killing of a Muslim man. Their penalty after the defeat at the hands of the Muslims was the tribe’s expulsion from Medina. Hardly two years passed before the second collision. This time it was with the Jewish tribe of An-Nadeer. Islamic sources present two reasons for the clash. The first involves a violation of the covenant that required them not to give refuge to the enemy of the Muslims. They received some of the leaders of Quraish and exposed them some of the weaknesses in the military defenses of Medina. As for the second reason, it is reported as

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437 Ibid., p. 10.
439 The tribe of Prophet Mohammed that dominated Mecca and the surrounding area.
440 Ibid., p. 874.
assassination attempt against the Prophet Muhammad. Their punishment too, was to leave Medina.

The third confrontation was far more violent than the previous ones. It occurred when the tribe of Quraiṭḥah, according to Islamic sources, broke the covenant with the Messenger in the Battle of the Confederates, not only by abandoning their obligations to defend Medina, but also aiding the invading armies. Once the external enemies were defeated, the Quraiṭḥah were forced to face the Muslims alone. Their punishment, justified in the traditional texts by the severity of the offense, was that the tribesmen were killed, their wealth divided and their women and children taken as prisoners.

By effectively dealing with the tribe of Quraiṭḥah, the Jewish presence in Medina had become negligible, with the exception of a few individuals who were granted safety and freedom.

The final military conflict involved the Jews of Khāibār, a city close to Medina. Sources affirm that the cause for the raid led by the Prophet in the seventh year after Migration was their giving refuge to the leaders of An-Nadeer, whom the Messenger had previously expelled from Medina. The An-Nadeer, together with support from the Jews of Khāibār, played a central role in mobilizing Quraish against the Muslims in the Battle of the Confederates, and made their wealth available to the advancing armies. In addition, they exploited their relations with the tribe of

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441 Ibn Kathir, Al bidaya wal nihaya. Ibid., Volume 3- 4, volume 4., p.77.
442 Muhammad Abu Faaris. Fi Thilal Al seerah Al nabawiya. alsira’ ma’ alyahud. Ibid., pp. 159-163.
444 Ibid, pp. 940-963.
445 Ibid., p. 964.
446 Abdul Aziz Mustafa. Qabla an yuhdim Al Aqsa. [Before The Destruction of Al Aqsa] (Cairo, Egypt. Dar Al Tiba’a walnashir Alislamiya, No printing year.), p. 15.
Quraithah in order to help the Confederates. Thus, Khaibar became a great danger to the Muslims and their young state.447

After the Muslim army laid siege to them, the Jews of Khaibar offered to surrender and vacate the cotu. The Messenger agreed to that but then allowed them to remain on the condition that they would improve the land and cultivate it.448 With the defeat of the Jews of Khaibar the Jews of the villages surrounding Khaibar, like Fadak, Taymaa’ and Waadi Al-Quraa, hastened to make peace with the Messenger who allowed them to remain on their lands in exchange for a payment given to the Muslims.

With the end of the battle of Khaibar in the early Islamic period, the stage of military clashes would cease to characterize Muslim-Jewish relations until the establishment of the state of Israel in the middle of the twentieth century. However, this idea of cessation assumes that the conflict in Palestine is solely a religious one. Yet, although this period signaled the end of Muslim-Jewish military clashes, the ideological and the religious conflict remained intense during the intervening periods. A new factor in the thinking of the Muslims would shape their consciousness towards Judaism. Muslims developed a deep distrust of Jewish communities, believing them to be behind conspiracies and intrigues of some of the most important events in the history of Islam.449

449 According to Islamic sources the Jews poisoned the Prophet in an attempted assassination. Some of the biography books of the Prophet report that this poisoning will be one of the causes of the Prophet’s death years later. Also, according to some Islamic sources, they are, for example, behind the movement of Abdullah Ibn Sabaa allegedly a Jew from Yemen who caused a tribulation in Islamic history. This tribulation, according to the same sources, led to the killing of the third righteously guided Muslim Caliph, ‘Uthmaan bin ‘Affaan and then the fourth righteously guided Caliph, ‘Ali bin Abi Taalib. The Sabaa’iyyah movement is also accused of being behind the assassination of the second righteously guided Caliph ‘Omar Bin al-Khattaab. There will be other serious consequences in the history of Islam that will be blamed on individuals or secret Jewish movements, like the fall of Baghdad, the capital of the ‘Abbasid Caliphate, in the seventh century after the Migration under Mogul occupation. Thus, some
Muslim-Jewish Relations: Between the Theological and the Political

The result of these initial interactions and the subsequent co-existence of Muslims and Jews within a Muslim state had two main components. The first, which was predominant before the rise of the Palestinian cause takes a juristic and theological approach to Muslim-Jewish relations. As for the second, it is represented by the political commentaries stemming from the contemporary conflict in Palestine. The following discussion defines and contrasts these approaches.

1) The Theological Approach:

As we previously indicated, Muslims believe that Judaism, although a message revealed by God to the many Prophets, was corrupted with time; and that when given the opportunity to correct their faith through the mission of Muhammad, their leaders rejected him, despite knowing with certainty that he was a Messenger of God. Arrogance and envy prevented them from accepting him. In addition to several Quranic verses from the Medina period, some Muslim scholars point to traditions by the Prophet Muhammad that all conclude that the Jews knew with certainty that he was the final Prophet about whom their religious texts foretold.450


450 For example, the Quran points to this reality, as the Muslims see it, in a clear text saying: “The people of the Book know this as they know their own sons; but some of them conceal the truth which they themselves know.” *The Holy Quran*. Ibid., Surat Al-Baqarah, chapter 2, verse 146. Ibid., p. 60.
On the basis of these factors, early and medieval Islamic scholars developed an Islamic jurisprudence. For instance, in his commentary of the Quran, the great scholar Ibn Hazm interprets the following verses: “Say: "O People of the Book! Ye have no ground to stand upon unless ye stand fast by the Law, the Gospel, and all the revelation that has come to you from your Lord.” He stresses that “There is no way for them to establish it because of abrogation of what they omitted from it, except by believing in Muhammad. Only then will they be establishing the Torah and the Bible.” Similarly, the Muslim scholar al-Sharistaani wrote: “Know that the Torah comprises evidence showing that the Shari'a of our Prophet Muhammad is true and the one who brought their Shari’a (Moses) is truthful despite their corrupting, changing and modifying it whether it was a corruption in writing and copying or in the commentary and interpretation.” As for Ibn Taymiyyah, his view is: “The origin of the disbelief of the Jews is the lack of action according to knowledge … that is: that the origin of the disbelief of the Jews is from the aspect of absence of acting on the basis of knowledge, so they know the truth and they don’t follow it, whether practically, or in words or deeds.”

Islamic jurisprudence does not stop at the limits of its theological origins. Rather, we find the early scholars deriving ideas from this base drawing on two grounds. The first is that Islam, as the religion of the creator, chosen for all mankind, was intended to supersede all other religions and creeds. The second states that Islam is the final religion of God inheriting all that preceded it of divine messages. It is on the basis of

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Ibn Katheer says in his commentary on this verse: “The Most High informs us that the scholars of the people of the Book recognize the correctness of what the Messenger (pbuh) brought them as one of them knows his child.” Ibn Kathir, *Tafseer Al Quran Al Athim*. Ibid., Volume 1. p. 462.


these assumptions that substantial scholarship has been devoted to the question of the relationship between Muslims and other faith communities (The Jews and Christians). While we do not find disagreement among the scholars in opposing and fighting the Arab polytheists until they accept Islam, there are differences in their treatment of those verses and Prophetic traditions about Jews and Christians.

The Quran and the Prophetic traditions have placed special procedures for dealing with these other communities. It is possible to marry with them, eat their food, and Muslims are expected to debate them only with the best of manners. The real question that emerges is: what are the appropriate means by which to interact with them in the context of peace or war?

Here the Islamic jurisprudence falls into two broad currents. The first considers the relationship as one of continuous war because of their corrupt beliefs and refusal to accept Islam. The second opinion considers the relationship as one of peace and that war is only to be waged in the event of transgression.

Those who support each of these views point to a number of Quranic verses and Prophetic traditions. What concerns us here is how each of these positions is justified. Supporters of the first opinion cite the verses in the chapter of Al-Taubah concerning violent confrontation, believing that they abrogate all previous verses in other chapters that contain freedom of worship for all. Those who maintain the

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455 “And dispute ye not with the People of the Book, except with means better (than mere disputation) unless it be with those of them who inflict wrong (and injury).” The Holy Quran. Ibid., Surat Al-Maidah, chapter 29, verse 46. p. 1164.

456 As for the first opinion, many of the scholars of Malikiyyah (i.e. Maliki School), Hanafiyyah (i.e. Hanafi School), Shaafi’iyyah (i.e. Shaafi’i School) and Hanabiyyah (i.e. Hanbali School) hold this view. At the same time great scholars like Sufyaan At-Thauri, the great companion Abdullah bin ‘Omar, Ibn Taymiyyah and Ibn Qayim Aljawziya hold the second view. Among the contemporary scholars, Muhammad Rasheed Rida and Mustafia As-Sabaa’iy also hold the second view. For more details see Abdul Rahman Bin Abdul Aziz Alaqel, Hal Al asul Fi Alaqati Al muslimeena Fi ghaireehim Al silmu Aw Al harb, [The Relations Between The Muslims and Others in Principle: Is it Peace or War?] http://www.al-ommah.com/maqalDetails.php?maqal_id=453

457 The Holy Quran, Surat Al-Tauba. Ibid., chapter 5. Verse 29 states: "Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His
second view reject the notion of abrogation, citing a lack of evidence.\footnote{458} They insist that the Quran is clear in many places that the only just cause for warfare is to repel aggression, not initiate it.\footnote{459}

In spite of their disagreements on this issue, the two parties come together on the principle that Jewish and Christian communities are legally required to pay the Jizya (i.e. poll tax) to the Muslim authorities.\footnote{460} Jizya in Islam, as it was applied historically, is:

An amount of wealth paid by whoever is capable of fighting among the Jews and Christians (non-Muslim subjects) in the land of the Muslims in exchange for their protection. Exempted from it are the aged men, women, children, the aged and the disabled as well as those who fight in the ranks of the Muslims. The Muslims are required to pay Zakat that is taken from the wealthy and given to the poor and needy.\footnote{461}

**The contemporary juristic Debate**

These historical data are particularly relevant because the juristic debate on this issue – the fundamental disagreement over whether to confront non-Muslims on the basis of

their faith or to develop peaceful relations – is still live. The prominent MB thinker Sayyid Qutb, for instance, argues in defence of the notion that the battle of the Muslims with others is a theological one:

The battle between the Muslim nation and its enemies, before everything, is a battle of this belief. And even when its enemies want to overcome it on earth, in production, economics, and raw material, they try to overcome it in belief and ideology because they know from long experience that they will not achieve anything they want while the Ummah is holding fast to its faith and beliefs.

On this basis, he deduces that “the battle between Islam and the Jews is still ongoing and will continue because the Jews will not accept anything but the destruction of this religion.” Two prominent MB leaders, however, disagree with this opinion. Yusuf al-Qaradawi, the Egyptian scholar who presently lives in Qatar considers this confrontational attitude:

A claim built on short-sightedness and narrow horizons in the appraisal of the events of the (Prophet’s) biography, a view of it from a narrow angle, lacking consideration of all the dimensions. They lack a contextual understanding of the causes of the battles and the accompanying circumstances that illuminate

462 The late Saudi Muslim scholar Ibn Baaz is of the first opinion. See his opinion at: http://saaid.net/Warathah/Alkharashy/32.htm
As for the second opinion see Yusuf al-Qaradawi at: http://www.islamonline.net/servlet/Satellite?cid=1122528618032&pagename=IslamOnline-Arabic-Ask_Scholar/FatwaA/FatwaAAskTheScholar
464 Ibid.
the way for the researcher who seeks the truth and who is not partisan to an opinion and refuses to be drawn away from it.465

Al-Qaradawi also rejects the notion that hostile relations between Muslims and Jews today are based on belief. Rather, they are built on transgression. Faisal al-Mawlawi, leader of the Lebanese MB, arrives at the following conclusion after examining claims from the opposing side: “from this point of departure, we see that what is attributed to the majority of jurists is understood in this age other than what they intended in their eras. Rather, we say that the principle (of peaceful relations) is considered the fundamental view of Islam for human relations, and is in accord with the intent of our jurists in their eras.”466

Though the early Muslim scholars disagreed about what constituted a just conflict with other religions, they all agreed that defending against aggression (even if it comes from Muslims) an obligation on every Muslim.467 This universally held opinion foreshadows the legal justification for the resistance against Israel’s occupation of Palestine by the MB, Hamas, and Muslims in general. The relevance of this point will be made much clearer in the next chapter.

It is worth noting here that this juristic dispute that occurred historically within the ranks of Muslim scholars did not prevent Christians and Jews from living in general peace under Islamic rule. It is well documented, for example, that when the

465 http://www.islamonline.net/Arabic/contemporary/2003/07/article04e.shtml
466 http://www.mawlawi.net/Kutub.asp?cid=111&cc=aaa

467 They deduce this opinion from the Quranic verse in Surat Al-Hujurat, chapter 49, verse 9. Ibid, p. 1590. The verse states: "If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the Command of Allah; but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just)."
Muslims of Andalusia were defeated by the Spain’s reconquista, the Jews of Islamic Spain found refuge in the Islamic states of North Africa and other parts of the Muslim world.468

This well-established historical precedent is particularly relevant to Hamas, which has never advocated the extermination of the Jews in Palestine, but rather advocates a return to the era of peaceful coexistence, albeit within the framework of an Islamic state. This is based on Hamas' belief that Islam is the only religion that guarantees religious and political freedom.469

2) The Political Approach:

As opposed to the juristic theological–based approach to the issue of relations with the People of the Book, the contemporary political reading is put forward in the discussion on Palestine. Whereas the former approach addresses the issue in a

468 For more details: http://www.aljazeera.net/NR/exeres/CABAF096-BFE6-4BC3-BACB-210FC210D6E7.htm
Also, see Sue Raman Hidayat, Atta’ayush assilmi bayna almuslimeena wa ghairihim dakhil al dawla al wahida. [The Peaceful Coexistence Between Muslims and Others Within One State], (Cairo, Egypt. Dar Ussalam for Printing and Publishing. 1st Edition, 2001.)
469 Hamas’ charter, literature, and the statements of its leaders often distinguish between hostility toward the state of Israel and hostility towards Jews for religious reasons. Whereas, Hamas stresses that it rejects the State of Israel on the grounds that it is an illegitimate state and represents a form of aggression, it is not hostile to Jews solely because of their religious affiliation. According to article 31 of the charter, “The Islamic Resistance Movement is a humanistic movement. It takes care of human rights and is guided by Islamic tolerance when dealing with the followers of other religions. It does not antagonize anyone of them except if it is antagonized by it or stands in its way to hamper its moves and waste its efforts.
Under the wing of Islam, it is possible for the followers of the three religions - Islam, Christianity and Judaism - to coexist in peace and quiet with each other.” The same article points out that the conflict arises when other religions attempt to “(dispute) the sovereignty of Islam in this region.” Hamas’ charter. Ibid., Article 31. This is the same important point expressed by Sheikh Ahmad Yassin and many Hamas leaders in several statements, as well as its declared positions. Indeed, in an early stage of Hamas' struggle, Sheikh Yassin introduced the concept of equality and citizenship amongst the people of different faiths who lived in historic Palestine, provided that all would submit to majority rule and Palestinian refugees are granted a return to their homes. Interview with Sheikh Ahmad Yassin. Alnahaar Newspaper (Jerusalem) April, 30th 1989.
theoretical frame, (since the interaction with religious minorities was within an Islamic state), the latter approach, according to its advocates, is more tangible, because the contemporary political reality is one of Jewish transgression against Muslims, as this approach argues.

In the preceding discussion, we addressed many of the political applications presented by the advocates of the juristic interpretation of the historical nature of Muslim-Jewish relations. One of the most central arguments in this regard refers to the “two corruptions” by the children of Israel mentioned in the Quran. Traditional and contemporary commentaries on this issue have differed, with the contemporary commentaries applied to the Palestinian case today. This reading will be examined in further detail below, as it presents the ideological backdrop for the Islamists, including the ideological basis for Hamas during one period in its history.

Proponents of the political approach consider the struggle to be an eternal one between truth and falsehood. Husam An-Nasir, author of one of the early texts articulating the views of Hamas, crystallizes this notion. He writes that the battle “for the liberation of Palestine is not a battle of a year or two, and it is not a battle of an occupied homeland or usurped land only. Likewise it is not limited in time and place, but rather it is a battle of the civilizational and historic struggle.”470 Based on his premise, the Islamic project seeks to return the struggle to its roots as an all-encompassing Islamic struggle.471 He concludes that Palestine, since it was conquered by the second caliph, has taken centre stage in the eternal struggle between truth and falsehood. It symbolizes “the real picture of the continuous battle between truth and its supporters of the Muslims and falsehood and its various supporters, and at their

470 Husam Al Nasser, Harakat Almuqawama Alislamiya Hamas, Alintilaq wa Mu’adalat Assira’. Ibid., p. 12
471 Ibid., p. 14
head are the Jews.”472 Based on this analysis the holders of this ideology criticize those who paint the issue as though it were “an issue of national dignity or a struggle over interests, or over the rights of a people, or over land and dirt, or other than that of false slogans whose effects do not go beyond the eardrum.”473

Sayyid Qutb affirms this interpretation, arguing that the battle between Muslims and Jews will continue into the future:

(b)ecause the Jews will not be satisfied with anything other than the destruction of this religion. And when they are defeated by Islam, they will fight it with conspiracies, intrigue, inciting their agents in darkness. As for today, the battle has increased in voracity and focus after they came from every direction and announced that they established the state of Israel. Indeed their desires for Jerusalem were far removed, but today they are only footsteps away. Their desires will not be restrained except if Islam subdues them.474

Thus, according to this reading, the battle between the Muslims and the Jews will take place in Palestine, not on it. That is because it is but a way station in the eternal battle between truth and falsehood.475

The contemporary Muslim scholar Abdul Fattah Idris presents one of the clearest opinions of a conflict based on fundamental differences of belief, not transgression. He argues that:

472 Ibid., p. 16.
474 Sayyid Qutb. Ma‘rakatuna ma’ alyahud. Ibid., p. 61.
The claim that the war with the Jews is a war of usurpation of land is a false claim that has no foundation in soundness. Rather, the reality confirms that our war with the Jews is a theological war of the first degree. And that is because their religion dictates to them, as they say, to establish the Promised Land, which no one should inhabit but the Jews. Realizing what the rulings of this religion dictate, they usurped the land, drove people out, judaized the holy lands, took the lives of people, and more. For that, we fight them not just to retrieve the land, but rather on account of the beliefs that they hold and have taken root in their minds generation after generation. So, fighting them from a theological aspect is a type of fighting the disbelievers, and fighting the disbelievers is obligatory on every responsible Muslim in all the regions of the world.476

There are scholars, however, who oppose this understanding. Al-Qaradawi, for instance, frames the struggle as one over land (i.e. transgression), not belief. He says:

The struggle between us and the Jews is a struggle over land, not on account of their Jewishness. Because they are People of the Book, it is permissible to eat their food and marry their women… and the Jews lived as the responsibility of the Muslims for long centuries. But since the Jews had designs on our land, the land of Palestine, land of the Night Journey and Ascension, land of the Farthest Mosque, and since they planned to establish a state on the remains of the farthest mosque, the battle began between us and

But the position of al-Qaradawi remains in agreement with the general outlines of the political approach when it comes to some of the religious aspects of the struggle, though on different grounds (i.e. transgression not faith). He adds:

But this does not mean that it is not a religious struggle or an ideological one. There is a defect in this issue. Negating that it is not a struggle of beliefs does not negate that it is a religious and ideological struggle, because we are a religious nation and the Jews are a religious nation, so our struggle on earth is mixed with religion. The Muslim, when he defends a land, he is not just defending dirt, he is defending the land of Islam, the abode of Islam.477

This opinion of al-Qaradawi is addressed in greater detail during the discussion of Hamas’ position on the issue, where the debate surrounding the two opposing opinions found its way into Hamas’ thought. This extension of the juristic argument helped transform the Islamic movement's thought from a purely theological basis to the point where Hamas presents itself as a national liberation movement. It allowed Hamas to present itself as fighting transgression, occupation and colonization, though it remains within its Islamic context, which considers resisting transgression a Shari’a matter with its own jurisprudence.

The most prominent arguments supporting the political approach rely on several Prophetic traditions concerning an impending clash between Muslims and Jews. These traditions are believed to have stumped early scholars because of the

absence of certain facts that are observable on the ground today, at least in the eyes of some contemporary scholars. Among these traditions is one that predicts an end-time scenario of confrontation between Muslims and Jews. Several variations exist, but a primary one says: “the Hour will not be established until you fight the Jews until the stone behind which is a Jew will say: O Muslim this is a Jew behind me, kill him.”

Such traditions are employed to denote the inevitability of confrontation between Muslims and Jews, emphasising that it is the Jews who will initiate hostilities with the Muslims. A tradition reports that “Jews will fight you and you will dominate them.”

Given contemporary political conditions, Palestine is the logical setting for such an event. Building on the language of these traditions, some scholars strengthen the theological dimension of the conflict, addressing the issue to all adherent Muslims. According to them, there is a certain degree of inevitability that stems from these traditions. They leave no doubt that a confrontation will take place and that the destiny of the Jews is defeat at the hands of the Muslims. Just as the Prophetic prediction that the Jews will dominate Palestine has come to pass, so too will the foretelling of their defeat.

The conduct of the enemy is frequently used as a rallying cry for the Muslims. With regard to Zionism, al-Qaradawi argues that the Jews:

Took the matter seriously with no slacking therein. They planned, determined, agreed and executed, deriving their power from the teachings of the Torah and

\[478\] And in another narration: “the Hour will not come until the Muslims fight the Jews. The Muslims will kill them until the Jews will hide behind the stones and trees. The stones or trees will say: O Muslim, O servant of Allah, there is a Jew behind me, come and kill him. All the trees will do this, except for the Garqad which is a Jewish tree.” According to the famous Muslim scholar Imam An-Nawawi: “The Garqad are thorny trees well known in the surroundings of Jerusalem, and there will be the killing of antichrist and the Jews.” Likewise, the previous tradition was narrated from the path of the Prophets companion Ibn ‘Omar with different wording. “The Jews will fight you and you will dominate them until the stones say: O Muslim, this is a Jew behind me, kill him”. For more details about these traditions of the Prophet see: Abdul Aziz Mustafa. Qabla an yuhdim Al Aqsa. Ibid. Pp. 273-279.

\[479\] Ibid.

\[480\] Ibid., pp. 274-275.
the rulings of the Talmud. As for us, Islam continues to be remote from our battle with them. In addition, many of us continue to want it as a nationalistic battle, no place for religion therein and having no relationship with it. They gather under the banner of Judaism and we do not gather under the banner of Islam, they respect the Sabbath and we do not respect Al-Jumu’ah, they assemble with the name of Moses and we do not assemble with the name of Muhammad! It is necessary that we speak frankly to ourselves: if we want to realize the promised battle of victory then we must change what is the matter with ourselves so that Allah will change what is wrong with us. We must fight them with the likes of what they fight us with.481

Having detailed the main interpretations of Muslim-Jewish relations as developed by the early scholars and the traditionalists, it is possible to address more accurately the interpretation of the MB and Hamas. Though they largely adhere to the standard juristic and political interpretations, Hamas' thought in particular has developed within the political field, from framing the conflict in theological terms to a new, more politically attuned definition.

The Struggle as Defined by The Muslim Brotherhood and Hamas

Given the previous discussion of the legacy of Muslim-Jewish relations and their effect on contemporary politics, it is something of a surprise that the MB has historically, at an early stage, treated the Palestinian cause as an issue of national liberation from a foreign colonialist project. According to this early reasoning, the

481 This is the opinion of Yusuf al-Qaradawi. http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-Arabic-Ask_Scholar/FatwaA/FatwaA&cid=1122528600808
conflict was not religious in character or directed against the Jews in particular. As was previously mentioned, al-Qaradawi is one of this view’s most prominent proponents. Though, once again, according to this view, this does not negate the issue’s religious dimension, which is based on the sanctity of Palestine, its status as an occupied Muslim land. In addition, as al-Qaradawi argues, both Jews and Muslims are religious nations, however, the animosity of Muslims towards them is not based on their faith but rather on their transgression and occupation of Palestine in the name of their religion.

Hasan al-Banna presented the most prominent expression of this initial understanding. The literature of the MB highlights the testimony of al-Banna before the “British-American Investigative Committee” on March 5th, 1946. In that testimony, al-Banna affirms that the dispute of the Muslims with the Jews is not religious in nature, as the Quran encourages dealing with them in honesty and peace, and Islam is a way of life for humanity before it is for a nation. Al-Banna concluded that the MB was opposed to the immigration of Jews to Palestine because of its political and economic dangers “and it is our right that Palestine should be Arabic.”

However, this was consistent with the view of the sanctity of Palestine and the necessity of its liberation from Zionist occupation, since “Palestine is not the cause of a geographical homeland in itself, but it is the cause of Islam.” The demand of the MB during the period of the British Mandate over Palestine was represented in “stopping the Jewish immigration and complete independence (for Palestine) on the basis of an honorable agreement. This agreement should guarantee the rights of the

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483 Abd-Al Fattah El-Awaisi, Tasawur Al Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya. Ibid., p. 5.
Arabs and deals with the Jews therein as a minority in all the cities.”

According to al-Banna, the People of the Book enjoy “what the Muslims enjoy of rights and obligations on the condition that they do not conspire to destroy the unity of the Muslims.” For, al-Banna hostilities are rooted in transgression, not belief. This understanding is in accord with the juristic presentation that we previously presented which espouses that the relations between the Muslims and others are based on peace, not war.

The relatively moderate view of al-Banna, however, would not dominate the MB ideology, which changed with the developments on the ground in Palestine. The establishment of Israel as a state altered the balance of power and with it the terms under which Muslims and Jews interacted for the first time in history. It was accompanied by the spilling of Arab blood and the driving out of Palestinians. These events brought the historical and theological dimensions to the discussion. In other words, they precipitated a return to the concept of “the comprehensive struggle.”

After 1948, MB ideology drew on Islamic religious principles to place the Jews in a special status. “So, the Muslim Brotherhood believes that the struggle between the Muslims and the Jews is a struggle that has a special nature that separates it from other international struggles. It does not see a peaceful means of solving it because it is a continuation of the conflict between Islam and Judaism since the establishment of the first Islamic state in the age of the Messenger.” Some of the most prominent figures of the MB were convinced that “every Zionist is a Jew, and events have

484 Ibid.
485 Ibid., p. 22.
486 Al-Banna states his position on religious minorities as follows: “We will deal with them peacefully as long as they deal with us peacefully. We want good for them as long as they refrain from transgression against us. We believe that the tie between us is invitation (to Islam)…whoever transgresses against us among them, we return his transgression with the best response to the transgression of transgressors.” Mentioned in Abd-Al Fattah El-Awaisi, TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya. Ibid., p. 22.
487 Abd-Al Fattah El-Awaisi, TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya. Ibid., p. 25.
confirmed that every Jew is a Zionist. That reality became as clear as the sun in the bright day and there is no denying it.”\textsuperscript{488} As Nusse notes, the Islamists did not distinguish between Israelis, Zionists and Jews. Rather "they use (used) theses terms alternately and synonymously in their texts."\textsuperscript{489}

Since 1948 and especially with the introduction of Qutb’s writings this framework crystallized. This trend remained dominant within MB thought for decades, until the emergence of a strong Islamic juristic trend that opposed these ideas and attempted a return to its roots, represented in the view of al-Banna.

**The Traditional View: A Battle Among Faiths**

As an extension of the MB’s ideological school, Hamas was not immune from the juristic controversy over the nature of the conflict. Nevertheless, Hamas' early treatment of the question differed from that of the MB. If the MB began with the premise that transgression, not belief, was the basis for hostilities, Hamas questioned that notion. Having been established during the late eighties, Hamas emerged at the height of the internal debate within the MB over the grounds for hostilities and its justification.

Due to this internal debate at the time Hamas' charter would reflect the ambiguity, confusion, and sometimes the contradictions in its views on the issue during the early years of its establishment. At the outset it speaks of “the Zionist war,” while also addressing Jews in general. The dominant language in the document, however, is religious in nature, supported with the previously cited verses and traditions. The charter also promotes the concept of the “Comprehensive Battle.”

\textsuperscript{488} Ibid., p. 26.
\textsuperscript{489} Andrea Nusse, *Muslim Palestine: The Ideology of Hamas*. Ibid., p. 36.
makes references to the notion that the frontlines of this struggle extend beyond military confrontation, to the fields of arts, politics and media. The Hamas leader Ibrahim Maqadma, insists on that very idea in his description of the struggle as “a civilizational struggle with every meaning of the word and with what the word civilization implies of spiritual, cultural, social, economical, military and political meanings.” The charter adopts the juristic view that says that the struggle in Palestine, in reality, is a struggle between truth and falsehood. “As for the objectives: They are the fighting against the false, defeating it and vanquishing it so that justice could prevail, homelands be retrieved (to their owners) and from its mosques would the voice of the mu'azen (calls for prayer) emerge declaring the establishment of the state of Islam, so that people and things would return each to their right places.”

However, in the midst of this wavering and ambiguity the charter indicates in one of its articles that Hamas does not engage in hostilities on the basis of beliefs, but rather on the basis of actions. Indeed, this article negates the prevalent belief that Hamas seeks to extinguish the Jewish people, a frequently leveled accusation that is not endorsed by the charter of Hamas or any of its declarations. The group does discuss bringing an end to “Israel,” which, to Palestinians, represents an imperialistic idea and an occupying state. It is not representative of Judaism as a whole or the Jewish people:

The Islamic Resistance Movement is a humanistic movement. It takes care of human rights and is guided by Islamic tolerance when dealing with the followers of other religions. It does not antagonize anyone of them except if it

490 Hamas' charter. Ibid. Articles 17-21.
491 Ibrahim Maqadma, Ma'ālim Fillareeq Ila Tahreer Filasteen. Ibid., p. 69.
492 Hamas' charter. Ibid., Articles 9.
is antagonized by it or stands in its way to hamper its moves and waste its efforts.

Under the wing of Islam, it is possible for the followers of the three religions - Islam, Christianity and Judaism - to coexist in peace and quiet with each other. Peace and quiet would not be possible except under the wing of Islam. Past and present history are the best witness to that.

It is the duty of the followers of other religions to stop disputing the sovereignty of Islam in this region, because the day these followers should take over there will be nothing but carnage, displacement and terror. Everyone of them is at variance with his fellow-religionists, not to speak about followers of other religionists. Past and present history are full of examples to prove this fact…

Islam confers upon everyone his legitimate rights. Islam prevents the incursion on other people's rights.493

The charter further affirms Hamas' opposition to political initiatives, peace plans and international conferences that require relinquishing parts of historical Palestine and are but “ways of setting the infidels in the land of the Muslims as arbitrators.”494 The essence of Hamas’ struggle, therefore, is the land not the belief, at least according to this article. "Jihad, as it set forth in the Hamas charter, is designed to prevent the infidels from ruling over the land of Islam. Thus, the issue is not jihad against the infidels per se."495

Based on these two articles, Hamas’ ideology emerges from the juristic view that places the source of hostilities with the Jews in their transgressions. In fact, the

493 Ibid., Article 31.
494 Ibid., Article 13.
495 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 44.
logic of these two articles remained central to the scholars who believe that minorities in Islamic areas must submit to the rule of Islam. The founder of Hamas, Sheikh Ahmad Yassin says as much in many of his pronouncements. In spite of the importance of these two articles, they are contradicted by some other overriding articles and statements of Hamas leaders that emphasize the religious nature of the conflict. Thus these two articles did not represent the official position within Hamas in its early years of existence. A close document to Hamas intended to introduce the group expresses this traditional position in no uncertain terms. It states that Hamas:

(...consider its struggle with the Jews in Palestine a natural extension of the struggle between truth and falsehood since the beginning of creation. It believes it is a link in the path of Jewish conspiracy and corruption... against Islam and its civilization in particular... Based on that it does not see that the battle in Palestine with the Jewish enemy is limited to Palestine, limited in terms of its objective or boundaries, or limited in extent in this decade only and with this generation alone. It believes that the battle with the Jews in Palestine is the centre of the battle between the Islamic nation and the Jewish enemy... it is an ideological battle with civilizational dimensions."

Hamas affirms this view in a letter to the fifth meeting of the Islamic jurisprudence Assembly held in Kuwait on October 12th, 1988. “The Jewish presence in the Islamic land of Palestine does not threaten only Palestine, or only the Palestinian people, rather it threatens the Islamic and Arabic nation altogether. It

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497 Collected documents in the possession of the researcher under the title of "Information about Hamas' Ideology and Emergence." (Amman, Jordan, Middle East studies center, 1989.)
threatens its religion, its beliefs and its civilization. It will not stop at a boundary, rather it will continue in its untiring efforts to infiltrate the Islamic nation and smash the pillars of its existence aiming to establish its civilization on the demolition of Islamic civilization."\(^{498}\)

The religious aspect of the struggle remained central to Hamas’ frame in its early years. The struggle, according to an early Hamas leader “is from an Islamic Quranic point of view … Whether we wanted it or not, it is an ideological and religious struggle … Neither the Islamist nor the Arabs will undertake a battle and be victorious unless their guiding principle is Islam in response to disbelief.”\(^{499}\) Another early document considers the "Jewish occupation" of Palestine “the practical application of the Jewish Torah concept that urges the relocation of the Jews from the various lands into the Promised Land … And the state of the Zionist entity was established in the heart of our blessed land and it has not been absent from its mind for a second that its long range goal is the establishment of Hebrew civilization on the ruins of the Islamic civilization.”\(^{500}\)

Indeed, early Hamas documents make frequent use of traditional juristic interpretations for what is essentially a contemporary political issue. In 1988, during the annual celebration of the Night Journey and Ascension, the movement announced its support for the contemporary political interpretation of the struggle and the concept of the “two corruptions” and its relation to the reality of the contemporary cause of Palestine. The case of the two is defined as “corruption of governing and authority in the Blessed Land. What corruption is greater than this tyranny and assumption of


\(^{499}\) Khalil Al Qawqa. Ibid., [Interview with Al-Anba’ Newspaper].

authority? They are murderers of even their Prophets, so how will they be kind or merciful to us?”501 In a declaration issued in 1990, Hamas deems the second corruption as the contemporary situation in Palestine.502

The use of religious language in Hamas’ declarations also appears more frequently following clashes between Palestinians and Israelis.503 For example, in October 1990 more than twenty Palestinians were killed in Jerusalem when resisting an attempt by Jewish extremists to invade the Al-Aqsa Mosque and install the foundation stone for the Jewish temple. Hamas announced with clarity then that “the Battle of Al-Aqsa Mosque underscores that our battle with the Zionists is a battle between Islam and Judaism.” Moreover, “it is a battle between truth and falsehood.”504 Another example is the Ibrahimi Mosque massacre in Hebron. On the 25th of February 1994 a Jewish settler entered the mosque, which was guarded by Israeli soldiers, and killed 29 Palestinian worshipers who were at the morning prayers at the end of the Muslim holy month of Ramadan. For Hamas "the massacre was an expression of the deep hatred of Islam and Muslims" by the Jews.505 This massacre confirmed Hamas' dominant view back then of the Jews as "treacherous ... full of hatred directed against Muslims."506

Early Hamas ideology goes further in its early period by declaring its support for the two political and juristic readings of the struggle in Palestine. The charter extends the blame placed on Jews to many of the calamities that have befallen civilizations past and present. Indeed, "the Jewish conspiracy" is not against Islam

503 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., pp. 44-45.
506 Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., pp. 157-158.
For a long time, the enemies have been planning, skillfully and with precision, for the achievement of what they have attained. They took into consideration the causes affecting the current of events. They strived to amass great and substantive material wealth which they devoted to the realisation of their dream. With their money, they took control of the world media, news agencies, the press, publishing houses, broadcasting stations, and others. With their money they stirred revolutions in various parts of the world with the purpose of achieving their interests and reaping the fruit therein. They were behind the French Revolution, the Communist revolution and most of the revolutions we heard and hear about, here and there. With their money they formed secret societies, such as Freemasons, Rotary Clubs, the Lions and others in different parts of the world for the purpose of sabotaging societies and achieving Zionist interests. With their money they were able to control imperialistic countries and instigate them to colonize many countries in order to enable them to exploit their resources and spread corruption there. You may speak as much as you want about regional and world wars. They were behind World War I, when they were able to destroy the Islamic Caliphate, making financial gains and controlling resources. They obtained the Balfour Declaration, formed the League of Nations through which they could rule the world. They were behind World War II, through which they made huge financial gains by trading in armaments, and paved the way for the establishment of their state. It was they who instigated the replacement of the
League of Nations with the United Nations and the Security Council to enable them to rule the world through them. There is no war going on anywhere, without having their finger in it.507

In those early years of its existence, Hamas seemingly had no boundaries in its adoption of political juristic interpretations of the struggle in Palestine. So the conflict was not simply between Muslims and Jews. Rather, it was between Muslims and the “Crusader” West, the “Communist” East, and Zionist “Judaism who are the people of falsehood.” According to the charter, “The imperialistic forces in the Capitalist West and Communist East, support the enemy with all their might, in money and in men. These forces take turns in doing that. The day Islam appears, the forces of infidelity would unite to challenge it, for the infidels are of one nation.”508 In these early declarations the "Crusader" West refers especially to the United States and “Communist” East to Russia, both of whom, according to Hamas, provide Israel with supplies and population.509

Perceiving the circle of enemies to be very expansive in its early years, Hamas called for a broad Islamic alliance to confront them. “The question of the liberation of Palestine is bound to three circles: the Palestinian circle, the Arab circle and the Islamic circle. Each of these circles has its role in the struggle against Zionism. Each has its duties, and it is a horrible mistake and a sign of deep ignorance to overlook any of these circles. Palestine is an Islamic land.”510 Hamas also warns of the success of "World Zionism, together with imperialistic powers, (which) try through a studied plan and an intelligent strategy to remove one Arab state after another from the circle

507 Hamas' charter. Ibid. Articles 22.
508 Ibid.
509 For Example See Hamas' Communiqué #52, 8 January, 1990. Ibid.
510 Hamas' charter. Ibid. Articles 14.
of struggle against Zionism, in order to have it finally face the Palestinian people only … Today it is Palestine, tomorrow it will be one country or another.”

The preceding quotes clearly demonstrate that, in its early years, Hamas adopted the political juristic approach. Within its charter and declarations, it aimed to position itself as the vanguard of the committed Muslims who will liberate Palestine. A revisionist perspective has emerged in recent years, however. A new group of scholars argue that Hamas was not completely beholden to the belief in the religious nature of the conflict. Utilizing other documents and pronouncements by the leaders and prominent figures of Hamas, they offer an alternative interpretation of the movement’s approach.

Khaled Hroub, for instance, argues that despite the dominance of the primary documents of the early period, the religious language often reflects “occasions when an emotional response and escalating tension may have overpowered calm, theoretical reflection.” He adds that the literature of Hamas and the pronouncements of its most prominent figures, with time, were increasingly focused on the essence of the occupation and driving it out, transforming the cause to one of national liberation seeking freedom from foreign occupation. According to this analysis, hostilities are based on transgression, not belief.

Another scholar takes this argument a step further. In his critique of the Hamas charter’s treatment of the Jews throughout history, Azzam Tamimi contends that religious sources are dealt with haphazardly and selectively. Quranic verses and Prophetic traditions critical of the Jews relate to particular historical moments and are not intended for universal application. Tamimi further contends that the reason the

511 Ibid., Article 32.
512 See the introduction of Hamas charter, Also see Article 32. Ibid.
513 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., pp. 44-45.
514 Ibid., pp. 45-46.
term “Jews” is employed by the average Palestinian when referring to Israelis is not out of ideological commitment. Rather, the term “Zionist” is reserved for the highly educated, not the mainstream populace. Thus, the term “Jews” used by Palestinians to refer to the Israelis is not intended to make a religious statement or broad racial categorization on the order of European anti-Semitism. On this basis, Tamimi emphasizes what was previously argued: this charter was imposed on Hamas without careful study or critical thought. For this reason, it is seldom mentioned in current pronouncements by the movement.515

We previously alluded to early indications that Hamas perceived the conflict as one of combating transgression, not a clash of faiths. Nonetheless, examples of this were overshadowed by the general tendency to cite strict juristic principles in support of a rigid political ideology. Perhaps a difference between this study and other studies on this subject, including those of Hroub and Tamimi, is that it deals with the issue within its broader Islamic juristic sphere. Doing so allows us to contend that Hamas’ early thought was in accord with the prevailing traditional Islamic viewpoint.516 Tamimi, on the other hand, argues that the early Hamas texts make use of “selective Islamic reading” of Quranic verses and Prophetic Traditions that deal with the Jews. A detailed study of the traditional juristic scholarship has demonstrated that Hamas’ view was in line with the prevailing Islamic ideological trend until recent times, regardless of the accuracy of that interpretation.

The significance of traditional views of Muslim-Jewish relations and the role of Islamic jurisprudence has been made clear. The contemporary discourse within the Islamic movement did not arise out of political expediency, but is deeply rooted in the body of Islamic jurisprudence. Only upon understanding the basis for the early Hamas

516 This was clearly illustrated by the literature review that we conducted above.
ideology can we accurately examine the transformations that were to take place over time in its development. The claim of this study is that the change that occurred in the understanding of Hamas in this regard, took place from within the Islamic juristic schools in addition to it being a development in the political discourse of Hamas, and this is what we will discuss next.

The Contemporary View: Transgression Based Conflict

As Hamas grew over time, with the accumulation of experience and the expansion of its regional and international relations, it realized that it was not possible to strengthen its political positions, relations and alliances without revisiting its ideology. The leadership of the movement was aware that the sharp ideology expressed in its early years adversely affected its political initiatives and was an obstacle in its way to expand outside of its ideological sphere. Gunning suggests another factor that compelled Hamas to revisit its sharp ideology. For him there are tensions in Hamas' ideology between "freedom and morality, popular will and revelation, representative and religious authority. Central to many of these is the tension between free will and divine design."^517 He concludes that "this tension is embodied at the very heart of Hamas' political theory in the form of a dual contract: one between the people and their representatives (safeguarding free will), and one between the people and God (safeguarding divine design)."^518 Thus Hamas is in a constant struggle to strike a balance between the free will of people and the obligation to God as it views the dichotomy.

By the mid-nineties, Hamas began to review many of its ideological positions

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^518 Ibid.
and to present itself as a national liberation movement confronting a foreign occupation supported by a western colonial project. But a transformed discourse was not an easy affair. Hamas is, after all, an Islamic movement, and its strength lies in its ideological message. Any serious tampering with this “blessed” ideology would mean its end, at least in terms of popularity. As will be demonstrated, this change in the political discourse of Hamas from the hard ideological language to a language that gives a political meaning for “liberation” would not have occurred were it not for an Islamic juristic position supporting and preparing the way for this change. The political developments that confronted Hamas were not sufficient by themselves to change the tone of the discourse. There had to be an Islamic juristic justification for the change in the vocabulary of the discourse, and that is precisely what the movement utilized.

In the preceding presentation of the Islamic juristic opinions associated with the controversy over the basis of hostilities, we described a strong juristic current that confirms that the basis of hostilities is transgression not belief. The central point of this current presented Hamas with justification to review the sharp ideological belief expressed in its charter, declarations and pronouncements. The important position that concerns us here is one expressed by Yusuf al-Qaradawi. The importance of this opinion is that it represents the same position of Hamas today, in juristic language.

Al-Qaradawi, whose position was previously outlined, considers the relationship between Muslims and Jews as a struggle over land, not religion. Yet, in his opinion, this does not negate the religious nature of the struggle, for several reasons. The first and most important is the blessed status of Palestine in Islam. Secondly, the Jews justify the occupation of Palestine on religious grounds, causing the Muslims to respond in kind. Thirdly, Muslims are required by their faith to defend
the land of Islam, and Palestine has a special status in Islam. According to al-Qaradawi:

Therefore, we reject whoever wants to eject religion from this battle. My statement should not be understood as if I want to eject the religious and the theological aspects from the issue. This is betrayal. I do not want that and it is not appropriate to understand my statement in this way. I only want to say to some of the people, how do you understand the verse (“Strongest among men in enmity to the Believers wilt thou find the Jews and Pagans;”). This was with respect to the situation in the days of the Messenger. After that, the Jews entered into the responsibility and care of the Muslims and lived among them in security and they did not find a place of refuge except the realm of the Muslims. They used to live among the Muslims in the best manner of people of wealth and influence. There was no struggle between them and us except a cultural one at times.

Al-Qaradawi further clarifies his position by saying: “I only speak on the religious aspect as a Muslim, The Jew, like the Christian, is from the People of the Book, even in this age, with his transgressions. I do not change the facts on account of the transgression. At one point in time, Christians were more severe in their actions against us than the Jews (in the days of the Crusades) 519, and the Jews were with the Muslims at that time. It is better to give everyone his due.” Al-Qaradawi sums up by saying: “the struggle is continuous and jihad is obligatory until the truth is retrieved

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519 Nusse confirms this point. According to her: "Muslim theologians and polemicists of the past devoted little theoretical and practical attention to Judaism which they perceived as of 'minor importance and offering no serious challenge'. For centuries, the main political enemy of Islam was Christianity.” Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., p. 36.
and the land is returned to its rightful owners.\footnote{520}

Al-Qaradawi’s view became to a large extent the official position of Hamas in the mid-nineties, though it was not immediately infused into its political discourse. It translated into softer political language and careful selection of vocabulary. According to Azzam Tamimi, another factor affecting the political discourse of Hamas is observable in the effort made by some Arab intellectuals, like the late Egyptian thinker Abdul Wahhab al-Missiri, in exploring and defining the concept of Zionism and its historical development, concluding that it is an extension of the Western colonialist project.\footnote{521} Thus, the discourse of Hamas gradually shifted towards the language of a national liberation movement confronting a foreign colonial project.

The influence of al-Qaradawi and al-Missiri can be seen in an internal document of Hamas dealing with the movement’s take on the controversy surrounding Judaism and Zionism. Portions of this document were previously published in a 1996 study in which the researcher participated. In it, Hamas offers its interpretation of the development of Zionism and the participation of the sixteenth century Protestant reform movement led by Martin Luther in the manifestation of Zionism among non-Jews, even before it appeared among Jews themselves. This concept saw the rise of a movement among Christians who believed in the necessity of the Jewish return to Palestine before the Jews themselves thought about it. This background would be significant in promoting future Western support for a Jewish presence in Palestine, where:

\[ \text{The European colonial and political interests met and parted company with the Zionist movement. Therefore, the West found that it was in its interest to} \]

\footnote{520} http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-Arabic-Ask_Scholar/FatwaA/FatwaA&cid=1122528615116
\footnote{521} Azzam Tamimi, \textit{Hamas Unwritten Chapters}. Ibid., pp. 154-155.
embrace the Zionist project because it served its interests in the area of the
Middle East. And the Zionists found that their alliance with the European
colonialist policy was a service to their idea, so, they served the Europeans for
their own interest. From here, they achieved the Balfour Declaration as a point
of embarkation to apply the Zionist idea in Palestine.522

This shift toward a political interpretation did not diminish the religious angle
in Hamas’ position on the Zionist project. Once again, al-Qaradawi's juristic argument
and his emphasis on the religiously sanctioned right to confront transgression are
pertinent. “Judaism is a religion and Zionism is a project and tool with which to
realize Jewish ambitions and prophecies. The bond between them is natural … The
Zionist movement represents the broadest legitimacy with the Jews as an expression
of Jewish ambition in the world … Zionism is a colonialist settler occupation project
deriving support on religious grounds that has various political and strategic
ambitions.”523 Hamas' discourse here, however, does not deal with Judaism from the
perspective of an eternal struggle with Islam, as was the case in its previous ideology.
“The religious dimension of the Jews does not mean religiosity… Rather, this
dimension represents the historical dimension and the spiritual incentive that
establishes the idea and represents the motive of embarkation.”524 Nonetheless,
according to Hamas’ view, the Jewish religion represents one of the foundations of
Zionism. The Jewish religious scriptures “wherein the Jews consider that they have a
right in Palestine, and that Palestine is the Promised Land. The Jews must gather
together, in the end, in Palestine and establish their state there, and that the Jews are
the chosen people of God … From here the Jews work to realize the Talmudic and

522 Handwritten Original Document of Hamas that was obtained by the researcher in 1996.
523 Ibid.
524 Ibid.
Torah prophesies.”\textsuperscript{525} Based on this, the theological dimension is one of the most important foundations in the Zionist thinking. This does not mean that the Zionist movement is a religious movement. Rather, it is more secular, but the religious dimension served the Zionist project in the beginning. Palestine occupies an important place in the thinking of the Zionist movement according to the understanding of Hamas:

The Zionists see Palestine as representing the Promised Land and the place where the Zionist state will be established, and they do not accept any alternative to Palestine. It is known that the British offered Uganda to the Jews to be a state for them but they rejected the idea because the issue is not one of searching for a homeland for the Jews with the unrestricted meaning of homeland… Rather this homeland is restricted by an ancient historical and religious view to be considered in this homeland, Palestine, the Promised Land. Therefore, the view toward Palestine is not geographical, but rather derives from a religious dimension fundamentally, and in the strategic aspect of Palestine, secondly. There is no meaning to this movement without Palestine.\textsuperscript{526}

Hamas concludes that:

Inside occupied Palestine, there is no measure to the statement that inside the society, one is a Zionist and another is a Jew. This society stands on transgression, and it is a combatant society with all of its parties, with its

\textsuperscript{525} Ibid.  
\textsuperscript{526} Ibid.
women and men. The organized army and approximately twice it or three times it represents a national guard that can be mobilized in a short time and at time of war to enter into direct service. The Jews who came from outside came for the service and nourishment of the Zionist project. Therefore, we consider the Jewish society, in its totality, combatants, and that the Jews who move to Palestine are tied to the oppression of their state. With that, we in Hamas have a clear stance in not fighting civilians, children and women as long as they are not armed because our fight is directed towards the military and military settlers who oppress our people.527

This document demonstrates the degree to which Hamas transformed its approach to the question of Judaism and Zionism. The basis of hostilities became transgression, not belief. Once again, this underscores the importance of our discussion of the previous scholarly opinions on this issue. Indeed, some early Hamas documents point out that it does not fight the Jews for their beliefs. This is due in part, as was pointed out earlier, to the ambiguity in Hamas' position from the start that could have stemmed from the debate that took place at certain stages in the mother organization (i.e. the MB). In a 1990 interview with Hamas leaders conducted with the journal 'The Muslim Palestine', one sees an affirmation of this meaning. The leadership was quoted as saying Hamas "does not adopt belligerent positions against anyone on the basis of his creed or ideology. Hamas does adopt a belligerent position, however, once that creed or ideology is translated into aggressive or destructive actions against our umma and nation."528 Because these early views were not fixed, however, they have been frequently overlooked. During this period, Hamas would at

527 Ibid.
528 Mentioned in Khaled Hroub's, Hamas: Political Thought and Practice. Ibid., p. 45.
once express its views in rigid religious language, while at other times it would speak in a pragmatic political tone. It was only during the mid-nineties that real change in the form of a revised position would occur. Hamas would take a firm stand that the conflict with Israel was based solely on its violations and the antiquated religious rhetoric disappeared from the official discourse of Hamas. The new view would distinguish between Judaism and Zionism and direct hostilities toward the Zionist movement with its character as an oppressor, not for the subject of its beliefs.\(^{529}\)

Hamas continued to develop this new methodology in its thought. Following a series of attacks carried out in Israel in response to the assassination of a leader in 1996, an international conference was held with American leadership in the Egyptian city of Sharm El-Sheikh under the banner of “Opposing Terrorism.” Hamas hastened to send a memorandum to those gathered in Sharm El-Sheikh to clarify its position. The most important feature of that memorandum is that Hamas avoided all religious references in an attempt to define itself as a national liberation movement within the bounds of international laws and covenants. Hamas: “is considered a part of the national liberation movement for the Palestinian people, striving to realize its national rights guaranteed by international law; first and foremost, the right to self-determination, the establishment of its own independent state and the right of all refugees to return to their homeland.”\(^{530}\) As such, “Hamas, with its political and military wings, is a resistance and national liberation movement against occupiers whom they consider in the position of transgressors against the foundations of contemporary international law. Therefore, the armed actions of the al-Qassam Brigade are considered defensive actions with the exception of some unintended

\(^{529}\) Ibid., p. 50.
\(^{530}\) Hamas' Letter to the International Conference against terrorism that was held in Sharm El-Sheikh, 13 March, 1996.
The memorandum proclaimed that the Israeli presence in its various forms in the West Bank, Jerusalem and the Gaza Strip is an occupying presence, according to successive United Nations resolutions and the official positions of the international community since 1967. In that same vein, Hamas affirmed its right to resist the “Zionist occupation,” citing those same international bodies and laws. By this statement, the resistance of Hamas was the direct result of the occupation, not a cause for it.

In addition, the discourse of Hamas expanded its concept of citizenship to include Jews and Christians under Islamic rule. According to Khaled Meshaal, the head of the political bureau:

In the shade of the fourteen centuries since the rise of the Arabic Islamic state, the rights of Christians, Jews and others were protected. They lived just as the ethnic minorities in the nation lived, with security for themselves, their wealth and their rights. Since democracy is rule of the majority…it demands the expression of the reality. But this applies to the Jew who is a part of the Arabic region and its history, and not the occupying and transgressing Zionist Jew…

Contemporary scholars in Islamic thought have discussed the term *Ahl Al-

531 Ibid.
532 Ibid.
533 Mohammad Barhooma, *Ahdaf Harakat Hamas*, [The Objectives of the Hamas Movement], Part one, chapter 1 in *Dirasa Fil Fikr Alisyasi Liharakat Almuqawama Alishamiya (Hamas) 1987-1996*. Jawad El-Hamad and Eyad al-Bargothi (Editors). Ibid., p. 56. According to a member of the political bureau of Hamas, Sheikh Saleh al-Arouri, "For us as Muslims it is not a religious war because we lived together here before 1948." He adds: "Christians have been living here since the start of the ages. If it were a religious war the Jews and Christians would not have lasted 1,400 years. Religious war means what happened in Europe in the Middle Ages where they didn't accept anyone who wasn't a Christian. In our area there was never a genocide based on religion. This is only a nationalistic issue and a nationalistic war because of occupation." An interview published in Beverley Milton-Edwards & Stephen Farrel, *Hama: The Islamic Resistance Movement*. Ibid., p. 15.
Dhimma\textsuperscript{534} in a new form, which is citizenship. The people of one homeland, whether they are Muslims, Christians or Jews, have the right of citizenship, and the Islamic Arabic history is witness to that. Evidence of this is the fact that the so-called “Jewish problem” appeared only in Europe, as a result of the injustice practised against the Jews. As for the problem between the Jews and us, it happened only after they occupied our land and oppressed us.\textsuperscript{535}

These pronouncements by Meshaal are undoubtedly very significant. They demonstrate a clear departure from the political juristic interpretation of the struggle as well as the traditional Islamic juristic school that considers Jews and Christians Ahl Al-Dhimma.\textsuperscript{536} Once again, however, these changes in the thinking of Hamas did not come about without juristic support from the Islamic tradition. These ideas are common among a number of prominent contemporary Muslim thinkers. In addition to those previously mentioned, there is the Tunisian thinker Rashid al-Ghannouchi, who composed a book about freedoms in the Islamic state. There is also the Egyptian

\textsuperscript{534} “The term "Ahl al-Dhimma" or "Dhimmis" refers to communities of non-Muslims (Jewish, Christian or otherwise) who came under Muslim rule historically and accepted a "protected" status that allowed them to continue practising their faith without hindrance. Dhimmis were required to pay a special tax called jizya to the state, and the state was a guarantor of their rights as a subordinate group within medieval Muslim society.” See: http://www.islamproject.org/education/Prepare_eval.htm

Or: "people of the covenant, Jews, Christians, and others accepted as subjects under Muslim rule and entitled to legal protection in return for payment of taxes (i.e. Jizya)”. See: http://coursesa.matrix.msu.edu/~fisher/hst373/readings/glossary.html


\textsuperscript{536} For example, in an article by Meshaal after his movement won the Palestinian legislative elections, he states: “Our message to the Israelis is this: We do not fight you because you belong to a certain faith or culture. Jews have lived in the Muslim world for 13 centuries in peace and harmony; they are in our religion ‘the people of the book’ who have a covenant from God and his messenger, Muhammad (peace be upon him), to be respected and protected. Our conflict with you is not religious but political. We have no problem with Jews who have not attacked us—our problem is with those who came to our land, imposed themselves on us by force, destroyed our society and banished our people.” See Khaled Meshaal, Los Angeles Times articles.latimes.com/2006/feb/01/opinion/oe-meshal1. For more discussion on the subject see: Jeroen Gunning, Hamas In Politics: Democracy, Religion, Violence. Ibid., pp. 62-63. And Andrea Nusse, Muslim Palestine: The Ideology of Hamas. Ibid., pp. 101-103.
intellectual thinker Fahmi Huwaidi who authored a book entitled *Citizens, Not Dhimmis*. 537

As for Hamas’ concept of the parties to the conflict, in contrast to its earlier proclamations, the new discourse has gone beyond mere generalities. Hamas has realized that it is not wise to expand the sphere of adversaries and it is more appropriate for the movement to work to decrease these adversaries and keep aside the largest number of them. 538 For example, it was no longer useful for Hamas to speak of the Jewish conspiracy to found the United Nations at a time when it was compelled to deal with it and its resolutions. Likewise, the sharpness of the ideology diminished as Hamas adopted a policy of political pragmatism. Russia, which at one time was a strong base of communist support for Zionism in the view of Hamas, has today become a state that has relations with Hamas to the point where an important delegation of leaders visited Moscow after the success of Hamas in the Palestinian legislative elections in early 2006. This visit took place in spite of the fact that Jewish immigration from Russia to Israel continues. With this “move, the discourse of Hamas began to distinguish between the main enemy, Israel, and the powers allied with it, like the United States, Great Britain, and the Security Council that is controlled by those powers, thereby decreasing the number of enemies and hoping to narrow the sphere of adversaries.” 539

The same method is applied to the allies of Hamas. The political leadership of Hamas today resides in Damascus and is allied with its government, in spite of the bloody history between the ruling Syrian *Ba’athist* regime and the Syrian MB, a close

538 Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p. 49.
organizational and ideological relation to Hamas. Likewise, Hamas finds itself compelled to deal more closely with the Egyptian regime after its success in the Palestinian legislative elections. This became especially necessary since it defeated the security forces loyal to Palestinian President Mahmoud Abbas and took control of the Gaza Strip in June 2007 and what followed of Israeli blockade of the Gaza Strip. This comes despite the fact that Hamas in its early years warned “of the danger of the role of the Egyptian regime in the Arab arena. It put all the Arab regimes in the danger of Camp David and works now to win over the Palestinian people to extinguish the firebrand of the Intifada.”

Summary

In summary, it is possible to contend that Hamas did not rebel against its religious frame of reference, rather it developed within it. The development that occurred in the ideology of Hamas and its belief in regards to the nature of the struggle, and the identity of the enemy, was achieved within the Islamic juristic treatise itself deriving from one of its currents. If not, it would not have succeeded in making such change. With that, it did not abandon the religious basis of the struggle, partly due to the reliance of Zionism on religious claims in justifying its occupation of Palestine. Just as Palestine is a distinguished part of the land of Islam, which non-Muslims cannot control, the jihad becomes an individual obligation on every Muslim to liberate it. This summary will aid us in the next chapter, that will examine the understanding of the MB and Hamas and their view of the nature of the solution to the conflict.

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Chapter 4: The Religious and the Political in Approaching "Israel"

In the last chapter we discussed the MB's and Hamas' understanding of the nature of the struggle in Palestine and the identity of the "enemy". As it discussed whether the animosity towards the "enemy" derives from the religious aspect of the Jewish "occupation" (i.e. Israel), or from the political transgression, as the MB and Hamas believe. The chapter concluded that the current MB and Hamas position is that the struggle with Israel stems from the idea of transgression (i.e. the occupation of Palestine) and not its specifically Jewish character. However they still argue that there are religious components to the struggle – this is the dialectic of Hamas' thought. We also discussed how this helped Hamas in its endeavour to present itself as a liberation movement. This chapter will investigate the MB's and Hamas’ view of the possible solutions to this impasse. In particular, it will consider their view of settlements and permanent peaceful solutions that do not secure the "liberation" of historical Palestine in its entirety, investigate their proposed alternatives and the ground on which they advance them. In the process, the chapter will show what role religion, the Prophetic experience, and the historical Islamic experience play in this context.

As explained earlier the MB and Hamas consider that the land of Palestine has a special status; it is a Holy Land and it is an Islamic waqf (endowment), land that must not be sold or disposed of or waived in even the smallest proportion.\(^{541}\) We also stated, that Hamas views the Palestinian cause as the main issue for the Islamic nation, it does not only belong to the Palestinian people; rather it belongs to all Muslims. The same applies to Hamas' concept of the conflict on Palestinian land; it is

\(^{541}\) Hamas' charter. Ibid., Article 11.
a conflict that has religious dimensions; and it is an elongated one, as we discussed in detail in the previous chapter.

All these factors, one way or another, influence the attitude of Hamas on the question of negotiation with Israel and the possibility of recognition. These questions for Hamas seem to fall under the heading of the religious as well as the national political agenda (i.e. abandonment of the historic and legitimate rights of Palestinians to their land). Thus, Hamas believes that they fall within the taboos that should not be opened, at least up to this moment.542

By extrapolating from Hamas' ideology and attitudes, it appears that the issue of recognizing Israel, or its right to exist (in this study, we will try to clarify the difference between recognizing Israel and recognizing its right to exist within Hamas' ideological system), is a clear contravention of what it believes to be religiously prohibited. What reinforces this position is that there are dozens of Fatwas (Islamic edicts)543 from leading Muslim scholars repudiating such a thing, considering it as religiously prohibited.544 In addition, Hamas, and Muslim scholars believe that the Palestinian people are not authorized to waive any inch of the Holy Land of Palestine, which is the right of generations of the whole Muslim Ummah, not only of the Palestinian people.545 This issue was previously stated and will be discussed again in the course of this chapter. For Hamas, the question of recognition is a gateway to

542 “About Hamas”. http://www.palestine-info.info/ar/default.aspx?xyz=U6QQ7k%2beOd87MDI46m9rUxJEpMO%2bi1s7YjjNYgnCrGxy9LphpYjipIN1jo4ZpAEj22uHdDqul1JcpP2shDtgZJCR3C2aINaApr%2bmerhAOq3FNcmIJizvxlCu9gqBHHqnhfrDvaniPtU%3d
The Palestine Information Center is widely considered to be the official website of Hamas.
543 An Islamic edict rendered by Muslim scholars with the knowledge to make juridical conclusions.
544 For more details and samples of these fatwas, See Abdallah Azzam, Hamas Aljuthur Altareekhya wal Mithaq. Ibid., pp.111-128. Also, see Azzam Tamimi, Hamas Unwritten Chapters. Ibid., pp.157-158.
545 Mousa Abu Marzook the Deputy Chairman of Hamas' political bureau says that "Hamas does not posses the authority to recognize Israel because it unlawfully seized Palestine in which each Palestinian has a personal ownership in it". Written answers to the researcher's questions. Ibid.
strike out the religious and historical right of the whole Muslim *Ummah* and the Palestinian people, and their national rights.\(^{546}\)

In its early years the position of Hamas tended toward rejection and intransigence on this issue, which could be found clearly in its charter as well as in its statements, specifically in the first six years of its inception. However, this does not mean that some of the statements of Hamas leaders during that era were not more flexible than its charter and official statements; and this does not mean that Hamas' ideology has not undergone significant development since then. Now, contemporary Hamas discourse – that refuses to negotiate with Israel and refuses to recognize it – is reasoned politically rather than ideologically in the first place.\(^{547}\) Today, there is absence of the loose language that marked this discourse in the early stages of its operation. However, all that stopped short of raising the issue of recognizing Israel or its right to exist, as we will show later.

Even when some statements made by some Hamas leaders and figures were interpreted as if there is a possibility of recognizing Israel, the general and the overall position of Hamas, interfered and controlled the debate in favour of the dominant position which refused to recognize Israel or its right to exist.\(^{548}\) Today's refusal and intransient position of Hamas towards the question of recognizing Israel does not mean that it does not practically differentiate between negotiating with Israel on a clear basis in an attempt to find temporary solutions to the struggle between the Israelis and the Palestinians, and the negotiation that leads to the recognition of Israel or the right of existence. This point will also be clarified in this chapter.

\(^{547}\) For more detailed discussion on this issue, see Jeroen Gunning, *Hamas In Politics: Democracy, Religion, Violence*. Ibid., pp. 203-206.
\(^{548}\) This is something that will be explained later on in this chapter.
The contemporary political discourse of Hamas has developed to the extent of accepting the two-state solution, on the basis of establishing a Palestinian state on all Palestinian territory occupied since 1967; i.e. all of the West Bank, including East Jerusalem and the Gaza Strip, in addition to the return of refugees. Although this means the implicit recognition of Israel, however, Hamas insists that this would not include recognition of the legitimacy of Israel or its right to exist.\(^{549}\)

Of course, these developments in the thought of Hamas are primarily due to the pressure of political reality, especially after Hamas entered the Palestinian legislative elections in January 2006, winning a parliamentary majority and forming a new Palestinian government, as well as the regional and international siege against Hamas. Some other factors have also squeezed Hamas into a tight corner and encouraged it to search for some more flexible Islamic juridical solutions. These include: the fact that Israel is a factual reality which one can not imagine being removed, at least under current circumstances, and being a considerable regional force, owing to the international support it receives, and the peace agreements signed between Israel and some Arab countries and the PLO. We have indicated before that the development in Hamas' ideological visions and its political positions do not necessarily mean a departure from the religious reference of the movement, as far as it means a development within the same system of religious reference. Islamic jurisprudence is expansive as well as being realistic. This research assumes that Hamas does not move from one vision to another or from one position to another, without securing rational Islamic jurisprudential cover.\(^{550}\)

\(^{549}\) Mousa Abu Marzook says that "recognizing the Zionist Entity is a matter that will not be considered by Hamas." Ibid., Written answers to the researcher's questions. Also, Ahmad Yusuf, the Hamas deputy foreign minister says "recognizing Israel is completely unacceptable." http://www.haaretz.com/hasen/spages/1093692.html

\(^{550}\) Mousa Abu Marzook. Ibid., Written answers to the researcher's questions.
In the context of conciliation and harmonization between a relatively rigid ideology and a desire for political flexibility, we can say that the position of Hamas towards the peace process and negotiations with Israel went through four distinctive stages that sometimes overlap chronologically. These four stages, ranging from total rejection of all peaceful solutions to the conflict, through to the rejection of any Palestinian concessions resulting from any political agreement, to the acceptance of a conditional and temporary truce with Israel on condition of not recognizing it, and finally, Hamas' acceptance of a temporary calm "tahadiya = cease-fire" on conditions that are less than those of the truce.551

In all cases, the position of Hamas remains centered on achieving a limited-time, or even open-ended truce in exchange for establishing a Palestinian state on all Palestinian territories occupied since 1967, but without recognizing Israel. This will be discussed in more detail later in this research. Once again it must be stressed that these developments in the ideology and positions of Hamas find their legitimacy within the heritage of Islamic jurisprudence, the Prophet’s mandate and the Islamic historical experiences as understood by Hamas and the parent MB school to which it belongs.

This chapter seeks to discuss and explain all these issues, trying to understand their background in the ideology of Hamas through the Islamic religious, jurisprudential, and historical references, which deal with the existence of aggression or occupation and how to overcome them. In the course of this chapter, we will seek

551 In June of 2008, with Egyptian mediation, Israel agreed for the first time to enter into a six month cease-fire with Hamas. A decision taken after it failed to halt the barrages of home-made rocket attacks on its southern towns bordering the Hamas controlled Gaza Strip. The agreement called for the opening of the commercial crossings within hours of the cease-fire taking effect. In the meanwhile Egypt would work to extend the cease-fire to the West Bank. As for the methods of opening the Rafih crossing between the Gaza Strip and Egypt its outcome would be determined in a meeting hosted by Egypt to include the PA, the Hamas movement and European elements. Although, Israel and Egypt did not abide by their obligations, according to Hamas, the cease-fire lasted for six months and ended with an Israeli massive attack on Gaza "Operation Cast Lead". The attack started on 27 December, 2009 and ended on 18 January, 2010 killing more than 1450 Palestinians and injuring thousands more.
to examine the accuracy of statements and convictions of Hamas with regard to this issue through Islamic jurisprudence, and the Islamic and Prophetic expertise and experience. This requires, first, a review of the Islamic concept of reconciliation, treaty, truce, negotiations, and political solutions based on the texts and the Prophetic experience, then to put Hamas ideology and political conduct in this context. However, prior to all this, we must briefly treat the general Islamic jurisprudential concept of the issues of war and peace.

In the context of our endeavour to discuss all of these issues, we will divide this chapter into three sections. The first section will discuss the general Islamic jurisprudential concept of war and peace, and how Muslim jurists understand these two concepts through the Quranic teachings and the Prophetic experience. This discussion will take place through three main headings: 1) The Types of Treaties in Islamic Jurisprudence. 2) The Prophetic and the Islamic Historical Experience. 3) Peace and Hudna in Islamic Jurisprudence.

This section will help us in understanding, once again, the vast and rich nature of Islamic jurisprudence, which enabled the MB and Hamas to move from a rigid ideological position in dealing with Israel into a more flexible one. Also, such a jurisprudential, Prophetic, and Islamic historical review will help us to understand the background and the authenticity of some of the contemporary jurisprudential opinions that sought to find a way out for Hamas to recognize Israel. Such jurisprudential opinions took into consideration the complexities of reality as faced by the movement. These complexities led at some junctures to a confusion within some ranks of Hamas vis-à-vis the issue of recognizing Israel before the “central position” of the movement that rejects recognition intervened, and adjusts the pace of the political debate within it.
The second section will discuss how the ideology and the discourse of the MB and Hamas was, and is still, impacted by such ongoing jurisprudential discussion in different stages of their presence (of the MB and Hamas). The MB and Hamas started by adopting the most radical jurisprudential opinions in the context of dealing with Israel. Thus they initially rejected any possible recognition of Israel or exploring any peaceful options with it even being provisional. But with the passage of time and with the realization of the complex reality, the MB, particularly the Egyptian branch and Hamas, started moving towards more flexible jurisprudential opinions to deal with the dilemma that the continuous existence of Israel poses to them by not being able to eliminate it. This flexibility, however, does not include, at least on the official level, up to this point, any indication that the MB and Hamas will be willing anytime soon to recognize Israel if certain conditions are to be met. Though some Hamas and Egyptians MB leaders do hint at the possibility that they could recognize Israel from within the “legitimacy” (i.e. the state institutions in Egypt and in the anticipated Palestinian state) if they become part of them, but not as movements. All of these issues will be clarified through 5 titles: 1) The General Position: No to Peaceful Resolutions ... No to Recognition. 2) The Interim Solution: A Palestinian State in the West Bank and Gaza Strip Without Recognition of Israel. 3) Truce as an Islamic Jurisprudential Solution. 4) *Hudna* in the Doctrine of Hamas. 5) The Booster of Truce after the elections.

As for the third section, it discusses briefly the possibility for the MB and Hamas to recognize Israel at one point given that certain conditions are being met. This will be discussed in part through the contemporary Islamic jurisprudential debate that sought to provide Hamas with a way out of the pressure and the siege that has been imposed on it after it won the legislative elections of 2006 and the constitution
of its government. And then what followed in 2007 when it took over the Gaza strip after bloody clashes with forces loyal to the PA President, Mahmoud Abbas, and the consequent siege that was imposed on the Gaza Strip. Given these circumstances and the complex reality, the contemporary Muslim scholars differed over whether it is legitimate for Hamas in Islam to recognize Israel or not in order to ease the pressure and the sanctions on the movement and on the Palestinian people. This contemporary scholarly discussion is based on the presiding jurisprudential discussion that was discussed in this chapter earlier. Also, this section will try to delineate the difference between recognizing Israel as a reality or as a fact and its right of existence and why the latter seems to be impossible in Islamic jurisprudence and Hamas’ and the MB’s discourse.

The General Islamic Jurisprudential Concept of War and Peace

In the previous chapter, we mentioned the ongoing debate within Islamic jurisprudence about the origin of the relationship with the religious other, whether it is war or peace; and we addressed the scholars’ division about the origins of Muslim hostility to others: the question of belief or aggression. We explained, that, although Muslim scholars differ on both issues, they agreed that the (*jihad* of Defence) in respect of Muslims' land, honour and property is an individual duty of every Muslim, if the people of the invaded country were unable to stop the aggressor. "There is no disagreement among the scholars on this issue."552 The importance of this point, as we

552 Imam Abi Baker Ahmad bin Ali Alrazi Aljasas. *Ahkam Al-Quran. [The Rulings of Quran]* (Beirut, Lebanon: Dar Ehi'a Al Turath Al-Arabi, volume 4, no Edition info, 1992.), p. 312. The renowned Muslim commentator of Quran al-Qurtubi says "If *jihad* becomes a must, as when the enemy defeated a (Muslim) country, or invaded it; if so, all people of that country shall assemble and go out to face it with or without weapons, young or old (without permission) and no one who can go out shall lag… If people of this country were unable to defeat their enemy, all their neighbouring
will see later, is that it is one of the justifications put forward by the MB, Hamas movement and the Islamists in general, to justify their resistance and refusal to recognize Israel.

Since the life of Prophet Muhammad witnessed the establishment of an Islamic state in the phase of revelation, as Muslims believe, the Quran and the biography of the Prophet Muhammad dealt directly with some of the issues and challenges that this state faced. One of the major challenges that faced the Islamic state since its early inception is that it was established in a hostile environment. As a result the Quran and the traditions of the Messenger Muhammad were attentive to detail in the rules of warfare, as well as the rulings of peace. The Quran and the traditions of Prophet Muhammad continued in detailing the rulings of these two issues until the death of the Prophet and the cessation of Revelation.

The Hijra [migration] of the Prophet Muhammad and his companions to Medina and the establishment of the Islamic state was a direct result, as the Prophetic biography and the Islamic history state, of the persecution suffered by the Muslims in Mecca. After the establishment of the state, Allah permitted Muslims, as they believe, to fight in defence of themselves.

According to some Islamic scholars, Quran legislation on fighting has gone through three stages. The first stage allowed for the fight against injustice and aggression inflicted upon Muslims. Thus, it is fighting in response to aggression
and for self-defense.\textsuperscript{554} After the status of the Islamic state was enhanced and intensified, the Muslims were ordered to fight those who fight them and leave alone those who left them alone (4: 90).\textsuperscript{555} Then the Muslims were ordered, according to some Islamic scholars, in Surah At-Tauba (9: 29), to fight all the infidels until faith in Allah prevailed universally.\textsuperscript{556}

As we explained in the previous chapter, the Muslim scholars have different views concerning the third stage. Some of them believe that (9:29) verse abrogates the previous verses, while others believe it does not do so pointing to the verses of (4:90), which emphasize that fighting is only legalized for defense. However, they agreed in their opinions about the first and second stages.

As warfare has been an integral part of the establishment of the Islamic state, so has peace been associated with it as well. Peace is one of its necessities as it tends towards realism for no state can maintain a state of endless war. The newly established state was not willing, or even able, to engage in ongoing wars nor to open new fronts with all neighbouring infidels. The Prophetic biography witnessed negotiations as well as treaties of reconciliation, peace, and truce. Islamic jurisprudence detailed such issues under the heading of reconciliation, which includes

\textsuperscript{554} “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.” \textit{The Holy Quran}. Ibid., Surat Al-Baqarah, chapter 2, verse 190. p. 79.

\textsuperscript{555} “Except those who join a group between whom and you there is a treaty [of peace], or those who approach you with hearts restraining them from fighting you as well as fighting their own people. If Allah had pleased, He could have given them power over you, and they would have fought you: Therefore if they withdraw from you but fight you not, and (instead) send you (Guarantees of) peace, then Allah Hath opened no way for you (to war against them.” \textit{The Holy Quran}. Ibid., Surat An-Nisaa, chapter 4, verse 90. p. 241.

\textsuperscript{556} (Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the Jizya with willing submission, and feel themselves subdued.) \textit{The Holy Quran}. Ibid., Surat At-Tauba, chapter 9, verse 29. pp. 506-507. For more details on the stages of fighting, see Ibn Qayim Aljawziya, \textit{Zad Almi’ad fi hadiyi khair al ibad}. Ibid., Volume 3., pp. 70-71.
Dhimmi pact, truce pact, trust pact, political coalition, economic exchange and arbitration, and others.\textsuperscript{557}

The legislative origin of peace is derived from the Quran, in two particular verses. First the verse which reads: “This is a declaration of disassociation from Allah and His messenger to those whom you have made a treaty among the polytheists.”\textsuperscript{558} And, second, in the verse “And if they incline to peace, so you must predispose (yourselves) to it ...”\textsuperscript{559} In his interpretation of the second verse, Ibn Kathir, the famous commentator on the Quran says that if they "tended to peace, reconciliation, and appeasement, so do you, and accept it.”\textsuperscript{560} Again, Muslim scholars have different opinions as about to whether this verse was abrogated by the verse of the Quran previously mentioned or not, and some scholars understood it as referring to the necessity of fighting all the infidels. However, the Muslim Scholar, al-Qurtubi, believes that this verse is not abrogated because the Prophet and his companions – after he has passed away – made reconciliations with many nations.\textsuperscript{561}

Some researchers in Islamic jurisprudence see that the previous verse urges the Muslim to incline to peace after the other party inclines to it, provided that peace is in the interest of Islam, as in the treaty of Hudaibiya.\textsuperscript{562} However, this opinion is not agreed upon by all, as we will show later. According to the Muslim scholar, Ibn

\textsuperscript{557} Yusuf Hafouna al-Husaini. \textit{Alhudna Wa Ahkam Alsa'ul fi El Islam}. [Hudna and the Rulings of Reconciliation in Islam].

http://pulpit.alwatanvoice.com/content-64577.html

\textsuperscript{558} \textit{The Holy Quran.}., Ibid. Surat At-Tauba, chapter 9, verse 1. p. 496.

\textsuperscript{559} Ibid., Surat Al-Anfal, chapter 8, verse 61. p. 487.


\textsuperscript{561} Al-Qurtubi says that the Prophet and his companions, after him, made reconciliations with "many Persians countries leaving them unmolested, while they [Prophet and his companions] were able to eliminate them. The Messenger of Allah (peace be upon him) also made reconciliations with many nations in exchange for tribute. These instances include Khaibar, whose people were permitted to return after they were defeated provided that they would work and pay half of the fruits of their work. He also made a ten-year-truce with Quraish, until they invalidated the treaty. The companions and caliphs continued this practice (i.e. reconciliation).” Al-Qurtubi. \textit{Aljame'a Le Ahkam Al-Quran.} Ibid., p. 40.

\textsuperscript{562} Khaled al-Fahdawi. \textit{Alfiqh Al-Siyasi Al Islami}. [The Islamic Political Jurisprudence], (Damascus, Syria. 1\textsuperscript{st} Edition, 2003.), pp. 185-186.
Hajar: "This verse indicates the legality of reconciliation with the infidels, which is bound to whether the reconciliation is best for Islam. However, if Islam was stronger than the infidels, and there is no benefit in reconciliation, it will not be applicable." 563

It was the same opinion expressed by Ibn Kathir: "If the enemy was stronger, it is permitted to make reconciliation with as indicated by this verse." 564 However if there was war and the Muslims were strong enough to defeat their enemy, the basic principle is that there is no peace or call for truce, as the Quran states: "Be not weary and faint-hearted, crying for peace, when ye should be uppermost: for Allah is with you, and will never put you in loss for your (good) deeds." 565

Hence, some scholars of Islamic jurisprudence argue that reconciliation and the peace treaties are not the opposite of jihad; they constitute a stage of the "preparing, empowerment and a way to invite to the way of Allah and the establishment of His justice on Earth". 566

Types of Treaties in Islamic Jurisprudence

Through the extrapolation of the Quran and the biography of the Prophet Muhammad, Muslim scholars categorize treaties in Islam into three types:

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563 Ibid., 186.
564 Ibn Kathir, Tafseer Al Quran Al Athim. Ibid., Volume 4., p. 84.
565 The Holy Qur'an. Ibid. Surat Muhammad, chapter 47, verse 35. p. 1570. Ibn Kathir said in his interpretation of this verse: "Do not be weak concerning the enemies and beg for peace (meaning do not compromise) or end hostilities between you and the disbelievers while you are in a position of power, i.e., both in great numbers and preparations. However if the disbelievers are considered more powerful and numerous than the Muslims then the Imam (general commander) may decide to hold a treaty if he judges that it entails a benefit for the Muslims. This is like what Allah's Messenger did when the disbelievers obstructed him from entering Mecca and offered him a treaty in which all fighting would stop between them for ten years. Consequently, he agreed to that." Ibn Kathir, Tafseer Al Quran Al Athim. Ibid., Volume 7., p. 323. Al-Qurtubi comments on this verse by saying: "concluding a treaty with the disbelievers is only permitted when necessary, and this would be if Muslims are unable to resist because of their weakness." Al-Qurtubi. Aljame'a Le Ahkam Al-Quran. Ibid. Volume 16., p. 265.
1. The safety Pact: a temporary pact granted by Imam (Prince / person in-charge) or any Muslim to a non-Muslim fighter(s) (who fight(s) Muslims, under which they become protected in the land of Islam until returning back to their homeland.\textsuperscript{567}

2. *Dhimmi* or *Jizya* Pact: A pact with non-Muslims, Jews and Christians in particular, in the Islamic state in return for a tribute. \textsuperscript{568}

3. Peace / truce Pact: a treaty between the *Dar al-Islam* (countries that are under Muslims dominance) on the one hand, and *Dar al-harb* (countries where Muslim law is not in force) on the other hand. There are other terms referring to reconciliation in Islamic jurisprudence, including truce. The *Fiqh* Encyclopedia defines truce as the following: "Truce is: to hold a treaty with the people of *Dar al-harb* to leave the fighting for compensation and without compensation. It is also called: reconciliation and Treaty". \textsuperscript{569}

The third type is what is mostly relevant to this study. \textsuperscript{570}

\textsuperscript{567} In the *Fiqh* (Jurisprudence) encyclopedia: "Safety in Arabic: not expecting harm in the upcoming time. The origin of Safety is self-contentment and the demise of fear ... and jurisprudence scholars defined it as: excluding the fighters’ blood-shedding, enslaving, and money while fighting them, when they are settled under the rule of Islam." *Almawsou'a Alfiqhiya*. Volume 6. Ibid., p. 233.

\textsuperscript{568} In the *Fiqh* encyclopedia: "*Dhimma* in Arabic: Security and covenant, *Ahl Al-Dhimma* are the people of the covenant, and *Dhimmi*: the one with whom the covenant is made. What is meant by *Ahl Al-Dhimma* in the terminology of the Juridical scholars is that *Dhimmi* is related to *Dhimma*, i.e., the covenant with Imam – or his designee - to be safe in one’s life, property and wealth in exchange for a commitment to pay *Jizya* and abide by the application of Islamic rule... a *Jizya* pact makes it obligatory to prohibit bloodshed, maintain wealth and honor, and preserve the other consequents." Ibid.

\textsuperscript{569} Ibn Ahmad Ibn Qudamah. *Al Mughni*. Ibid., Volume 10., p. 509.

\textsuperscript{570} However, it is necessary here to point out that when discussing this matter in Islamic *fiqh* and the biography of the Prophet some people confuse between *Dhimmi* and truce pacts. For example, the Prophet reconciled with the people of Najran (an area in south-western Saudi Arabia on its borders with Yemen) necessitating that they pay tribute (*Jizya*), not on the basis of reconciliation (truce), thus, it was not time-bound.


Some may also confuse the rulings of truce with the Constitution of Medina, (as discussed in the previous chapter) ratified by the Prophet with the people of Medina, including Jews. The Constitution of Medina was not a political treaty between Muslims and others as much as it was intended to be a constitution that regulates public life in the Islamic state, since it organized relations among Muslim *Muhajirun* (migrants) and *Ansar* (the Muslims of Medina), as well as regulating relations with the Jews." Aqeel Said. *Almahdat Al Dawlia fi Al Islam*. [International Treaties in Islam] http://www.dahsha.com/viewarticle.php?id=32283
Most of the rulings with regard to the reconciliation and truce agreements in Islam were developed by classical and contemporary Islamic jurisprudence and devised from some Prophetic experiences. The most important one is the treaty of Hudaibiya that took place between the Prophet Muhammad and the pagan Quraish in the sixth year of Hijra (628 AD). Most of the jurisprudence debate, if not all of it, is about mainstreaming the concept of truce, its terms and rulings focus specifically on that treaty. Other incidents are brought to the debate, such as when the Prophet attempted reconciliation with the tribe of Ghatfan after the Meccan and the Arab tribes besieged Medina in the fifth year of Hijra (627 AD), in what is known in Islamic history as the "Battle of the Trench," or "Battle of Ahzab". The treaty of Hudaibiya remains the most important in this context. However, the treaty of Hudaibiya is distinguished from many peace treaties. "That its events and charter are well-documented in the correct books of traditions and biographical books, as well as in the Holy Quran. This documentation is characterized by mentioning each and every detail, which is rarely found in many treaties, not to mention its historical and religious significance". 

The ongoing juridical debate on the issue of reconciliation and truce can not be understood without understanding the details of the treaty of Hudaibiya and the offer made by the Prophet to the tribe of Ghatfan. Contemporary Islamic jurisprudence on this issue is influenced to a large extent by these events and the debates surrounding it. Most importantly, this ongoing debate contributed and still contributes to the formulation of Hamas' perception and convictions on the issue of the reconciliation and truce.

At the end of the sixth year of his emigration to Medina, the Prophet had a vision of him and his companions entering Mecca in the state of *Ihram* performing *Umrah*. Muslims rejoiced at this vision, especially as the companions of the Prophet who emigrated from Mecca had not visit it since that time. Consequently, Prophet Muhammad decided to visit the Sacred House in Mecca and perform *Umrah*.\(^{572}\) Based on the biographies that chronicled Prophet Muhammad's life, he went not for fighting, with the sacrifices and accompanied by a number of companions of approximately one thousand and four hundred men and women.\(^{573}\) On their way, the Muslims entered the state of *Ihram*. They were not looking for war. At that time, the Arabs used not to prevent any one who seeks to perform *Hajj* or *Umrah* from visiting the Sacred House, even if there was enmity or war between their tribe(s) and the tribe of *Quraish* which oversees the Sacred House.

As soon as the news reached the infuriated *Quraish*, they determined to prevent Muslims from entering Mecca, even if it led to war. *Quraish* was obsessed with the idea that Arabs would say that Muhammad and his companions entered Mecca to perform *Umrah* by force, in spite of the tribe of *Quraish*. In order to prevent Muslims from entering Mecca, the *Quraish* sent a force to encounter them on the road and obstruct them from entering Mecca. The Prophet and his companions took another course avoiding the *Quraish* forces, and encamped in the area named Hudaibiya on the outskirts of Mecca.\(^{574}\)

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Those Muslims encamped in Hudaibiya presented Quraish with a difficult choice: they either had to swallow their pride allowing Muslims to enter Mecca to perform Umrah, or to fight them to prevent them from entering Mecca. If the Quraish chose the last option, they would be scarifying their reputation and violating the Arab traditions. After consultations between the Quraish clans and their allies, and some correspondence with the Muslims and the delegations of mediation, the Quraish settled on making the option of using force to prevent Muslims from entering Mecca as the last option. War would be detrimental to the reputation of the Quraish, and the possibility that they would be defeated would spell the end of Quraish's prestige among the Arabs.

Biographies show how the Prophet Muhammad was aware of Quraish's critical dilemma, and of the debate raging between its leaderships, and how he had employed all these factors for the benefit of Muslims, and to avoid a debilitating war with Quraish. Consequently, the Prophet presented an implicit initiative to Quraish through a mediator to invite them for a truce and if they refuse it he would fight them.

Some scholars used the Prophet's initiative to indicate that it is permissible for the imam to call for peace if it was in the interest of Muslims. This means that it is not conditioned by the request of the enemy, as some other scholars believe, and a view which we have previously mentioned.

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577 The Prophet said: "We have not come to fight anyone, but to perform the 'Umrah. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people. If the people accept Islam, Quraish will have the option to embrace Islam as well, if they wish. But if they do not accept the truce, by Allah in Whose Hands my life is, I will fight with them defending my cause till I get killed, but (I am sure) Allah will definitely make His cause victorious." See Ibn Hisham, Alseerah Alnabawiya. Ibid., Volume 3, pp. 256-257.
578 Ibn Qayim Aljawziya, Zad Almi‘ad fi hadiyi khair al ibad. Ibid., Volume 3, p. 304.
The negotiations were difficult and arduous between the two parties, but eventually they settled on the idea of reconciliation. Quraish sent Suhail bin Amr, one of its leaders, to negotiate with the Prophet on the terms of the agreement and the truce. The agreement shocked many Muslims, as it included terms and conditions which they saw as injustices to them. The majority of the companions did not approve this agreement, but they accepted it after Prophet Muhammad assured them that it was the command of Allah. On their way back from Mecca to Medina, the Prophet had a revelation supporting his move. The Quranic expression is: "Verily we have granted thee a manifest victory." Barely two years after the truce, Muslims controlled Mecca after Quraish breached the agreement.

This is the background and the context of Hudaibiya. Its importance in Islamic history and jurisprudence is that it is supported by the Quran, the prime source of Islamic legislation; and the practices of Prophet Muhammad and his traditions, the

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579 The agreement stipulated that Muslims would go back without entering Mecca that year and come to perform Umrah in the following year. This shows the Prophet Muhammad's understanding of the sensitivity of Quraish to rumors that would say that the Muslims had entered Mecca by force. The agreement also stated that Muslims were obligated to return any person that came from Mecca converting to Islam, while Quraish was not mutually obligated to do the same. In addition to this, any tribe that wished to join the Quraish alliance was free to join, and any tribe wished to join the Muslims alliance was free to join. Consequently, Banu Khza'a joined the Muslims, and Banu Bakr joined Quraish. The agreement was time-bound for "10 years with no steal or treachery". See Ibn Hisham, Alseerah Alnabawiya. Ibid., Volume 3. pp. 263-264.


581 The Holy Qur'an. Ibid., Surat Al-Fat-h, chapter 48, verse 1. p. 1572. Commenting on this verse, Abdullah Ibn Masood, one of the companions of the Prophet said, "You consider the conquest as the conquest of Mecca, and we consider it as the Hudaibiya agreement." See Ibn Kathir, Tafseer Al Quran Al Athim. Ibid., Volume 7., p. 325.

582 In fact, before that only one year had passed after this truce agreement when Quraish requested to drop the condition that required the Muslims to return whoever comes from Mecca converting to Islam. It was because the new Muslims from Mecca had avoided going to Medina knowing that the Prophet would return them back to their people according to the agreement. Instead, they encamped in the mountains and hindered the trade routes of Mecca and caravans to Al-Sham (greater Syria), which forced Quraish to drop this term and request the Prophet to accept all Muslims that come to Medina from Mecca.

The tribe of Banu Bakr, the allies of the Quraish tribe attacked Banu Khza'a the allies of Muslims, and some men of them were killed. As Banu Khza'a invoked the Prophet's obligation, he asked Quraish to dissolve their alliance with Banu Bakr, but they refused and violated the truce they agreed upon with him, according to the Islamic Sirah (biography) books, the Prophet prepared an army that conquered Mecca.

second source of Islamic legislation. Therefore, it has great significance in Islamic jurisprudence, in trying to devise rulings and applying them on other occasions that the Muslims experienced or could encounter in the future after the Prophet Muhammad had passed away and revelation had ceased.

In their discussion of the reconciliation or truce, scholars focused on its benefits for the emerging Islamic state at that time, citing the Quranic verse, which described it as a manifest conquest, and the affirmation of a number of companions that this conquest is the Hudaibiya truce. Ibn Qayim Aljawziya, the great Islamic scholar, says that the Hudaibiya "was an outset of the greatest conquest (the conquest of Mecca), that Allah glorified His Messenger and his soldiers with it, and people have entered into the religion of Allah in crowds. So, this truce was a gate and a key for [the conquest of Mecca] and calling between his hands." 583

The second experiment in the Prophetic experience that Muslim scholars were interested in studying and eliciting its rulings in this context is the attempt of Prophet Muhammad to extend the message of Islam to the lands of the Romans, Persians, and the Copts in Egypt through sending letters and delegations inviting them to Islam. For more details see Ali Muhammad Al Salabi. Asahul kalam fi sirati Khair al anam: Al seerah al nabawiya. Ibid., Part 2. pp. 1068-1069.

583 He adds, "This truce was one of the greatest conquests. People were given safety by each others; Muslims contacted with disbelievers. They recited Quran to them debating on Islam openly. Those who were hiding their conversion to Islam showed up, and many entered Islam, whom Allah wills to do so, in the period of the truce. Thus, Allah called it a manifest conquest." See Ibn Qayim Aljawziya, Zad Almi' id fi hadiyi khair al ibad. Ibid., Volume 3., pp. 309-310.

Some Muslim scholars add other benefits of this truce. Among them are Quraysh's recognition of the Muslim state entity, through dealing with it as a rival, which had an impact on the other Arab tribes that looked to Quraysh for leadership and as a role model. Abdelhakeem al-Faitori. Sulh Alhudaibiya Wa Ab'adoho Al Siaiya. [The Truce Of Hudaibiya and Its Political Dimensions] (http://www.almanara.org/books/alhudebeah/12.htm

Also, the signing of this truce struck fear into the hearts of the polytheists, Bedouin, and hypocrites; who were certain by then of the predominance of Islam. This led many of them, including some leaders of Quraysh itself to enter Islam, such as Khaled Ibn al-Walid and Amr Ibn al-Aas. In addition to this, Muslims were militarily safe from Quraysh's harm, so they focused their attention on other threats such as the Jews of Khairan. The period of peace which lasted for two years allowed the Prophet Muhammad to extend the message of Islam to the lands of the Romans, Persians, and the Copts in Egypt through sending letters and delegations inviting them to Islam. For more details see Ali Muhammad Al Salabi. Asahul kalam fi sirati Khair al anam: Al seerah al nabawiya. Ibid., Volume 3. pp. 268 – 269.
Muhammad to reconcile the tribe of Ghatfan. He offered to give them one third of the fruits produced in Medina if they left the alliance of Quraish and the other tribes that participated in the siege of Medina in the fifth year of Muhammad's migration to the City.

Although this incident took place a year before Hudaibiya, it includes some other rulings that are not included in the Hudaibiya analysis. Scholars discussed these rulings at length. The significance of this reconciliation is also increased, as we will show later, as it is linked to today's debate amongst the Muslim scholars on the issue of the truce which Hamas is influenced by.

The story in brief is as follows: As the long siege of Quraish and its allies of the Muslims of Medina was taking a toll, the Prophet decided to attempt to disband the alliance of the Arab tribes with Quraish by agreements with each of them to return to their homelands and end the siege of Medina. To this end, the Prophet sent a proposal to the two leaders of the tribe of Ghatfan offering them one third of the crops of Medina. The reconciliation was written on this basis, though it was not signed, ratified, or certified according to Muslim sources. When the Prophet wanted to sign the agreement, he sent a message to his companions Saad Ibn Mu'az and Saad Ibn Obadah, the two leaders of the Ansar (from Medina), to consult them on this issue. They both refused the proposal after the Prophet told them that he was doing it for them, and not because Allah commanded him nor because he liked it.\textsuperscript{584}

\textsuperscript{584} The Islamic sources mention the following dialogue between the Prophet, Saad Ibn Mu'az, and Saad Ibn Obadah: "They said to him, O Messenger of Allah, Is it something you wish, so we shall do; or something you are commanded by God, so we must do, or something you do for us? He said: something I do for you. I swear by Allah that I only do this because I saw the Arabs have allied to fight you and fought you from everywhere. I wanted to reduce this scourge. Saad Ibn Mu'az said to him,: O Messenger of Allah, we and these people had been polytheists and idol worshippers not worshipping Allah and not knowing Him. At that time they have not coveted to eat a date from us unless as a means of hospitality, or as a sale. So, when Allah blessed us with Islam, guided us to it, and made us proud with you and Him, and then we gave them our money? (by Allah) this is not what we are going to do and by Allah we give them only the sword until God judges between us and them. "The Messenger of Allah (peace be upon him) said, "it is you and that". Saad Ibn Mu'az was handed the paper, erasing the
This incident is significant in two respects that influenced and still influence the ongoing jurisprudential debate about truce and reconciliation. First, on the Ghatfan incident, the Prophet offered to pay to non-Muslims in the hope of stopping their aggression on Medina. Second, this incident refutes the view of those who say that Hudaibiya was based on a balance of power between Muslims and infidels at that time. If it is possible to talk about the balance of power in Hudaibiya (in the sense that the Muslims were not the weaker party), the case is different in the Battle of the Trench, where *Quraish* and its allies were superior in numbers and arms.\(^\text{585}\)

In spite of the fact that this reconciliation had been opposed, and was not supported by a Quranic revelation, as in Hudaibiya, many scholars cite this incident to support their view that "it is permissible to pay money to the disbelievers to stop greater harm to the Muslims".\(^\text{586}\) The mere acceptance of the Prophet, if not objected by the Companions makes it legitimate, as long as there is no proof of the prohibition. Meanwhile, other scholars believe that the trench negotiation is not eligible for inference as it did not lead to reconciliation of which they can talk about its rulings.\(^\text{587}\)

We will later explain the implications of this debate among scholars, on the understanding of the issue of reconciliation and truce.

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In the context of our study, the Prophet's negotiation with Ghatfan gains more significance because it is at the heart of the contemporary jurisprudential debate on the concept of a Palestinian truce and conciliation with Israel. The example of Ghatfan is also central to discussions of Hamas' vision. This is an issue that we will elaborate on further.

As already stated, the successors of the Prophet amongst his companions, and Muslim princes who followed them, practiced reconciliation and truce. This was on the grounds that it was practised by the Prophet, and that it is within the Islamic jurisprudential restrictions established in this context\(^{588}\) which will be discussed more later.

However, the most important incident of reconciliation and truce in the Islamic history, after Hudaibiya and Ghatfan, which will be central to the contemporary Islamic jurisprudence in the context of the Palestinian issue, is the *Ar-Ramlah* Treaty signed by the Muslim leader Salah ad-Din al-Ayyubi with Richard I of England (the Lionheart).

According to the Islamic historical sources, the Franks had been defeated in 1187 by the Muslims, led by Sultan Salah ad-Din, at the Battle of Hattin (near Lake Tiberias in Israel today). This Islamic victory brought down the Crusader Kingdom of Jerusalem, and allowed the Muslims to regain the city of Jerusalem and many other Palestinian cities. Europe mobilized at the call of Pope Clement III to save Jerusalem from the hands of Muslims.\(^{589}\) Thus began the Third Crusade, led by a number of kings and princes of Europe, including the Kings of England, and France and the Emperor of Germany. Owing to disagreements between the European allies, the


campaign was led by the English King, Richard the Lionheart. After a number of battles, Lionheart succeeded in dominating a number of Palestinian coastal cities including Acre in 1191.

At the end of many battles in which Salah ad-Din and Richard shifted positions, the two leaders were forced to turn towards peace. They disputed about Jerusalem, as Richard wanted it to be handed over to the Franks, while Salah ad-Din insisted that it remain in Muslim hands. The Islamic historical sources indicate that Richard eventually realized that it was impossible to take Jerusalem from the Muslims. Thus, he accepted the truce. The treaty was signed in 1192. It stipulated that peace would prevail between the two opponents for three years and three months; while each side maintain the land they gained during the war.

The importance of Ar-Ramlah treaty can be summarized in three points. First, it is related to Palestine specifically which is the land disputed today. Second, it was signed from the Muslim side by Salah ad-Din, a leader who is perceived in the

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590 Ibid., p. 88
591 Ibid., p. 88
592 Ibid., p. 88
593 According to the same historical Islamic sources the causes of the truce between the two parties lie first in the inability of the two parties to resolve the battle, as the victory was alternating between each of them. Second, Richard called for Salah ad-Din to resume the negotiations, because “Muslims and Franks have perished and states were destroyed and went out of the hands of the two parties.” Al-Qadi Bah'a Aldeen Ibn Shadad. Alnwadar Alslutania Wa Almahasen Alyosofiah. [The Gleam of the Sultans and the Merits of Yusuf] (Cairo, Egypt: Mutba'at Al-Adab Wa Almo'aiyad, No Edition info, 1899.), pp. 186-187.
594 The crusaders would have the coastal area from Tyre to Jaffa, including Caesarea, Haifa, Arsuf, leaving Sidon, Beirut and Byblos to the Muslims; the city of Ashkelon was to be unarmed in the hands Muslims; the cities of Lod and Ramla to be divided equally between Muslims and Crusaders; and Jerusalem would remain in the hands of Muslims, while the Christians would be allowed to perform pilgrimage to Jerusalem without requiring a tax. “Salah ad-Din declared that the truce was made, so, whoever from their country wishes to enter our country, they are allowed to, and whoever from our country wishes to enter their country, they are allowed to.” Taqiu Eldeen Ahmad Almaqrezi. Al Solouk fi Ma'arifat Dowal Al Molok. [Translation to English is not Possible], (Cairo, Egypt, Daru Al-Kutb, volume 1. 1st Edition, 1956.), p. 110.
Muslim memory as the hero who freed Jerusalem –having been in the hands of the Crusaders for about 88 years (1099-1187)- and who is regarded as a committed believer, and therefore, a man above doubts. Hamas' charter itself quotes and glorifies Salah ad-Din's experience. Third, above all, Salah ad-Din recognized temporarily the suzerainty of the Crusaders over some Palestinian coastal cities, even though they were perceived as occupiers, contrary to the case of Quraish in Mecca at the time of Hudaibiya. This researcher did not find a single respectable scholar at that time, questioning the legitimacy of this truce. However, it should be noted here that the Ar-Ramlah treaty was signed within the context of military balance between the Muslims and the Crusaders, after both parties failed to achieve a decisive victory. Moreover, the period of the truce did not include recognition by Muslims of the Crusaders' right to the lands in their hands, therefore, the truce was a pragmatic agreement and limited in time and scope.

595 Article thirty four of Hamas' charter states: "Expansionists have more than once put their eye on Palestine which they attacked with their armies to fulfill their designs on it. Thus it was that the Crusaders came with their armies, bringing with them their creed and carrying their Cross. They were able to defeat the Moslems for a while, but the Moslems were able to retrieve the land only when they stood under the wing of their religious banner, united their word, hallowed the name of Allah and surged out fighting under the leadership of Salah ad-Din al-Ayyubi. They fought for almost twenty years and at the end the Crusaders were defeated and Palestine was liberated." Also, article thirty five states: "The Islamic Resistance Movement views seriously the defeat of the Crusaders at the hands of Salah ad-Din al-Ayyubi and the rescuing of Palestine from their hands, as well as the defeat of the Tatars at Ein Galot, breaking their power at the hands of Qataz and al-Dhafer Bivers and saving the Arab world from the Tatar onslaught which aimed at the destruction of every meaning of human civilization. The Movement draws lessons and examples from all this. The present Zionist onslaught has also been preceded by Crusading raids from the West and other Tatar raids from the East. Just as the Moslems faced those raids and planned fighting and defeating them, they should be able to confront the Zionist invasion and defeat it. This is indeed no problem for the Almighty Allah, provided that the intentions are pure, the determination is true and that Moslems have benefited from past experiences, rid themselves of the effects of ideological invasion and followed the customs of their ancestors."

Hamas' charter. Ibid.
Peace and Hudna in Islamic Jurisprudence

The purpose of our focus here in discussing the truce or hudna pact from among the other types of treaties in Islam, is that Islamic jurisprudence consider defensive jihad an individual obligation upon every Muslim, male and female.\(^{596}\) Since Islamic jurisprudence regulates the land of Palestine as occupied territory its decisions fall under this ruling. And because the inhabitants of Palestine and the Muslims as a whole are incapable of defeating Israel today, the only option available to them under Islamic juridical considerations is rendered into a truce or hudna as defined by Islamic jurisprudence.

As we previously mentioned Muslim scholars define hudna as an agreement to cease hostilities with combatants for a period of time with or without mutual stipulations. Juridical texts describe it as peace and quiet, a calm, a truce, an armistice and at times a form of reconciliation.\(^{597}\) In addition, we previously discussed the source of its authenticity that it is derived from the Quran and the Prophetic tradition.

The majority of Muslim scholars opine that hudna is to be sanctioned in battle only as a last resort, and as an exception to the rule. Nor does it suffice to eradicate a vice; they further necessitate a manifest interest for Muslims as a result of its implementation. There is expansive treatment in Islamic texts to pinpoint the meaning of this interest. It includes, among other considerations, the weakness of the Muslims, their small numbers, their lack of preparedness or their endeavour to convert the adversary.\(^{598}\) There are those however who view its permissibility without reason,

\(^{596}\) This is an issue that we clarified earlier in this chapter.
\(^{598}\) Ibid., p. 230.
even if Muslims are in a position of strength, given that it is in their interest, as we explained earlier.\textsuperscript{599}

Muslim scholars, prohibit \textit{hudna} unless the following four conditions are met: 1) the signatory to it must be the imam or his deputy; 2) there must be a manifest interest. If an interest is not apparent to the extent of giving Muslims a clear advantage over the other, it is not permissible: 3) it must be free of ill-conceived conditions such as Muslim captives remaining in enemy hands; and 4) it has to be time–limited. On this last point, scholars have differed over the duration of the \textit{hudna}.\textsuperscript{600} However, the majority hold that it is permissible up to ten years, the period of time in which the Prophet engaged in a \textit{hudna} with the \textit{Quraish} at the Treaty of Hudaibiya. Still others have extended the \textit{hudna} beyond ten years if there is a clear interest achieved outweighing the benefits of continued warfare.\textsuperscript{601} To be sure, the prominent Muslim scholar, Ibn Taymiyyah, permits the signing of a \textit{hudna} without a prescribed time if it is determined by the imam to be in the best interest of the Muslims.\textsuperscript{602} Nonetheless, the majority of the Muslim jurists prohibit an open ended or


Some scholars hold that the duration of \textit{hudna} may not exceed four months in accordance with the apparent Quranic verses “This is a declaration of disassociation from Allah and His messenger to those whom you have made a treaty among the polytheists. So go about in the land for four months and know that you cannot weaken Allah and that Allah will bring disgrace to the unbelievers.”. Others view its permissibility for one, two, three or four years. Ibid.


\textsuperscript{602} “It is permitted to enter into it indefinitely and temporarily. The temporary (\textit{hudna}) is incumbent on both sides. Adherence to the treaty is mandatory as long as it is not violated by the enemy. As for the open ended, it is a permissible treaty to be dealt with by the \textit{Imam} based on the interest.” See a survey of the different opinions of the eminent Muslims scholars on this issue in: Yusuf Hafouna al-Husaini. \textit{Alhudna Wa Ahkam Alsalh fi El Islam}. Ibid. http://pulpit.alwatanvoice.com/content-64577.html
more specifically a permanent *hudna*. Their reasoning is that a *hudna* without a time limit will dictate the nullification of *jihad*.

The scholars have differed whether it is lawful for Muslims who are not weak to pay monetary tribute to the enemy in return for a treaty with them, and whether that is an invalidating factor or not. There are those who argue that it is permissible in a condition of weakness. They take their reasoning from the Prophet Muhammad’s offer to the tribe of Ghatfan. Others have rejected this opinion arguing “the ‘Treaty of the Ditch’ was not entered into. Since it did not take place it is not considered authoritative as a basis in any school of thought, classical or modern.” However, the majority of scholars permit it in circumstances of weakness and the existence of necessity or imminent danger from the polytheists.

The essence of this section is that the rulings on *hudna* and treaty in Islamic jurisprudence are very flexible. It revolves around repelling evil (or a vice) and bringing about an interest for Muslims. Even the four conditions contain many exceptions. For example, Salah ad-Din al-Ayyubi was not the Muslim Caliph at the signing of *Ar-Ramlah*, (i.e. he was not the *imam* of the Muslims). Islamic jurisprudence dealt with him as the *de facto* deputy of the Caliph in the war and peace with the Crusaders. Similarly as we have seen, within an expansive definition of best interest, some scholars permit the refuge in a peace or *hudna* without a weakness or reason. Others differed in the definition of *jus cogens* (peremptory norms) thereby

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603 For a survey of the scholarly opinions on this issue see the previous reference Ibn Ahmad and Ibn Qudamah. *Al Mughni*. Ibid., Volume 10., pp. 507-509.
607 The great scholar, Ibn Qudamah, summarizes this opinion “If he (the Imam) enters into a treaty where monetary tribute is paid to them, *Ahmad* (Ibn Hanbal) has issued a prohibition against it. And the *Shaafi‘i* School (of thought) concurs because there is humiliation to Muslims, and its not carried on the basis of necessity. However, if it is out of necessity, (i.e., the Muslims fear annihilation or captives) it is permitted.” Ibn Ahmad Ibn Qudamah. *Al Mughni*. Ibid. Volume 10., pp. 509-510.
diminishing its standing in favour of best interest.\footnote{For more details see Yusuf Hafouna al-Husaini. \textit{Alhudna Wa Ahkam Alsulh fi El Islam}. Ibid. http://pulpit.alwatanvoice.com/content-64577.html} It is the situation that availed itself to Salah ad-Din in permitting the Crusaders to maintain occupation of lands for three years without, however, recognizing their right to the occupation of those lands.

This flexibility of the Islamic jurisprudence has provided Hamas with juridical and Islamic legal cover so that it can operate flexibly within the harsh reality it finds itself in today. Hamas' Deputy Chairman Mousa Abu Marzook, confirms this notion.\footnote{Mousa Abu Marzook says "There is no consensus on these conditions. These are juridical opinions (\textit{ijtihad}) we respect and appreciate. We are also limited to achieving (legitimate) interests. The decisions of the movement are collective consultative decisions. We will not oppose any matter that secures a legitimate interest. I believe that the recognition of Israel is an invalidating condition." Ibid. Written answers to the researcher's questions.}

\textbf{The Stand of the Muslim Brotherhood and Hamas}

The previous \textit{fiqhi}, i.e. jurisprudential debate finds its way into the MB school of thought, which holds, as we have previously explained in chapter 1, that Islam is a universal religion regulating all areas of life.\footnote{Hamas' charter. Ibid. Articles 1, 2.} Since Hamas is an organizational and intellectual extension of the MB, as we have also explained in chapter 1, this debate has found its way in to its approach towards the controversial nature of peace with Israel and recognition.\footnote{Hamas indicates, beyond any doubt, that they invoke Islam regarding their attitudes and the formulation of views, as understood by the MB school of thought. Ibid.}

Since Palestine occupies a special place in the general Islamic understanding, and that Islamic jurisprudence also views it as a land usurped by force and that it should be restored and liberated, no matter how long it will take, the MB announced from its inception that they rejected any recognition of Israel or legitimization of its existence on the land of Palestine. They put forward the idea of \textit{jihad} as an alternative...
to concession. At a later stage, after they realized that it was impossible to dismantle Israel, they put forward through Hamas the concept of the truce with no recognition, as a way out of the impasse, on the grounds that the truce is an episode of the continuation of *jihad*. 612

**The General Position: No to Peaceful Resolutions ... No to Recognition**

The general attitude of rejecting ‘peaceful’ resolutions and emphasizing the priority of *jihad* was clear from the early years of the MB and under the leadership of Imam Hasan al-Banna, its first *Murshid*, i.e. general guide. As noted previously in chapter 1, the MB, led by al-Banna, refused to recognize the November 1947 U.N. General Assembly resolution to partition Palestine into a Jewish state and an Arab-Palestinian one. They also refused the UN Security Council resolution to hold a truce (May 1948) between the warring Arab and Jewish armies. 613

Al-Banna's understanding of the jurisprudence of *jihad*, in the event of an attack launched on any part of the Islamic world, is consistent with the general line of the previous propositions. First, he believed that the Islamic world is one and indivisible. Second, it is an Islamic duty for the Muslims to be leaders in their homelands, masters in their home countries. He adds, "hence, the MB believes that each state that has invaded or is invading the homelands of Islam is an oppressive

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612 “We resorted to the *hudna* and not to the end of the conflict and the recognition of the Zionist entity.” Mousa Abu Marzook. Ibid. Written answers to the researcher's questions.
613 The MB’s position then was based on their expectation that the Arab armies were on the verge of victory over the Jewish armed groups, and that the decision of the truce would be in favour of the Jewish military factions, giving them the opportunity to regroup and strengthen their armaments. For more details, see chapter 1 of this study.
country that must cease its aggression. Thus, Muslims should prepare themselves and work cooperatively to get rid of this invasion.\textsuperscript{614}

The previous quotation of al-Banna implies a clear reference to the \textit{jihad} of Defense, which Muslim scholars agree is an individual duty of every Muslim in the case that the Muslims in the invaded country were unable to stop the aggressor, or the case of occupying a part of the Islamic land and its people were not able to liberate it by themselves. According to al-Banna, one of the first goals of \textit{jihad} is "combating aggression, self-defense, defending family, money, home, and religion."\textsuperscript{615} In the event that this aggression occurred upon Muslim land, \textit{jihad} becomes an individual duty for every male and female Muslim.\textsuperscript{616} From here, the cause of Palestine, as envisaged by al-Banna and the MB, brings together the concepts of the unity of the Islamic nation and the doctrine of \textit{jihad}.\textsuperscript{617} Al-Banna made it clear in saying that resolving the Palestinian cause would be achieved through unity and \textit{jihad}.\textsuperscript{618}

Days after the inception of the Hamas movement, its first statement (12 December, 1987), declared a refusal to the "lean peace" and "useless international

\textsuperscript{614} Abd-Al Fattah El-Awaisi, \textit{TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya}. Ibid., p.30.
\textsuperscript{615} Imam Hasan al-Banna. \textit{Alsalam fi Aleslam}. [Peace in Islam].
\textsuperscript{616} Ibid.
\textsuperscript{617} Ibrahim Al Bayoumi Ghanim, \textit{Al Fikr Assiyasi lil Imam Hasan al-Banna}. Ibid. p. 473.
\textsuperscript{618} Abd-Al Fattah El-Awaisi, \textit{TasawurAl Ikhwan Al Muslimeen Lil Qadiya Al Filasteeniya.}, Ibid., p. 38.

From an early stage in the history of the Palestinian cause, specifically during the Great Palestinian revolution (1936-1939) against the British occupation and Jewish immigrants, al-Banna believed that "armed \textit{jihad}" was the only way to deal with the realities of occupation in Palestine. For more details see: Ibrahim Al Bayoumi Ghanim, \textit{Al Fikr Assiyasi lil Imam Hasan al-Banna}. Ibid .p. 485.

This was manifested in the Muslim MB's support and participation in this revolution. This concept was further reinforced by al-Banna and the MB in their active participation in the armed conflict in the stage that preceded the declaration of the state of Israel in May 1948, through the Arab-Israeli war (May 1948), then their rejection of a truce after this event, and to the formation of armed resistance groups against the newly established Jewish state. This attitude continued till 1954, the year in which the MB clashed with the Egyptian regime of President Gamal Abdel Nasser and ended up clandestine. For more details, see chapter 1 of this study.

However, the general theoretical attitude of the MB remained adamant on refusing to recognize Israel. They also held that the liberation of Palestine would only be through \textit{jihad}, and that any talk of a peaceful solution was a waste of time. This remained the official position of the group until the inception of the Hamas movement, which embodied these beliefs practically in the ideology of the MB. These beliefs were outlined in one of the communiqués of the Jordanian MB branch on 24 March, 1993.
conferences”, stressing that "the path of martyrdom and sacrifice" is the authentic way to liberation.619 The same meaning was confirmed in the second statement of the movement; "the Muslim Palestinian people reject all submissive solutions and reject the international conference because it does not restore the rights of our people in their homeland and to their land. Liberation can only be achieved through sacrificing blood and continued jihad until victory".620 In its early years, Hamas statements towed the same line, stressing that Israel "only understands the language of force, it does not really believe in negotiations nor peace, and it always attempts to deceive."621 Furthermore: "Any negotiations with the enemy are a retreat from the [Palestinian] cause, a waiver of principle, and a recognition of the murderers who usurped a right that is not theirs and a land that they were not born in."622 Hamas argued that "Palestine is a right that fully belonged to Muslims in the past, present and future and not exclusively to the Palestinians or the Arabs. Thus, it is not entitled to a generation of Palestinians or others to give up this land."623 In addition to this, the "Palestinian state is the fruit of long struggle and endless sacrifices."624

During its first year, Hamas also announced their rejection of the UN resolution of November 29, 1947 concerning the partition of Palestine.625 With regard to the question of recognizing Israel, Hamas defined its position very clearly in 3 August, 1989 in a letter to the Fifth Conference of the Fatah movement, saying:

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620 Hamas' communiqué # 2. It was issued approximately in the last week of December, 1987. Ibid., pp. 19-20.
621 Hamas' communiqué # 28. Issued August 18, 1988. Ibid., p. 94.
622 Ibid.
623 Ibid., pp. 94-95.
624 Ibid., p. 95.
The recognition of the void Jewish entity on the land of Palestine is a very serious issue, and it requires taking a serious and firm stand… The recognition of the void entity on our land is not a subject to the discretion of a president (or all presidents) an organization (or all organizations)… because this issue is concerned with dignity and doctrine.\textsuperscript{626}

The charter of the Hamas movement paralleled these propositions. According to Article 13 of the charter "Initiatives, and so-called peaceful solutions and international conferences to solve the question of Palestine, are in contradiction to the principles of the Islamic Resistance Movement. Abusing any part of Palestine is abuse directed against a part of religion."\textsuperscript{627} On that basis and according to the same article "There is no solution for the Palestinian question except through jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavours. The Palestinian people know better than to consent to having their future, rights and fate toyed with."\textsuperscript{628} The general framework of Hamas' refusal to any peaceful solutions stems from its conviction that:

The land of Palestine is an Islamic \textit{Waqf} consecrated for future Muslim generations until Judgment Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up. Neither a single Arab country nor all Arab countries, neither any king nor president, nor all the kings and

\textsuperscript{626} Hamas' letter to the Fifth Conference of the Fatah movement. 3 August, 1989. \textit{Wathaa'ek Harakat Al-Muqawama Al-Islamiya Hamas}. Second year of Intifada. Ibid., p. 129.
In this letter Hamas emphasized its ideological dogmas: "Palestine from the sea to the river is a Palestinian Arabic Islamic land… and it is indivisible". In addition to this, "the Jewish existence on any part of our Holy Land of Palestine whether occupied in 1948 or in 1976 is void and its existence rejected, and all the international resolutions and political concessions will not change this fact." Moreover "jihad is the only way to liberate Palestine." Ibid., p. 132.
\textsuperscript{627} Hamas' charter. Ibid., Article 13.
\textsuperscript{628} Ibid.
presidents, neither any organization nor all of them, be they Palestinian or Arab, possess the right to do that.  

Because Hamas treats Palestine as an Islamic Waqf, it becomes a cause for the Islamic nation as a whole, in the sense that it is not limited to the Palestinian people and Arab nation only. Accordingly, in its charter, Hamas warns against the Palestinianization of the cause and elimination of its Arab and Muslim dimensions, condemning all those who attempted this. Thus, Hamas and the Palestinian people become "the spearhead of the circle of struggle. Arab and Islamic Peoples should augment by further steps on their part; Islamic groupings all over the Arab world should also do the same, since all of these are the best-equipped for the future role in the fight with the warmongering Jews." 

Based on all the above, and because Palestine is an occupied Holy Land, and because its Palestinian people are incapable alone of liberating it and stopping the aggression, then, Hamas cites the jurisprudential ruling saying that *jihad* in such case is an individual duty for every Muslim.

Since this is the case, liberation of Palestine is then an individual duty for every Muslim wherever s/he may be. On this basis, the problem should be viewed. This should be realized by every Muslim. The day the problem is

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629 *Hamas' charter.* Ibid., Article 11.
630 As "The question of the liberation of Palestine is bound to three circles: the Palestinian circle, the Arab circle and the Islamic circle. Each of these circles has its role in the struggle against Zionism. Each has its duties, and it is a horrible mistake and a sign of deep ignorance to overlook any of these circles. Palestine is an Islamic land." *Hamas' charter.* Ibid., Article 14.
631 "World Zionism, together with imperialistic powers, try through a studied plan and an intelligent strategy to remove one Arab state after another from the circle of struggle against Zionism, in order to have it finally face the Palestinian people only. Egypt was, to a great extent, removed from the circle of the struggle, through the treacherous Camp David Agreement. They are trying to draw other Arab countries into similar agreements and to bring them outside the circle of struggle." *Hamas' charter.* Ibid., Article 32.
632 Ibid.
dealt with on this basis, when the three circles mobilize their capabilities, the present state of affairs will change and the day of liberation will come nearer.633

If "an enemy should tread Muslim land, resisting and quelling the enemy become the individual duty of every Muslim, male or female. A woman can go out to fight the enemy without her husband's permission, and so does the slave: without his master's permission."634

Therefore, and since the first day, Hamas was organized on the basis of refusing Israel and its existence.635

In this context, dozens of fatwas636 were issued by Islamic jurisprudence institutions and prominent Muslim scholars prohibiting the recognition of Israel or the ceding of an inch of the land of Palestine. Such fatwas contributed to the promotion of this strong ideology for Hamas and the MB.637 Once again, since both the MB and the Hamas movement declare their Islamic reference, it is difficult for them to overcome such fatwas without the existence of other opposing fatwas of the same qualitative, quantitative, and cumulative level of authority.638 This point will be discussed later, as

633 Hamas’ charter. Ibid., Article 14.
634 Hamas’ charter. Ibid., Article 12.
635 Article 9 of the charter defines the aims of Hamas as: “The objectives: fighting, humiliating, and defeating untruth; so as for truth to prevail; wresting homeland; and from its mosques, the call for prayer, adhan, shall start over announcing the establishment of the state of Islam.” Hamas’ charter. Ibid., Article 9.

The same import is re-asserted in Hamas’ 28th communiqué, issued on 18 August, 1988, as it states: “Palestine is Islamic from the [Mediterranean] sea to the [Jordan] river,” and that Hamas’ purpose is the liberation of “Palestine, all of Palestine.” Wathaa’ek Harakat Al-Muqawama Al-Islamiya Hamas. First year of Intifada. Ibid., p. 94.

636 For more details and samples of these fatwas, See Abdallah Azzam, Hamas Aljuthur Altareekhiya wal Mithaq. Ibid., pp.111-128. Also, see Azzam Tamimi, Hamas Unwritten Chapters. Ibid., pp. 157-158.
637 Azzam Tamimi, Hamas Unwritten Chapters. Ibid., p. 157.
638 Mousa Abu Marzook says to this effect: "It is not possible to separate the religious component from Hamas’ behavior, its politics and programmes as all of these are compliant with the juridical texts of which there are two types. One is that of consensus to which (Hamas) adheres to, the other in which there is no consensus it takes what is suitable for it within the accepted guidelines. We do not
some Muslim scholars have approved, under certain conditions, and in very narrow circumstances the possibility of recognizing Israel, but these *fatwas* do not reach the qualitative, quantitative, and cumulative level of the prohibition *fatwas*.

The international movement began in the late eighties and early nineties of the last century to hold peace conferences between the Arabs, including Palestinians, and Israel. Later, the Palestine Liberation Organization (PLO) accepted to participate in the Madrid peace conference in October 1991. With these developments, the MB and Hamas increased their opposition to the idea of peaceful solutions. However, this time, their opposition to peaceful solutions was not confined to the established ideological motives, as they also provided some political reasons for their opposition, though the ideological discourse still remained as the general framework at that stage.

At the ideological level, both the MB and Hamas stressed the sanctity of the Palestinian case. In a statement by the MB's General Guide, released months before the Madrid Conference, and published by the information office of Hamas it says:

"We have never bargained and we shall never bargain over the land of Palestine. Palestine, all of Palestine, belongs to all the Muslims. The link between Palestine and the Muslims is derived from their Aqidah (Faith) and from *Shari’a*.”

In addition, "Neither the people of Palestine nor any Muslim governor has the right of disposal over Palestine, because Palestine does not belong to its inhabitants alone but belongs to all Muslims.” The solution as offered by the statement of the General Guide was “*jihad* for the sake of God”, as peace does not end the conflict nor terminates it, and

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640 Ibid.
the phase of weakness experienced by the Muslims will not continue forever.\textsuperscript{641}

Hamas also echoed the same objections.\textsuperscript{642}

At the political level, Hamas offered some reasons for its opposition to the peace process at that time. At the political level, Hamas posited some reasons for its opposition to the burgeoning peace process. On the one hand, Israel "wants a peace that ends the state of virtual war against it, and guarantees its engagement in the Arab region, without compromising one inch of land. The utmost offer by the Jews is the self-government for the population and not the land."\textsuperscript{643} On the other hand, Hamas believed then that the U.S. could not be trusted as a sponsor for the peace process, "neither is it qualified for that, because of its full bias on the enemy's side. It could even be considered as a party to the conflict shrouded in double standards."\textsuperscript{644} Hamas also considered that the conference was "held under circumstances that make the timing of participation the worst to enter into negotiations with the enemy. These circumstances are the American hegemony over the world, the weakness of the Soviet Union and its acknowledgement of the unipolar world order. An additional circumstance was the Arabs’ political and military weakness after the Gulf War and the Zionist entity’s emergence as a major beneficiary of the Gulf War."\textsuperscript{645} Based on all of the above, Hamas confirmed at the time that "any concessions by any party surrendering any part of Palestine, and any treaty to be signed that grants our enemies

\textsuperscript{641} Ibid.

\textsuperscript{642} Hamas stressed that "the cause of Palestine is an issue of faith and religion, and not an issue of dust and mud. And to compromise an inch of it is to compromise the doctrine and Islam of the nation; a betrayal to Allah and His Messenger and to the blood of the martyrs of the companions and followers who have died on the land of Palestine to this day." Hamas' communiqué # 74. Issued 3 May, 1991. \textit{Wathaa’ek Harakat Al-Muqawama Al-Islamiya Hamas}. Fourth year of Intifada. Ibid., pp. 39-42.

\textsuperscript{643} Hamas' communiqué # 75. Issued 1 June, 1991. Ibid., p. 44.

\textsuperscript{644} Ibid., p. 45.

\textsuperscript{645} Hamas' communiqué \textit{Le Maza Narfondo Al Taswia}. [Why do we Reject Settlement?] 1 January, 1991.
any right in Palestine will be considered null and void and does not obligate any Palestinian, or any Muslim to any thing."\textsuperscript{646} 

And once again, because the conflict is a long one, Hamas identified "this phase as only one round that will not last for long as the battle between us and our enemies continues and does not end with a loss of one round."\textsuperscript{647} 

As Hamas considers that any Palestinian concession to Israel is illegal, it rejected the Oslo agreement signed in Washington (13/9/1993), on the basis that this agreement contained "serious concessions, and a complete departure from the national and religious dogmas and a blatant violation of all redlines that were adopted by the Palestinian National Council in its consecutive sessions".\textsuperscript{648} 

Hamas' objections to the Oslo accords, "though ideologically motivated",\textsuperscript{649} included political and economic reasons. For Hamas, the Oslo agreement did not safeguard the legitimate rights of the Palestinian people at a minimum, which are recognised internationally. It did not guarantee the right of the Palestinians to establish an independent and viable state in the West Bank and the Gaza Strip, with East Jerusalem as its capital. Also, the agreement did not address the right of the Palestinian refugees to return to their towns and villages from which they were driven out. Moreover, it criticised the agreement for not including a provision on the need to dismantle the Jewish settlements in the West Bank, Gaza Strip and East Jerusalem in


\textsuperscript{647} Hamas' communiqué # 79. Issued 7 October, 1991. Ibid., p. 62. 

\textsuperscript{648} It even described the signing of the agreement as "Arafat's treacherous move", (a press release by the Official Spokesman of Hamas Ibrahim Ghosha, \textit{Hawla Mo'tamarat Al Tawqi'a Ala Ba'l e Filasteen}. [About the Conspiracy to Sell Palestine]. Amman, Jordan, 15 September, 1993.) Hamas declared that it will "continue its long battle with the Zionist enemy, and that the draft of Gaza – Jericho first (Oslo agreement) does not obligate us or our people to anything, and that these developments and events will only increase our determination and faith in our path, our approach and our Islamic enterprise to Liberate Palestine." Hamas Communiqué: \textit{Baian Al Mo'atamar Al Sahafi Le Harakat Hamas Hawla Ma Yosama Mashro'a "Gaza - Ariha Awla"}[A Press Release of Hamas' Press Conference about What is Called the Project of "Gaza - Jericho First"] 11 September, 1993. 

\textsuperscript{649} Jeroen Gunning, \textit{Hamas In Politics: Democracy, Religion, Violence}. Ibid., p. 43.
accordance with international resolutions, much less stop the expansion of these settlements. Also, Hamas objected that the agreement maintained Israel's control over the land and sea ports of the West Bank and Gaza, in addition to keeping the Israeli military checkpoints inside the Palestinian territories. It condemned the subjugation of the Palestinian economy to Israel dictates. Hamas complained that the agreement was not put to a Palestinian referendum.  

According to the movement the agreement was "only another face of occupation."  

Some scholars on Hamas point to another reason that compelled the movement to oppose the agreement. According to them Hamas feared that this agreement would alter the balance of power in favour of its main rival in the occupied Palestinian territories, Fatah. Moreover, Hamas was concerned with the PLO strengthening its international legitimacy as a representative of the Palestinian people. 

In 1994 Hamas' fears became a reality after the formation of the Palestinian Authority in the occupied Palestinian territories and its acquisition of regional and international support. With the formation of the PA, and its security apparatuses, the balance of power tipped in favour of Fatah. Hamas was aware of the changes in the Palestinian political landscape and that it "was no longer an alternative to the PLO, (rather it) became the main opposition force of the new Palestinian National Authority in the occupied Palestinian territories and its acquisition of regional and international support. With the formation of the PA, and its security apparatuses, the balance of power tipped in favour of Fatah. Hamas was aware of the changes in the Palestinian political landscape and that it "was no longer an alternative to the PLO, (rather it) became the main opposition force of the new Palestinian National

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Thus the rules of the game between the PA and Israel on the one hand, and Hamas on the other were changed. According to the Oslo agreement, the PA was bound in security commitments with Israel, something that contradicted Hamas' insistence on continuing its armed resistance against Israel, and eventually led to a collision between the two, i.e. the PA and Hamas.\(^\text{655}\)

It is important to stress again, however, that the above mentioned reasoning did not undermine the centrality of the ideological framework in Hamas' discourse vis–à–vis the Oslo agreement. Indeed Hamas did invoke religion to further justify its opposition to the agreement. For Hamas the Oslo agreement "did not fulfill any of the conditions laid down in Islamic law (i.e. Shari'a)."\(^\text{656}\) Hamas emphasized that "the present 'Jewish supremacy' was a 'dangerous period of time', but was 'limited in time'. It would definitively end 'when Allah wants it to' and would be followed by the defeat of the Jews whose 'existence is limited in time'."\(^\text{657}\)

The Interim Solution: A Palestinian State in the West Bank and Gaza Strip

Without Recognition of Israel

What was previously discussed represents the central position of the MB and Hamas, whether in terms of rejecting the principle of a peaceful solution with Israel or the recognition of Israel's right to exist on the land of Palestine. However, the case on the ground is too complex to be included in this stance. Once again, today, Israel is a reality, as well as a regional superpower that is impossible to be erased from the map, at least in the current circumstances. Furthermore, Israel is no longer a reality only in

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\(^{655}\) For more details, see Jeroen Gunning, *Hamas In Politics: Democracy, Religion, Violence*. Ibid., pp. 43-46.


\(^{657}\) Ibid.
the region, it has also obtained significant legitimacy through the recognition it gets from many Arab and Islamic countries, including the PLO according to the Oslo Accords signed in Washington on 13 September, 1993.

Thus, there is no doubt that, at the level of the central official position, the MB and Hamas want to fully liberate Palestine. However, neither the full nor even partial liberation have been yet achieved. Moreover, any liberation seems to be unrealistic considering today's balance of power. So, what is the solution?

Here enters the flexibility of Islamic jurisprudence, as well as the long political experience of the MB school to which Hamas belongs in the adaptation of the Islamic and national rulings according to circumstances. This qualifies Hamas to deal with such challenges, giving it legitimacy for such a flexibility imposed on them. This makes Hamas a more realistic and flexible movement than some may think, though within an Islamic legal supportive system that is limited with a specific ceiling, at least until now, refusing to reach the stage of recognition of Israel or the right of its presence on the land of Palestine.\(^\text{658}\)

Hamas’ view of the interim solution has developed within this context. The framework of the solution is to accept a Palestinian state on all territory occupied in 1967, the West Bank and Gaza Strip, with a Palestinian capital in East Jerusalem, but it does not include the recognition of Israel. This view has developed and grew from within the Hamas mainstream position that calls for a Palestinian state from the sea to the river. Since the first months of Hamas’ inception, the declaration of its reluctance to accept an interim solution ran parallel to its central political position. The main reason for this is the circumstances surrounding the establishment of the movement in

\(^{658}\) Mousa Abu Marzook says: "Hamas accepted a state on the 1967 borders because the balance of power, intra-Palestinian relations, regional and international politics is in that direction. This does not mean the recognition of Israel's legitimacy. It is a state that usurped Palestinian land and expelled its people." Ibid. Written answers to the researcher's questions.
the occupied territories, and the dilemmas faced by its leaders and figures in clearly declaring the central position, especially in the Israeli media.\textsuperscript{659} Israeli pressures and the policy of arrests for the ranks of the fledgling movement then, contributed in the movement's adoption of the interim liberation strategy, on the basis that it falls within the doctrine of necessity.\textsuperscript{660}

Since its first day, Hamas, which emerged as a resistance movement from the first Palestinian \textit{Intifada}, as discussed in chapter 1 of this research, was faced with a main question related to their options after the \textit{Intifada}.\textsuperscript{661} Before a year passed after the outbreak of the Palestinian \textit{Intifada} in December 1987, it was clear that there were two different logics towards the \textit{Intifada}. The first one was taken by the PLO and its factions who thought that the \textit{Intifada} should be invested and employed politically.\textsuperscript{662} The second was the approach of Hamas, and some of the other factions such as Islamic Jihad, which treated the \textit{Intifada} as a "first step on the path of liberation, in addition to being a key factor in heating the atmosphere in the Arab and Islamic worlds to revolutionize the masses and rally the (Muslim) nation in the face of the Zionist project in Palestine".\textsuperscript{663}

\textsuperscript{659} Khaled Hroub, \textit{Hamas: Political Thought and Practice}. Ibid., p. 73.
\textsuperscript{660} Abu Marzook makes it clear that the concept of \textit{hudna} is established on necessity. Ibid., Written answers to the researcher's questions.
\textsuperscript{661} Khaled Hroub, \textit{Hamas: Al fikr Wal Mumarasa Alsiyasiya}. Ibid., p. 82.
\textsuperscript{662} This was reflected in the resolutions of the Palestinian National Council held at its nineteenth session in Algeria in which the PLO declared its acceptance of the two-state solution and recognition of Israel, in addition to adopting the Palestinian Declaration of Independence in the same session on 15 November 1988.

In its response to the resolutions of the nineteenth session of the Palestinian National Council Hamas stressed the sanctity of Palestine, and its integration from the sea to the river. They also emphasized that Palestine belongs to generations of Muslims and nobody whosoever was authorized to give up an inch of it. It also reiterated that \textit{jihad} was the only way to liberate Palestine. Hamas also "emphasized its rejection of all peaceful drafts put forward to resolve the cause of Palestine” … This rejection is based on their belief “that all these drafts are in favour of the strategy of the Zionist enemy in the long run." Hamas' letter to the nineteenth session of the Palestinian National Council, 12 November, 1988.
However, the dilemma of Hamas was doubling with such strong positions, especially that its political awareness of the surrounding circumstances, either willingly or unwillingly, was more advanced than its rigid ideology. For example, Hamas announced from the outset that the Intifada, and even its own organization is only an "episode of jihad against the Zionist invasion."\(^{664}\) In addition, while Hamas was opposed to any political employment of the Intifada,\(^{665}\) the PLO was taking steps in that path, participating in the Madrid peace negotiations in October 1991. Later on the PLO signed the Oslo Agreement in September 1993, which allowed the establishment of a limited Palestinian authority entity in some parts of the West Bank and Gaza Strip, without paying attention to the objections and condemnations of Hamas. Furthermore, the formation of the Palestinian Authority constituted a new pressure on Hamas, as it also launched a campaign of pressures and arrests parallel to the Israeli pressures and arrests in the ranks of Hamas.\(^{666}\)

In addition to what preceded, the era which witnessed Hamas’ inception and emergence imposed on the movement another reality that differs from the one which was experienced by the other Palestinian resistance factions. Most Palestinian national resistance factions, secular and leftist, arose in an era of international polarization between the Western camp and the Eastern camp, which is also known as the Cold War. They also emerged in the 1950s and 1960s, i.e., an era that precedes any Arab recognition of Israel, which gave their positions and struggle, at that time, considerable impetus. On the contrary, Hamas emerged in the late eighties of the last

\(^{664}\) Hamas’ charter. Ibid., Article 7.
This attitude was confirmed by one of its pioneer leaders at the time saying: “The Intifada is not the last stage of confrontation with Israel, it is only a stage. Therefore, we do not want to throw all the cards of the Islamic movement in a war with stones or a war which we know for sure will not eliminate Israel, though it affected Israeli existence, and wiped out the so-called impossibility of Israel’s demise and the necessity of the existence of Israel on the land of Palestine.” Khalil Al Qawqa., Ibid. [Interview with Al-Anba’ Newspaper].


\(^{666}\) Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 44.
century. That is the time when the map of international powers was in a state of
transformation, affected substantially by the demise of the Soviet Union and the
Eastern Socialist bloc and the emergence of the United States as a global single pole
and superpower.

Further, in the period which witnessed the emergence of Hamas, a number of
Arab countries had developed open or secret relations with Israel, as in the case of
Egypt, Jordan and Morocco. Moreover, the military option in dealing with Israel was
no longer an option for the Arab states. One of the turning points that affected the
political map in the Middle East at that time was the defeat of Iraq militarily in the
first Gulf War (1991) and the acceptance by most Arab countries of the U.S. call for
holding peace negotiations with Israel in the Madrid Conference in October, 1991.667

Had Hamas not emerged inside the Palestinian territories and benefited from the rise
of the region’s trend toward political Islam as well as the Palestinian popular anger
against the continued occupation in the West Bank and Gaza Strip in that period, it
would not have been possible for the movement, under the challenging status quo
conditions, to emerge in the first place.

All these factors created great pressures on the nascent movement. The solid
ideology that was associated with the launch of the movement was not suited to the
political climate in the region at the time. Therefore, Hamas found itself, from the first
day, bound to be a politically flexible movement at the same time when it was
ideologically stringent. As Mishal & Sela note:

Since its very birth in late 1987, Hamas espoused a strategy of action that
combines a long-term vision (to be fulfilled by a continuous Jihad) for the

667 Ibid., p. 53.
liberation of Palestine and establishment of an Islamic state in all of its territory, from the Jordan river to the Mediterranean sea, with a commitment to the community's well-being, which requires pragmatism and a quest for temporary arrangements in the form of a Palestinian state in the West Bank and Gaza Strip alone. As an Islamic movement that boasts an alternative outlook, Hamas cannot shake off its radical image. Yet as a social movement, Hamas must take into account the everyday needs and priorities that require coming to terms with the reality of political arrangements.668

Two factors which we mentioned before benefited Hamas in this context. The first is the expansive nature of Islamic jurisprudence and its richness, providing a cover of legitimacy for Hamas to adopt flexible policies in light of the difficult and challenging reality. Second, Hamas is an extension of the decades-long experience of flexibility and ideological adaptation with the reality imperatives, embodied in the Muslim Brothers' modus operandi.

Nevertheless, at that point in time, Hamas had maintained its main discourse that emphasized the integration of Palestine, the priority of jihad for the liberation, and the rejection of peaceful solutions as well as the recognition of Israel. However, recognizing the difficult and complex reality, new terminology including a more flexible vocabulary began to develop and added to the discourse of Hamas to express their opposition to the peaceful drafts of resolving the conflict. In this context, the most prominent development was Hamas' declaration of its refusal of the outcomes of any political draft or agreement, what it sees as, a waiver of the Palestinian people's

rights, in addition to the development of a new official position which includes the acceptance of an interim solution unless it implies the renunciation of what it considers as established Palestinian rights, such as the Hamas refusal to recognize Israel's legitimacy or right to existence. It means that the new discourse was fully developed within the broader framework of Hamas' position, which emphasized the wholeness of Palestine and the illegality of any recognition of Israel.

Flexibility from within Rigidity

To return to the four stages of evolution that Hamas went through towards the peace process and negotiations with Israel. We indicated that these four phases overlap in many cases, in the sense that it is difficult to consider and arrange them merely chronologically. Hence, in the first phase of Hamas’ history, which is generally characterized by total rejection of any peaceful solutions and the recognition of Israel (the main position), another position, evolved that aimed at providing a phased programme, reflecting the movement's understanding of the difficult reality, as discussed previously.

Therefore, it is important to note here that the description of the first and second stages especially (the principled position of refusing political settlement without elaboration; and refusing the implications of any political settlement that entails a waiver of any rights or entitlements of the Palestinian people) cannot be specifically and accurately established in that particular manner. As previously stated, Hamas has succeeded since its early years to combine both its stringent ideological

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convictions and relative political flexibility in its political modus operandi, though the political flexibility was not clear and comprehensive, at the time, in the mind of the movement. At a time when Hamas, via its charter and communiqués, used to announce its principled opposition to the peace process and negotiations with Israel, we find that the positions of a number of Hamas’ political leaders were more flexible and realistic and laid the foundation of the interim solution in the movement's discourse. The chronological context "for the development of Hamas' political position continued to be overlapped and moving between a number of positions, in which one is more prominent depending on the political circumstances and successive developments."

Afterward the statements of Hamas’ leaders would reiterate what shall be later called the ‘phased solution,’ i.e., a Palestinian state in the West Bank and Gaza Strip, with Jerusalem as its capital, on the proviso of no recognition for Israel, leaving the task of liberating historic Palestine for future generations. For instance, Muhammad Nazzal, a member of Hamas’ political bureau said in January, 1993: “We are for any ‘phased solution,’ but without recognizing the Israeli enemy or its existence … That is we do not oppose any Israeli withdrawal from any part of Palestine provided that there is no recognition of Israel.” It was the same notion that was frequently used by Sheikh Ahmad Yassin and other Hamas leaders.

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670 Khaled Hroub, *Hamas: Al fikr Wal Mumarasa Alsiyasiya*. Ibid., p. 76. For instance, consider the plan proposed by Dr. Mahmoud al-Zahar, a prominent Hamas leader in the Gaza Strip today, submitted in March 1988 to the then Israeli Foreign Minister Shimon Peres. In that proposal, Dr. al-Zahar in his capacity as close friend of Hamas not as a leader, spoke of an expedited resolution and a deferred one. Dr. al-Zahar, in the expedited resolution, clearly indicates the acceptance of the two-state solution where the Palestinian state extends over all of the West Bank, including East Jerusalem, and the Gaza Strip. But again the issue of recognizing Israel was not in the proposed plan; since the expedited resolution saves the notion of Islamic Palestinian cause. For more details about this proposal, see Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., pp. 74-75.


As for Hamas’ rejection of negotiations and peaceful settlements with Israel, the charter itself (The most prominent document that expresses Hamas’ central position) indicates that the reason for Hamas’ opposition to such negotiations and resolutions is the lack of faith in the sponsors and their bias in favour of Israel against the Palestinian people.\(^{673}\) This statement alone highlights the time interference between the different stages in Hamas' thinking.\(^{674}\)

Since Hamas believes that the sponsors of the Palestinian - Israeli peace process are biased in favour of the latter, it believes that jihad and armed resistance are the best ways to liberation.\(^{675}\)

**Truce as an Islamic Jurisprudential Solution**

What would Hamas offer Israel in return for accepting a ‘phased solution’? The answer to this is a truce for a specific time whose estimates range, according to Hamas leaders, from ten to twenty years. For Hamas, truce means here the freezing of its military operations against Israel in the time period to be agreed upon between the parties in return for a Palestinian state on the land occupied in 1967, without Hamas' recognition of Israel.\(^{676}\)

\(^{673}\) *Hamas' charter.* Ibid. Article 13.

\(^{674}\) According to Hamas, the movement is not opposed to peace itself. However, it rejects preconditions and pre-formulas that are often put forward as a final resolution of the issue, such as those that have been proposed by the United Nations and the United States ever since Israel occupied the West Bank and Gaza Strip in 1967. In the view of Hamas, every political movement must have political initiatives; and this is also applicable to Hamas. It also says it believes in a more ‘progressive’ or ‘phased’ frame of reference for the “liberation” of Palestine, just as the Muslim leader Salah ad-Din liberated Jerusalem from the hands of the ‘Crusaders’ in stages. However, Hamas links the staged liberation with the proviso of no recognition of Israel. Personal Interview with Ibrahim Ghosha when he was the official spokesman for Hamas. Amman, Jordan. 23 October, 1994.

\(^{675}\) For example, see Hamas' communiqué # 34, titled "Liberating our Land by jihad not by begging". Issued on 12 January, 1989. *Wathaa'ek Harakat Al-Muqawama Al-Islamiya Hamas.* Second year of Intifada. Ibid., p. 19.

Indeed, by presenting the truce with Israel in this context, Hamas is attempting to doctrinally and realistically extricate itself from a dilemma. Also, it wants to demonstrate that it can adapt to disparate circumstances.\(^{677}\) Islamic jurisprudence as understood by Hamas, makes it an imperative to liberate all of Palestine "from the sea to the river", but the reality is greater than Hamas; even greater than all Arabs and Muslims, who are entrusted with this liberation. However, the Islamic jurisprudence that prevails today, and which is adopted by Hamas, does not allow for recognition of Israel and its right to exist. This is on the basis that this will be judged an invalid jurisprudential condition as indicated earlier. Thus, the solution would be in the religiously accepted truce as practiced by the Prophet Muhammad, his companions, and the early Muslims. According to the senior Hamas leader, Dr. Mousa Abu Marzook, "there is a way of accepting an interim solution that is consistent with the shariah, namely, an armistice (hudna). This differs from a peace agreement in that the armistice has a set duration, and it does not require acceptance of the usurpation of (our) rights by the enemy."\(^{678}\)

In his letters sent from prison in October 1993, Sheikh Ahmad Yassin was the first to put forward the option of a truce with Israel. Sheikh Yassin proposed, in his offer, a truce for ten years or twenty years, provided that Israel withdraws from the West Bank, [East] Jerusalem, and the Gaza Strip without conditions, and the Palestinian people shall be at full liberty to exercise their own self- and future-determination.\(^{679}\) Since that time, the truce has become an official choice of the movement if Israel agrees to the conditions posed by Hamas.\(^{680}\)

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\(^{678}\) Interview in Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p. 75.

\(^{679}\) Khaled Hroub, *Hamas: Political Thought and Practice*. Ibid., p. 82.

The truce option would gain further impetus with the introduction of Mousa Abu Marzook’s political initiative in 1994 that put forward a truce with Israel; Abu Marzook was then the chairman of Hamas’ political bureau. The significance of that initiative is that it came in the form of almost an integrated programme. In that initiative, Abu Marzook offered a truce on four terms: (i) an unconditional Israeli withdrawal from the West Bank, Gaza Strip, and (East) Jerusalem; (ii) the dismantling and removal of settlements and the removal of settlers from the West Bank, Gaza Strip, and [East] Jerusalem; (iii) compensation for the Palestinian people for loss and victimization resulting from the occupation; and (iv) free elections for the Palestinian people at home and abroad to choose their leadership and representatives. This elected leadership alone shall be empowered to express the will of the Palestinian people.681

A few days after the initiative, the movement’s political bureau issued an illustrative communiqué, emphasizing once again the central position of the movement. It declared that the initiative by its chairman does not include recognition of Israel nor of UN Security Council resolution no. 242, nor does it mean a compromise on the Islamic character of Palestine or the prohibition on territorial concession.682 Israel rejected it out of hand; and also rejected other truce offers in 1995, 2002, 2003, and 2004,683 but accepted to enter into a mutual ceasefire agreement in June 2008. The latter ceasefire lasted only for six months and came to an end in late December, 2008 when Israel launched a major military operation

681 Ibid.
683 For more information on these offers by Hamas, see: Jeroen Gunning, Hamas In Politics: Democracy, Religion, Violence. Ibid., pp. 220-232.
(Operation Cast Lead 27 December, 2008 – 18 January, 2009) against the Hamas
controlled Gaza strip.684

The reason Hamas insists on the notion of truce can be attributed directly to its
Islamic reference system. Hamas believes, according to the tenets of Islamic Shari'a,
it is unlawful to recognize Israel, on the grounds that it is a manifestation of
aggression, injustice, and usurpation of Muslim homeland which is Palestine. This
sense is broadly underlined, as indicated previously, by dozens of fatwas, by Muslim
scholars who have prohibited the recognition of Israel under any circumstance.685

Moreover, in case of Muslims’ vulnerability, the Messenger Muhammad’s career and
the Islamic historic and jurisprudential expertise provide, as we discussed before, an
alternative to “total concession;” that is the mechanism of truce or hudna, waiting for
circumstances to change and the Muslims’ position to improve. Therefore, we may

684 As previously set forth Islamic jurisprudence deals with a hudna as a demonstrable mechanism of
Islamic law to bring a temporary halt to military operations. Similarly it has been referenced that a
calming period in juridical terminology is synonymous with such expressions as a reconciliation,
treaty, settlement and peaceful coexistence, etc.
In June of 2008, with Egyptian mediation, Israel agreed for the first time to enter into a six month
cease-fire with Hamas. This came after it failed to halt the barrages of home-made rockets on its
southern towns bordering the Hamas controlled Gaza Strip.
However, can the calm (cease-fire), in Islamic jurisprudence, be considered synonymous with the
hudna? Yes from a technical standpoint, if we expand the definition of a hudna, we can say they are the
same. Hudna includes a reconciliation of a long term like the Treaty of Hudaibiya or a mid-term cease
fire like in the Treaty of Ar-Ramlah, or in a short term treaty as supported by some jurists who say that
it should be limited just to four months.
Similarly, they are interchangeable given that there are numerous terms to express the meaning of
hudna as mentioned previously, and that the definition of an abrogating condition is flexibly
interpreted. For example some jurists consider financially compensating the enemy as an ill conceived
condition abrogating the hudna, while others view such a condition as permissible relying on an action
of the Prophet that he intended although it was not executed in the end. Consequently, the cease-fire
between Hamas and Israel, from a technical approach, is implicitly included in the sphere of hudna.
Thus one finds that Islamic jurisprudence is flexible.

However, is the calming period or cease-fire in the dogma of Hamas synonymous to the hudna in its
dogma as well? The answer here is no, because as we mentioned before Hamas pre conditions the
hudna on an independent Palestinian state in the West Bank and Gaza Strip with East Jerusalem as its
capital, the dismantlement of settlements and the removal of the settlers from the West Bank and the
release of all Palestinian prisoners in Israeli jails in addition to meeting the minimum of the demands
and rights of the Palestinian people. If we compare these conditions with the conditions of the June
2008 ceasefire we find a wide gap between them. Thus we find the terms of this ceasefire calling for a
six month duration, albeit with an option to extend. Therefore, from the perspective of Hamas it does
not mean an end to this phase of the stages of conflict according to its dogma.

685 Paul Scham and Osama Abu-Irshaid. Hamas: Ideological Rigidity and Political Flexibility. Ibid., p
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assume that Hamas’ central position remained the same since its inception until today regarding the issue of its general and overall objective which is the total liberation of historic Palestine from the Mediterranean to the Jordan River. If it talked about a ‘phased solution,’ i.e., accepting a Palestinian state solution in the West Bank and Gaza Strip, with Jerusalem as its capital, the underlying reason is the impossibility of realizing the notion of total liberation. But, out of loyalty to its central ideological conviction regarding the entirety of Palestine, and due to the Islamic historic and jurisprudential expertise, Hamas refuses to recognize Israel's right to exist in the context of any ‘phased solution;’ instead, it offers a pro tem truce.  

In an official position of Hamas that came after it put forward the idea of a truce, Hamas proves once again the opinion that it will continue to default to its central position. Thus, it will refuse any recognition of Israel, even if the Palestinians get a state on all the Palestinian territory occupied since 1967, in the context of a long-term truce. In a remarkable statement of the position of Hamas towards peace and how it defines it, there is a recent statement published in a website that is believed to belong to the Hamas movement in 15 September, 2006, i.e. after the movement participated in the Palestinian parliamentary elections and formed its first government. This statement emphasized that the central position of Hamas remains adamant, even within the interim solution "just peace", as well as staying true to the concept of "Palestine, all Palestine", in addition to remaining faithful to the

686 Mousa Abu Marzook. Written answers to the researcher's questions. Ibid.
Hence we can understand the reason behind Hamas' refusal of the settlement agreements signed by Israel and the PLO, such as the case of the Oslo Accords. Hamas does not accept the requisite of recognizing Israel, as it is of the view that the Palestinian-Israeli accords gave the Palestinians less than their entitlements in the international resolutions related to the conflict. Therefore, Hamas is not against negotiation as a mechanism to resolve the conflict, but is against the terms of this negotiation and its potential outcome. Negotiation by itself is not prohibited in Islam as it is viewed by Hamas; but it considers Islamic prohibition to implicate its consequences of omission and concessions. This is an opinion that was expressed by Dr. Mahmoud al-Zahar, a prominent leader of Hamas in the Gaza Strip, and the then foreign minister of its government. A press conference in Gaza. Reuters, 23 January, 2006, http://www.islamonline.net/Arabic/news/2006-01/24/article01.shtml
jurisprudential approach to Palestine as a land usurped by force that the Muslims should restore and liberate by force if necessary.

Hamas has repeatedly said that it is not against the principle of peace, it is for peace, calling for it, and trying to achieve it. Nevertheless, Hamas wants a just peace that will restore the rights of the Palestinian people, a peace under which they can exercise their right to freedom, return, independence and self-determination. Hamas believes that the agreements reached so far do not meet the aspirations of the Palestinian people and do not even meet their minimum aspirations. These agreements are not fair and are unjust and harm our people while rewarding the aggressor acknowledging its right to what it usurped from the other. They are attempts to dictate and impose the conditions of the victor while asking the oppressed to waive their rights. An unjust peace as such is not expected to be successful or to survive for a long time.

Furthermore, the principle of political settlement, whatever its source is, and whatever its terms are, involves acknowledging the Zionist enemy's right to exist in most of the land of Palestine, and the consequent deprivation of millions of Palestinian people from their right of return, self-determination, the establishment of an independent state, on the entire land of Palestine and the establishment of national institutions. This is not only contrary to international and humanitarian values, norms and conventions, but it also falls within the prohibited in Islamic jurisprudence, and may not be accepted. Palestine is a
blessed Islamic land that the Zionists forcibly usurped, and *jihad* is the duty of Muslims in order to retrieve it and expel the occupier from it.\(^{687}\)

**Hudna in the Doctrine of Hamas**

It has been previously mentioned that *hudna* in the thought of Hamas relates back to the first year of its establishment. On one hand Hamas realized at an early stage of its inception that it was incapable of defeating Israel or bringing about its abolition.\(^{688}\) The reality of the Arab, Islamic and international state of affairs was not conducive in that regard. The precipitous change that gave rise to the idea of a *hudna* came from another quarter as well: as a reaction to the Oslo accords signed between Israel and the PLO in Washington on 13 September, 1993.\(^{689}\) The initiative was the movement’s Islamic alternative to the recognition of the legitimacy of Israel by a treaty or an agreement. Hamas was of the view that the leadership of the PLO was forced into these agreements under pressure of regional and international balances of power, the very situation that was rejected Islamically according to Hamas’ convictions.\(^{690}\)

Sheikh Hasan Yusuf, one of the prominent leaders of Hamas in the West Bank disseminates an important reading in the understanding of *hudna* in the doctrine of Hamas. He clearly distinguishes it from signing accords and peace agreements with Israel.

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\(^{687}\)“About Hamas”. http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUXeEpMO%2bi1s7YjyNYgnCrGxy9LphpYjJpN1j0jo4ZpAEj22uHhDqul1JcP2sHDtgZlyJCR3C2afNaApr%2bmcrhAOq3FNcmlJzvxxLeU9gqBHHcqmhrfDvamiPtU%3d


\(^{689}\)Ibid.

\(^{690}\)Mousa Abu Marzook. Written answers to the researcher’s questions. Ibid.
The term *hudna* is one of expressions in Islamic jurisprudence. It is a formulation that articulates the status of conflict with the enemy or a depiction of that status at a certain stage of the conflict. It expresses the continuity of conflict with the enemy but with altering depictions and modes and does not convey an end to the conflict. Hence *hudna* is a political and military endeavor linked to an appraisal of the situation and the realistic facts, and is buttressed by calculation of the lofty interests of the *umma* (the Muslim nation) and the people. *Hudna* does not appear in Islamic history and jurisprudence in the context of capitulation and surrender to the enemy. Nor does it appear in the context of concessions of land, holy sites and legitimate rights.

The initiative prompted by the martyred Sheikh Ahmad Yassin, (May Allah have mercy on him) was in the context of providing an answer to the future prospect on the nature of the relationship with the enemy in the event that the occupation is rolled back from a portion of our land. The conflict with the Zionist enemy may take the form of a temporary *hudna* in the context of managing the conflict without recognizing the enemy and its occupation of our land, nor by conceding any of our national rights.691

Based on such advancements the concept of *hudna* in Hamas’ ideological thought has become a permanent fixture and a constant feature of its political platform. Hamas relies on a group of present-day *fatwas* which provides it with the religious cover it needs. The movement’s antagonists have attempted to cast doubts on its credibility by claiming that it has turned its back on its ideological principles. A number of its detractors have questioned whether there is a distinguishable

difference between the accords signed by the PLO with Israel on one hand and what Hamas proposes in its idea of a *hudna* on the other. 692

Juridical edicts relied upon by Hamas focus on the *hudna* as an Islamic mechanism based on specific conditions rendering it permissible under the circumstances. These conditions will distinguish the *hudna* from the agreements signed by the PLO. 693

1) No recognition of Israel or historical concessions. Recognition as espoused by Hamas' adopted juristic view is an ill conceived provision rendering any accord null and void. 2) Hamas is of the opinion that the *hudna* is restricted to a time certain in direct contrast to the agreements signed by the PLO with Israel as a permanent lasting settlement. 3) Hamas does not view a situation where it would relinquish its right to the rest of historical Palestine. In this regard the *hudna* is viewed more like a cease fire or cessation of violence for a period of time. In contrast the Palestinian and Israeli peace accords conceded, according to Hamas' view, 78 percent of historical Palestine upon which the state of Israel exists today. 4) Hamas is adamant that the *hudna* is conditioned upon the Palestinians’ continued ability to prepare for a future stage of the conflict. 694

The Muslim scholar, Dr. Yusuf al-Qaradawi gives a major boost to this understanding. Al-Qaradawi, as noted in previous chapters, is one of the major Muslim and MB scholars, whose opinions contribute to Hamas' jurisprudential and religious positions. Al-Qaradawi says in his jurisprudential approach to the concept of reconciliation and peace with Israel the following:

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693 Ibid.
694 Ibid. Also, For more information about the scholarly discussion, see http://www.factjo.com/newsletterFullNews.aspx?id=58&INo=60
Israel invaded a Muslim land in which it does not have any right to, thus, they must be expelled. For the (Muslim) countries that have concluded reconciliation with it, if it meant recognizing the legitimacy of this invasion then, their agreement is not acceptable. However, if the reconciliation was in the sense of a truce, it would be acceptable for a period of time that takes shorter or longer, in which both sides stop their warring, saving their blood, and where security prevails. As for the land for peace principle, it is really a weird principle, imposed by the logic of brute force of the enemy, and no more; because the land is ours not theirs so that they waive it to us in exchange for their security… There is a difference between being overwhelmed by the reality so that we accept the fait accompli, and to recognize Israel granting it legitimacy. I believe that, irrespective of the passage of time, the Zionists will always be labeled as invaders, occupiers, colonizers. The passing of years does not change the facts, does not turn what is permitted in Islam into what is forbidden, does not justify the crime, and in no way gives the invasion legitimacy under any circumstances. The battle between us and them will continue as long as its reasons continue to exist. The reconciliation will continue to be rejected if it was established on the idea that the misappropriated land is their right, since no one has the right to give up the land of the nation.695

These ideas will continue to interplay within the MB and Hamas' thinking.

In important statements for senior leaders in Hamas, Dr. Abdul Aziz Ar-Rantisi696 said “Hamas has come to a conclusion that it is difficult to liberate all of Palestinian land at this juncture. Thus it will accept liberation in stages.” In a further clarification he notes: “Hamas proposes a ten year hudna in return for an Israeli withdrawal. The establishment of a Palestinian state to include the West Bank, Jerusalem and the Gaza Strip.”697 However, Ar-Rantisi said “Whatever new proposal along these lines does not mean that Hamas recognizes Israel or the end of the Israeli Palestinian conflict.”698 Ar-Rantisi reiterated in other statements “It is forbidden in Islam to concede any part of our land thus we will never recognize Israel.”699

The Booster of Truce after the elections

From the previous review, we can conclude that Hamas' official position on the question of Israel's legitimacy and recognizing it, as well as its position on the peace process has settled on considering the option of a limited-term truce with Israel as the best current option. According to Hamas leader, Khalil Abu Leila, first, the truce is a legitimate Islamic mechanism that does not legalize what Hamas considers as aggression and occupation. Thus, it avoids what Hamas considers as an invalid condition in the truce agreement; the condition of recognizing Israel or its right to

696 He was assassinated by Israel in 2004.
698 Ibid.

One may ask at this point what of the first condition stated that renders a hudna enforceable, i.e., the signatory to it must be the Imam or his deputy. Since the fall of the Ottoman Empire in the 1920’s, considered the last Islamic state, there has not been a legitimate leader agreed upon by all. In practical terms modern day Islamic jurisprudence has not addressed the question. The result has been that each grouping has given itself the right to represent its constituents. That is exactly what Hamas has done in this context. In fact, this is precisely what the Muslim leader, Salah ad-Din al-Ayyubi did; he was not the Caliph of Muslims when he gave himself the authority to sign Al-Ramla Agreement, in a period when the Abbasid Caliphate was very weak, and the post of Caliph in Baghdad was no more than a ceremonial post.
exist, as explained in detail in the jurisprudence discussion. Secondly, according to Abu Leila, the truce option in the understanding of Hamas is in line with the historic legitimate rights of the Palestinian people, who consider the recognition of Israel as a gross injustice to them. Abu Leila concludes by saying, "those who say that Hamas' resistance approach is only based on the ground of national liberation are shortsighted and do not understand Islam correctly. Islam is a comprehensive religion that includes all the issues that are faced by the Muslim *Ummah* till Doomsday".700

Of course, such truce, according to Hamas will not be offered for free; there are conditions as we mentioned before, which Hamas describes as "minimal". These conditions, according to Mousa Abu Marzook, include a fully sovereign Palestinian state in the entire West Bank and Gaza Strip and East Jerusalem as the capital. In addition, they include the right of return for Palestinian refugees (without specifying the range, meaning whether this right is to return to the Palestinian state only, or also to Israel), as well as the release of all of the Palestinian prisoners in Israeli prisons and detention centers.701

The value of this truce offer takes on a new and enhanced meaning after the success of Hamas in the Palestinian legislative elections, and formation of its first government in 2006. In January 2006, Hamas achieved a rate that exceeded 58% in the Palestinian parliamentary elections in the West Bank, Gaza Strip, and East Jerusalem.702 Thus, practically, Hamas is no longer just a Palestinian opposition faction; it has rather become, at least legally, the representative of the new Palestinian legitimacy and a movement that has a popular majority. "The problem of combining

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700 Khalil Abu Leila. Written answers to the researcher's questions. Ibid.
701 Mousa Abu Marzook. Written answers to the researcher's questions. Ibid.
the bomb and the ballot – politics and resistance – bedevilled the Hamas leadership after it won the 2006 election and became accountable not just to the Hamas membership but to the entire Palestinian electorate.”

The importance of Hamas' decision to participate in the Palestinian legislative elections is that it marks one of the most significant milestones in the ideology of Hamas and its tendency to adopt more flexible Islamic juridical views, on the condition that they are considerable views and have been widely debated in the Islamic fiqhi sphere. This is in line with the assumption of this research that Hamas always strives to secure a credible Islamic jurisprudential cover for any new position it adopts.

Thus, there were jurisprudential and Islamic studies, as well as political and pragmatic studies, that support Hamas' participation in these elections and their importance. This was totally incompatible with the position that the movement adopted in 1996 elections. In 1996, after a heated debate within its institutions, Hamas refused to participate in the legislative elections on the pretext that it was done under the umbrella of the Oslo agreement and that it confers legitimacy on Israel, including a waiver of the waqf land of Palestine to the generations of Muslims, as well as including security protocols to suppress the resistance of the Palestinian people and discredit the principle of jihad, etc. However, the important point in this debate was

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704 Some of these studies were issued by some quarters within Hamas itself as by some of it is leaders. For example, one of these studies was issued by Hamas in Hebron in the West Bank prior to the Palestinian Legislative elections in 2006. The study was titled: *Hukmu Almusharakah fi al entikhabat altushriia alfilastinia: dirasa fiqhia* [The Verdict on the Participation in the Palestinian Legislative Elections: A Jurisprudential Study.] http://www.palestine-info.info/arabic/books/2005/derasah/derasah1.htm

Also, see the study by Hamas’ MP, Musheer al-Masri, titled: *Hukmu Almusharakah fi alamal alsiyasi tahta alanhema alqaema* [The Verdict on the Participation in the Political Work Under the Current Ruling Regimes.], (Gaza, Palestine. Markez Al-Qarun Lil Bohouth Wa Derasat. First Edition, 2006.)

705 For this opinion, see: Dr. Ahmad Bahar. Hamas' Deputy Chief of the Palestinian Legislative Council. http://www.islammemo.cc/2006/01/02/5033.html
that it did not include a religious prohibition of the participation in the legislative and parliamentary councils as the position of Hamas then was based on its estimation for the "higher interests of the Palestinian people".\footnote{Ibid.}

In fact, we can agree with the previous opinion, regardless of whether Hamas’ estimate of the "higher interests of the Palestinian people" is true or not. The MB school does not reject the participation in legislative and parliamentary elections, not even the participation in non-Islamic ministries.\footnote{Hasan al-Banna, the founder of the MB, ran for parliamentary elections in Egypt more than once. Thus, the branches of the MB in Egypt, Jordan, Iraq, Kuwait and Algeria, etc., participated in parliamentary elections, and in some countries they participated, and still participate, in some ministries. Therefore, the principle of Hamas’ participation in the parliamentary elections is not outside of the MB’s context of thinking and practice. However, in the case of Hamas, the difference is that its participation would be under the Israeli occupation of the West Bank and the Gaza Strip, and that is the root of the problem. Nevertheless, Hamas was not the first MB movement to participate in legislative and parliamentary elections under foreign occupation. The Iraqi Islamic Party, the Iraqi branch of the MB, preceded Hamas’ parliamentary elections. The Iraqi Islamic Party has participated in the Iraqi Governing Council since 2003, under American occupation, despite the objections, which have been raised by other branches of the MB. All of this indicates the jurisprudential flexibility of the MB, which has accompanied the emergence of the group since its inception. Hasan al-Banna himself ran twice in the Egyptian parliamentary elections (in 1942 and 1944) at a time when Egypt was under the British mandate.}

Therefore, the position of Hamas on participating in the Palestinian legislative elections has changed dramatically in the 2006 elections, despite the fact that these elections fall practically within the Oslo agreement, which is rejected by the movement. Hamas justified its decision to participate this time saying that the Oslo agreement has breathed its last breath with the outbreak of the Aqsa Intifada in September 2000. In addition, Israel itself, according to Hamas, has announced the death of the Oslo agreement by failing to comply by its terms.\footnote{According to the chief of the political bureau of the movement, Khaled Meshaal, after the decision of his movement to participate in the elections, Hamas would show others (i.e. Palestinians), a new style of political action based on the refusal to recognize the legitimacy of Israel. Khaled Meshaal’s speech on the 18th anniversary of the inception of his movement. Damascus, Syria 30 December, 2005. http://www.alzaytouna.net/arabic/?c=129&a=30477} Indeed the internal power struggle within Fatah after the passing of its Chairman Yasser Arafat in November 2004, and the weakening of the PA due to Israeli policies during the Aqsa Intifada, compelled Fatah to negotiate with
Hamas to enter "into the PLO, and, more generally, into mainstream politics." For the pragmatists within Hamas, this changed the political opportunity structure in a way that did not exist in 1996 when Arafat and the PA were not very interested in sharing power with Hamas. "With Arafat gone, Fatah in disarray, and Hamas scoring only marginally less than Fatah in opinion polls, the chances of securing a significant percentage of the vote had increased drastically. At the time these discussions took place, regional support for continued resistance was moreover looking shakier than ever, with both Syria and Iran weekend by a variety of factors."

Evidently, however, the significance of Hamas’ participation in these legislative elections, on the one hand, is that it implied an implicit involvement with an outcome of the Palestinian-Israeli peace process, which Hamas has constantly opposed and condemned. On the other hand, such a decision is considered a significant shift in Hamas’ approach to the political situation. The participation of Hamas in the municipal elections a year earlier (2005) did not raise many questions about the real positions of the movement, as municipalities deal with the daily matters of life in the Palestinian territories. However, the legislative elections require Hamas to deal, regardless of its preferences, with Israel, which it refuses to recognize, and the international community. That matter cannot be realized while attaining the same discourse of yesterday that Hamas used to adopt.

Hamas understood that its decision to participate in the legislative elections required a new political idiom and terminology. Therefore, Hamas’ elections programme, issued in 14 January, 2006, was by and large a detailed plan, as it does not use expressions such as “destruction of Israel” or call for its elimination, as in the

710 Ibid., pp. 50-51.
case of Hamas’ charter. However, it is noteworthy here that the election programme of Hamas remained faithful to the principles of the movement that it considers Islamic and in line with Palestinian rights, such as talking about “the full liberation of Palestine,” and that historic Palestine is a “part of the Islamic and Arab homeland, it belongs to the Palestinian people and this right may not be voided by any temporal limitations.” However, the language of these [ideological] constants (dictums) was relatively marginal in campaign agendas in favour of the programmes that Hamas intends to accomplish in the areas of economy, education, housing, health, etc.; if it wins over the Palestinian voters.

The pattern of flexibility in Hamas’ discourse continued to rise. In its efforts to form a national unity government Hamas presented, in 12 March, 2006, a political programme to the Palestinian national and Islamic factions to be approved within the framework of the anticipated government. The programme talked of ceasefire, its conditions, and phased solution. The programme’s most important part is Hamas’ reference that the “issue of recognizing (Israel) does not concern a single Palestinian faction alone, nor any government alone, but it is the decision of the Palestinian people, wherever found.” Hamas also signaled, in the programme, its willingness to change its point of view regarding the agreements signed between the PLO and Israel, saying: “our position on previous agreements is linked to the interests of the Palestinian people and we retain the right of reconsidering them in accordance with these interests.” As noted in the programme, Hamas does not reject negotiation as a means, but refuses negotiation in its current form, as it does not meet the minimum

712 Ibid., pp. 12-13
713 Ibid. For more details about Hamas' elections programme see: www.palestine-info/arabic/palestoday/reports/report2006_1/entkhabet06/entkhabet_tashre3i_06/program/5_1_06.htm
714 See http://www.aljazeera.net/news/archive/archive?Archiveld=317624
715 Ibid.
demands of the Palestinian people. Should anything in the interest of the 
Palestinian people be offered, it shall be considered at the appropriate time. No 
doubt, these points represent a significant change in Hamas' stances, a change no one 
could have expected a few years earlier.

After failing to convince Fatah and the other national Palestinian factions to be 
partners in a national unity government, Hamas formed a government alone in late 
March 2006. The first striking thing in the proposed programme of the Hamas 
government was shunning the language of ideological generalities, where we do not 
find even a single reference to “historic Palestine.” The programme speaks of working 
to establish an independent Palestinian state with full sovereignty and Jerusalem as its 
capital. It also talks about ending the occupation, removing settlements and 
comprehensive withdrawal from the territories occupied in 1967, including East 
Jerusalem, and removing the separation wall in the West Bank. Moreover, it very 
clearly indicates, perhaps for the first time, that Hamas’ government was ready to deal 
“with the signed agreements with a high sense of responsibility so as to protect the 
vital interests of our people and safeguard their rights without compromising their 
established fundamental entitlements ... and the government's handling of the relevant 
international resolutions with national responsibility, including the protection of our 
people’s established rights.”

As Hamas formed its first cabinet (government) in March, 2006, Western 
states and Israel started to apply economic and political sanctions against it and the

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716 This is an opinion that was expressed by Dr. Mahmoud al-Zahar. Ibid. A Press conference in Gaza. 

717 Ibid.

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719 Ibid

720 Ibid. For the Full text of Hamas’ first government programme: See 
http://www.ikhwanonline.com/Article.asp?ArtID=18832&SecID=109
Palestinian Authority in general. The international Quartet (consisting of the United States, Russia, the European Union and the United Nations), overseeing Palestinian-Israeli negotiations placed three conditions on Hamas for the lifting of the sanctions and inclusion in the Palestinian-Israeli political process. These conditions were:

1. Recognition of the right of Israel to exist;
2. Repudiation of violence and “terrorism” (terms that Hamas considers legitimate resistance); and
3. Recognition of previously signed agreements between the Palestine Liberation Organization and Israel which Hamas long opposed.721

Since then and until this day Hamas has refused to accept the three conditions. It maintained this position despite the Israeli siege of the Gaza Strip since Hamas’ decisive control of the Strip in June of 2007, and despite the massive Israeli military operation (Operation Cast Lead) against Gaza (Dec 2008-Januray 2009). The refusal of Hamas to comply can be explained to a large extent, in addition to other political reasons,722 by its adherence to Islamic jurisprudence which judges such conditions to be invalid or illegitimate.723

722 In spite of the sanctions imposed on its Government, Hamas launched a public relations campaign by means of many op-ed articles written by its leaders and published specifically in American and British newspapers. In those articles, Hamas’ leaders tried to explain their positions using a more diplomatic and pragmatic language. In their articles, they emphasized Hamas as a national liberation movement trying to get rid of foreign occupation; and focused their talk on their desire to achieve a Palestinian state in the West Bank and Gaza Strip, with East Jerusalem as its capital. They also underscored that they are not hostile to Jews due to their faith, but are against the occupiers (amongst them) only, and that they do not want to throw the Jews into the sea, etc. They also demanded in these articles to enter a dialogue with the West based on justice and mutual respect .. etc. However, Hamas’ leaders remained determined not to accept the condition of recognizing Israel. They rather adhered to the notion of a long term truce in return for a Palestinian state and restoring other Palestinian rights, such as the right of the Palestinian refugees to return, and freeing the prisoners that are held by Israel. For example: Khaled Meshaal. "We shall never recognize". Lose Angles Times. 1 February, 2006. http://articles.latimes.com/2006/feb/01/opinion/oe-meshal1
723 Khalil Abu Leila. Written answers to the researcher's questions. Ibid.
However, the continuing Israeli and Western pressures on the Palestinian Authority had caused the deadliest internal Palestinian clashes between Fatah’s and the PA’s security apparatus, on one hand, and Hamas and its Government on the other. The resentment of some Arab regimes and the Fatah movement that an Islamic movement form a Palestinian government are also factors that contributed as well to the split in the Palestinian society. In that atmosphere, a number of detained leaders from Hamas, Fatah, Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), and the Democratic Front for the Liberation of Palestine (DFLP) in Israeli prisons, issued the “Palestinian Prisoners Paper for National Reconciliation” in May 2006. Despite Hamas’ early reservations regarding many items at the outset, the movement approved it after some amendments were carried out. Later it became known as “The Palestinian National Conciliation Document” in June 2006.724

The most important thing in the paper is that it pointed to the "need for a Palestinian plan for comprehensive political action and the unification of the Palestinian political discourse on the basis of Palestinian national goals, Arab legitimacy, and ‘fair’ international resolutions, regarding our people, so as to maintain their rights".725 Adding ‘fair’ is the major reason behind Hamas’ approval of this item, as it gives the movement the option of avoiding any ideological predicament or concession in this context.726 However, the most prominent part in this document, is Hamas’ consent to the item that stipulates that:

724 For an English translation of the document, which is formally titled “The Palestinian National Conciliation Document,” see http://www.jmcc.org/documents/prisoners.htm; for the original Arabic, see http://www.alzaytouna.net/arabic/?c=129&a=31928
725 Ibid.
The negotiation management is the prerogative of the Palestine Liberation Organization (PLO) and the President of the Palestinian National Authority (PNA) on the basis of upholding the Palestinian national objectives as contained in this document. Any negotiated agreement shall be submitted to the new Palestinian National Council (PNC) for approval and ratification or a general referendum shall be held at home and in exile, organized by law.\textsuperscript{727}

The importance of the last item was a clear, unmistakable signal by Hamas that it would accept any agreement reached with Israel by President Abbas if it was approved by the new Palestinian National Council, or through a referendum of the Palestinian people in occupied territories and places of refuge.\textsuperscript{728} Hamas has also restated and stressed the same notion in its reply paper presented to President Jimmy Carter April 2008. In its responses, Hamas clearly indicates that it “will accept the decision [choice] of the Palestinian people through a referendum under international monitoring if President Mahmoud Abbas (Abu Mazin) manages to reach an agreement with Israel through the final status negotiations.”\textsuperscript{729} The Movement emphasizes the right of the Palestinian people to establish a Palestinian state with full sovereignty within the borders [of the West Bank, East Jerusalem, and Gaza Strip in June 4.] 1967.”\textsuperscript{730}

\textsuperscript{727} “The Palestinian National Conciliation Document,” see http://www.jmcc.org/documents/prisoners.html; for the original Arabic, see http://www.alzaytouna.net/arabic/?t=129&a=31928
\textsuperscript{728} Paul Scham and Osama Abu-Irshaid. Hamas: Ideological Rigidity and Political Flexibility. Ibid., p. 15.
\textsuperscript{729} Ibid.
\textsuperscript{730} Ibid., pp. 15-16. For the full text of the response: See http://www.alzaytouna.net/arabic/?t=129&a=63618
From this point on, we will be seeing significant ‘progress’ in Hamas’ political thinking, it now implicitly accepts the recognition of and coexistence with Israel, not directly though, i.e. from within the Palestinian regime of ‘legitimacy,’ that Hamas is part of now. In some sense, Hamas seeks to balance between its refusal, as an Islamic movement, to officially and openly adopt such an approach, that on the basis of its ideology cannot be justified; but it does not mind to live with this approach, at least at the present time, from within the Palestinian political system, without bearing the political and ideological burden of those concessions, as a movement. This means that Hamas' official stand as a movement will continue to be the notion of truce according to Mousa Abu Marzook the deputy chairman of Hamas' political bureau.

Hamas would enhance this new turn in its political behaviour. That is, as a movement, Hamas maintains its solid ideological positions; but as a government within the Palestinian political ‘legitimate’ regime, it espouses a flexible and pragmatic political discourse. Evidence for this orientation can be found in the Hamas-led national unity government programme (March 2007- June 2007), based on which Hamas managed to encompass the participation of Fatah and other Palestinian factions in its government and under its leadership after signing the Mecca agreement in February 2007.

731 Ibid., p.16
732 Mousa Abu Marzook. Written answers to the researcher's questions. Ibid.
733 Paul Scham and Osama Abu-Irshaid. Hamas: Ideological Rigidity and Political Flexibility. Ibid., p. 16. In that programme submitted in March 2007 the Hamas-led government reconfirmed its ‘respect,’ but not its commitment, for “the resolutions of international legitimacy and agreements signed by the Palestine Liberation Organization.” It also “respects the agreements signed by the Palestine Liberation Organization as the political reference to the Palestinian National Authority so as to protect the higher interests of our people and uphold their rights”. It reaffirmed “what is stated in The Palestinian National Conciliation Document that the management of negotiation is the prerogative of the Palestine Liberation Organization and President of Palestinian National Authority on the basis of upholding and realising Palestinian national objectives. Any negotiated ‘decisive’ agreement shall be submitted to the new Palestinian National Council (parliament in exile) for approval and ratification or a general referendum shall be held at home and in exile, organized by law”. (For the full text of the Program, see: http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&cid=1173694965882&pagemenu=Zone-Arabic-News/NWALayout)
However, this amount of relative flexibility supplemented by Hamas to its political discourse after the success they achieved in the Palestinian legislative elections and their formation of a new Palestinian government will continue to be governed by the firm positions of the movement. This means that they will remain within the framework of the main Hamas position that rejects the recognition of the legitimacy of Israel and its right to exist. Hamas will seek, time after time, to exercise this firm official position.  

Once again, from the core of the main position of Hamas that stresses the wholeness of Palestine and the illegality of the state of Israel, the interim solution discourse is highlighted. This is in an effort to ensure that Hamas is committed to its Islamic jurisprudential reference, as it understands them today, they are also aware of the complex reality for them and for the Palestinian cause and also for other parties in this conflict such as Israel, some Arab official regimes, and the West led by the United States. For example, after the speech of the American President Barack Obama in Cairo in June 2009, in which he called for a peaceful solution to ensure the establishment of a Palestinian state alongside a Jewish state living in peace and

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734 For example, Hamas said in a statement issued on 13 December, 2009 on the occasion of the twenty-second anniversary of its inception, "Twenty-two years have elapsed since the blessed initiation of the Islamic Resistance Movement (Hamas) and we honour our promise, insist on our national historical rights, cling to every inch of our blessed land of Palestine from the sea to the river, and maintain our authentic jihad and resistance concept.”

http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7%2b%2byxOPbh3vpRpsJrmeDR8L6EJ8Aat4WPwO1AUNFsBTxM2%2bczwfw0yi9Ee1%2fGiZ1PBSmCB9UzCZ82BoSpGjN4qW%2foAzgMaTM%2f9rUGUXEc%2bY%3d.

Moreover, on the same occasion, there is repetition of Hamas' adherence to the concept of the waqf status of the land of Palestine, and therefore the prohibition of wavering any inch of it. In a statement by Dr. Ahmad Bahar, the First Deputy of the Palestinian Legislative Council, and a senior Hamas leader, he said that, "The movement has been initiated to confirm that Palestine is an Islamic waqf land... No one may surrendered or compromise any inch of it; because it belongs to the generations of Muslims until doomsday." http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7iDblt31WpRkdxz2ubv1iZwinPrrvw7353dEF3MH51DdotA1tkrqEyq0TrjzHIBwbHHEE5RvXypamWFbCEHr0xLMxpK5M8A%2biC0Io98%3d

Hamas constantly repeats this position on several occasions, such as on the anniversary of the Balfour Declaration in 1917, the UN Resolution to partition Palestine in 1947, the anniversary of the first Palestinian Intifada in 1987 and the second one in 2000.
security, the head of Hamas' political bureau, Khaled Meshaal, made a speech in response confirming that, "the programme, which is the minimal for our people and which we accepted in the National Reconciliation Document as a common political programme for all Palestinian forces, is a Palestinian state with Jerusalem as its capital with full sovereignty on the borders of June 4, 1967 after the withdrawal of occupation forces, the removal of all settlements, and the achievement of the right of return."\(^{735}\)

However as always, the movement's positions retract and stresses, "we will not agree to any wording that recognizes the right of Israel to exist".\(^{736}\) Since such recognition would mean:

(d)epriving the owners of the land of their right to return. Neither we nor the previous generation nor the coming one or any generation would be authorized to make such a decision. There is also another dimension that we have to emphasize; that is the religious dimension, as Palestine, among all countries, is owned by all Muslims. It is an Islamic *Waqf*, that is not to be bought, sold, nor would it be subject to a statute of limitation. Thirdly, for those who recognized the Zionist entity in 1988, what did they get? What did Israel give them? Therefore, neither the moral or political position, nor the past or the contemporary experiences would possibly be accepted as grounds for the recognition of the state of Israel.\(^{737}\)

\(^{735}\) For the full text of the response: http://www.alzaytouna.net/arabic/?c=129&a=93566

\(^{736}\) Ismail Redwan. He is one of Hamas senior leaders in Gaza. http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7%2fjs8Pv7sfIEElRRA c1ctAbQEDRYDeKu9JDIyvnSjJu0VIWoscb3myGzIHNDezguzIK%2b00DUasrEloA MJJ3PthYkE N17GGdXp5eAyfV5g%3d

\(^{737}\) Dr. Mahmoud al-Zahar. Interview with Alarabiya.net on 15 March, 2009. Ibid., http://www.alarabiya.net/programs/2009/03/15/68495.html
Is It Possible for the Muslim Brotherhood and Hamas to Recognize Israel?

Immediately after Hamas won the Palestinian legislative elections, and before it started to form its first government, Khaled Meshaal, the movement's leader, declared that the movement would never recognize Israel, and renewed the truce offer as an instantaneous way out of the conflict.

We shall never recognize the right of any power to rob us of our land and deny us our national rights. We shall never recognize the legitimacy of a Zionist state created on our soil in order to atone for somebody else’s sins or solve somebody else’s problem.

But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms. Hamas is extending a hand of peace to those who are truly interested in a peace based on justice.738

Based on the previous review and in spite of the movement's principled (central) position, we can say that Hamas sought, in parallel, with the utmost effort to look like a flexible movement after its success in the Palestinian legislative elections and forming the new government. Hamas tried to find solutions to the problem of recognition of Israel, such as the allusion to the recognition from within the Palestinian legitimacy.

However, these attempts were rejected by the West and Israel, who demanded a clear and explicit recognition of Israel by the movement and its right to exist. When

Hamas refused, the West and Israel intensified their boycott of Palestinian Authority institutions under Hamas control. The Pressures doubled after Hamas' military takeover of the Gaza Strip in June 2007, following clashes with security forces loyal to the Palestinian President, Mahmoud Abbas. Immediately afterwards, Israel laid a crippling siege on the Gaza Strip and its inhabitants. All these pressures contributed to confusion in the discourse of Hamas. Hamas was looking for a solution for its predicament in the Gaza Strip, and the state of siege, in which they are trapped, not only by Israel, the USA, and the West; but also by some Arabs such as the case of Egypt.

Thus, consistent with Hamas' previous predicament, and the Israeli military escalation against the Gaza Strip under Hamas' control, some statements attributed to leaders of Hamas spoke of some kind of equivocation about the possibility of recognizing Israel. However, this recognition is conditioned on Israel's recognition of Palestinian rights and allowing for the establishment of a Palestinian state in the entire West Bank and Gaza Strip with East Jerusalem as its capital, in addition to restoring other Palestinians rights. Nevertheless, even these equivocating statements about the possibility of Hamas' recognizing Israel were denied by Hamas as soon as they were released. The central position of Hamas that insists on the refusal to recognize Israel always intervened to control the political debate that is affected by the intense pressures of reality.

For instance, Ismail Haniyeh, Hamas' Prime Minister, indicated, in an interview with the American Newspaper, *The Washington Post*, before becoming prime minister, that Israel must first recognize the rights of the Palestinian people, before talking about any recognition of Israel by Hamas. He also wonders: which Israel shall we recognize? Where are the borders of the Israeli state that should be
recognized?! However, Haniyeh, in the same interview, indicates the possibility of recognizing Israel if it gives the Palestinians a state and returns their rights; but a few days later, he denied that he had referred to the possibility of recognizing Israel. In fact, all his answers in the interview, clearly show reservations about the possibility of recognizing Israel, and his determination to talk of a long-term truce.

Hamas is not alone in confronting the dilemma of Israel's recognition. The parent movement in Egypt faces the same dilemma. In two press statements separated by almost a year attributed to two senior leaders of the MB in Egypt, there was a hint of the possibility of recognition of Israel by the MB in Egypt if it came to power. The first statement was in October 2007 by Dr. Essam El-Erian, who was then the head of the MB's political bureau. In his statement, El-Erian said that, "if the Brotherhood came to power, they will recognize Israel and respect previous treaties; however the Camp David Accords would be modified according to what we estimate. It does not mean we would declare war; however, we will revise the agreements and treaties to be in line with Egypt's interests." The second statement was in October 2008, this time attributed to the first deputy of the MB's General Guide at the time, Dr.

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739 "We say: Let Israel recognize the legitimate rights of the Palestinians first and then we will have a position regarding this. Which Israel should we recognize? The Israel of 1917; the Israel of 1936; the Israel of 1948; the Israel of 1956; or the Israel of 1967? Which borders and which Israel? Israel has to recognize first the Palestinian state and its borders and then we will know what we are talking about. A Conversation with Ismail Haniyeh: 'We Do Not Wish to Throw Them Into the Sea'" Washington Post, 16 March 16, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/02/24/AR2006022402317.html

740 "If Israel declares that it will give the Palestinian people a state and give them back all their rights, then we are ready to recognize them." Ibid.

741 http://www.aljazeera.net/News/archive/archive?ArchiveId=312684

A similar incident was attributed to Meshaal in an interview with Reuters news agency, 10 January, 2007. In that interview Meshaal was quoted as saying that Hamas will consider a formal recognition of the state of Israel only if a Palestinian state has been created on 1967 borders, and that Israel should accept the right of Palestinian refugees to return to homes lost in the 1967 war and before. In the same interview, however, Meshaal, insists that Hamas will never recognize the legitimacy of the existence of Israel, though it would recognize the reality of its existence as a fact. Yet, this interview was followed a day later by a press release by Hamas, reaffirming the central position of the movement, denying that Meshaal mentioned any possibility of recognizing Israel if a Palestinian state is created. Hamas' clarification communiqué on Thursday, 11 January 2007.

742 "A Conversation with Ismail Haniyeh: 'We Do Not Wish to Throw Them Into the Sea'". Ibid.

743 Dr. Essam El-Erian. Interview with Alahyat Newspaper (London). 13/10/2007 http://international.daralhayat.com/archivearticle/168995
Muhammad Habib, who said that the MB will recognize Israel if it withdraws to the 1948 borders.744

Immediately after the release of these two statements, which raised fierce debate and much resentment within the ranks of the MB, the group intervened to resolve the controversy, and to reaffirm the official position of its refusal to recognize Israel. Commenting on El-Erian's statement the MB's General Guide at the time, Muhammad Mahdi Akef, said that there is no such thing called Israel in the dictionary of the MB. He stressed that the MB would never recognize it, and that El-Erian was expressing his personal opinion, not the opinion of the MB.745

A few days later, El-Erian himself retracted his statement saying, "the Muslim Brotherhood will never recognize Israel; because we can not recognize the seizure of land by force; this is consistent with the religious opinion and international conventions."746 El-Erian stressed that if he became the General Guide of the MB, he would never recognize Israel, saying that "our position on this issue is firm."747 However, he borrowed the previously mentioned Hamas' position, hinting the possibility of accepting Israel through the "Palestinian legitimacy", as an elected Palestinian government, not as an Islamic movement which will maintain its position of refusing to recognize Israel.

On this basis, El-Erian differentiated between the MB as a group, and the MB-led government. He said, "any government that inherits legal status is not permitted to change it from the constitutional mechanisms, and it has to resort to the Egyptian people as represented by the elected parliament and public referendum".748

The same thing applies to his statement about the revision of the Camp David

746 http://international.daralhayat.com/archivearticle/156998. 10/20/2007
747 Ibid.
748 Ibid.
Accords signed between Egypt and Israel in case the MB came to power "in line with Egypt's interests." The same point was expressed by Hamas, as we pointed out earlier with respect to the agreements signed between Israel and the PLO.

As for Habib, he categorically denied the possibility of the MB's recognition of Israel, saying that the statement reported in a Turkish newspaper included in an interview with him was neither true nor accurate. Habib re-emphasized the position of the MB on this issue, saying: "The Muslim Brotherhood considers the Zionist enemy as an occupying entity that seized the land of Arabism and Islam. It must be resisted to remove the occupation and for the Palestinian refugees to return to their homeland which is a nonnegotiable right".  

Indeed, the pressures and complexities of the reality play a major role in the confusion that took place in such statements of the leaders of Hamas and the Egyptian MB. And such confusion required the intervention of the central position to control the matter and set it back to its main position of denying any legitimacy of Israel. However, this does not mean that there is no Islamic jurisprudential dimension for this confusion; as some believe that there are considerable Islamic jurisprudential opinions that would allow for the recognition of Israel based on the extent of the complexity of the reality. As already noted, Islamic jurisprudence is very flexible.

Immediately after the success of Hamas in the election and the beginning of the pressures on Hamas from the West, Israel, official Palestinian institutions, as well as some Arab and Islamic countries, some voices started calling on Hamas to

749 He added, "We want a Palestinian state where Muslims, Christians and Jews can live side by side, and there is no place for Zionist racism in Palestine." He also emphasized that Palestine is from the land to the sea, and Jerusalem is its capital. Habib even went further by insisting that 'Hamas' acceptance of a state on 1967 borders is an interim acceptance, but it does not include the recognition of the Zionist entity as a state." He stressed that, "this right is not owned by Hamas alone, not even the Palestinian people; because the Palestinian cause is the cause of all Arab and Islamic peoples until this occupation comes to an end". As "Islam imposes on its followers the resistance to end the occupation." http://www.aawsat.com/details.asp?section=4&article=492155&issueno=10924. 10/25/2008.
reconsider its approach to Islamic jurisprudence which it adopts with regard to its view of the issue of recognition of Israel. These calls were based on the provisions of jurisprudential "necessity" that would provide such cover.  

Some saw that Hamas' arrival to power, theoretically, requires different discourse from the one it adopted while being in the opposition ranks as the circumstances have changed. 

Yet, a question as critical as the recognition of Israel by Hamas, needs a highly credible Islamic jurisprudential cover in the first place; such discourse was not available then. From this point, and because of the pressures exerted on Hamas, some Muslim scholars attempted to provide Islamic Jurisprudential cover for Hamas, but these attempts did not find sustenance by the great majority of Muslim scholars; they even were largely criticized and rejected. 

Perhaps the most significant and important attempts, in this context, is the one of the Moroccan Muslim scholar, Dr. Ahmad Ar-Raisouni. In one of his articles, which raised a lot of debate among Muslim scholars, Ar-Raisouni said that it is possible for Hamas to recognize Israel and sign a peace accord instead of lingering talk of a long-term hudna. Ar-Raisouni promoted a number of arguments to support his rationale. He began by asserting that necessity is governed by certain diktats, and that things forbidden become permissible out of necessity. He goes on to claim that

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750 Osama Muhammad al-Moaseri. "Aleteraf be Israel...... Alfiqh wa Alwaqie'a" [The Recognition of Israel... The jurisprudence and the Reality], http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&pagemenu=Zone-Arabic-Shariah%2FSRSLayout&cid=1193049191608


even if this type of accord were to be concluded that it would be a kind of contract consummated under duress and out of coercion; or out of necessity not conviction. It does not confer on the oppressor any right or legitimacy nor carry any weight religiously or legally speaking. The agreement is breachable and open to nullification at any time. He further postulates that this is a generational issue. Thus future generations among the Palestinians and Muslims will have their own say with changing balances of power, as inalienable rights are not abrogated with the passage of time.

Furthermore, he argues that, if need be, Muslim jurists have even permitted the payment of currency and the disbursement of resources to rebels and brigands for the purpose of safeguarding the public and ridding it of their mischief. Ar-Raisouni relied on the previously mentioned Treaty of Hudaibiya and the Prophet Muhammad’s endeavor to give the Arab tribes laying siege to the city of Medina in the Battle of the Trench a third of the crops of the city if they quit the siege. And this is an issue that we discussed before. Some Hamas leaders make the same analogy to justify the hudna but without going as far to justify the recognition of Israel.753

Even though Ar-Raisouni attempted to provide religious cover for Hamas to recognize Israel, and provide an exit from the dilemma of the siege imposed on it and the Palestinians, he reiterates and emphasizes that this dispensation is unique to the Palestinians only, and out of necessity. It is not acceptable for other Arabs and Muslims, who are prohibited from recognizing Israel and to consent to what he terms its aggression. He argues that necessity is not applicable in their case.754

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753 Ahmad Yusuf. Hamas' deputy foreign minister. Written answers to the researcher's questions.
754 Ar-Raisouni agrees with the common Islamic jurisprudential opinion about the state of Israel, as “the establishment of Israel from the perspective of Islamic Shari'a is a major process of grabbing with countless criminal acts. Thus, Israel from the Islamic viewpoint and from any correct religious view is but a series of false actions and outrageous crimes that first require elimination. Second, they require punishment of the perpetrators. Third, the victims should be compensated.”
It has already been pointed out that the majority of the scholars, including some prominent MB, rejected this fatwa, and ruled that Hamas is religiously obligated to relinquish control of the government if it had to choose between it and between recognition. One of these scholars, Dr. Ali al-Qurrah Daghi, opined that:

Analogizing the recognition of Israel to the actions of the Prophet Muhammad in the Treaty of Hudaibiya and his endeavor to offer a third of the crops of Medina are faulty analogies in contravention of the text and the fundamentals. Today a full fledged treaty is not merely a hudna, rather it is implemented and guaranteed within an international system, and signifies definite ramifications.
The rejection by most of the Muslim scholars of the fatwa of Ar-Raisouni; or at least there disagreement with his opinion to find a religious way out for the recognition of Israel, limited the possibility of providing a collective and considerable fatwa to support such an attitude. Nevertheless, it is quite clear that Hamas, as we clarified before, has not adopted Ar-Raisouni’s fatwa of recognizing Israel. As a movement it is still openly committed to its position of non recognition. However, it accepts implicit recognition by way of the institution of “Palestinian legitimacy,” of which it has become a major part today.

In fact, the contribution made by Ar-Raisouni and Muslim scholars who supported his view in this context is worth contemplation and reflection. Once again, they started from the perspective that Islamic jurisprudence is expansive and flexible, as well as being realistic and contemporary to the challenges. Perhaps the previous review for the Prophetic and Islamic historical experiences, as well as the jurisprudential concept of the truce, would be enough to demonstrate how expansive this concept is and the legitimate origin of Ar-Raisouni’s fatwa.757

And because the concepts of peace and war are largely based on objective circumstances and special conditions, such as, "necessities", "interest", and "warding off evil takes precedence over achieving benefits", the scope of Shari’a opinion is wide enough to include such diversity of opinions. Indeed, some of the Muslim scholars include the act of the Prophet in Hudaibiya within the framework of what they call "the jurisprudence of compromise".758

757 For example, it is permissible to give money to the enemy in case of weakness, or asking for peace, or even making an open-ended truce. Although, the majority of Muslim scholars object to such matters, considering some of them as having an invalid condition, as in the open-ended truce; there are other respected major Muslim scholars who accepted them as Ibn Taymiyyah noted before. From their perspective this depends on “what happened in the Hudaibiya as well as what will happen in the case of recognizing Israel is making concessions, even though in the space allowed by the Islamic
The logic of the last analysis leads us to an important conclusion with regard to how the Prophet Muhammad dealt with such issues. According to the belief of Muslims, the Prophet is commanded by God and directed by his Knowledge, however, this does not negate the fact that the Prophet also acted, in the examples of the Hudaibiya and Ghatfan, as a political leader who takes into account the interest of his message and nation. The evidence for this is that there was no revelation and divine guidance in the case of Ghatfan.\footnote{Mohammad Emara. Mohammad Sala Allah Alaithi Wa Salam: Alrasoul Alseiasi. [Muhammad Peace and Blessing be Upon Him: The Politician Prophet] (Cairo, Egypt: Al-Azhar Magazine. First Edition 2012.) pp. 47-50. Also, Osama Abu-Irshaid. Ba’ad Entisarha Al-Modawi: Jadaliat Aldini wa Alsiyasi fi Fiker Hamas.. Esthaliat Altfawad wa Eletraf bi Israel Ka Anmothazin. Ibid.}

**Critique and Conclusion**

The previous conclusion leads to another important one through reviewing the ongoing jurisprudential debate in the issues of war and peace, as well as other issues. There is a big difference between the pure religious text and between its understanding and relative implication. There is also a difference between what jurisprudence”. The evidence provided is the incident when the Quraish delegation during the Hudaibiya negotiations refused to write "In the Name of Allah, the Most Merciful, the Most Gracious"; instead, they wanted to write "In your name, O God". Although the Muslims refused this, Prophet Muhammad Himself approved it erasing "In the Name of Allah, the Most Merciful, the Most Gracious". These scholars also provide further evidence for their opinion, when the Quraish delegation refused to write "that is what Muhammad, the messenger of Allah agreed on", saying, "if we know that you are the messenger of Allah, we would not have prevented you from visiting Mecca, and we would not have fought you. You rather write Muhammad Ibn Abdullah". The Prophet replied, "I am the messenger of Allah even though you disbelieve me, so, write Muhammad Ibn Abdullah", accepting what they wanted. Accordingly, these scholars wonder, "Is not that a concession and recognition of their existence in reality?" To substantiate their opinion, these scholars quote the well-known Muslim scholar Ibn Qayim Aljawziya in his saying, "Among the lessons learned from the incident of the Hudaibiya, that the reconciliation with the polytheists, though somehow unjust to Muslims is permissible in the case of probable interest and to ward off what is worse, as it is warding off the worst by the possibility of the less worse". Thus, "the jurisprudence of compromise is based on achieving the greater good even though a less evil takes place. How much we need this jurisprudence! Which Ibn Qayim Aljawziya said about, "this is one of the most sensitive and difficult matters, and the most troubling for the human being.” For more details see: Osama Muhammad al-Moaseri. “Aleteraf be Israel…… Alfiqh wa Alwaqie’a”. Ibid.

http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&papename=Zone-Arabic-Shariah%2FSRLayout&cid=193049191608

should be the case, and what is reality. According to Muslim belief, the religious text is absolute and unquestionable. However, its implication is neither absolute nor infallible; it is relative, could be true or false, and adapts to reality and its challenges. The Islamic religious text is not static data in a dynamic space; it is rather dynamic, responsive to the practical challenges through the mechanism of implication, and not by questioning the absoluteness and infallibleness of the text.\textsuperscript{760} Therefore, it may be true from the religious perspective that Palestine is an Islamic Waqf land, and that it is prohibited to waiver any inch of it, but the implication mechanism of these two rules in the space of factual reality is another issue that requires flexibility and understanding of the challenges of this reality. Again, this does not mean compromising a religious text, as far as it means the relativity of the implications of the absolute text on the reality and its flexibility on the horizon of changing the conditions of the existing reality.\textsuperscript{761}

Therefore, the inability of the Palestinians, Arabs and Muslims to liberate Palestine, as well as the huge pressures and challenges faced by the Palestinians, are good reasons for searching for a jurisprudential way out of the dilemma in which they live. In the case of Hamas, there is also the change of their legal and political status from opposition movement to the movement that leads the Palestinian Authority - in theory- and thus, the jurisprudence that regulates its positions as an opposition

\textsuperscript{760} Osama Abu-Irshaid. Ba’d Entisarha Al-Modawi: Jadaliat Aldini wa Alsiyasi fi Fiker Hamas.. Eshkaliat Alifawad wa Eletraf bi Israel Ka Anmothazin. Ibid.
http://www.asharqalarabi.org.uk/mushrakat/b-mushacat-481.htm
For more information about this opinion, see: Ali Gomaa, the Gran Egyptian Mufti. Alnisbi wa Almutlaq. [The Absolute and the Relative]
http://www.alygomaa.com/article.php?id=47
\textsuperscript{761} Osama Abu-Irshaid. Ba’d Entisarha Al-Modawi: Jadaliat Aldini wa Alsiyasi fi Fiker Hamas.. Eshkaliat Alifawad wa Eletraf bi Israel Ka Anmothazin. Ibid.
http://www.asharqalarabi.org.uk/mushrakat/b-mushacat-481.htm
movement, must be changed to adapt to its positions as a governing movement, again in theory.762

Thus, the issue of recognizing Israel, even if it does not have considerable jurisprudential approval as the majority of Muslim scholars have rejected it, is still a considerable issue within Islamic jurisprudential debate and contexts. Such debate may have contributed to one degree or another in influencing the hesitant attitudes of some leaders of Hamas, regarding the issue of recognizing Israel. However, there is still one last important issue. Some statements by Hamas leaders indicate that the movement recognizes Israel as a fait accompli,763 but refuses to talk about the recognition of Israel's right to exist. This is similar to what Salah ad-Din al-Ayyubi did in Al-Ramla Agreement. The question is: Why?

The answer lies again in Islamic jurisprudential understanding of Palestine. As we discussed before, it is a holy Islamic Land, as it is an Islamic Waqf, as Muslims believe, and it is prohibited to waive any inch of it. The holiness of Palestine within the Islamic context goes beyond that, according to Islamic belief, as explained in chapter 2 of this study. It is related to the notion of pioneering the nations and inheriting the preceding messages and messengers. It is also an occupied land that

762 “As positions that are suitable in the phase of organization or prior to the state, may not be suitable in the phase of the state, especially if we take into account the large attack -that exceeded all expectations- on the Palestinian Government. In these circumstances, Hamas has no black and white choices as much as it has to consider its options according to the jurisprudence of balancing the pros and cons, or balancing some cons, where it had to accept the less harmful to the people and the movement.” Osama Muhammad al-Moaseri. "Aleteraf be Israel…… Alfiqh wa Alwaqie'a”. Ibid. http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&pagename=Zone-Arabic-Shariah%2FSRALayout&cid=1193049191608

763 This is neatly illustrated in a pair of articles in Ha'aretz (an Israeli newspaper) that reported on an interview by Reuters with Hamas leader Khaled Meshaal in Damascus. In the first article, Meshaal was quoted as stating that Hamas agreed with the general Arab position (that is, presumably the Arab Peace Initiative) that the Palestinian state would be created in the 1967 boundaries of the West Bank, the Gaza Strip, and East Jerusalem and that next to it “in reality there will be an entity or a state called Israel on the rest of Palestinian land.” See Ha'aretz, 10 January, 2007, http://www.haaretz.com/hasen/spages/810797.html. According to a next day follow-up article in Ha'aretz, Hamas government spokesman Ghazi Hamad told Ha'aretz that Meshaal said, “Israel exists—and that is a fact,” but maintained that “[t]here was no change in our stance that Hamas does not recognize Israel.” See Avi Issacharoff, “Hamas Denies Meshaal Said Group Would Consider Recognizing Israel,” Ha'aretz, 11 January, 2007, http://www.haaretz.com/hasen/spages/811997.html.
should be liberated no matter how long it will take. The holiness of Palestine is an issue of complete consensus between those who approve a conditional recognition of Israel for the "necessity" and those who refuse. Thus, none of the respected Muslim scholars mentioned the recognition of Israel's right to exist, because such recognition establishes historical, religious, and future obligations that would emphasize the historical and religious allegations of the Jews in Palestine; and this issue is totally rejected by Muslims. Meanwhile, the proposed or required recognition from Hamas is recognition of a fait accompli, as provided for in international resolutions, which will not establish any religious, historical or future obligations.  

Within the context of Islamic jurisprudence for its two sides; those who accept to recognize Israel as a fait accompli, and those who rejected such recognition, the wording of the right to exist in any future recognition of Israel would mean challenge to the holiness of Palestine as determined by the Quran and the traditions of the Prophet Muhammad, as Muslims believe.

Thus, it might be possible one day, to imagine that the MB and Hamas would recognize Israel (though this is unlikely), but the unthinkable, according to conclusions reached by this research, is their recognition of its right to exist on the land of Palestine.

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Conclusion

This study sought to understand the religious and the political interaction and its mechanisms in the ideology and practice of the MB and Hamas, with regard to their understanding of the nature of the conflict with Israel. As becomes clear in the introduction and chapter 1 of this study, the MB, the mother organization of Hamas sees no boundaries between the religious and the political on the ground: they are convinced that Islam is a comprehensive religion that establishes a framework for all walks of life. And because Hamas emerged as a resistance movement, rather than an intellectual one, as explained in the introduction of this study Hamas has always relied on the MB school of thought in formulating their positions.

The central contribution of this research to the existing literatures on Hamas is that it is the first study of its kind to analyse the ground on which Hamas’ ideological convictions are based, and how they developed. No other study has gone as far as this thesis in attempting to understand the role of religion in the formulation of the convictions of the MB – and therefore those of Hamas - in their comprehension of the conflict with Israel. This research has sought to fill this void by trying to explain the mechanisms of religious and political interaction and the role this interaction has played in shaping the ideological convictions of the two movements in the context of their conflict with Israel. The few studies that have examined the religious and the political dimensions of Hamas' thinking have tended to treat Hamas' ideology - as described in its charter - as the movement’s religious frame of reference, without attempting to investigate the source of these ideological convictions, their authenticity, and how they were formed.
Misconceiving or confusing the ideological and religious dimensions of Hamas' convictions, leads us to false conclusions. One of these false conclusions is the claim that Hamas has retreated from its religious frames of reference, in understanding of the nature of the conflict with Judaism / Zionism, and Jews / Zionists (a point explained in chapter 3 of this study). Reviewing the religious reference of Hamas helps us to understand that any change in one of Hamas’ positions does not imply the abandonment of its religious reference, but rather a shift from one considerable Islamic fiqhi (jurisprudential) opinion to another. "Hamas cannot step outside a religious frame of reference in its political practice. Hamas therefore needs fatwas when it is faced with political choices that seem to extend outside the confines of the accepted religious framework."765 As was explained in chapters 3 and 4 in the discussion of Hamas' view of the basis of hostility and its refusal to recognize Israel, the adoption of these fatwas required quantitative and qualitative backing. Hamas cannot move from one position to another and from one ideological conviction to another without a considerable fiqhi and religious cover.

Of course, this does not mean that the fiqhi and religious debate within Hamas and the MB are always conducted in the public domain, sometimes they are concluded behind closed doors. Either way, they are present in the background. However, in many cases, this fiqhi and religious debate does become public, particularly with regard to the position of Hamas concerning the issues of truce and recognition of Israel, which were discussed in chapters 3 and 4. This debate, when it is in the public sphere, is mostly conducted by scholars and specialists - either members of the MB or close to the MB and Hamas. As noted above, Hamas does not adopt usually the conclusions resulting from internal discussions unless they have the

765 Khaled Hroub, Hamas: Political Thought and Practice. Ibid., p. 255
required quantitative and qualitative support, precisely because the movement cannot adopt them without otherwise being accused of abandoning its religious reference and framework. This is what actually happened on the issue of the nature of conflict, and the stance towards the truce.

Because there were fatwas characterized by quantitative and qualitative backing, Hamas was able to clearly declare its transition from the fiqhi opinion saying that the conflict with Israel is an eternal historical and religious conflict between truth and falsehood, and between Judaism and Islam, to another fiqhi opinion saying that the conflict is based on aggression (i.e. occupation) and not belief, which was explained in chapter 3. The same thing applies to the issue of the truce with Israel on condition of non-recognition. The quantitative and qualitative accumulation in the fiqhi and religious discussions and fatwas issued by scholars whom Hamas and the MB consider respectable, has allowed Hamas to adopt this position comfortably and again without fear of being accused of abandoning its religious reference. This was explained in chapter 4 of this study. Of course, the Islamic Prophetic and historical experiences contributed in strengthening the stance of the MB and Hamas towards these two issues. This was also detailed in chapters 3 and 4. By comparison, the recognition of Israel, even on temporal basis, does not have the quantitative and qualitative accumulation in the context of the fiqhi and religious discussions. Therefore, the MB and Hamas as foundations were unable – until now - to adopt such a stance of recognizing Israel, although some leaders in the two movements indicated their adoption of this position as individuals, as explained in chapter 4.

Thus, Hamas remained and will remain compliant with the religious framework of reference that governs it and its ideological convictions. And if it is possible to imagine that Hamas would one day shift some of its ideological
convictions, this would only be through a considerable *fiqhi* and religious cover, as
this research indicated. If an alternative course is taken, Hamas will not be the same
movement that exists today.

Throughout this research, it is clear that the development of some of Hamas’
ideological convictions is due to two main reasons. The first is the development of
Hamas' political and ideological awareness (i.e. maturity). And the second is due to
the pressure of local, regional and international circumstances on the movement to
soften some of its convictions, as indicated in the previous chapters. However, all this
– in the opinion of the researcher – was not enough to make such a shift and such a
development in the ideology and politics without the existence of extended and
expansive Islamic *fiqhi* sphere that allowed Hamas to make safe shifts.

Therefore, it is true that the establishment of Hamas in the late 1980s was in a
way an expression of the ideological convictions of the mother organization at that
period of time. This is reflected in the Hamas charter, issued in 1988. However, it is
not correct to say that the rigid attitudes towards Jews, Judaism, and the nature of the
conflict, etc, that were outlined in the charter reflected only the prevailing ideological
climate within the MB at the time. That ideology had historical origins and its *fiqhi*
legitimacy, and was not merely arbitrary ideas and reactions, as was previously
indicated. When Hamas found itself facing a real dilemma that hindered its path and
its political relations because of its rigid ideology, it had no choice other than
resorting to the rich and expansive realm of Islamic *fiqh* in an attempt to get out of its
predicament. The mechanism for this was through *fiqhi* and religious discussions and
reviews conducted by scholars who are considerable and respected by Hamas and the
MB, as well as by the Arab and Muslim masses.
The Realm of Religion

Thus, the launching of Hamas and the formulation of its initial ideological convictions were strongly influenced by the historical era that witnessed a heated debate within the MB about the arguments of both liberation and empowerment, and the concepts of detachment and Jahiliyyah\textsuperscript{766} of communities (chapter 1), and the eternal battle between right and wrong (chapter 3). However, with the passage of time and the development of its political and ideological awareness, Hamas tended to adopt more flexible ideological arguments from within the same religious reference and without violating it. This is one of the key points that this study sought to stipulate; namely that the ideological and the political interaction within the MB and Hamas movement in particular only interplays within their comprehensive understanding of Islam.

These issues were discussed briefly in the introduction and chapter 1. As was mentioned then, the concept of the comprehensiveness of Islam is the prevailing Islamic view, not only within the MB. This issue will be further detailed later on in this section.

In this study, the failure to understand the last point is a weakness in some of the existing studies on Hamas. For example, Jeroen Gunning, the author of *Hamas in Politics*, argues that:

Religion helps to shape Hamas’ overall worldview, although more research is needed to establish how exactly this dynamic works. Religion provides the discursive framework within which the conflict with Israel is framed. It

\textsuperscript{766} A term traditionally used to describe the pre-Islamic period of ignorance. For more information on the subject see chapter 1 of this study.
provides justifications for Hamas' political positions – including significantly, its adoption of certain democratic principles.\textsuperscript{767}

However, his study, according to the conclusions of this research, is hindered by the misunderstanding of the nature of the concept of the comprehensiveness of Islam as understood by Hamas and the MB; and thus the nature of the role it plays in formulating their ideological convictions.

But, beyond that, much of Hamas' political behaviour cannot be explained solely with reference to religion. The bulk of its election manifesto (i.e. the 2006 legislative elections) is shaped by non-religious concerns or by its socio-economic or political position. Its behaviour towards the peace process and the patterns of its violence appear similarly to be driven more by secular than by religious calculations.\textsuperscript{768}

The argument of this research is that the abovementioned not only represents a misunderstanding of Hamas and the MB’s concept of the comprehensiveness of religion, but that it also represents a misunderstanding of the nature of Islam itself as a religion, and what is religious, and how it is comprehended by the Muslim mainstream since Prophet Muhammad founded the state of Medina. It seems that this is a problem in most Western studies that attempt to understand the role of religion and its scope in the consciousness of Muslims.

The Quran clearly indicates the concept of the comprehensiveness of Islam to frame thereof all walks of life. "Say: "Truly, my prayer and my service of sacrifice,

\textsuperscript{767} Jeroen Gunning, \textit{Hamas In Politics: Democracy, Religion, Violence.} Ibid., p. 266.

\textsuperscript{768} Ibid., pp. 266-267.
my life and my death, are (all) for Allah, the Cherisher of the Worlds.”769 Also, "And this (He commands): judge thou between them by what Allah hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee."770 So, "Islam, decreed by Allah, did not leave any aspect of life without legislation and guidance. By its nature, Islam covers all aspects of life: physical and spiritual; individual and social. Allah addressed His Messenger, saying, “and We have sent down to thee a Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims.” (16: 88).”771

The Muslim Scholar, Yusuf al-Qaradawi, stresses, "When one reads the books of Islamic shari'a, i.e. books of Islamic fiqh in various doctrines, one will discover that they include all affairs of life: fiqh of Tahara (Purification), fiqh of the family, fiqh of the society, fiqh of the state. This is clear to any freshman, not to mention a well-versed scholar."772 Unlike the Western Christian concept of religion and the relationship between religion, government, and society, that emphasizes "render unto Caesar the things which are Caesar's; and unto God the things which are God's", Islam does not recognize such boundaries. "During Muhammad's lifetime, the Muslims became at once a political and a religious community, with the Prophet as head of the state. As such, he governed a place and a people, dispensed justice, collected taxes, commanded armies, waged wars and made peace."773

The concept of the comprehensiveness of Islam of all walks of life and the non-recognition of any boundaries between religion and politics was reinforced after the death of the Prophet. As his first successor Abu Bakr, was not only a spiritual

769 The Holy Quran. Ibid., Surat Al-An'am, chapter 6, verse 162. p. 394.
770 The Holy Quran. Ibid., Surat Al-Ma'idah, chapter 5, Verse 49, p. 301.
771 Yusuf al-Qaradawi, Aldeen Wa Alsiyasa: Ta'aseel wa Rad Shubohat. Ibid., p. 53.
772 Ibid., p. 55.
successor of the Prophet, but was also the head of the state. He led the prayer, governed people, and applied the provisions of Islamic shari’a in all areas of life. Indeed, one of the first acts of Abu Bakr after his succession to the Prophet was fighting those among Muslims who withheld Zakat774 "alms" on the basis that it was a religious duty on which the state oversees.775 This approach was followed by the Muslim caliphs and rulers for more than thirteen centuries.

What we conclude here is that any attempt to project the Western understanding of the role of religion on the Islamic understanding of the same issue would lead us to a lack of understanding and reaching erroneous results. As Talal Asad correctly notes:

(T)his separation of religion from power is a modern Western norm, the product of a unique post-Reformation history. The attempt to understand Muslim traditions by insisting that in them religion and politics (two essences modern society tries to keep conceptually and practically apart) are coupled must, in my view, lead to failure.776

The role of religion in the Islamic context is present in all areas, as already indicated, and this is the understanding of the MB and Hamas that agrees with the Islamic mainstream fiqhi and historical opinion, as noted in the introduction of this study. In the absence of the Quranic text or hadith on any issue, the role of religion remains present and the criterion for achieving the purpose of shari’ā is seeking the

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774 The Muslims are required to pay a fixed portion that is taken from the wealthy and given to the poor and needy.
legitimate interest of an individual, group or the nation, or achieving Justice, of course, with no violation of a shari'a text.\footnote{Ibn Qayim Aljawziya. \textit{A'alam Almowaqain an Rab Alalameen.} [Translation to English is not possible.] (Damam, Saudi Arabia: Dar Ibn Qayim Aljawy, volume 4. 1st Edition, 2002.), pp. 337-338.}

Going back to the MB and Hamas who affirm their adoption of the comprehensiveness of Islam. For them, anything they do, whether civil or religious, is a matter of religion in the broad definition. Thus, the question of the truce and the war, and participation in the elections, for example, although they have to do with politics, however, they are within the broad definition of religion and its role in the lives of Muslims.

The same logic also applies to the concept of nationalism and the struggle for the national rights in the perspective of the MB and Hamas. Hamas’ discourse on the inalienable legitimate national rights of the Palestinian people, and its presentation of itself as a national liberation movement, does not mean that it has abandoned its religious reference at all. Patriotism and the human rights in the discourse of Hamas today falls also within what is religious for it, as indicated above, and as we explained in the introduction and in chapter 3 of this study. In the logic of Hamas and the MB, and mainstream Islamic opinion, there has never been conflict between what is national and what is religious since the mission of Muhammad. The reason is that national issues are part of the religious, a matter in which this research dealt with in detail in chapter 4, when we discussed the issue of \textit{Jihad} and the defense of the land of Islam in Islamic \textit{fiqh}. Thus, the clear reduction in the religious vocabulary in Hamas’ official discourse today does not mean it abandoned its religious reference which is always present in the background of the discussion and the formulation of attitudes. Without doing so, Hamas risks losing its public base, and even losing itself as well.
The latter is clearly demonstrated in Hamas’ criticism of the basis on which the chairman of the PLO, Mahmoud Abbas, headed to the United Nations to present a bid for the membership of "Palestine" on 23 September, 2011. Hamas considered that this move took place without a national consensus and included recognition of Israel and renunciation of armed resistance. The political reasons submitted by Hamas to justify its criticism of this move will be introduced later. However, what is relevant in this context is the emphasis on the central religious reference that always exists in the background of the scene. Days after the Abbas-led statehood bid at the UN, the senior leader of Hamas and its prime minister in the Gaza Strip, Ismail Haniyeh said:

The Palestinian people have fought and struggled for more than 60 years to liberate their land and establish the Palestinian state with its capital Jerusalem. This is the objective of all of the Palestinian people. But we cannot accept to have a state in exchange for a single inch of our land or to give up one of our inalienable rights, especially the right of return.

He added, “We support the establishment of a Palestinian state on any liberated land, but without recognizing the occupation or giving up an inch of the land of Palestine, because it is a land of Islamic waqf that no one can renounce.”

778 Hamas: "An important statement regarding the request of the Palestinian Authority in Ramallah to the U.N to accept Palestine as a member state." 17 September, 2011. http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7r8QkL1MjnnGVIYP4zRR2zNbz0wh%2b%2fVlj%2b%2fT%2fKtKoohhKy1XBhj4CV2k2aPonb9Bd9fDHK%2fszTFSbtVIlhCu8jxDrhtscnrwJX%2futfFzUmg8%3d
779 http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7EdQV27s3mhj68LsCkD3EFC%2b2eAaL5MsnnkRV87%2fVQ11MmYQgV24%2bS0dTp1P3dPRmUVEbKVNlbJKegFeshZ356%2bW0qfl%2fL39rRayuc%3d
780 Ibid.
It is true that Haniyeh's speech and the vocabularies that he used were not part of an official statement of Hamas, which clearly reduced the religious content in its statements, but this does not diminish the value of the speech of Haniyeh and other Hamas leaders. Haniyeh’s statement gives us further evidence on how the religious and the political interact in the background of the Hamas scene and the impact of such interaction on the formulation of the Movement’s attitudes. Once again, it also assures that the holiness of the Occupied Palestinian land and its endowment will always remain present in the consciousness of Hamas and in its calculations, and that nationalism in this regard does not conflict with the holiness as discussed extensively in chapters 2 and 4.

The Islamic position remains Hamas' main determinant in the formulation of its political positions, even if we do not find that explanation in many of the movement’s discourse and official statements today. For Hamas, it is enough that the fiqhi and the religious debate are present during the formulation of its political positions and determining its direction, before they are introduced to the world into a discourse that is easy to understand.

In confirmation of this point, it is clear that Hamas today seeks to alleviate the tone of the religious language in its official statements that are directed to sectors outside its public base; however, it is keen to keep its stated positions within the same fiqhi system that it has always adopted. Evidence of this might be found in the previous example of the PLO urging the UN to recognize Palestine as the state. Hamas provided a political explanation for its criticism of this move; however, this explanation was within the frame of the fiqhi positions, discussed in chapter 4, which limit the ability of Hamas to make substantial concessions in the context of the conflict with Israel.
Proceeding from the national political program that has been agreed upon by all the Palestinian national forces, that includes: the establishment of a Palestinian state with real sovereignty on the lines of the fourth of June 1967, with Jerusalem as its capital; the return of the refugees; the dismantling of settlements and without recognizing the Zionist entity; We in the Hamas movement support any effort or political movements that afford international support and solidarity for the right of our people to liberation and self determination; the establishment of a fully sovereign state; the achievement of Palestinian national rights; and that result in the condemnation of the Zionist entity, the rejecter of our rights, and reveal its true position. But this political movement cannot be at the expense of any of our national rights.781

In this statement, Hamas again emphasizes that the ceiling of its current interim solution is a Palestinian state on the lines of the fourth of June 1967, with Jerusalem as its capital, without recognizing Israel, and without giving up the right of a single inch of the historic Palestine land or the right of refugees to return. The ideological and political background of this position was discussed in chapter 4. It is also related to the concept of Palestine being a waqf and a holy land in the Islamic thought and the thought of the MB/ Hamas (chapter 2). If Hamas stance is to be properly understood, none of these issues can be separated from one another.

However, the previous Hamas stance raises an important question about what may seem as a contradiction with what was indicated in chapter 4: that Hamas has

781 Hamas: "An important statement regarding The request of the Palestinian Authority in Ramallah to the U.N to accept Palestine as a member state.” Ibid.
previously approved authorizing Abbas to negotiate with Israel. This stance was included in the letter that the movement gave to President Carter in 2008.\footnote{For more details see chapter 4 of this study.}

In fact, there is no contradiction here, for many reasons. First, in that letter, Hamas stipulated that this authorization will be based on a Palestinian national reconciliation after the split, which resulted from the clashes of June 2007 in the Gaza Strip. Second, the outcome of any negotiations should be endorsed through a Palestinian referendum. Third, this solution should include the establishment of a fully sovereign Palestinian state on all Palestinian territory occupied in 1967, with East Jerusalem as its capital. Chapter 4 indicated that Hamas as a movement insisted on non-recognition of Israel, even if these demands have been achieved, but gave an implicit reference that it would implicitly accept the existence of Israel from within Palestinian legitimacy. So, what has changed now?

The changes are that the Palestinian reconciliation has not practically achieved until now, and that the presidential mandate of Mahmoud Abbas has ended constitutionally in early 2009. He also headed to the UN without consultation with the Palestinian forces that have strong presence in the Palestinian arena, Hamas in particular. Moreover, some steps have been supposed to be taken, namely, rebuilding the PLO and the inclusion of Hamas and other Palestinian forces in it, and conducting elections for a new Palestinian National Council in the occupied Palestinian lands and the Palestinian diasporas.\footnote{Ibid. As for Hamas' view of the expiration of Abbas's term, see http://www.alzaytouna.net/arabic/?c=129&a=74826. As for reforming the PLO, this argument is based on the agreement between all of the Palestinian factions on 17 March, 2005 in Cairo. The agreement draft can be found at this link: http://www.alzaytouna.net/arabic/?c=129} In addition, Abbas seems to ignore the need to put any final solution to a Palestinian referendum. However, most important of all is that the Arab Spring revolutions seem to be present in the calculations of Hamas in its opposition to such a move; Hamas feels that these revolutions have strengthened the
Palestinian position and weakened the Israeli position. Therefore, this must be taken into account, and this is an issue that will be discussed in more details later in this section.

Again, as explained before in chapter 4, the Hamas acceptance of the interim solution does not mean abandoning its stance that resistance and jihad are the most effective way to liberate all of Palestine. This stance has remained constant since the establishment of Hamas until now, as explained in chapter 1. To demonstrate that, we only need refer to the statement of the movement issued on the eleventh anniversary of Al-Aqsa Intifada on 28 September, 2011, in which Hamas confirmed again its adherence to resistance as the mean of liberation. "Our path to liberation, return, and the regaining our national rights is the resistance in all forms. This option is chosen by the Palestinian people throughout their struggle and it has proven efficacy in shaking this usurper Zionist entity."784

The same thing applies to the issue of truce, which was investigated in chapter 4. The fact that Hamas does not, anymore, mention the truce officially in its statements after the Israeli war on Gaza 2008-2009, does not mean that Hamas has given it up.

Hamas is still practically maneuvering within the framework of the truce. Evidence of this is Hamas' previous statement criticizing the PLO’s bid at the UN and its emphasis that the ceiling of the interim solution that would be accepted is a Palestinian state on lands occupied in 1967 without recognition of Israel. As explained before during the discussion of the concept of truce from Hamas'

784 http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUXJeMpMO%2bi1s7rDsoFH81Fn2EUAPjZiRvT%2fo9bmEZSYibkovvJF%2fHuccQE18iR%2fIzvwA0KfPEka6ZW0Ziw8fat%2fl3gMfgwYEAzU7y7sf%2fiHw21etaKWN7YREYRM%3d
perspective, it includes the above-mentioned interim solution, without recognition of
Israel at all.

Thus, the vocabulary in the official discourse of Hamas may have changed to
give the impression of political flexibility and in order to deal with the difficult
reality. However, the religious contents and dimensions that control the formulation
of the beliefs and attitudes of Hamas have not changed until today. The notion of the
sacredness of Palestine still exists in the ideology of Hamas and the MB. And their
aspiration to establish an Islamic state and to liberate Palestine did not diminish in
their ideological project. Also, their conviction of the religious dimension to the
conflict always exists on the basis that the aggression on the land of Islam still
continues to this day, as they believe, through the continuation of the State of Israel
(chapters 3 and 4).

Obstacles and Achievements

During the journey of writing this study, which continued for more than six years, the
researcher faced many difficulties related to family, financial circumstances, work
commitments; as well as other constraints that made it difficult to travel to the U.K to
meet with the supervisors etc. I have thought several times of giving up and to cut off
this long and difficult journey in order to be devoted to my family and professional
life, and investing in them. Also, choosing Hamas as subject for research compounded
the problems of my residence in the U.S, as Muslim activists experience a lot of
harassment after 11 September, 2001. Because Hamas is a sensitive issue in the
United States, I found myself the subject of an unfair and fiercely hostile media
campaign. This campaign amounted to the accusation by the Zionist lobby in the U.S
that I was a member or close to Hamas, especially after I and an American Jewish friend coauthored an academic research paper on Hamas, published by the U.S. Institute of Peace in June 2009. Since that campaign, I have been the subject of other harassment in my life in the United States. In the introduction to this study, it was mentioned that the sensitive security climate experienced by Muslims in America limited my ability to conduct interviews necessary for the research with leaders of Hamas, though I have been able to overcome this at the end by asking questions via e-mail.

But, despite all the difficulties, my resolve and determination to finish this research has led me to the stage where I hope to harvest the fruits of the hard work. And because the value of any work is not only measured by the efforts placed in it, but also by how good it is, I think that this research, to a large extent, has answered the questions posed at its beginning, however not at the best way I wished to.

This research demonstrates, to a large extent, in the introduction and in chapter 1, as well as in this conclusion, the MB and Hamas’ understanding of what is religious, and what is political, and the framing of the first to the latter, and how they interact. This interaction, in which the formulation of the ideology of the MB and Hamas is based, was also investigated in chapters 2, 3, and 4. Moreover, this research highlights the great diversity and richness within Islamic fiqh, which is much broader than the ideology of Hamas and the MB, and their understanding of Islam. Also, this study indicated the factors and circumstances that led to the establishment of Hamas from within the MB, as well as the ideological and political development of the movement. This was investigated in chapter 1. Chapter 2 looked into the origins of the sacredness of Palestine in Islam and in the ideology of the MB. The concept of
Palestine as a land of Islamic waqf, the debates on this subject, and their projections on Hamas' understanding and its tackling of the Palestinian cause were also discussed and explained.

Chapter 3 indicated clearly the identity of the enemy in the perspective of the MB/Hamas, and how their ideology concerning this matter developed within the broad scope of the rich Islamic fiqh. As indicated before the MB and Hamas resolution to the causes of hostility as based on aggression (occupation), and not on religion, would have never been without a fiqhi and religious cover, and a considerable Prophetic experience in this regard. In discussing the concept of the solution envisaged by Hamas with regard to the Palestinian issue, chapter 4 explains in great detail the areas of the religious and the political interaction. This chapter reaffirmed the abundance and richness of Islamic fiqh, as it reaffirmed one of the central hypotheses in this research that the MB and Hamas do not shift from one fiqhi opinion to another, unless they ensure the existence of a considerable religious fiqhi cover in that context. In this chapter, It was mentioned that Hamas adoption of more flexible policies and of interim options, such as a Palestinian state with full sovereignty in the entire West Bank and Gaza Strip, with no recognition of Israel, does not mean overthrowing its religious reference, as far as it has to do with the development within the ideology of the MB that is based on its understanding of the teachings of the Islamic religion in the matter under discussion.

Also, the convictions of the MB and Hamas, with regard to their understanding of the sacredness of Palestine, the identity of the enemy, and the nature of the conflict, were all investigated for accuracy (or lack thereof), in relation to the Islamic shari'a and fiqh, as well as in relation to the Prophetic experience and Islamic history.
On 17 December, 2010, the Tunisian young man, Muhammad Bouazizi, set himself on fire in Sidi Bouzid. He was a street vendor when his wares by which he supports himself and his family were confiscated. And when he tried to object to the confiscation, he was humiliated by the policewoman who confiscated his merchandise and by the municipality of the city. Bouazizi then set himself on fire in protest.

By setting himself on fire, Bouazizi, not only revealed the scope of popular resentment in Tunisia of the ruling dictatorial regime, but also the overall Arab resentment of their totalitarian and repressive regimes. Thus, since 18 December, 2010, what has become known as the Arab Spring blossoms, launched through massive popular protests starting from Tunisia. In less than a month (14 January, 2011), the regime of President Zine El Abidine Ben Ali was overthrown, followed by the regime of the Egyptian President Hosni Mubarak after less than two months (11 February, 2011) since the Arab spring began. The next was the Libyan President, Muammar Gaddafi in August 2011 after a fierce war in which NATO provided support for the rebels. However, the regimes of Yemen and Syria are still, at this time of writing, facing huge peaceful mass demonstrations, and responding with repression and force of arms, although the signs of exhaustion are evident on both regimes. In Bahrain, the ruling family was able to suppress popular demonstrations by demanding the intervention of the GCC Peninsula Shield forces. Though this does not mean the end of the story, there is still a tense situation there.

The repercussions of the Arab Spring reached the heart of every Arab capital. And as some regimes were overthrown under popular pressure, and others fought or
are still fighting for survival; there are others which hastened to modify their positions to avoid the similar enormous popular waves of protests. These attempts, as in Jordan, Saudi Arabia, Algeria and Morocco etc., have not yet met the demands of their people, thus, the regimes in those countries remain in the eye of the storm.

It is true that it is still too early to predict the future outputs of the Arab Spring, and whether it will actually bring democratic regimes into existence, or the old regimes will succeed in regenerating themselves through new faces and policies. However, the only thing certain is that the era of repressing the Arab peoples had come into an end, and that these peoples will not tolerate any repressive regime seeks to rule with a rod of iron again.

The Palestinian cause is present in the heart of the Arab Spring. Not only because the MB, and the Islamists in general, were strongly present in the Arab revolutions; but also because the Arab peoples have always sympathized with the Palestinian cause for religious, nationalistic and humane reasons. Moreover, some of these peoples hold vendettas against Israel, as a result of many wars, as in the case of Egypt, Syria and Jordan. Also, the Arab spring was not a revolt only against the internal repression, it was also in protest and rage for the national pride wounded by what the Arab people view as dependence of their regimes upon the outside, especially the Western powers.785

In the midst of this raging Arab tornado, Israel found itself in a strategic dilemma that it had never faced before. The overthrow of regimes it considered as

785 Dependence on the West, was, and remains, one of the charges brought by some of the Arab peoples to their regimes. The former U.S President, George W. Bush seemed to touch upon this issue when he said: "Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe -- because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo." Remarks by the President at the 20th Anniversary of the National Endowment for Democracy. United States Chamber of Commerce. Washington, D.C. 6 November, 2003, http://georgewbush-whitehouse.archives.gov/news/releases/2003/11/20031106-2.html
allies, or close to it, as in Egypt and Tunisia, exacerbated its fears of being threatened.786 These fears were strengthened after angry Egyptian demonstrators stormed the Israeli embassy in Cairo on 9 September, 2011. This was as a response to the killing of five Egyptian soldiers on 19 August, 2011, by the Israeli forces inside the Egyptian boarders during a hunt of a squad of militants that carried out an operation inside Israel, killing a number of Israeli soldiers.787 The feeling of being threatened was further exacerbated after Israel was forced to evacuate its ambassador in Amman on 14 September, 2011, for two days fearing that the Jordanians would copycat the same scene of forcibly entering its embassy. This followed an announcement by some Jordanians that they will protest in front of the Israeli embassy.788

Of course, the seriousness of a potential decline and tension in the Israeli relations with Egypt and Jordan, comes from the fact that these were the only two Arab countries to have signed peace agreements with Israel. If we add to this, Israel's growing strained relationship with its most important Muslim ally in the region, i.e. Turkey, since the war on Gaza (2008/2009); and then later, when the Israeli forces killed nine Turkish activists (31st May, 2010) who were on board of the ship "Marmara" that was carrying humanitarian aid destined for the besieged Gaza Strip, the Israeli strategic concerns become legitimate.

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786 In his address to the U.S Congress on 24 May, 2011, the Israel's prime minister, Benjamin Netanyahu seemed to confirm these fears. "In an unstable Middle East, Israel is the one anchor of stability. In a region of shifting alliances, Israel is America's unwavering ally. Israel has always been pro-American. Israel will always be pro-American."

http://www.mepc.org/articles-commentary/commentary/assessing-bush-strategy-winning-war-terror

Also, Some news reports indicated that Israel tried to convince the United States and a number of European countries to curb their criticism of the former Egyptian President Hosni Mubarak in the name of preserving stability in the region.


However, the Israeli dilemma can be viewed as a gain for the Palestinians, although morally at this stage. There is no doubt that Hamas, specifically, is aware of these developments and takes them into consideration. It is true that the wave of the Arab flood tides reached the stronghold of its closer Arab ally, i.e. Syria. Hamas' refusal to support the Syrian regime against its own people put its leadership abroad in an unenviable position, as well as resulting in the loss of Iranian financial support, as Iran raged at Hamas because of its refusal to support the Syrian regime. However, this did not mean, at least until now, that Hamas would lower the ceiling on its political demands; on the contrary, it raised that ceiling. This was evident in its abovementioned stance towards Abbas-led statehood bid at the UN. The weakening status of Hamas in Damascus is offset by the strengthening of its status in Cairo, Amman, Tunis and Tripoli, where Hamas have the support from the Islamists who are returning to the political arena in those capitals, let alone, the Arab public embrace of the Palestinian cause. In addition, Hamas' faltering relations with Iran is compensated, to an extent, by the improved relationship with Turkey under its moderate Islamic government. This could provide some of the Islamic depth that Hamas seeks; but this does not mean giving up entirely the relationship with Iran.

In any case, there is no doubt that the Arab Spring boosted the confidence of Hamas that the future holds the promise of good on the Palestinian front. In the estimation of Hamas, the Arab peoples seeking to acquire control of their own affairs will strengthen the stance of Palestinian rights, as it will strengthen its stance of refusing to recognize Israel. This estimation that was openly expressed in Hamas'
criticism of Abbas statehood bid at the UN, because it involves recognition of Israel, among other reasons, indicated before. But that does not mean that Hamas would retreat from its suggested interim solution in its conflict with Israel, at least in the foreseeable future.

The Arab Spring has not reached yet the end that Hamas and the Islamists hope for; also Israel is still a large military force in the region and is still supported by the West; and the Arabs are still unable to defeat Israel militarily in the foreseeable future.

Thus, it is too early to talk about any radical or fundamental shifts in Hamas' political ideology at this stage, i.e. returning to the explicit discourse of removing Israel totally from the map of the region, or the opposite, i.e. recognizing Israel.
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