ISLAMIC PERSPECTIVES ON INTERNATIONAL CONFLICT RESOLUTION:

A CASE STUDY OF THE THEOLOGICAL DEBATES ON ISRAEL-PALESTINE PEACE PROCESS

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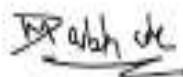**JAWAHARLAL NEHRU UNIVERSITY**

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This is to certify that this thesis titled "Islamic Perspectives on International Conflict Resolution: A Case Study of the Theological Debates on Israel-Palestine Peace Process" submitted by Mr. Shameer M in partial fulfilment of the requirements for award of degree of PhD of Jawaharlal Nehru University, New Delhi, has not been previously submitted in part or in full for any other degree of this university or any other university/institution.

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Abbreviations

CRIHL   Council of Religious Institutions of the Holy Land

DIN   Da'wah Institute of Nigeria

FPPMS   Forum for Promoting Peace in Muslim Societies

HIS   Holy Sites Initiative

IIPSGP   International Institute of Peace Studies and Global Philosophy

IR   International Relations

IRCSL   Inter-Religious Council of Sierra Leone

ISIS   Islamic State of Iraq and Syria

OIC   Organization of Islamic Conference

OPT   Occupied Palestinian Territories

PA   Palestinian Authority

PCIAD   Permanent Committee for the Implementation of the Alexandria Declaration

PCRF   Palestine Children's Relief Fund

PFLP   Popular Front for the Liberation of Palestine

PLO   Palestine Liberation Organization

PNA   Palestinian National Authority

UAE   United Arab Emirates

UN   United Nations

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
USA	United States of America
USSR	Union of Soviet Socialist Republics
WCRP	World Conference on Religion and Peace

Glossary

Adl	justice
Afuw	forgiveness
Ahl al-Kitab	people of the book
Dar al-Ahd	States which have a political alliance or peace treaty with Islamic states
Dar al-Aman	adobe of safety
Dar al-Daawa	adobe of propagation
Dar al-Harb	adobe of war; a place where Muslims do not feel safe; a territory from which war is initiated against the Muslim states; or a territory where Islamic laws are not applied
Dar al-Ijaba	adobe of Islamic practice
Dar al-Islam	adobe of Islam; territory where a system of Islamic rule is applied; any place where Muslims have security to practice their religion; or Muslim majority states
Dar al-Sulh	adobe of the reconciliation
Dimmi	non-Muslims living in an Islamic state with legal protection
Diyya	financial compensation
Fath	victory
Fatwa	an Islamic legal answer given by a qualified jurist.
Fitna	Civil war; chaos
Fitrah	original human nature; sacredness and dignity of human life
Hadith qudusi	saying of the Prophet Muhammad in which meaning is revealed by God.
Hadith	teachings and activities of the Prophet Muhammad
Halakha/Halacha	Set of Jewish rules and practices
Halal	permitted deeds

Harb	war
Hijra	migration of the Prophet Muhammad from Makkah to Madinah
Hikma	Wisdom
Hudna	truce; a treaty put in place with intent to end disputes
Ihsan	benevolence
Ijma	consensus of scholars
Ikhtilaf	differences
Jaha	mediators
Jihad al-akbar	greater struggle which is a struggle against one's own ego and evils
Jihad al-asghar	lesser struggle which is war against the enemy of Islam
Jihad	to struggle for the cause of Islam
Jus ad bellum	just causes to start a war
Jus in bello	ethics to keep during warfare
Khayr	goodness
Khilafah	stewardship
Madaniyy	Parts of Qur'an which were revealed after Hijra of the Prophet Muhammad.
Madhhab	School of Islamic jurisprudence
Makkiyy	Parts of Qur'an which were revealed before Hijra of the Prophet Muhammad.
Makrooh	demotivated action
Maqasid al-Shari'a	Objectives of Sharia
Maslaha	Benefit
Mufti	An Islamic jurist who qualified for giving fatwa.
Naskh	abrogation

Qisas	a mode of the crime-punishment in Islamic legal system
Qist	justice
Qital	war
Qiyas	analogical reasoning
Rahma	compassion; mercy
Sabab al-nuzul	the occasions or circumstances of revelation of Quranic verse
Sabr	patience
Sahifath al-Madeena	Madeena Charter/ The constitution of Madeena (the treaty agreed between Prophet and Jewish groups of Madeena soon after Hijra).
Salam	safety; security; peace; reconciliation
Sharia	Islamic legal system that covers all parts of a Muslim's life.
Sulh Hudaybiyya	The Hudaybiyya agreement which was signed between the Prophet Muhammad and Quraysh of Makkah.
Sulh	Conflict settlement and reconciliation
Sulha	A conflict resolution practice in the Arab-Islamic countries,
Tahkim	arbitration
Thauba	repentance
Ulama	Islamic scholars
Ummah	community
Urf	common practice/custom
Wajib	necessary or obligatory action
Waqf	A property detained or tied up forever and therefore becomes non-transferrable
Wasta	mediation
Zaroorah	compelling reason

Chapter I

INTRODUCTION

Since the discipline of International Relation has been dominated by a secular framework, the religious perspective of international conflict resolution had not got scholarly attention. The ignorance of religious discourse continues even after the resurgence of religion in different parts of the world. For example, although religion has an influential role in determining the nature of Israel-Palestine conflict and conflict resolution, the religious perspectives and actors have been ignored both in practice and discourse of the conflict resolution. So, this research studies the Islamic perspectives of international conflict resolution with a case study of theological debates on reconciliation with Israel. It will discuss the reasons for both supporters and critics of the reconciliation.

The clash of interest and conflict are transcultural and trans-historical phenomena. The conflict may occur among different individuals, groups, races or nations. Even though conflicts are universal, approaches to conflict and conflict resolution differ according to theoretical and cultural variations. The cultural attributes of state or society are key factors in shaping the behaviour of people, the nature of conflict and conflict resolution process (Salem 1997 and Gopin 2002). George E. Irani (1999: 6) pointed out that geography has an impact on the interaction and behaviour of the people. Therefore, understanding the approach of culture to conflict aids in identifying the causes of the conflict and method of its resolution. Comparing the Western and Islamic conflict resolution approaches, Abdul Aziz Said (2002) has argued for a cultural-specific approach to conflict resolution in the Arab region. Paul Salem (1997) contends that the understanding of Arab cultural context and way of conflict resolution is important before the Western model of conflict resolution is transplanted in Arab contexts. Uzma Rehman (2011) also pointed out the problems of applying the existing western model of conflict resolution to non-western or Islamic environment. Marc Gopin (2002) also stresses the importance of considering the cultural aspect of the region in the conflict resolution process. According to him "connecting the human being to her cultural moorings will help us understand why and when she makes peace" (Gopin 2002: 6). It indicates the necessity of cultural-oriented approach in the conflict resolution.

Religion, as Samuel P. Huntington (1993) argued, is considered as the central pillar of many cultures and civilisations. In many countries, religion vigorously thrives with influential power in the daily life of people in shaping their norms and in determining the legitimacy of actions. Anwar Abu Eisheh quotes Professor Jean-Marie Pontier arguing that in many countries, there is a very strong link between culture and religion. Jean-Marie Pontier observed that "in some countries, one cannot be spoken of without reference to the other. The culture is organised around the religion; the religion necessarily relates back to a culture" (cited in Eisheh 2012: 132). After analysing the relationship between religion and public opinion on security, James L. Guth (2013: 179) concludes that religious belief makes a difference in public opinion. The belief of people influences how they respond to a security policy of states. It can be true in the case of many West Asian countries, including Israel and Palestine, where religion is not separated from the public sphere. Both Arab and Israeli societies have not subscribed to the European concept of the total separation of religion and politics. Religion continues as a public concern, rather than just private pursuit. Underlining the centrality of religion in the Middle Eastern culture, Ben Mollov (2011: 289) noted that religion underlies the collective ways of life in both Israel and Palestine, even for those who do not follow religious rules and regulations in their personal life.

The role of religion in the conflict between Israel- Palestine, either as identity, nationality, historical narrations, institutions, organisations, ideology or principles, cannot be denied. Even though there are a lot of studies on these aspects, the role and perspectives of religion in the conflict resolution of Israel-Palestine was overlooked. Ayse Kadayifci-Orellana (2015) argues that the reason for the failure of the liberal peace-framework in the Muslim world is its secular, rational problem-solving approach. Since this empirical and positive framework cannot address the religious issues, such an approach either views religion as an instigator of the conflict or ignores it altogether (Kadayifci-Orellana 2015: 431). So, Kadayifci-Orellana argues that the peacebuilding in the Muslims' context must address the Islamic conception of peace and justice.

An analysis of the Islamic principles of conflict resolution is necessary to understand the Islamic discourse over the reconciliation with Israel. The Islamic perspectives on conflict or conflict resolution have been studied by many scholars such as Amr Abdalla (2001), Mohammed Abu-Nimer (1996, 2006 and 2013), Ahmed Al-Dawoody (2015), Aseel Al-Ramahi, (2008), Denis Dragovic (2015), George E. Irani (2009), George E. Irani, and Nathan C. Funk (1998) and Ayse Kadayifci-Orellana, Abu-Nimer and Amjad

Mohamed-Saleem (2013). However, most of these studies focus on conflicts that occur within the Muslim community or at the domestic level of a particular state. The relevance and application of these principles in the context of international conflict have not been studied yet. Since the conflict between two states, those are considered in the discipline of International Relations (IR) as a sovereign and legitimate authority to use of force, is different from the conflict between two families or tribes within a region, the practice and principles of conflict resolution at the international level also can be different from that of the domestic level.

The Islamic perspective of the conflict resolution with Israel has been a topic of debate among Islamic scholars for many decades, especially after the Camp David Accord between Egypt and Israel. For examples, when Al-Azhar scholars supported the Camp David Accord, most of the Islamic scholars, including Palestinian scholars, opposed it. However, after the Oslo accords, the number of supporting *ulama* (Islamic scholars) increased. It includes Ibn-Baz and some Palestinian scholars. Yasser Arafat also legitimised the peace treaty on theological grounds. However, Hamas and many Palestinian scholars opposed that treaty. Nevertheless, later Hamas also came forward for a *Hudna* (truce) with Israel arguing its legitimacy in Islam. Both parties, those who supported the treaties and those who opposed them, used religious connotation for getting legitimacy for their arguments. Even though most of these scholars, both supporter and critics of treaties, support an idea of peace, but they interpret the concept of peace and ways to achieve it differently.

Therefore, this research is going to analyse the Islamic principles and perspectives of international conflict resolution with the case study of the Islamic theological debates on peace treaties with Israel after 1973. After exploring the Islamic perspectives of conflict resolution from classical and modern Islamic texts, it will examine the application of these principles in the context of international relations. The research will evaluate the ideological and political reasons behind the disagreement of Islamic scholars in supporting and opposing the peace treaty with Israel. It will examine how scholars interpret the Islamic principles of the conflict resolution in the context of reconciliation with Israel.

1.1 Literature Review

1.1.1 Growing Role of Religion in World Politics

Since the Social Science, especially International Relations (IR) was rooted in the western context of enlightenment and rationality, religion was not considered as a significant element in the literature of the nineteenth or the early twentieth century. The expectation during the 19th century was the decline of religion as modernisation spread across the world (Desch 2013). Ulrich Beck noted that "It is an essential part of the image of modern, enlightened Europeans that they have overcome pre-modern superstition. Europe is the key to secularisation" (Beck 2008: 20). However, various events in the last decades of the twentieth century made religion more visible in both public life and academic literature. In contrast to the expectation, modernisation and globalisation made religious movements more active. The changing role of states after globalisation, liberalisation and privatisation helped religious actors for more active involvement in the public sphere than the previous century. The decolonisation and emergence of Asian and African states and their cultures with distinguished identity promoted scholars to shed their Euro-centric framework and to consider the role of religion in the public life of these countries as their distinct features rather than something primitive or inferior when it is compared to the Western way of life. In this sense, the return of religion into the literature of Social Sciences was not just because of the changes in the role of religion in public life, but it also was due to the change in the framework and attitude of scholars in accommodating it. Loskota and Flory (2013) criticises the concept of the 'resurgence' of religion and argues that since religion remains as a powerful motivator behind both good and bad action, it has never gone away from the public life.

The resurgence of religion in the last decades of the twentieth century attracted the attention of scholars to consider religion as a significant factor. Michael C. Desch (2013: 27) cites Daniel Philpott arguing that "six-days war of 1967 was the significant beginning of a resurgence of religion. It awakened religious consciousness among Israelis and crippled the prestige of secular nationalism among Arab Muslims". Other events such as the Islamic revolution in Iran in 1979, the emergence of religious motivated militant groups in Afghanistan with support from many countries including the USA to fight against the USSR, the election of Ronald Reagan in the USA with support of politicised Christians and Jews, the role of Chaotic Church and Pope John

Paul II in the success of Polish Solidarity Trade Union against the communist regime, Sikh movement in Khalistan, the rise of right-wing Hindu nationalist, Bharatiya Janata Party (BJP) in India in the early 1990s and increasing role religious parties in Israel and Palestine after 1990s also indicated into the necessity of considering religion as a significant variable in the public life. The Social Science gradually realised that the historical experience of Europe in their development from a religious society into a secular one is not a universal phenomenon and the modernisation in the rest of the world does not necessarily result in the rejection of religion.

In the second half of the 20th century, even though many disciplines of social sciences such as Anthropology, Sociology and Political Science recognised the importance of religion in the society, IR was very late in accommodating religion as a variable into its framework. The literature of IR was mainly concentrated on Cold War politics in which religion may not have played a direct role. Jonathan Fox and Shmuel Sandler (2004) provide many reasons for the absence of religion in the literature of IR. First, the origin of social science was rooted in the rejection of religion. The scientific revolution promoted rational thinking and a positivist framework. It also created an expectation of a decline of religion as this scientific revolution spreads across the world. The second is the Euro-centric framework of the discipline. The theories of international relations, just like other social sciences, developed in the experience of Europe where secularisation had taken place more than any other parts of the world. Third, the influence of behaviouralism and quantitative methodology also caused the ignorance of religion which is a difficult variable to be measured in quantitative terms. Fourth, the underlying assumptions of mainstream IR theories were framed in a way that excludes religion.

Therefore, religion had not got much attention in IR until the end of the Cold War and the path-breaking work of Huntington (1993 and 1997) on the clash of civilisations. He presented religion as the key factor in the future global order and the conflicts. However, Fox and Sandler (2004:1) contend that even after publication of the *Clash of Civilisations* of Huntington and *The New Cold War* of Jurgensmeyer in the 1990s, IR, as a discipline, was not ready to accommodate religion into its paradigm. Even the proponents of the constructivist theory, which can easily explain the role of religion than any other theories, ignored religion from their works on international relations. Timothy Shah pointed to the puzzle that although religion is one of the most influential factors in world affairs, it continues as the least examined factor (Cited in Desch 2013:

14). However, the 9/11 terrorist attack on the USA caused a rapid growth of literature on the role of religion in international relations, security, and conflicts. The 9/11 attack has played a role, more than any other events in the last century, in bringing religion into IR discourse (Philpott cited in Herrington and McKay 2015:4-5). It is now generally agreed by scholars that the role of religion in domestic and international politics has increased in the last three decades (Marsden 2012, Desch 2013). This return to religion is reflected in both the percentage share of religious people in the world population and the numbers of academic works related to the role of religion in international politics and security (Desch 2013: 22; Hassner 2013; Herrington and McKay 2015: 6). So, although Huntington pointed into the influential role of religion, it was only after the 9/11 attack, the scholars of IR started to consider religion as a variable in the security and foreign policy analyses.

However, the focus of most of these works was on the negative aspect of religion, and they presented it as a root of conflict and violence. Samuel P. Huntington and Bernard Lewis were the leading proponents of this argument in the 1990s, and it was strengthened by the 9/11 attack on the USA. Herrington and McKay (2015:6) contend that the number of books that were published on Islam and War after the 9/11 attack was more than the number of books that had been published on the same subject between the invention of the press in the fifteenth century and 2001. Ron E. Hassner (2013: 68) also noted a similar point when he argues that the number of books on religion and violence has increased in the Library of Congress catalogue from two or three books per year in the last three decades to fourteen books per year after 2001. Since religion was considered as part of the problem, it was not included in the conflict resolution process. The presumption was that since religion often inspired, legitimated and exacerbated deadly conflicts, it cannot contribute to their peaceful transformation (Rosen 2012: 439). Elise Boulding opined that even though religions have potential in peacebuilding, they have not succeeded in using them. At the same time, they work as an obstacle in peacebuilding (Boulding 1986, as cited in Silvestri and Mayall 2015: 16). So, religion was ignored from the conflict resolution process.

Recently this traditional narration about religion as a source of violence was questioned, and such a stereotype was termed as a myth. For example, William Cavanaugh (2009) pointed out that such linkage is based on an incoherent understanding the concept of 'religion'. According to Cavanaugh, it is difficult to create a binary between secular and religious and to separate religious violence from a secular one. It cannot be proven

that the so-called world religions like Christianity and Islam are more violent than the so-called secular idea of Marxism and nationalism. The main arguments against religion are that it is absolute, divisive and irrational. However, it cannot be proven that the so-called religions such as Islam and Christianity are more absolute, divisive or irrational than other so-called secular ideas of Marxism, Fascism and nationalism. Cavanaugh does not argue that religion is a peaceful one, but he argues that religion cannot be separated from other aspects of life, such as economics and politics. He also opposes the tendency of scholars to treat the violence in the name of religion as irrational and violence in the name of secular ideologies and states as rational. Scott Appleby (2000) presents religion as an 'ambivalent' one in its relationship with conflict. He recognised the potentiality of religion in using both for conflict and for its resolution. Just like politics and society are influenced by religion, religious interpretations can be influenced by the political and social conditions. Breger, Reiter and Hammer (2012: 32) note that religion is subject to different interpretations by religious scholars and public institutions. The religious sentiments are used for both good and bad purposes. It is used to justify both war and peace. As far as the conflict resolution is concerned, there are both benefits and costs due to this mutual engagement of religion and politics. Nevertheless, by promoting the positive aspects of religion, its negative effects can be minimised.

This research does not ignore the violence in the name of religion. It also does not presume that the more religious a person is, the more he or she would support or oppose the conflict resolution with Israel. Instead, the researcher acknowledges the different narrations in the Islamic discourse on the conflict and conflict resolution with Israel. So, it is an attempt to understand the reasons behind these different narrations by analysing the religious principles and arguments forwarded by the proponents of each position.

1.1.2 Religion and conflict resolution

Even though the works which are framed in western secular perspective argued for the separation of religion from public life, it was not acceptable for a significant part of the world population who provide religion with a central role in their life. So, many scholars realised the necessity of developing a framework to utilise the potentiality of all religions to bring peace in the society. Breaking the stereotype about the role of the region as a source of violence, the publication of the seminal works, one is edited by

Douglas Johnston and Cynthia Sampson (1994) and another is edited by Robert Seiple and Dennis Hoover (2004) advanced the positive role of religious actors. In late 1997, the idea of the Dialogue of Civilisations was proposed by Muhammad Sayyed Khatami, the President of the Islamic Republic of Iran. As a counter to Samuel Huntington's 'Clash of civilisations, it proposed the dialogue between the West and Rest and the interfaith meetings. Similar to the Clash of Civilisations, the Dialogue of Civilisations also considered religion as a significant factor in global politics. Following the Khatami's proposal, there were renewed attempts for the interfaith dialogues (Yadlin 2006: 52). For example, On 15th December 1997, Muhammad Sayyid Tantawi, Sheikh of al-Azhar, received Yisrael Meir Lau, the Chief Ashkenazi Rabbi of Israel Rabbi, in Cairo. In 1998, the United Nations General Assembly announced 2001 as the "year of the United Nations for the Dialogue of Civilisations". Similarly, instead of traditional narration of 'peace through religion alone' and secular narration of 'peace without religion', Funk and Woolner (2011) argued for a flexible approach for making 'peace with religion'. Funk and Woolner recognised the potentiality of religions in bringing world peace and argued for the active involvement of religious actors and institutions in peacebuilding.

The literature on the potentiality of religion in the conflict resolution identified its various advantages. One is the moral superiority of religious leaders and institutions in society. Former UN Secretary-General Kofi Annan (2002) affirmed in his report on prevention of armed conflicts that, "religious organisations can play a role in preventing armed conflict because of the moral authority that they carry in many communities" (as cited in Little 2007: 4). David Little and Scott Appleby (2004: 3) identify various advantages of religious actors and institutions in a conflict resolution. They include reputation among masses which was achieved through direct and constant relationship and charitable work. The independence of religion from the state provides moral superiority to religious actors even when state institutions are viewed by people as illegitimate. Religious actors also have experience of living among people. Above all, even when central authority is failed and broken down, religion may remain as a powerful entity. Little (2007) also analyses advantage of religious-based actors in peace-making such as the influence of local religious leaders, the role of religion in shaping personal identity, peace education and foundation for ending conflict and sustaining peace, use of religion in debate and finding common ground, use of religious and cultural rituals and traditions, use of religious texts, creating philosophies of non-

violence and zone of peace, awakening the global community. Bouta, Kadayifci-Orellana and Abu-Nimer (2005: 36) also figure out various advantages of faith-based actors in peacebuilding.

Johnston identifies many attributes of religious actors and institutions, which will be helpful in peacebuilding and reconciliation. They include

> credibility as a trusted institution; a respected set of values; moral warrants for opposing injustice on the part of governments; unique leverage for promoting reconciliation among conflicting parties, including an ability to rehumanise situations that have become dehumanised over the course of protracted conflict; a capability to mobilise community, nation, and international support for a peace process; an ability to follow through locally in the wake of a political settlement; and a sense of calling that often inspires perseverance in the face of major, otherwise debilitating, obstacles (Johnston 2003 as cited in Smock 2006: 2)

Another advantage of religion is the role of religion in shaping the cultural atmosphere for conflict resolution. According to Bridget Moix (2006), religion has a significant role in shaping the surroundings of conflict and creating a social and cultural atmosphere. According to Moix, while religion does not play a direct role in conflict nor conflict resolution, it plays the role of 'third side' party. Moix quotes William Ury to define 'third side' as "the surrounding community, which serves as a *container* for any escalating conflict" (Moix 2006: 586). Dragovic pointed out that religion can contribute to public security since it builds social ties, establishes and socialises values and adjudicates and mediates disputes (Dragovic 2015: 31). Silvestri and Mayall (2015) also have explained the role of religious beliefs, practices, leaders and organisations in the peacebuilding process.

Religious values and principles can contribute to conflict resolution. Judy Carter and Gordon S. Smith (2004: 281) argue that "The world's religions all preach peace. They all advocate a social code resembling the golden rule: Do unto others as you would have them do unto you. They all regard as virtues kindness, charity, compassion, honesty, fairness, justice, equality, tolerance, respect, non-violence, humility, forbearance, self-discipline, moderation, and forgiveness". Stempel (2000), Smock (2002, 2006 and 2008), Robinson (2006), Bercovitch and Kadayifci-Orellana (2009) and Said and Funk (2012) are also supporters of the idea that world religions contain many principles those are helpful in the conflict resolution process. Similarly, David Steele (2008) have figured out various religious values that will be helpful in reconciliation processes such as grief and trauma healing, hospitality, confession/apology, justice and forgiveness. He also has identified the role of religious actors in observation and witness, education

and formation, advocacy and empowerment, conciliation and mediation. The challenge is, as Carter and Smith contended (2004: 280), "to integrate the wisdom, spirit, and techniques of the world's religious traditions into the politics and practice of contemporary conflict management, resolution, and prevention". In short, even though religion is often used by different actors for both violence and peace, it is also true that all religions propose some basic principles of peace and different ways of achieving it. Additionally, religion also can provide legitimacy for the provisions in the peace treaties. Dragovic (2015) has pointed out the potentiality of religion to provide legitimisation, security and basic needs. According to Dragovic, religion influences three aspects of legitimacy: the justifiability of rules, the legal validity and expressed consent. So, the potentiality of religion in the international conflict resolution and in bringing world peace cannot be ignored.

Although there have been many studies on the role of religious actors and principles in the conflict resolution, they are largely focused on civil wars and domestic conflicts. For example, Bercovitch and Kadayifci-Orellana (2009) have explained the role and advantage of religious actors in a mediation process, but they focused on domestic conflicts and actors such as Quaker in Nigeria, Wajir Peace and Development in Kenya and Inter-Religious Council of Sierra Leone (IRCSL) in Sierra Leone. Likewise, although Bouta, Kadayifci-Orellana and Abu-Nimer (2005) also have identified many values within Christian and Muslim traditions of peacebuilding, their focus also was on domestic conflicts and 45 faith-based organisations those are working mainly at the domestic level. Similarly, Gopin (2002) explains the role of values of Abrahamic religions such as forgiveness in the conflict resolution process. Even though Gopin analyses the significance of 'forgiveness', his focus is only on inter-personal and other domestic conflicts. He does not explain how the religious principle of forgiveness can be extended to the international level. It is also important to analyse the religious perspective on to what extent the leaders of state can forgive other states in the international context. Robinson (2006), who explained the role of religion and spirituality in the post-conflict reconstruction, also has not paid attention to international conflicts. Smock (2008) correctly pointed out that the role of religion in peace-making is usually overlooked. He also has figured out the significance of interfaith dialogue in the peace-making process. Still, this article also fails to explain the role of religion in international conflicts or describing the perspectives of religions regarding international conflicts. However, the religious principles identified by these

authors may be relevant in the international context also. So, this research is an attempt to identify the Islamic principles and perspectives of the international conflict resolution.

1.1.3 Islamic perspectives of the conflict resolution

Islam, which is the second-largest religion in the world, is a "profoundly ethical based religion" (Denny 2004: 130). However, the contribution of Islamic tradition to the norms and principles of international conflict resolution is overlooked. Since most of the works on religion and conflict resolution was written by western scholars who are familiarised with Christian tradition, these works concentrated mainly on Christian principles of conflict resolution. However, the Islamic approach to conflict ad conflict resolution is different from the West in many aspects. Comparing Western and Islamic ways of conflict resolution, Philpott (2012: 161) depicts the differences in various aspects of actors, process, authority, legitimacy and purpose conflict resolution process. Nevertheless, as Moix (2006: 585) indicated, the contribution of Muslim and Jewish leaders for the coexistence in the Middle East have not got much attention in the literature. The focus of a large number of works on Islam, especially after the Cold War, was on Islamic fundamentalism and the violence. The 'clash of civilisations' theory of Huntington led scholars to assume that Islam is inherently a violent religion (Kadayifci-Orellana et al. 2013: 3). However, recently scholars like Kadayifci-Orellana (2007 and 2003), Kadayifci-Orellana et al. (2013), Abu-Nimer (1996, 2003 and 2006), Al-Dawoody (2015), Said et al. (2001), Funk and Said (2004 and 2009), Irani (1999), Irani and Funk (1998), Md. Zahidul Islam (2012), Sezai Özçelik (2006-2007), Rehman (2011) and L. V. Salek (2014) have written about Islamic principles of conflict resolution.

The concept of 'peace' has a significant position in the Islamic tradition. Qur'an has talked about peace in many places with different words like *salam, silm, sulh*. The word '*salaam*', which means peace, is one of the 99 names of Allah (Qur'an 59: 23). In the Islamic discourse, the concept of peace is often connected with the idea of justice and goes beyond the negative meaning as the absence of war. After quoting many examples of verses from Qur'an which indicate Qur'anic direction for peace along with justice (*adl* or *qist*), Kadayifci-Orellana, Abu-Nimer and Mohamed-Saleem contends that,

> the concept of peace in Islam is not limited to a negative understanding of peace that is often defined in a passive sense as absent of war, oppression and tyranny

but it actually refers to a process in which human beings strive to establish foundations for interacting with God's creations- humans and non-humans alike- in harmony and to institute just social, economic and political structures where they can fulfil their potential (Kadayifci-Orellana et al. 2013: 7).

Quoting the Qur'anic verse "if they incline to peace, you should also incline to it, and trust in God" (Qur'an 8:39), Abu-Nimer (2006: 141) argues that "Peace-making and negotiation are recommended as the first strategy to resolve conflicts" in Islam. Qur'anic verses can provide insights about the Islamic perspectives of the conflict resolution.

Along with the Qur'an, the practice of the Prophet Muhammed is the significant source to understand Islamic principles of conflict resolution. Afzal Iqbal (1975) has analysed the diplomatic behaviour of the Prophet Muhammed and his art of negotiation. He analyses how the behaviour of the Prophet was useful in his diplomatic activities and negotiation. However, this work is missing the analysis of the behaviour of the Prophet in the modern context of international relations and negotiations.

Recently, many scholars have discussed the Islamic principles of conflict resolution. The book edited by Qamar-ul Huda (2010), is an excellent work on various aspects of peacebuilding and conflict resolution in the Islamic context. The book provides a detailed-understanding of foundational principles of conflict resolution and the application of these principles in the contemporary Islamic context. Similarly, Kadayifci-Orellana et al. (2013: 23-27) have discussed different aspects of conflict resolution and peacebuilding in the Muslim world. Al-Dawoody (2015) has described the classical Islamic law's perspectives on conflict resolution in the civil wars. He analyses the perspectives of different scholars on a civilian and armed protest against Islamic state authorities. He also figures out the legal ways for resolving such civil wars. Abu-Nimer (2006: 142-163) and Rehman (2011: 67) present the following Islamic values as significant aspects of the Islamic way of conflict resolution:

> the pursuit of justice, social empowerment by doing good the universality and dignity of humanity, equality, the sacredness of human life; knowledge and reason, creativity and innovation, forgiveness; individual responsibility and choice, patience (sabr), collaborative action and solidarity, inclusiveness and participation; pluralism and diversity, etc.

Similarly, Salek (2014) discusses the values such as *tawhid* (unity and oneness), *adl* (justice), *salam* (peace), *afuw* (forgiveness), *khayr* (goodness), *ihsan* (benevolence), *rahma* (compassion), *sabr* (patience), *fitrah* (sacredness and dignity of human life) and *khilafah* (stewardship) as the principles of Islamic way of conflict resolution. Salek

(2014) figures out the importance of five dimensions of *Maqasid al-Shari'a* (Sharia's objectives) in the conflict resolution process. These five dimensions, as it is developed by a few Muslim scholars, include the dignity of faith, life, intellect, prosperity and wealth. Gopin (2002) has analysed the importance of forgiveness in the Islamic tradition. Abu-Nimer and Nasser (2013) also have described various aspects of forgiveness in Islam. Abu-Nimer and Nasser (2013: 476) narrate different terms used in the Qur'an to indicate different aspects of forgiveness.

Justice is another important aspect in the peacebuilding and conflict resolution from the Islamic perspective. Only through ensuring justice, the ultimate peace can be achieved. According to Abu-Nimer (2006: 143), justice in Islam is an absolute value, not a relative one. So, justice is an essential aspect of achieving peace. The Qur'an promotes the pursuit of justice through its many verses like "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion" (Qur'an 16: 90). Qur'an (4: 135) also commands to stand for justice, even if it is against oneself, parents, or kin, and whether it is against rich or poor. However, the difficulty and different opinions of scholars appear when justice and peace become contradictory or obstacle to each other. The difference among Islamic scholars in the conceptualising peace and justice and in the prioritising between them has a key role in their different position in the Israel- Palestine issue.

Although the above-mentioned literature discusses the Islamic principles of the conflict resolution, their focus is largely on domestic and intra-religious conflicts. For example, even after analysing the different Islamic aspects of peacebuilding, Abu-Nimer (2006), Huda (2010) and Kadayifci-Orellana et al. (2013) did not explain the relevance of such principles in the context of modern international conflicts. Similarly, the study of Al-Dawoody was concentrated on intra-Muslims conflicts. The focus on Özçelik (2006-2007) is also on domestic and intra-religious conflicts resolution. Likewise, in their discussion on the principle of forgiveness, Abu-Nimer and Nasser (2013) and Gopin (2002) focus only on intra-religious and domestic conflicts. The relevance of this principle in the international context is yet to be explored. Even though many of these studies are done in the domestic context, they provide valuable insights for international level. According to Daffern (2020), religious principles like forgiveness and justice have significance in international politics. At the same time, he considers the dominance of realism in international relations as a barrier to the allocation of such principles. According to Kadayifci-Orellana, an expert of Islam and conflict resolution, Islamic

principles of domestic conflict resolution are relevant in the context of International Relations also. Nevertheless, she opined that Muslim thinkers have to explore and develop how the Islamic principles can be applied to the international level (Kadayifci-Orellana 2020). Hence, this research is an attempt to explore the Islamic principles of international conflict resolution.

1.1.4   Religion and Israel-Palestine Conflict

There is plenty of literature on Israel- Palestine conflict and its religious aspect. While some works indicate the root cause of the conflict as a religious one, some others consider the root of the conflict as secular nationalist self-determination, sovereignty and security concern rather than establishing a theocratic state based on Islamic Sharia or Jewish Halakhic laws (Frisch and Sandler 2004: 78 as cited in Silvestri and Mayall 2015: 46 and Abu-Nimer 2004: 492). Many scholars have pointed out that the Israel-Palestine conflict is "not essentially a religious conflict" (Landau 2010: 264). Nevertheless, religious tradition and texts are invoked to justify the nationalist claim of both sides of the conflict. Additionally, Jerusalem is a holy land for all three Abrahamic religions, Christianity, Islam and Judaism. Additionally, as Abu-Nimer (2004) and Silvestri and Mayall (2015) pointed out, recently, the popularity of religious right-wing groups has increased in both Israel and Palestine. The Fatah, which is known as a secular party, also uses the Islamic symbols to mobilise people and to get legitimacy for their policies. The difference between Hamas and Fatah is, as Silvestri and Mayall indicated, "for Fatah, Islam was used as a means to an end, whereas for Hamas, Islam itself was the end" (Silvestri and Mayall 2015: 48). So, it cannot be denied that religion also plays roles in conflicts in many ways. Accordingly, Yehezkel Landau (2010: 264) argues that any political, social and economic agreements between Israel and Palestine without involving religious aspects is doomed to fail.

Despite this explicit evidence for the growing role of religion in both Israel and Palestine, and for the role of Islam for legitimising a policy among masses, as many scholars argued, conflict resolution process mainly occurred at political and diplomatic levels through a secular framework. Due to the prejudice against religion, there have been minimal attempts to incorporate religious values and influential religious leaders in resolving the Israel-Palestine conflict (Rosen 2012: 443). Canon Andrew White contends that none of the negotiators of both sides has given serious attention to the religious dimensions of the conflict (White 2006: 9). Due to the "secular reductionism",

state power lacks the tool to deal with the intractable religious forces and so, either ignore or repress them (Rosen 2012: 443-444). Consequently, the conflict continues for more than seven decades without reaching a solution.

Many scholars have pointed out the ignorance of religion as the reason for lacking mass-legitimacy to the Camp David agreement and the Oslo accords. For example, Irani and Funk (1998: 53-54) argue that the Camp David agreement (1978) and the Oslo accords (1991) were not accepted by a large number of Egyptian or Israel. Irani and Funk cite the low level of flow tourist from Egypt to Israel as evidence of this argument. According to Landau (2010: 266), one reason for the failure of the Oslo accord was that it was a secular plan imposed on a religious society. Abu-Nimer (2004), after explaining the potential role of religious-based peacebuilding actors in the Israel- Palestine conflict, complaints that since the peace processes between Israel and Palestine have not included and integrated religious dimension, a large segments of both countries have been alienated from these processes (Abu-Nimer 2004: 492). He quotes Landau, arguing that "incorporating religious dimensions in the Israeli Palestinian peace process can provide the lacking mass legitimacy for elite agreements" (Abu-Nimer 2004: 493). Irani and Funk (1998) note the importance of rituals such as *sulh* (settlement) and *musalaha* (reconciliation) to ensure the legitimacy of treaties among common people rather than just political and diplomatic elite.

The above-mentioned works indicate the necessity of utilising religious resources for solving the Israel-Palestine conflict. Rabbi Marc Gopin (2002) also emphasises the need for tapping the resources of both Islam ad Judaism for resolving the conflict. Gellman and Vuinovich (2008: 135) suggest that the practice of *sulha* has the potentiality to be incorporated into international dialogue. The incorporation of *sulha* practice in the Israel-Palestine conflict resolution can recreate an emotional sense of honour to both sides throughout the negotiation process. In addition to governments, non-governmental organisations like the International Association for Religious Freedom and the World Conference on Religion and Peace (WCRP) also can contribute to the conflict resolution process. The Alexandria Process of religious leaders, which was held in 2002, was an initiative to use the influence of religious leaders for resolving the conflict. Landau (2010: 269) calls the Alexandria summit as a "historic occasion", because it was the first such kinds of the meeting of the leaders of three Abrahamic religions. Nevertheless, there was no such effort after that.

However, all these examples do not mean that the more one becomes religious, the more he/she becomes a supporter of reconciliation in Israel – Palestine issue. The stand of a person on the issue depends upon how he/she understands the aspects of the conflict and interprets the Islamic principles of peace, war and conflict resolution. Mark Tessler and Jodi Nachtwey (1998) have explained how the religious and political orientation of people of Arab countries influenced their approach towards Arab- Israel conflict. Based on a survey data from five Arab countries, Egypt, Kuwait, Palestine, Jordan and Lebanon, they conclude that the support for Political Islam is associated with unfavourable attitudes toward a peaceful resolution of the conflict. Nevertheless, the religious perspectives of common people and the role of religious scholars to shape these perspectives were ignored not only by policymakers and diplomats but also by literature on the Israel-Palestine peace process.

The debate between Yusuf al-Qaradawi, the prominent Egyptian jurist and Abdul Azeez Ibn-Baz, the Grand Mufti of Saudi Arabia represents two opposing perspectives of Islamic scholars. Supporting the Oslo peace accords, Ibn-Baz issued a *fatwa* (a decree given by a qualified jurist) on 24th December 1994 claiming that a *Hudna* (truce) agreement with enemies is allowed if a Muslim leader considers it beneficial for the Muslims (Ibn-Baz 1994). He cites Qur'anic verse (8:61) "And if they incline to peace, then incline to it [also] and rely upon Allah". Ibn-Baz also refers to the Hudaybiyya treaty of the Prophet Muhammad with the Meccan pagans. Qaradawi (1995) questioned the argument of Ibn-Baz and argued that since Israel is still possessing and expanding its occupation of the Palestinian territory, it is not truly inclined towards peace. According to Ibn-Baz, a ceasefire with Israel was necessary for ensuring a peaceful atmosphere for further discussion while for Qaradawi peace agreement was not accepted as long as the occupation and injustice were going on. The debates between Ibn-Baz- Qaradwi were neither beginning nor end of the Islamic theological debates on peace treaties with Israel. Many Islamic scholars from various countries expressed their views. Palestinian scholars, such as Saad al-Alami, Sulaiman Ja'abari Ekrima Sa'id Sabri and Muhammad Ahmad Hussein, the Grand Muftis of Jerusalem, and Ahmed Yassin and Nizar Rayan, the leaders of Hamas, also have engaged in the debates on Islamic legitimacy of peace treaties with Israel.

Yitzhak Reiter (2011) has discussed the *fatwas* of various Muslim scholars on peace accords with Israel. He discusses the concept of *Hudna* and the relevance of Hudaybiyya treaty in the modern Islamic conflict resolutions. He also has analysed the

Islamic perspective of war and peace in international relations and changes in these perspectives through the ages. However, the author shows bias when he chooses the opinion of minority scholars to support his arguments and discuss for pages about this opinion while reducing the opinion of majority scholars into two or three lines. For example, after discussing too much on the intention behind the Hudaybiyya treaty as constipation, Reiter reduces the opinion of majority scholars in one sentence as "the overwhelming majority of Muslim thinkers who address the question regarding the Hudaybiyya agreement as expressing a sincere desire for peace" (Reiter 2011: 69). So, an analysis of the opinion of this "overwhelming majority" is important to understand the significance of the Hudaybiyya treaty and Islamic perspective conflict resolution in Israel- Palestine conflict.

1.1.5 Literature Gap

Even though there is plenty of literature on religion and conflict resolution, Islamic principles of conflict resolution, and Israel-Palestine conflict and conflict resolution, these studies have drawbacks in explaining the Islamic perspectives of international conflict resolution and their role in the context of Israel-Palestine peace process. First, the works that deal with the Islamic principles of conflict resolution concentrate on domestic and intra-religious conflicts. They failed to apply these religious perspectives in international conflicts. In an interview for this research, Abu-Nimer, who identified many Islamic principles in the context of the interpersonal conflict resolution, noted that the application of these principles in the context of international relations is a challenge in peace and conflict resolution studies (Abu-Nimer 2020). Second, the works that deal with the role of religion in international conflicts and conflict resolution consider religion as an institution or instrument to implement the peace process, which is designed from a secular perspective. They fail to understand the religious perspectives about these conflicts. Third, even though most of the literature on Israel-Palestine conflict and conflict resolution consider the role of religion either as a major or minor factor in the issue, they do not investigate religious perspectives on a peace process between them. This research fills these gaps by analysing the Islamic perspectives of international conflict resolution. It examines the application of these perspectives with the case study of theological debates on the Israel-Palestine peace process.

1.2   Definition, Rationale, and Scope of the Study

This research will analyse the Islamic perspectives of conflict resolution in the context of modern international conflicts. The major concepts come under the study are 1) Islamic perspective and 2) conflict resolution. The word 'Islamic perspective' refers to those perspectives derived from Qur'an and *hadith* (teachings and activities of the Prophet Muhammad) by Islamic scholars. Hadith includes both sayings and practices of the Prophet Muhammad. The word conflict resolution is defined by James A. Schellenberg (1996: 9) in broad and specific ways. As per broad definition, "conflict resolution is any marked reduction in social conflict" and as per specific definition "conflict resolution is a marked reduction in social conflict as a result of a conscious settlement of issues in dispute". Accordingly, conflict resolution can be viewed as a process for ending conflict through any methods, including the use of force and violence and warfare.

The rationale behind the topic is that religion has emerged as a significant force in the public sphere. All these religions contain many principles for resolving conflicts. However, the role of religious norms and principles in the international conflict resolution was overlooked by the existing literature. Even though recently some scholars have explored the role of religions in conflict resolution, such studies were focused on domestic conflicts. Islam, which is the second-largest religion in the world, has a crucial role in determining the legitimacy of political action of Muslim countries and in mobilising people towards achieving a goal. So, understanding the Islamic perspectives is necessary to analyse the policies of many Muslim countries. Despite this potentiality of Islam, its perspective on Israel- Palestine conflict was understudied. The studies that deal with the role of religion in the Israel- Palestine case either considered religion as a source of conflict or considered it as an institution to implement the peace process that is drafted in a secular framework. The lack of religious dimension in the conflict resolution process hindered the resolution process from trickling down to masses. The logic behind the selection of the case is that Israel-Palestine conflict is an international and inter-religious conflict. As it is reflected in the works of Islamic scholars, principles of the resolution of the inter-religious conflict differ from those of conflicts among Muslims. Since there is much literature on principles of conflict resolution among Muslims, this study assumes that a study of the Israel-Palestine case can provide value addition to the existing literature.

The study analyses the theological debates among *ulama* regarding the conflict and conflict resolution and explains how these debates are relevant in international conflict resolution. The reason behind choosing the perspectives of only religious scholars is that their position has significant influence, compared to political leaders, in shaping the religious perspectives of masses. In Muslim societies, *ulama* possess a decisive role, even if they have no formal legislative role. This study takes time period post-Arab-Israel war of 1973. Because, as an outcome of the war, Egypt signed Camp David Accord with Israel in 1978 and caused the great debates among Islamic scholars which are still continuing. Islamic scholars raised their different opinions regarding the legitimacy and theological aspects of this treaty, and later about the Oslo peace accords. For examples, when Al-Azhar scholars supported the Camp David Accord, most of the Islamic scholars, including Palestinian scholars, opposed it. However, after the Oslo peace accords number of supporting *ulama* increased. It includes Ibn-Baz and some Palestinian scholars. Yasser Arafat also legitimised the peace treaty on theological grounds. However, Hamas and many Palestinian scholars opposed that treaty. Nevertheless, later Hamas also came forward for a *Hudna* (truce) with Israel arguing its legitimacy in Islam. Both parties, those who supported the treaties and those who opposed them, used religious connotation for getting legitimacy for their arguments. So, it would be interesting to analyse the principles and contexts behind these theological debates.

So, after exploring the Islamic perspectives of international conflict resolution from classical and modern Islamic texts, this study will examine the application of these principles in the context of international relations with the case study of theological debate on a conflict resolution with Israel. It will evaluate the ideological and political reasons behind the disagreement of Islamic scholars in supporting and opposing the peace treaty with Israel.

1.3 Research Questions

What are the major principles and features of the Islamic way of conflict resolution in the context of international relations?

Are the Islamic principles of conflict resolution relevant in the international relations and if yes, how?

Why do Islamic scholars differ in their approach to the conflict resolution with Israel?

1.4   Hypothesis

The difference among Islamic scholars in preferring one principle of conflict resolution over another, for example peace over justice or vice-versa, leads to the difference in their opinion on the Israel- Palestine peace process.

1.5   Research Methods

The domain of the proposed research is the Islamic perspectives of conflict resolution and their application in international conflicts. Rehman (2011: 64) has stated that the Islamic model of the conflict resolution must be developed from the deep-rooted Islamic values and principles in the theological and legal sources. So, for understanding the Islamic perspectives of the conflict resolution, this study will analyse the primary texts, including Qur'an and *hadith*. For getting proper idea about different meanings of various terms, their contexts and application, this study will use the explanation of scholars in early and modern periods. It will analyse the *fatwas* of Islamic scholars on Israel-Palestine conflict and conflict resolution process to figure out how the contemporary Islamic scholars understand and interpret various principles of conflict resolution in the context of international relations. So, this proposed research follows the case study method and takes the case of the Islamic theological debates over conflict resolution with Israel.

Since the most of the studies on the Islamic principles of the conflict resolution are conducted in the context of conflicts among Muslims or at domestic level, the case study of Israel- Palestine will add international and inter-religious aspects to the existing literature. The religious texts such as Qur'an and *hadith*, scholastic works and *fatwas* of Islamic scholars, including *fatwas* on Israel-Palestine conflict and peace process will be the primary sources of the study. However, for understanding the authenticity of opinion, it is necessary to know the authority and knowledge of the leaders. The authenticity of a religious *fatwa* is not decided by whether it is progressive or aggressive but on the religious authority and knowledge of the Mufti. Mufti is not necessary to be appointed by the state authorities. Instead of political support, religious knowledge is the most important criteria. At the same time, political support is significant in getting popularity for a religious position. So, in the discussion on the religious perspectives, the scholars have to consider who is narrating. Considering the religious authority and influence, the study will largely focus on *fatwas* by Jad al-Haq Ali Jad al-Haq, the Mufti of Egypt and head of Al-Azar, Cairo, Sheikh Abd al-Aziz

Ibn-Baz, the Grand Mufti of Saudi Arabia and Yusuf al-Qaradawi, who was a member of the Muslim Brotherhood based in Qatar. Despite attempts of Egyptian rulers, like Gamal Abdul Nasser, to nationalise the institution, Al-Azhar maintains its traditional significance and enjoys respect both local and international levels (Yadlin 2006: 55). Additionally, the moderate religious position of Al-Azhar scholars helps the Egyptian government to counter the political Islamists. So, the government of Egypt gives high respect to the rulings of Al-Azhar, if they are not undermining the legitimacy of the government (Yadlin 2006: 56). The disagreements often occur among *ulama* of Al-Azhar, even if they belong to the same institution, due to the difference in the interpretation of the Islamic texts and the contemporary issues. Since *ulama* have informal authority in society, there is a constant tension between them and rulers. The governments of Muslim majority countries try to get the support and loyalty of *ulama* to legitimise their decisions among the public (Yadlin 2006: 56). Due to the awareness of the significance of the *ulama* support, the rulers often command the loyalty of *ulama.* The individual scholars like Sheikh Yusuf al-Qaradawi also have come to the central stage of the Islamic theological debates, next to the traditional institution, thanks to the rapid growth of the electronic media.

In the Palestinian context, Kadayifci-Orellana (2007: 248) has stated that local religious leaders, including Sheikh Yassin, were not religious experts. Although Sheikh Yassin and Yasser Arafat were influential leaders within Palestinian society, they lack religious authority and expertise to issue *fatwas* on *jihad* and martyrdom. Kadayifci-Orellana (2007) states that,

> In terms of religious narratives, only religious experts are sanctioned by religious law and tradition with legitimacy in the eyes of Palestinian Muslims to proffer narratives concerning *jihad* and martyrdom. In that sense, only religious experts (individual *ulama* or local sheikhs) are believed to be competent and to possess the necessary religious knowledge and tradition. As I have noted, neither PLO nor other secular nor leftist groups are legitimised to promise salvation through martyrdom, although they have also occasionally referred to the *jihad* and *shahadah* in their narratives (Kadayifci-Orellana, 2007: 249).

Additionally, Kadayifci-Orellana (2007: 244) opines that there is a gap between educated religious authorities and local religious leaders regarding the Islamic interpretation of conflict and conflict resolution with Israel. So, the opinions of the local religious leaders may not be in line with the *fatwas* of educated religious authorities. At the same time, it also should be noted that the position of Hamas and the Palestinian Authority is often supported by the religious scholars. Considering the support of

scholars like Qaradawi and others to Hamas, this research will take the religious position of Hamas also into consideration.

Abdalla (2002) has identified three obstacles in modelling an Islamic attitude towards conflict resolution. First is the disagreement of scholars over several models found in Qur'an and *hadith*. So, different, often contradicting, models claim their roots in the classical Islamic texts. The second obstacle is the intermixture of traditional and religious values and behaviours. Since Islam has engaged with different cultural traditions over the centuries, local cultural practices are often presented as Islamic practices. Third, since there are different practices and schools have been institutionalised, there is a process of the selective recall of certain Qur'anic verses and *hadith*. Nevertheless, since this research acknowledges the existence of different perspectives on the Islamic approach of conflict resolution and it evaluates the reason behind these diverse perspectives, the above-mentioned disagreement among scholars is a scope, rather than an obstacle, for this research. Moreover, this research will also evaluate the social and political contexts of Islamic discourse.

In an interview for this research, Abu-Nimer, full professor in American University and an expert of Islam and conflict resolution, suggested that a researcher must focus both on religious texts and Palestinian society to understand the Islamic theological debates on conflict resolution with Israel (Abu-Nimer 2020). Accordingly, to understand the Palestinian society, the researcher has conducted interviews with Palestinians from different backgrounds.

In addition to the academic literature, this research refers to religious texts like the Bible and Qur'an to describe the ancient history of Palestine and to examine the religious significance of Jerusalem and the other parts of Israel/Palestine. Since the divine promise in the Bible is crucial in the formation of Israel and following conflicts, this study will refer to different biblical evidence to critically evaluate the claim of the divine promise.

It also analyses the existing literature on the role of religion in international relations and security issues, Islamic perspectives and principles of conflict resolution, and Israel-Palestine conflict and peace treaties. This literature will be the secondary source for the study. Additionally, the researcher also will conduct interviews with the many experts of the topic both from Palestine and outside of it.

1.6   Chapters

In addition to the introduction and conclusion, this thesis will have three core chapters. The chapter following the introduction will discuss Islamic principles and perspectives of the conflict resolution. After identifying different concepts and meanings related to peace and conflict in Islam, it will discuss the relevance of the conflict resolution in the Qur'an, *hadith* and other classical Islamic texts. Subsequently, it will figure out various Islamic principles of the conflict resolution. It will also compare the Islamic and the western approaches to the conflict resolution. To understand whether Islamic principle and practice described by scholars for domestic conflict resolution are applied to the international context, the chapter will analyse Islamic perspectives of international relations, and scholastic debates on coexistence and peace treaty among various Muslim and non-Muslim states. The last section of the chapter will analyse various approaches and principles of international conflict resolution and treaties with the non-Muslim countries.

The third chapter of the thesis will talk about the religious aspects of the Israel-Palestine conflict and peace process. It will provide a historical analysis of the formation of Israel and religious narration of the history of the region of Israel/Palestine. Afterwards, it will evaluate the religious significance of Jerusalem and other parts of Palestine to three Abrahamic religions: Christianity, Islam and Judaism. Then, it will discuss the role of religion in the contemporary politics of both Israel and Palestine. The last part of the chapter will explain the role of religion in the conflict and conflict resolution between Israel and Palestine.

The fourth chapter is about the Islamic theological debates on the conflict resolution with Israel. It will examine the scholastic debates after the Camp David agreement and the Oslo accords, as well as how the reference to the Hudaybiyya treaty of the Prophet Muhammad and Qur'anic command to "if the enemy inclines to peace, make peace with them" shape these debates. Moreover, it will evaluate the factors affecting the Islamic discourse and *fatwas* of the scholars, and how the Islamic principles of the conflict resolution are applied in the context of reconciliation with Israel.

The last concluding chapter will summarise the findings of the research and answers of the research questions.

2   Chapter II

ISLAMIC PRINCIPLES OF INTERNATIONAL CONFLICT RESOLUTION

Islam, which is the youngest among Abrahamic religions, has promoted many principles that are useful for both domestic and international conflict resolution. As Frederick M. Denny (2004:130) advocated, Islam is a profoundly ethically based religion. Qur'an promotes conflict resolution and peace-making on various occasions through different verses. The Prophet Muhammad also has encouraged many principles of conflict resolution and has successfully employed them throughout his life. That is how he transformed and united, both socially and politically, an anarchical society that was characterised by "nearly Hobbesian 'condition of war of everyone against everyone' as it is in *Leviathan*" (Denny 2004: 131). Analysing Islamic perspectives of peace and security, Karim D. Crow says that, "there exists an intimate connection between *al-Islam* with 'peace-*making*' and 'peaceful *security*'" (Crow 2011: 709). So, conflict resolution is very much connected with Islam.

Identifying such resources within Islam for conflict resolution is significant, given it is a way of life for about one-fourth of the world population and an influential factor in the policies of one-fourth of independent states. Emilia Justyna Powell (2020) noted that since there are twenty- nine states which consider Islamic law as a segment of legal system, it is necessary to understand the Islamic perspective of international disputes.

However, it is also true that a lot of conflicts and violence have been happening throughout history in the name of Islam. Such conflicts have been justified not only by political leaders but also by religious scholars. So, this chapter will explore the diverse understanding of peace and conflict within Islam as well as various aspects, conditions and principles of conflict resolution. So, the first part of the chapter will figure out the meaning of peace and conflict in the Islamic discourse. Next part will identify significant sources and references to understand the Islamic perspectives on conflict and conflict resolution. It will explore Qur'an and *hadith* to identify the importance of conflict resolution and to identify treaties with non-Muslim entities in the classical Islamic texts. The following section will examine different aspects and concepts related to Islamic conflict resolution. Then, it will identify various norms and principles of the conflict resolution. Further, it will compare the Islamic principles of conflict resolution with western principles. For figuring out the application of these principles at the

international level, the following section will explain the Islamic perspective of international relations, especially with non-Muslim majority countries. It will also check the perspectives of Islamic jurists and thinkers about the relationship with non-Muslim political entities, and war and peace treaties with them.

2.1 Defining Peace, Conflict, and Conflict Resolution in the Islamic Discourse

In the Arabic language, the concept of peace is primarily associated with words derived from the root S-L-M (*silm/salam/ salima/ yaslamu*). The word *salam* means safety, security, peace and reconciliation (Amadu 2015:86). The root of the word 'Islam' also can be traced to the same origin. The word '*aslama*' denotes both 'to become Muslim' and 'to enter into peace' (Aroua 2013: 16). Crow (2011: 709) points out that "*al-islam* is conjoined and coincides with the idea of assuring safety and security from harm conveyed by the term *al-salam* ('salutations of security/peace' guaranteeing peaceful intent and security)". *Al-salam* (peace) is one of the beautiful names of Allah. Muslims are told to greet each other with *Assalamu Alaikum* (peace be upon you). Peace is also referred to as the greeting and condition of paradise. In short, peace is very much related to Islam, and it is seen as the goal of each Muslim. Qur'an (106:4) emphasises the freedom from hunger and fear as reasons to worship Allah.

The concept of peace in Islam has different dimensions. Abbas Aroua (2013) identifies three dimensions of peace in the Islamic tradition: "peace with self (inner peace), peace with the Creator, and peace with other creatures (humans, animals and the whole environment)". According to him, all these aspects are interrelated and interdependent (Aroua 2013: 45). So, 'peace with others' is a condition for having 'peace with God'. The inner peace and outer peace are not only related to each other but also to 'peace with God'. The peace with God and peace with others related to the purification of the inner self.

Ibrahim Kalin (2005) proposes four different but interrelated contexts of peace in the Islamic tradition. The first one is the metaphysical-spiritual context in which peace (*salam*) is given a substantive value as it is the name of God. Since Allah is the source of peace, inner peace in hearts, which is the proper abode of peace (*Dar al-salam*), can be achieved only through the remembrance of Allah (*dikr Allah*). The second is the philosophical-theological context in which peace is seen as part of world order and cosmic condition. The third is the political-legal context as it is discussed in the classical

jurisprudence texts. Kalin complains that the focus of the contemporary study is mostly restricted to this context. The fourth is the socio-cultural context. It focuses on the living experience of Muslims in the culturally and religiously diverse societies along with other communities.

Mohammed Hafiz Amadu (2015:91) also discusses four distinctive meanings of the term '*salam*' in the Islamic discourse: the theological, eschatological, Prophetic and social. Theologically, it is related to spiritual qualities attributed to God. Its eschatological meaning refers to the conditions of the hereafter world and paradise. The Prophetic conception of peace denotes operation aspects as it is practised by the Prophet Muhammad. It is based on principles of equality among all Muslims and peace with non-Muslims if they incline towards peace. The social and political meaning of peace deals with the public policy if enemies of Islam choose aggression rather than peace. Fighting (*qital*) is permitted in this situation.

The Islamic understanding of peace goes beyond the negative concept of peace as the absence of physical violence. So, in addition to the absence of war, physical violence, oppression and instability, it also requires the presence of justice and an atmosphere that promotes self-actualisation. Such an environment is necessary for ensuring Islamic vision for a good life (*hayat tayyiba*). According to Kadayifci-Orellana et al. (2013:7),

> Peace in Islam refers to a process in which human beings strive to establish a foundation for interacting with God's creation-human and non-human alike – in harmony and to institute just social, economic and political structures where they can fulfil their potential.

So, it can be equated with Johan Galtung's idea of positive peace that can be achieved only by eradicating both physical and structural violence. So, the conflict resolution also means to achieve this positive peace rather than just stopping war and making a treaty with sustaining injustice status quo. For making such an enduring substantive and positive peace, Islam forwards "a comprehensive outlook to address the deeper causes of conflict, hate, strife, destruction, brutality, and violence" (Kalin 2005: 332). Susan Thistlethwaite and Glen Stassen (2008:9) also share the same opinion that Islamic view of conflict resolution goes beyond the narrow definition of dispute settlement and considers peace-making as a way to achieve the value of one human family such as equality among individuals.

Funk and Said (2010) identifies five paradigms in the Islamic concept of peace: 1) peace through coercion, 2) peace through equity, 3) peace through conciliation, 4) peace through non-violence and 5) peace through universalism. The paradigm of peace through coercion legitimises political authority and justifies the use of force against adversaries. The political authorities justify their wars, sometimes with the help of *fatwas* of supporting scholars, using religious language. This paradigm portraits rivals, both at international and domestic politics, as enemies of Islam. It emphasises the 'lesser struggle' (*jihad al-asghar*) against external enemies and subordinates the 'greater struggle' (*jihad al-akbar*) which should be within each believer. Funk and Said (2010:102) point to five aspects of this paradigm:

> 1) Islam is working as foundation for political legitimacy, 2) a pessimistic reading of history, 3) a concern for dangers posed by political change, 4) a focus on struggle against hostile external forces, and 5) a minimalist concept of peace as absence of war.

Funk and Said compare this paradigm with the western school of political realism. Peace, according to this paradigm, is defined in negative ways as the absence of war. It emphasises the need for a strong and powerful authority to ensure social order and peace. It is afraid of political change and the dangers posed by it. The experience of civil discord (*fitna*) in the first century of Islam stirred some Islamic scholars to stress the need for obedience to the rulers and to discourage civil disobedience even in the form of non-violence.

However, this approach is criticised because of its emphasis on political order ignoring the Islamic vision of social justice. Islam becomes a means in power politics rather than an end itself. This paradigm also can be considered as the reason for many problems in the Middle East, such as the democratic deficit, absence of open channels for the opposition and political participation (Funk and Said 2010: 110-111).

The paradigm of peace through equity emphasises the role of Islam for justice and solidarity. Various Islamic practices of Islam, especially its five pillars, create communal cohesion. The five pillars are *shahada* (testimony of the unity of the God and prophethood of Muhammad), *salah* (five times' prayer), *zakat* (paying alms to the poor), *sawm* (fasting in Ramadan) and *hajj* (pilgrimage to Makkah). Additionally, social institutions such as *ulama* (Islamic scholars), *madhhabs* (school of jurisprudence or belief), *tariqah* (spiritual brotherhood) maintained stability and solidarity among

people even when political authorities failed. The four distinguishing features of the peace through equity paradigm are

> 1) a vision of Islam as religion of justice, 2) an emphasising on updating Islamic approaches to economic and political development, 3) a qualified affirmation of cultural and religious diversity and 4) an optimistic conception of human responsibility and potential (Funk and Said 2010:132).

According to this paradigm, war and conflict are restricted to the only defensive and humanitarian purpose. It can be equated to the western notion of justice of war (*just ad bellum*). As it emphasises on political, economic and social justice, this paradigm opposes the north-south divide, colonial exploitation and injustice status quo of political power. It envisions beyond power politics and affirms the need for cooperative and participatory politics to ensure the well-being of Muslim *ummah* as well as the larger community of humankind.

The paradigm of peace through conciliation forwards an Islamic approach to conflict resolution to encourage adversaries to "incline towards peace". Accordingly, the Prophet Muhammad is seen as the best model for peacemakers. This approach emphasises the Islamic teachings of forgiveness (*maghfira/ afuw*) and the significance of restorative justice in conflict resolution. It utilises vocabulary and practices formed in the Islamic discourses such as *sulh* (reconciliation), *wasta* (mediation) and *tahkim* (arbitration). Following the Hudaybiyya Agreement of the Prophet Muhammad, this approach proposes *Hudna* (truce) as a method for resolving modern international/national conflicts.

The paradigm of peace through non-violence is based on Qur'anic verses against violence, aggression and compulsion to join the religion. In several passages, Qur'an has discouraged effort to achieve uniformity through coercion. Even though Islam does not propose unconditional pacifism, it upholds non-violence activism as a strategy to overcome repression and to achieve social justice. According to Kadayifci, non-violence was an integral part of Islamic discourse of peace since the time of the Prophet Muhammad, and it has been employed many times with success (Kadayifci-Orellana 2003: 25-26). During his thirteen years of the prophethood at Makkah, Muhammad adopted complete non-violent method for his propagation. Although some of Qur'anic verses of Madeena period call for war, they also do not support unmitigated hostility and destruction (Funk and Said 2010: 183).

The fifth paradigm, the peace through universalism, focuses on Islamic spirituality, particularly the form of Sufism. This paradigm sees the global cultural and religious diversity as a useful resource for humanity, rather than a challenge to Islamic particularity (Said and Funk 2010:206). It gives importance to individual purification and promotes *jihad al-akbar* (greater struggle) which against one's own ego. The Islamic principle *tawhid* (unity) is seen as not only the unity of God but also the unity of his creation. Since all human and non-human beings are creatures of God, the paradigm of universalism teaches to treat all of them with respect. Since diversity is the creation of God, the respect to that diversity will be part of respecting God.

Said, Funk and Kadayifci-Orellana (2001) forward about similar categorisation of Islamic approaches to conflict resolution and peace. They classify them into five approaches: power politics, world order, communal conflict resolution, non-violence and Sufism.

As far as conflict is concerned, according to Funk and Said (2010: 173), in Middle Eastern Islamic culture, conflict is a negative phenomenon and destructive to social order. So, it must be avoided. Since Islamic discourse generally keeps a positive view of human nature, violence and other wrongful activities interpreted as a deviation from the divine path due to not only selfish passion (*hawa*), but also forgetfulness (*ghafla, nisyan*) and ignorance (*jahl*) (Funk and Said 2010: 138-139). Islam discourages conflict, mainly which is rooted in tribalism, racism and nationalism (Kadayifci-Orellana et al. 2013:23). It is interesting to note that these authors translate the word 'asabiyya' to nationalism that will have a huge impact on the discourse of Islamic legitimacy for international war and military service.

Some conflict may require immediate intervention or resolution than others according to the causes and consequences of the conflict. Aroua (2013) identifies diverse terms in the Islamic discourse to indicate different stages of a conflict. The first stage is *khilaf* or *shijar*: they mean difference, distinction, dissimilarity, disagreement, divergence, discordance and dispute. The second is *khisām* which means antagonising and producing hostility. The next stage of *dhirab* (which means beating, striking, knocking, hitting, slapping, punching, tapping and flapping) moves to the violent behaviour of parties. The fourth stage *sira* indicates violent behaviours like flooring, knocking down, pushing down, cutting down, toppling, hitting, overturning, overthrowing. The next stage of *qital* (means mutual killing, shooting) becomes more deadly. *Hirab*, which is

the sixth stage, meaning war with the involvement of a large number of people. The next is *fitna* which means persecution, oppression, civil war, killing each other, and chaos. According to Qur'an *fitna* is worse than killing (Qur'an 2:191).

Abdalla et al. (2016:145-146) classify conflicts based on their contexts into four categories: first, what arises out of violation of Islamic values such as adultery and gambling; second, what is happening due to cultural issues including what is confused as part of religion such as arranged marriage; third, what is related to juristic matters like divorce and custody; fourth, what is happened due to clash of needs and interests.

Abu-Nimer (1996a) indicates two domains of research on conflict resolution in the Islamic tradition. The first domain focuses on Islamic texts such as Qur'an and *hadith*. Accordingly, the concept and causes of conflict are explored from these classical texts. Abu-Nimer (1996a: 35) cite examples of Fatina Ali and O. Arabi who respectively studied psychological and constitutional aspects of conflict resolution by focusing on Qur'an and Sunna. Islamic society is another domain of the research. The anthropological studies which focused on conflict resolution within Muslim societies can be placed in this category. Such studies deal with different levels such as interpersonal, family, clan, community, interethnic and interreligious conflicts. However, the Islamic approach of conflict resolution at the international level has been overlooked by scholars.

2.2 Conflict Resolution in the Classical Texts

Qur'an and *hadith* (teachings and activities of the Prophet Muhammad) are the foundational texts for the Islamic rules and norms. Additionally, *ijma* (consensus of scholars) and *qiyas* (analogical reasoning) also considered as valid sources of the Islamic legal system. *Urf* (common practice/custom) is also considered by some scholars as a legitimate source of law in Islam. As Nahla Yassine-Hamdan and Frederic S. Pearson noted, "Muslim scholars across cultures have identified the reliable and valid sources to consult when managing conflicts……these sources are embedded in Qur'anic verses as well as *hadith*" (Yassine-Hamdan and Pearson 2014:10). However, even though all Muslims are expected to follow the teachings of these sources, as Yassine-Hamdan and Pearson (2014:11) pointed out, "the fact remains that local tradition and values sometimes dominate the process of conflict management". The

interpretation of these sources also differs as Muslims scholars apply these principles in the political condition of their own time and space.

According to Irani (1999: 13), Qur'an is an important source to understand the model of conflict resolution in Islamic societies. Qur'an is believed by Muslims as revealed to the Prophet from Allah. The term Qur'an literally means something to be recited. It is known as the most memorised and perhaps most recited book in the world. Qur'an is divided into 114 *surah* (chapters) in which 84 chapters are *makkiyy* (those were revealed before *Hijra,* migration of the Prophet from Makkah to Madinah) and 28 of them are *madaniyy* (those are revealed after *Hijra*). It is essential to know the occasions or circumstances of revelation (*sabab al-nuzul*) to understand the proper meaning and interpretation of verses. Since the Islamic legal system developed as a gradual process, some of its early rulings may be superseded by later passages, which is known as '*naskh*'. However, sometimes the early verses may forward general principles while the later verses talk about specific context. So, just awareness about the chronological order of the revelation is not enough to interpret Qur'an. Joel Hayward correctly points out that

> The removal or annulment of one legal ruling by a subsequent legal ruling in some instances certainly does not mean that Muslims believe that all later scriptures automatically cancel out or override everything, on all issues, that had appeared earlier. The Qur'an itself states in several *Surahs* that Allah's words constitute a universally applicable message sent down for 'all of mankind' and that it was a 'reminder' (with both 'glad tidings and warnings') to 'all' of humanity. With this in mind, Muslims believe that to ignore scriptures on the basis of a that-was-then-this-is-now reading would be as mistaken as conversely believing that one can gain meaning or guidance from reading individual verses in isolation, without seeing how they form parts of consistent concepts which only emerge when the entire book is studied. Adopting either approach would be unhelpful, self-serving and ultimately misleading. It is only when the Qur'an's key concepts are studied holistically, with both an appreciation of the context of particular revelations and the consistency of ideas developed throughout the book as a whole, that readers will be able to understand the Qur'an's universally applicable ethical system (Hayward 2011:7).

Hadith/Sunnah is considered as the best interpretation of the Qur'an. It refers to the words, actions and approval of the Prophet Muhammad. Kalin rightly points out that "Prophet's *Sunnah* is part of the Islamic worldview and religious life, without which we cannot understand a good part of the Qur'an" (Kalin 2005:329). Hadith is the vital source next to Qur'an because "it is believed that Muhammad's entire life and way of being were themselves a source of revelation given to humankind alongside the Qur'an"

(Burch-Brown 2012: 48). Qur'an (33: 21) also directs to follow the Prophet's life by its verse, "Surely there is a good example for you in the Messenger of Allah". In another verse, Qur'an commands "O you who have believed, obey Allah and obey the Messenger and those in authority among you" (Qur'an: 2:59).

The validity of a particular *hadith* depends upon the quality chain of transmission (*sanad*). Based on this quality, *hadith* can be classified into *sahih* (authentic), *hasan* (good), *da'eef* (weak) and *maudu'* (fabricated). *Ṣaḥiḥ al-Bukhari* of Muhammad Ibn-Isma`il al-Bukhari (810-870 AD) and *Sahih al-Muslim* of Abu al-Hussain Muslim-bin-Hajjaj al-Nishapuri (817-874 AD) are considered as the most authentic *hadith* collections. In addition to these two, *Sihah al-Sittah* (the authentic six *hadith* collections) include *Sunan Abu-Dawud* of Abu-Dawud (817-889 AD), *Jami al-Tirmidhi* of Muḥammad Ibn-Isa al-Tirmidhi (824-892 AD), *Sunan al-Nasa'I* of Aḥmad ibn-Shu`ayb al-Nasai (829-915 AD) and *Sunan Ibn-Majah* of Muḥammad ibn-Yazīd ibn-Majah (24-887 AD). Some scholars include *Muwatta* of Imam Malik Ibn-Anas in *Sihah al-Sittah* replacing *Sunan Ibn-Majah*.

Ijma refers to the consensus of the scholars on a particular subject. Since it is believed that the scholars of the first centuries of Islam would not agree on a particular issue unanimously without knowing an approving Qur'anic verses or *hadith*, the *ijma* is considered as a significant source of the Islamic jurisprudence. Since the *ijma* was formed when the number of available *hadith* was far times more than the contemporary period, the *ijma*, sometimes, maybe preferred even more than available *hadith*.

2.2.1   Conflict Resolution in Qur'an

Abdalla et al. (2016) identify four elements of conflict behaviour and resolution in Qur'an. First is a description of a conflict situation either with actual or hypothetical examples. For example, Qur'anic verses (2:226-242) talk about different hypothetical situations of family and marital conflicts. Second is guidance about actions to deal with situations of such conflicts. The above-mentioned verses (2:226-242), for example, provide such guidance. The third is the manner and mechanism to implement the rulings of the conflict resolution. Forth is a warning about the accountability to Allah to avoid excessive use of power against the weak party.

Many verses of Qur'an have prompted conflict resolution of family, intra-religious and interreligious conflicts. Qur'an suggests preferring non-violent reconciliation way to solve differences and clash of interests.

"Repel evil with good" (Qur'an 23:96).

"*Sulh* (conflict settlement) is better" (Qur'an 4:128)

"Allah commands doing justice, doing good to others, and giving to near relatives, and He forbids indecency, wickedness, and rebellion" (Qur'an 16: 90)

(The pious people) are "those who spend generously in the way of Allah, whether they are in prosperity or in adversity, who control their anger and forgive other people for Allah loves such charitable people" (Qur'an 3: 134).

Qur'an encourages third party intervention and mediation of conflicts, and talks about its principles in verse,

"If two parties among the believers fall into mutual fighting, make peace between them. Then if one of them transgresses against the other, fight the one who has transgressed until he returns to the commands of Allah. Then, if he returns, make peace between them with justice and be fair; for Allah loves those who are fair and just" (Qur'an 49:9)

Qur'an promotes peaceful resolution of not only internal conflicts among Muslims but also external conflicts with other religious communities and political entities. For example, Qur'an says,

"And if they incline to peace, then incline to it [also] and rely upon Allah" (Qur'an 8:61).

According to Reiter (2011),

this verse is unique in that it speaks in general terms and is not restricted in any way – neither in regard to the groups with whom Muslims engage in peace nor in regard to the duration of a peace treaty. This verse is used by some contemporary *Muftis* to justify peace with Israel.

Qur'an commands to honour the treaty through many verses and prohibits violation of it. For examples,

"O you who have believed, fulfil [all] contracts" (Qur'an 5:1)

"Except (this proclamation does not apply to) those polytheists who honoured their treaties with you in every detail and aided none against you. So fulfil your treaties with them to the end of their term; for Allah loves the righteous" (Qur'an 9:4).

"It is not lawful for a believer to kill another except by mistake………. And if the victim is from a people bound with you in a treaty, then blood-money must be paid to the family along with freeing a believing slave. Those who are unable, let them fast two consecutive months—as a means of repentance to Allah. And Allah is All-Knowing, All-Wise" (Qur'an 4:92).

"except those who are allies of a people you are bound within a treaty or those wholeheartedly opposed to fighting either you or their own people. If Allah had willed, He would have empowered them to fight you. So if they refrain from fighting you and offer you peace, then Allah does not permit you to harm them" (Qur'an 4:90).

"Fulfil your duty to God and restore the relationship between yourselves" (Qur'an 8:1)

Qur'an permits secret talks between the intervenor or mediator and conflicting parties if such talks are useful to reach into an agreement.

"There is no good in most of their secret talks—except those encouraging charity, kindness, or reconciliation between people. And whoever does this seeking Allah's pleasure, We will grant them a great reward" (Qur'an 4: 114)

Qur'an promotes forgiveness and reconciliation, not only among Muslims but also with non-Muslims and enemies. For example, "It may be that Allah will grant love (and friendship) between you and those whom you (now) hold as enemies: for Allah has power (over all things); and Allah is Oft-Forgiving and Most Merciful" (Qur'an 60:7). The Qur'anic verses (Qur'an 60:7-9) talk about with whom Muslims should deal with kindness and make a treaty, against whom they should go for war, and the just cause for beginning that war. Qur'an says,

Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are just. Allah only forbids you to make friendship with those who fought you on account of your faith and drove you out of your homes and backed up others in your expulsion. Those who will take them for friends are indeed the wrongdoers.

It must be noted that these verses on peace treaties and conflict resolution have not been abrogated by Qur'an's commands for fighting, though some have claimed the abrogation of 147 verses by the single verse of Q.9:5. Because the commands for *qital* (war) was for a particular context and is applied that or similar context only. This verse was revealed to take actions against those pagan Arabs who violated peace treaty with Muslims and were determined exterminating Muslim community. Imam Ibn-Jarir al-Tabari (839–923 AD) negates the argument of abrogation in his interpretation of the verse (Q. 8:61) and asserts that such an argument has no evidence in Qur'an, Prophet's

practice nor innate nature of reason. According to Tabari divine bidding for responding peaceful initiative of enemies with similar reconciliation has never been abrogated. Hayward quotes Dr Zakaria Bashier saying that Qur'an's command for peace and non-aggression is

> *Muhkam* [clear in and of themselves] verses, i.e. definite, not allegorical. They are not known to have been abrogated, so they naturally hold. No reason exists at all to think that they have been overruled (Hayward 2011: 9).

According to Funk and Said, the tendency of seeing such call for *qital* (war) with priority and call for non-violence as abrogated is developed with the political interest of Umayyad and Abbasid rulers as they focused attention on foreign military threats (Funk and Said 2010:183). According to Da'wah Institute of Nigeria (DIN) (2009: 21), it would be difficult to accept that one single verse (Q. 9:5) abrogated Qur'anic teachings to utter good speech to mankind (Q.2:83), to promote peace and forgiveness (Q.7: 199 and 43:83), to be patient with taunting from disbelievers (Q. 20: 130), to console the Prophet Muhammad that his duty is only to convey messages (Q.24: 54), to warn disbelievers the consequences of their action in the hereafter world (Q. 6:135), to enjoin self-defence with keeping limit (Q. 2:190) and to enjoin believers to honour treaties they made with disbelievers. Al-Suyuti, a jurist in Shafi school of jurisprudence, opined that "in reality, it (abrogation) is rare, despite the fact that many have exaggerated the number of verses of it" (cited in DIN 2009: 18). Abrogation of one verse by another one will be applied only if the later revealed verse completely overruled the previous one. It is different from *Thakhsis*, in which the previous ruling is not totally invalid though it is defined to specific contexts. Abu Ammaar Yasir Qadhi (1999) states that abrogation is the last resort, only if all other options for reconciling two verses with opposite meaning is failed, in the interpretation of Qur'an (cited in DIN 2009: 19).

Muhammad Nasiri (2018) negates any contradiction between war verses of chapter nine of Qur'an and those verses that promote peace, treaty, and freedom of religion. The war verse of the ninth chapter is applied only to a specific context, and it does not support the offensive war. Since there is no contradiction among these verses, which is the basic criteria for abrogation, Nasiri also rejects the argument of presenting the war verse as abrogating all peace verses (Nasiri 2018: 330). In an interview for this research, Muqtedar Khan negated the claim of the abrogation of peace verses. Khan pointed out that Qur'an in its *Surah Baqra* said that one verse would not be abrogated unless similar

or better verse was given. According to him, rather than adding, the proponents of abrogation deleting the verses (Khan 2020). In short, the Qur'anic teachings of conflict resolution and peace have not been abrogated by its command for fighting.

2.2.2 Conflict Resolution in Hadith

Along with Qur'an, the practice of the Prophet Muhammed is the significant source to understand Islamic principles of conflict resolution. Hadith collections provide various examples and principles of both intra-religious and inter-religious conflict resolution. The narratives about the Prophet Muhammed portray him as a peacemaker as well as a bringer of unity to feuding Arab tribes (Funk and Said 2010:148). He mediated disputes both before and after prophethood. For example, Muhammad mediated a dispute among Arab tribes on fixing the black stone (*Hajar al-Aswad*) in Kaaba when he was 35-year-old. He put the stone in a large sheet of cloth and invited a representative of each tribe to share the honour of hoisting the stone. After his prophethood, he used to reconcile disputes between his followers, and between his followers and others. Recep Dogan (2014) analyses the personality of the Prophet Muhammed and his characteristics as a leader. Dogan sketches the attributes of the Prophet, which contributed to his success as a leader. They are trustworthiness, readiness to listening to others and consult his colleagues before making a decision, and equal respect to all without favouritism and racism. Iqbal (1975) has analysed the diplomatic behaviour of the Prophet Muhammed and his art of negotiation. He analyses the role of the behaviour of the prophet in his diplomatic activities and negotiation.

There are a lot of *hadiths* that promote conflict resolution and peacebuilding. Once the Prophet told his followers that "Shall I inform you of a better act than fasting, alms and prayers? Make peace between one another: enmity and malice tear up heavenly rewards by roots" (Vehapi 2013: 43). In another *hadith*, the Prophet told to "befriend those who break off from you, give to those who refuse to give to you and forgive those who are unjust to you" (Vehapi 2013: 46). Describing different methods to end disputes and to make a resolution, the Prophet said that, "Shake hands and rancour will disappear; give presents to each other and love each and enmity will disappear" (Muwatta of Malik)

Commanding strongly to honour treaty with enemies, the Prophet warned that, "whoever killed a person having a treaty with the Muslims, shall not smell the smell of Paradise though its smell is perceived from a distance of forty years" (Al-Bukhari). He

also says, "Beware, if anyone wrongs a contracting man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment" (Abu-Dawud).

In addition to promoting conflict resolution, the Prophet Muhammad also talks against violence. He says, "Faith is a restraint against all violence, let no believer commit violence" (Abu-Dawud). Ibn-Umar narrates that someone asked the Prophet, "Who is the best Muslim?" He replied, "That one whose hand and tongue leave other Muslims in peace" (Al-Bukhari)

The first task of the Prophet Muhammad in Madeena, after building a mosque, was to strengthen social relationships and to make treaties with various religious, tribal groups to protect international and external relations (Ishaq 2018: 103). It shows the significance of the intercommunity relationship just next to worshipping God. The constitution of Madeena (*Sahifath al-Madeena*), which the Prophet concluded with the Jewish groups of Madeena soon after *Hijra* was a notable example of peacebuilding (Refer Appendix-I for the full text of *Sahifath al-Madeena*). It was the first treaty signed between Muslims and non-Muslims. Denny states that,

> The 'Constitution' is a realistic and pragmatic, yet also idealistic, document for its time and place and depicts Medina as a theocratic society that provided a transcending authority for the unifying purposes of the *ummah*, even in its inclusion of non-Muslims as equally protected beneficiaries of citizenship (Denny 2004: 133).

Yassine-Hamdan and Pearson (2014:15) opine that the concept of *ummah* includes all people of the book: Jewish, Christian and Muslims. Qur'an (21:92 and 23:52) also has indicated the entire humanity as a single community *(ummah)*.

However, this treaty was breached as the Jewish tribes violated the agreement. The first confrontation was between Muslims and Jewish of Banu Qaynuqa when some members of the tribe attacked a Muslim women and forcefully exposed her nakedness. It led to actual fighting when the leaders of Banu Qaynuqa rejected the request of the Prophet Muhammad to stop the violence. The confrontation with Banu Nadir, another Jewish tribe, started when they violated the agreement by instigating the Quraysh of Makkah to attack Muslims of Madeena and offered their support (DIN 2009: 29). Banu Nadir, along with Quraysh planned to eradicate the Muslim community from Madeena. Since their alliance between Banu Nadir and Quraysh was too strong, Muslims dug a ditch around Madeena to prevent the advance of the powerful alliance. At the same time,

Banu Quraizah also conspired to join the alliance to attack Muslims from inside of Madeena (Ibn-Hisham as cited in AbuSulayman 2010:41).

The Hudaybiyya agreement (*Sulh Hudaybiyya*), which ended the continues war between Quraish of Makkah and Muslims of Madeena in AD 628, was another notable peace treaty in the life the Prophet Muhammad (Refer Appendix-II for the text of the *Sulh Hudaybiyya*). Mustafa Abu Sway (2006) notes that, since *sulh* is the original Arabic word used to describe the Hudaybiyya Agreement, it is a 'conciliatory agreement' rather than a 'treaty'. According to Sway, the word *sulh* in Arabic is not as neutral as the word 'treaty'.

Although some prominent figures among the Prophet's followers were disappointed due to the lost opportunity to visit Makkah for pilgrimage and due to concessions given by the Prophet to the enemies, the Prophet preferred reconciliation and peace treaty as the best way to propagate his message. It is reported that there was a provision on the agreement to send back those Quraysh who came to Muslims while there is no such obligation on the part of Quraysh to send back those renounced Islam (Istanbuli 2001:42). Such a reconciliation was rarely experienced in the pre-Islamic era where even the simplest dispute could inflame inter-tribal wars. However, since this treaty allowed other tribes of Makkah to make an alliance with whichever party they want, Muslims or Quraysh, it paved base to propagate Islamic teachings to other tribes. The new believers from Quraysh, who were sent back as per provision in the treaty, also helped to convey teachings of Islam to Quraysh. Consequently, Islam spread quickly across Arabia after the treaty and the number of people who believed in Islam after the treaty was more than those who believed before.

Sway (2006:6) identifies various lessons of the Hudaybiyya Agreement,

> 1) Despite the dissatisfaction of the Prophet's Companions with the treaty, the Qur'an described it as a great victory or *fath:* Surely We have given to you a clear victory (Qur'an, 48:1).
>
> 2) The *Hudna* (truce) is a matter of *shura* (consultation), concluded by the leader of the faithful.
>
> 3) Regardless of who the other party (signatory to the treaty) is, their request should be answered positively, as long as it does not violate the *shari'a.*
>
> 4) It is permissible for the Muslim leader to initiate the request for the *Hudna*, as long as it is in the interest of Muslims.

5) The property of the non-Muslim signatories to the treaty is protected.

6) The treaty is not binding to Muslims who are not living under the jurisdiction of the Imam (i.e., if the Muslim head of a state signs a political treaty, it becomes legally binding to all the citizens of that state. The treaty is not binding to those Muslims who fall under the jurisdiction of a different state. This is especially true today because the Muslim world is divided into many states).

This treaty also supports the legitimacy of the peace treaty even with people who are not belonging to *Ahl al-Kitab* (people of the book).

The treaty was breached after the tribe of Banu Bakr, an ally of Quraysh, attacked the Banu Khuza'ah tribe, an ally of Muslims. When Banu Khuza'ah requested the support of Muslims, the prophet sent a letter to Quraysh asking blood money for those being killed. Otherwise, the prophet warned, the treaty will be null and void. It was only breaching of the treaty by Quraysh, the Prophet went to Makkah and captured its control in eight-year of *Hijra* (AD 630). The prophet had not taken revenge even after the peace of the Hudaybiyya was broken by the Quraysh, and the balance of power shifted to sides of Muslims. As Karen Armstrong correctly pointed out, the entry of the Prophet to Makkah was "without bloodshed and without forcing anyone to convert to Islam" (Armstrong 2000: xiv cited in Vehapi 2013: 51). Instead of persecuting his enemies as revenge/punishment to their cruelty towards Muslims at the early period of Islam, Muhammad pardoned them and offered amnesty in exchange for their allegiance (Funk and Said 2010:149).

The peace treaty with the Christians of Najran (the south-western of modern Saudi Arabia) in AD 632 is another instance of peacebuilding. The treaty declares that,

> Nothing that they (Najranites) used to have will be altered, and no right they used to enjoy will be withdrawn. No bishop will be prevented from his bishopric, and no monk will be displaced from his monastery. No one will carry the burden of the past or will be charged in retaliation for blood from that period. They will not be recruited for fighting, nor will they be taxed for the one-tenth, and their land will not be flocked by any army (as it is translated in Istanbuli 2001:47).

The prophet sent diplomatic representatives to the rulers of other countries as well as he received their representatives. For example, he sent Dahyathul Kalbi to Heraclius, the Byzantine Emperor, Abdullahi Ibn-Huzafa to Chosroes II, the Persian Emperor, Amr Ibn-Umayyah to Negus, the King of Abyssinia and Hatib Ibn-Abi Baitah to Muqawqis, the Ruler of Egypt. He also received the ambassadors of other countries with all dignity and diplomatic immunity. The prophet taught a maxim that the

ambassadors should not be killed, and he should be allowed to return to his home country safely. When two envoys of Musailimath-ul Kaddaab came to the Prophet and supported the prophethood of Musailimath, the prophet Muhammad told that "if envoys should not be killed, I would behead the both of them". The number of delegations to Madeena increased after the bloodless conquest of Makkah. The ninth year of *Hijra* (AD 631) is known as 'years of delegations'. It includes the delegation from Taif, Bani Tamim, Hemyar (Yemen).

Through his reconciliation, the prophet could turn the warring tribes of Makkah and Madeena to an idea of single *ummah* with concepts of human dignity and brotherhood. K.W Troger epitomises it as "reconciliation of hearts" (cited in Kadayifci-Orellana et al. 2013:7). In short, the prophet Muhammad reconciliated among various Arab tribes, among his companions and between his companions and others.

2.2.3 *Conflict Resolution in the Islamic Jurisprudence*

Many Muslims consider sharia as a guidance for all spheres of life irrespective of whether it is personal or social, economic or political, or private or public. So, unlike conventional understanding of the law, sharia is much more than just criminal rulings and penalties. According to John Kelsay (2006: 82), the common translation of the word sharia as Islamic law is misleading, and it is more about the ideal way of life.

The Qur'an and *hadith* along *ijma* (consensus of scholars) and *qiyas* (analogical reasoning) are the sources of the sharia. Sometimes *urf* (common practice/custom) also considered as a source. However, the interpretation of these sources is not an easy task. Because it requires mastery in Arabic language, deep knowledge about the context of the Qur'anic verses and *hadith*, knowledge about the validity of chains of *hadith* and awareness of all related Qur'anic verses and *hadith*. Due to the differences in the methodology of interpreting these sources, various schools of jurisprudence (*madhhabs*) emerged. Maliki Madhhab of Malik Ibn-Anas (AD 711-795), Hanafi Madhhab of Abu-Hanifa Nu'man (AD 699-767), Shafi Madhhab of Muhammad Ibn-Idris al-Shafi (AD 767-820) and Hanbali Madhhab of Ahmad Ibn-Hanbal (AD 780-855) are the prominent *madhhabs* in Sunni Islam. Now, the majority of scholars prefer to follow the methodology of one of these four *madhhabs* to give *fatwas* on contemporary issues.

A *fatwa* is a legal answer given by a *mufti* (qualified jurist for fatwa) on various issues. For being a *mufti*, any formal position or recognition from the government is not mandatory. However, he/she should be an expert jurist and well trained in sharia reasoning. So, historically this authority is restricted to learned *ulama* (Islamic scholars), who completed the most advanced courses of training (Kelsay 2006:104). Because of this reason, "*fatwas*" issued by Usama Bin-Laden and Ayman al-Zawahiri have not legal authority within Islam. Believers are not bound to follow a particular *fatwa* given by qualified *ulama* since there are diverse opinions among *ulama,* and believers can choose any of them for their practice. However, the influence of *fatwas* on public opinion depends on popularity and religious authority of *muftis.*

In addition to the Qur'an and *hadith*, Islamic scholars also have supported conflict resolution and peace treaties. According to most of them, such a treaty with non-Muslim entities is permitted (*Halal),* and sometimes it will be compulsory (*Wajib*) if the absence of such a treaty creates inescapable harm to Muslims. Explaining the *hadith* of the Hudaybiyya agreement, Yahya Ibn-Sharaf al-Nawawī (1234-1277 AD) in his *Sharah Muslim* says that the treaty is a proof of permissibility for making a resolution with non-Muslims if there is any benefit and it is agreed by all scholars if such reconciliation is necessary. Imam Abu 'Abdullah Al-Qurtubi (1214-1273), the famous interpreter of the Qur'an, also makes the similar points and says in his explanation of the Qur'an (8:61) that the Prophet Muhammad and Righteous Caliphs and followers were in this path of reconciliation with non-Muslims. Caliph, which literally means successor, is the rulers of an Islamic state. The first four caliphs after Prophet Muhammad are known as the Righteous Caliphs (Al-Khulafaa al-Rashidoon). Debates about various aspects of conflict resolution and peace treaty will be covered in the section (2.7) on Islamic perspectives on treaties and resolution with non-Muslim countries/ political entities.

2.3   Different Aspects of Conflict Resolution

In the Islamic discourse, conflict resolution has different aspects. Various terms such as *tahkim* (arbitration)*, wistata* (mediation)*, Hudna* (truce) and *sulh* (reconciliation) are used to denote different aspects of conflict resolution. *Tahkim* is "a form of authoritative mediation or arbitration in which one or more persons of high social status seek to bring the shared wisdom of the community to bear on a social or political conflict" (Funk and Said 2010:152). According to this definition, *tahkim* refers to both arbitration and mediation. The Qur'an talks about arbitration in family disputes (Qur'an

4:35). Muhammad has successfully practised arbitration both before and after his prophethood. For example, he arbitrated the conflicts between Qurayshi clans regarding 'Black Stone' in Kaaba. He also mediated among tribes in Madeena, and his role as mediator was accepted by all communities and recognised in the Constitution of Madeena (*Sahifath al-Madeena*). The Qur'an (2:213) also indicates the role of prophets as an arbitrator who judges among people in the light of revealed texts.

The Qur'an provides guidance about mediation when it says,

> If two parties among the believers fall into mutual fighting, make peace between them. Then if one of them transgresses against the other, fight the one who has transgressed until he returns to the commands of Allah. Then, if he returns, make peace between them with justice and be fair; for Allah loves those who are fair and just. The believers are brothers to one another, therefore, make reconciliation between your brothers and fear Allah, so that you may be shown mercy (Qur'an 49:9-10)

Accordingly, even though the mediator should be neutral, such neutrality is not an absolute value. Because, if there is injustice, the mediators should stand for justice. These verses also promote justice and fairness as necessary components of peace and reconciliation.

Caucusing and confidentiality are permitted or promoted for successful mediation (Abdalla et al. 2016: 143). Caucusing means to have a secret talk with one party to discuss those issues, which is difficult to discuss openly. Qur'an (1:114) says, "There is no virtue in most of the secret counsels of the people; it is, however, good if one secretly enjoins charity, kindness, and reconciliation among people; the one who does this to please Allah, will soon be given a mighty reward".

Identity, the social ranking of mediators are decisive factors in the success of mediation in the Middle Eastern countries. Bercovitch and Kadayifci-Orellana (2009: 180) opine that "what mediators do, can do, or are permitted to do in their efforts to resolve a conflict may depend largely on who they are". Unlike Western countries, the close relationship of a mediator with conflicting parties will not be considered as a negative factor but often viewed as an advantage. Cultural insiders get more acceptance than outsiders (Kadayifci-Orellana et al. 2013:28). Imams and other religious leaders are successful mediators in Muslim societies, especially where the state's power is weak. Since they are viewed as trustworthy, they get a high degree of moral and religious legitimacy. It is the responsibility of mediators to complete the rituals of *sulha*, to ensure

the payment of financial agreements such as blood money, and to assist the parties to reintegrate into the community.

According to Bercovitch and Kadayifci-Orellana, the distinguishing characteristics of faith-based mediators include

a) explicit emphasis on spirituality and/or religious identity; b) use of religious texts; c) use of religious values and vocabulary; d) utilization of religious or spiritual rituals during the process; e) involvement of faith-based actors as third-parties (Bercovitch and Kadayifci-Orellana 2009:185)

Hudna aims to limit further bloodshed and facilitate *sulha*. The victimised family renounce their right to retaliate for a specific period of time during which the mediators will work for reconciliation (Funk and Said 2010: 157).

The difference between *Hudna* and *sulha* is that while the former stands for short term truce between conflicting parties to facilitate better negotiation, the latter intends to restore the good relationship between parties (Özçelik 2006-2007). Quite often, both terms are used with the same meaning. According to Wahbah, the lexical meaning of the word *Hudna* is discontinuation and suspension of hostilities whereas its technical meaning (in Islamic Sharia) is "a treaty put in place with intent to end disputes" (Wahbah 1985 as cited in Amadu 2015: 137). After citing the lexical and technical meaning of the word, Amadu opines that the Qur'anic concept of *sulh* is interconnected with the concepts of *salam* and *adl*.

As the words *sulh* and *islah* indicate, the Qur'anic idea of conflict resolution means not only mere contractual agreement, but also restoring relationship among conflicting parties. *Sulha* usually takes place in public to get social support and legitimacy for the agreements. "According to Jordanian judge Abu-Hassan, there are two types of *sulh* processes: public *sulh* and private *sulh*" (Irani and Funk 1998:64). Public *sulh* takes place between two groups, such as tribes and countries, to suspend fight and establish peace for a specific period. Private *sulh* aims to avoid revenge and restore harmony when the conflicts happen between members of a community who know each other. Mneesha Gellman and Mandi Vuinovich (2008) describe *sulha* as the closing ceremony of the reconciliation process, starting from mediating actions of *Jaha* (mediators) followed by *Hudna* (truce) and *sulha.*

The fundamental aim of the *sulha* is to restore the social relationship, justice and dignity of each party. *Sulha* encourages the offending party to take responsibility for crimes

and offer repentance. At the same time, it also promotes the offended party to forgive and restore the relationship. The ritualistic aspect of the *sulha* helps to achieve these goals. According to Irani and Funk (1998:64), *sulha* refers to "ritualised process of restorative justice and peace-making and also to the actual outcome or condition sealed by that process". According to Funk and Said (2010: 173), Islamic approaches to conflict resolution are characterised by the emphasis on religious values, social networks, the ritual of reconciliation and linage between personal and group identity.

Sulha is very popular in conflict resolution processes of Arab-Islamic countries, especially in the rural area where states' control is weak (Irani 1999:11-12). Even though the legal system of modern states has replaced traditional practices to an extent, "*sulh* continues as a vital concept in Arab-Islamic thought about peace-making" (Funk and Said 2010: 155).

2.4 Islamic Principles of Conflict Resolution

The classical Islamic texts and life of the Prophet Muhammad illustrate many rules and norms of conflict resolution. Abu-Nimer (2001: 220) opines that "Islam yields a set of peacebuilding values that, if consistently and systematically applied, can transcend and govern all types and levels of conflict". Even though there are some obstacles, such as difference among scholars and intermixture of religious and traditional values, to identify these principles, a detailed analysis of classical texts can overcome these obstacles to an extent. Accordingly, scholars have identified various principles of conflict resolution in Islamic tradition. Although most of the works focus on principles of domestic and intra-religious conflicts, a detailed understanding of them will be useful to figure out the principles of international conflict resolution.

Aroua (2013: 81) discusses four pillars of reconciliation in Islamic tradition: (1) Truth, (2) Memory, (3) Fairness, and (4) Pardon. For Kadayifci-Orellana, the pillars of the Islamic conception of peace are *tawhid* (unity of all humankind), *fitrah*, *adl* (justice), *afuw* (forgiveness) and *rahma* (compassion) (Cited in Yassine-Hamdan and Pearson (2014:11). According to Rehman (2011: 67), Islamic principles such as "pursuit of justice, social empowerment by doing good, the universality and dignity of humanity, equality, the sacredness of human life, knowledge and reason, creativity and innovation, forgiveness, individual responsibility and choice, patience, collaborative action and solidarity, inclusiveness and participation, pluralism and diversity, etc" have significant

implications in conflict resolution and peace-making. Abu-Nimer (2001: 233 and 2006) pointed out that Islamic values such as "unity, the supreme love of the Creator, mercy, subjection to passion, accountability for all actions…. forgiveness and mercy…. *adl* (justice), *ihsan* (benevolence), *rahma* (compassion) and *hikmah* (wisdom)" are supporting principles for conflict resolution and peacebuilding.

Abdalla (2001: 166) identifies three guiding principles for the Islamic model of conflict intervention: "1) Restoring to Islam its messages of justice, freedom and equality, 2) Engaging the community in the intervention and resolution processes, and 3) Adjusting the intervention techniques according to the conflict situation, and its stages". Kadayifci-Orellana et al. (2013: 23-27) discuss different aspects of conflict resolution in the Muslim world. They include community orientation, considering conflict as a negative phenomenon, binding nature of agreements, hierarchical and authoritarian procedures, the centrality of emotions, the centrality of Islamic values and rituals and social norms and emphasis on restorative justice. The following section analyses principles such as violence/non-violence, justice, forgiveness, protection human life and dignity, the concept of *ummah* and pluralism, patience (*sabr*), and mercy (*rahma*).

2.4.1 Violence/Non-Violence

Although compatibility between Islam and non-violence is still a topic of big debate, most of the Islamic scholars agree that Islam motivates its followers to work for a peaceful world as the end. Then, the difference is mainly about whether the violent method is justified to achieve that end. However, many works about this topic, especially in the Western world, reflect their Islamophobia and present Islam as a religion of violence and aggression. In addition to media reports, academic literature also narrates one side of debates. That is why resources in the Library of Congress on "Islam and violence" appear five times more than "Islam and non-violence" (Abu-Nimer 2001: 218). The objective of this research is not to prove whether Islam is violent or non-violent religion but to analyse how the debates over this principle in shaping the theological debates on peace treaties with Israel.

Abu-Nimer (2001 and 2006) identifies three approaches in the debates on Islam and non-violence: "(1) studies of war and *jihad*; (2) studies of war and peace; (3) studies of nonviolence and peacebuilding". Scholars with the first approach consider war and violence as primary methods to solve conflicts and see pacifism and non-violence as

foreign concepts to Islamic tradition. According to the second approach, Islam allows war to settle conflicts in certain contexts with specific conditions and, so, it cannot be a pacifist religion. This approach emphasises the Islamic teachings for the struggle to achieve justice and relegates non-violence to a secondary place. At the same time, this approach opines that wars for prestige, aggression and expansion are not permitted in Islam. Scholars like Sohail Hashmi and Abdulaziz Sachedina follow this approach. Abu-Nimer criticises this approach saying that it adopts a limited definition of non-violence as a method of surrender to the enemy. This approach also looks at the debates through the prism of war and strategic studies rather than peace and conflict resolution studies. The third approach emphasises the potential of non-violence as a philosophy in Islam, though it acknowledges the legitimacy of limited violence in the Islamic scripture. It focuses on principles such as the unity of humankind, the sacredness of human life and dignity, the obligation of mercy, accountability to the God and his supreme love. This approach refers to the story of Habil (Abel) and Qabil (Cain) to argue that non-violence is preferable even in the context of confrontation. According to the Qur'an's narration of the story, Habil to Qabil that "If you raise your hand to kill me, I will not raise mine to kill you, because I fear Allah—the Lord of all worlds" (Qur'an 5:28). According to this approach, even if justice is the goal of Islam, the non-violent way is preferable and effective to achieve that justice and to empower the victims of injustice. Wahiduddin Khan observes that even though peace does not automatically produce justice, it creates possibility and base for establishing justice (cited in Kadayifci-Orellana 2003:50). Chaiwat Satha-Anand and Wahiduddin khan are proponents of this approach.

Islam promotes many values and principle that can be a base for non-violence activism. "Tolerance, persuasion, arguing, suffering, patience, civil disobedience and withdrawal of cooperation, rejecting injustice, strikes, emigration, boycotting, diplomacy, publicity, propaganda, and rituals like fasting, chanting and praying" are examples for such principles (Abu-Nimer 2003: 43 and Kadayifci-Orellana 2003:47). According to Satha-Anand, the five pillars of Islam provide a framework for non-violent action. Shahada promotes disobedience towards unjust authority; daily prayers teach discipline and human solidarity and equality; *zakat* (alms) reminds the responsibility to take care the need of human society; *sawm* (fasting) instils patience, self-sacrifice and empathy for the suffering of others; *hajj* conveys the lessons of unity among all Muslims

irrespective of their class, race and gender (Satha-Anand 1990:37 as cited in Funk and Said 2010:198).

During his life at Makkah before *Hijra*, the Prophet had adopted complete non-violent activism. He did not incline towards the use of force even for self-defence when he and his followers were tortured, humiliated and even murdered. Even after the war was permitted after *Hijra,* the fatalities were minimal. Even in unavoidable situations, war must be guided by the Qur'anic verse, "Fight for the sake of those that fight against you, but do not be aggressive" (Qur'an 2: 190). Wahiduddin Khan notes that only at three instances Muslims entered to the battlefield under the leadership of the Prophet Muhammad. They are Battles of *Badr, Uhud,* and *Hunayn*. Since all of these three lasted only for half a day, it is right to say that the Prophet engaged in war only for a day and half and practised non-violence throughout his 23 years of prophethood (Khan 1998: 6 as cited in Kadayifci-Orellana 2003:49). Non-violent movements of Pashtun led by Ghaffar Khan against British colonial rule is a modern example of the practical application of Islamic principles of non-violence against injustice. So, the non-violence does not mean quietism nor submission to aggression and injustice.

2.4.2 *Justice (Adl)*

Justice (*adl*) is one of the most significant goals of Islam and an integral part of its discourse on peace and conflict. Philpott describes the meaning of justice in the Qur'an as "something much like righteousness-living in right relationship in all spheres of life, according to the norms, obligations, and expectations that each sphere demands, as forth by God" (Philpott 2012: 153). In addition to the word *adl,* the Qur'an also uses words like *qist* and *meezan* to mean justice.

Just like peace (*salam*), justice (*adl*) is one of the names of Allah. According to Islamic discourse, God represents the perfect mode of justice. The concept of *meezan* in the Day of Reckoning represents the justice of Allah. Since humans are vicegerent of God (*Khalifathullah*) on the earth, the main purpose of their existence is to establish justice in the world. The Qur'an (5:8) places justice next to *tawhid* in terms of significance. Abu-Nimer (2001:233 and 2006:142) states that "In Islam, acting for the cause of God is synonymous with pursuing justice". Aroua quotes Abdurrahman ibn-Khaldun saying that justice is viewed in the Islamic tradition as the pillar of governance and the foundation of civilization (Aroua 2013: 37). At various occasions, the Qur'an

commands to work for justice and forbids injustice. For example, the Qur'an (16: 90) commands "Indeed, Allah commands justice, grace, as well as courtesy to close relatives. He forbids indecency, wickedness, and aggression". Similarly, the Qur'an (7: 29) says, "Say, O Prophet, 'My Lord has commanded justice'". The Qur'an (4:135) underlines the significance of justice when it says "O believers, stand firm for justice and bear true witness for the sake of Allah, even though it be against yourselves, your parents or your relatives. It does not matter whether the party is rich or poor - Allah is the well-wisher of both. So, let not your selfish desires swerve you from justice". The prophet Muhammad also calls Muslims to stand against injustice even if it is from another Muslim. The universality of justice to all, not only to Muslims, is crucial for the conflict resolution.

The aim behind sending messengers and holy texts is described as establishing justice in the world. The Qur'an (57:25) says "We sent Our messengers with clear proofs, and with them, We sent down the Scripture and the balance of justice so that people may administer justice". So, justice should be a central point for any judgement, arbitration and conflict resolution. The Qur'an (4: 58) makes it clear saying that "Indeed, Allah commands you to return trusts to their rightful owners; and when you judge between people, judge with fairness. What a noble commandment from Allah to you". Another verse commands, "So if they come to you ˹O Prophet˺, either judge between them or turn away from them. If you turn away from them, they cannot harm you whatsoever. But if you judge between them, then do so with justice. Surely Allah loves those who are just" (Qur'an 5: 42).

According to the Qur'an, people should enjoy justice irrespective of their religious and other identities. The Qur'an (60:8) says "Allah does not forbid you to be kind and equitable to those who had neither fought against your faith nor driven you out of your homes. In fact, Allah loves the equitable". Another verse commands to deal justly even with enemies. "Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness" (Qur'an 5: 8). The repeating emphasis of the Qur'an on justice indicates that it is a significant and religious duty of rulers and followers. Along with political and social justice, Islam promotes economic justice as well. For achieving it, Islam promotes various mechanisms such as *zakat* (compulsory alms to the poor), *sadaqa* (giving of voluntary charity) and Contributing to the *waqf*.

The idea of justice is very much crucial in conflict resolution and peacebuilding. Amadu points out that "in line with significance *adl* in achieving *salam* and *sulh*, Muslim writers such as Ibn-Khaldun (14th Century CE), Ibn-Kathir (1966), al-Tabari (1967), AbuSulayman (2011), Drammeh (2009), and Kamali (2006) believe that the Qur'an 2: 30; 49:13; 16:90 contains a framework on which lasting peace and reconciliation could be based" (Amadu 2015: 1). Peace can be viewed as a product of order and justice. Both peace and justice are interconnected and interrelated. Long-lasting peacebuilding requires equal participation of all parties of the conflict in the final decision-making. Then only, the process and outcome of conflict resolution can empower all parties. Lack of this aspect in the post First World War negotiations was the root cause of the Second World War. If the post-war negotiation is an imposition of the winner over loser, it will not be long-lasting as the loser party will try to increase its capability and to revenge whenever it can. Philpott reasons that "if reconciliation is a process of restoring relationships to a condition of rightness and if justice is also right relationship, then it follows that reconciliation is a matter of what Islam calls justice" (Philpott 2012: 155). Underlining the meaning of the Qur'anic words for reconciliation, such as *sulh* and *islah*, Philpott argues that as these words mean restoring right relationship, justice is an integral aspect of Islamic conflict resolution.

Even though justice is an absolute and significant value in Islam, sometimes, it can conflict with other values such as peace and forgiveness. The following section (2.4.4) discusses the interconnection between such values.

2.4.3 *Forgiveness*

Forgiveness is defined as "an intentional act of overcoming resentment and vengefulness as a reaction to past wrongs; it is a recovery from negative consequences past wrongs may have for the victim and the perpetrator, as well" (Jirsa 2004: 3). According to Philpott (2013: 402), apart from overcoming resentment, "forgiveness involves a positive act of reconstruction". Forgiveness is an essential element of conflict resolution since it can restore the broken relationship among conflicting parties. However, Abu-Nimer and Nasser (2013: 481) opine that peace and conflict resolution literature has not addressed forgiveness as a necessary step in achieving reconciliation. While those scholars who propose transformative conflict resolution (for example, Abu-Nimer 2001; Galtung 2001; Henderson 2005; and Lederach 1997) include forgiveness as an element of the process, other scholars who focus on pragmatic/

instrumental/strategic nature of resolution (for example Kriesberg 2001 and Rothstein 1999) do not consider it as a necessary element (as cited in Abu-Nimer and Nasser 2013: 481).

Nevertheless, forgiveness is a high virtue in many cultures and religions. There is very common and thoughtful saying that "errors from the small, forgiveness from the great". Like other religions, Islam also promotes forgiveness rather than maintaining hatred and asking for equal punishment though Islam keeps the option for justice open for victims. The Qur'an and *hadith* talk about the significance of forgiveness using several Arabic terms such as *afuw* (35times)*, safuh* (8 times)*, ghafara* (234 times) (Abu-Nimer and Nasser 2013: 476). Muslims are taught to ask forgiveness to Allah in their everyday life by saying: *Astaghfiru Allah* (I ask forgiveness from Allah). Many names of Allah like *qaffar, raoof, raheem* indicate the forgiving attitude of Almighty Allah. Even though the *adl* (justice) is also one of the attributes of Allah, his forgiveness outworths his strict retributive justice. Hakeem Murad says that "In the Qur'an, God is just, and requires justice; but he is also forgiving, and requires forgiveness; in fact, its references to the latter property outnumber those on justice by a ratio of approximately ten to one" (Murad 2014: 1). Allah has repeated many times in the Qur'an his willingness to forgive to those asking him to pardon and sometimes to others also. Human beings have to restore their relationship with Allah if they did any wrong, through doing *thauba* (repentance). Allah also promotes those committed mistakes to do *thauba*. This forgiving attribute of Allah promotes believers also to follow the same.

The Qur'an encourages to forgive others and offers high rewards to those who forgive fellow human beings. For examples, the Qur'an commands to "pardon and forgive" (Qur'an 2: 109); "If you pardon and forgive, then surely God is Forgiving, Merciful" (Qur'an 64: 14); "They should pardon and forgive. Don't you love that God forgives you? God is Forgiving, Merciful" (Qur'an 24: 22). The Qur'an describes attributes of believers as they are "when they are angry, they forgive" (Qur'an 42: 37). Another verse (Qur'an 3: 134) talks "those who restrain their anger and forgive others. God loves such good-doers". The Qur'an also says that "Kind speech and forgiveness are better than charity followed by injury. And Allah is Free of need and Forbearing" (Qur'an 2: 263).

Even though the victim has an option for getting retributive justice, the Qur'an promotes to forgive the offender to restore their social relationship. Comparing to Christian tradition of forgiveness, Russell Powell (2011: 19) opines that "Unlike the unilateral

command to forgive in the Christian Gospels, the Qur'anic command is rooted in a vision of justice that requires reciprocity". As Aroua (2013: 84) notes, "in the Islamic tradition, forgiveness is a choice that must be made freely, voluntarily; it cannot be ordered by a decree or elicited by pressure or threat". Offenders have no right to be forgiven, and it is the choice of victims to decide whether to seek punishment, compensation or to forgive. At the same time, forgiveness is promoted after repentance, apology and compensation of wrongdoers. It is mentioned in the Qur'an (42: 40), "the recompense of evil is a punishment like it, but whoever forgives and amends, he shall have his reward from Allah". So, even though there is no legal requirement, there is a moral direction to forgive others.

Muslims are promoted to forgive enemies, even when they have the power to take revenge. In his life, Prophet Muhammad has shown notable examples of forgiveness to enemies. They include his forgiveness to the people of Taif, who persecuted him, even without their request for mercy. Even when he was persecuted, he prayed that "Forgive them, Lord, for they know not what they do". Prophet also forgave his enemies in Mecca when it came under his control though he had authority and power to take revenge upon his former enemies who fought and persecuted him and his followers. Prophet forgave Hind, a Meccan woman who paid Wahshi for the assassination of Hamza, uncle of the Prophet, and then chewed his liver, without any retributive punishment. He also forgave Wahshi who killed Hamza in the battle of Uhud. Prophet also suggested Abu Bakr forgive Mistah, who slandered Aisha, even though he deserves punishment if the strict application of justice is implemented. These examples show the moral superiority of forgiveness (Powell 2011: 21). These religious sources and views on forgiveness are crucial to understand its significance in Muslim majority Arab societies and to promote in the process of conflict resolution.

2.4.4   Mediation among Conflicting Values: Justice, Peace and Forgiveness

The relationship between justice and peace depends on the definitions of these terms. If 'peace' is defined as the absence of war and physical violence, it can be achieved even without justice. On the other hand, if peace is defined in a positive term as the presence of justice and an atmosphere that promotes self-actualization, justice will be an inevitable element of peace. As per the first definition, many questions arise: what should be preferable if peace and justice contradict each other? Whether one should prefer a violent way to achieve justice or should prefer peace treaty with injustice status

quo? As per the second definition also, the question of the violent way to achieve peace with justice arise.

The fact that there have been very few prosecutions after genocides and wars of the last century indicate that justice is often side-lined in the western dominated modern peacebuilding processes. The demand of victims for justice is neglected, and offenders are exempted from punishment for the sake of peace and stability. "Negotiations are presented with the choice of either having peace or justice. This is sometimes presented along more complex lines as if to suggest that justice should be postponed for the sake of having peace now" (Amadu 2015: 12).

In Islamic tradition, as it is explained before, peace is defined in positive terms as the presence of both justice and order. So, as Kadayifci-Orellana (2003: 44) opines "without justice, there can be no peace". M. Cherif Bassiouni (1996) also opines that "there truly cannot be peace without justice" and "achievement of *salam* cannot be separated from the pursuit of *adl*" (Cited in Amadu 2015: 13). In an interview for this research, Abu-Nimer (2020) pointed out that "in theory, there may be a contradiction between peace and justice; but in practice, it depends on how parties define justice. If parties want to kill opposite parties as revenge and justice, peace would be difficult to get". Substantiating his argument, Ab-Nimer pointed to the difference between restorative and retributive justice. Restorative justice is possible between if leaders of both sides are ready for it. But many leaders see it as a zero-sum conflict and want retaliation and retributive justice.

Abdelwahab El-Affendi (1993: 45) states that,

> Within the Muslim society therefore, the overarching principle appears to favour peace with justice. When peace and justice became in conflict, the rule is that justice must prevail, even at the expense of peace, but once justice was restored, so immediately should peace be.

El-Affendi and others who talk about a conflicting aspect of peace and justice define peace in negative meaning as the absence of physical violence. Various forms of struggles (*jihad*) are suggested in Islam to achieve justice and peace. As it was discussed in section (2.4.1) on violence/non-violence, there are different opinions about the use of violence to achieve justice and peace. Some scholars emphasise the permissibility of war to correct injustice and oppression. Some others underline the significance of the non-violent method to achieve peace and justice. However, the emphasis on justice has

been used, misused and abused by various radical groups to carry out military struggle as *jihad* aiming to achieve a just world. The over-emphasis on the principle of justice may lead to everlasting war and *fitna* without reaching a peace agreement.

Even though justice is one of the most significant values of Islam, the Qur'an puts *ihsan* (benevolence/goodness) as a critical aspect of the pursuit of justice. For example, Qur'an (16: 90) commands for the pursuit of justice along with benevolence. So, rather than implementing strict justice, political and social impacts of that implementation also need to be considered. Therefore, Islam encourages, but not compels, victims of conflict to forgive offenders rather than seeking strict retributive justice.

The relationship and dilemma between forgiveness and justice have been debated a lot in both Western and Islamic discourses. When justice is defined as retributive justice, it would be seen as contradictory to forgiveness. The idea of forgiveness has been criticised for different reasons. One criticism is that it is a religious rooted and non-secular concept. In the words of Cynthia Ozick, "forgiveness is pitiless, it forgets the victim. It negates the right of the victim to his own life. It blurs over suffering and death….. It cultivates sensitiveness toward the murderer at the price of insensitiveness toward the victim" (Ozick 1997, 216–17 as cited in Philpott 2013: 401). In the liberal viewpoint, "forgiveness contradicts justice, foregoes justice, exceeds justice, or is otherwise different from justice" (Philpott 2013: 403). So, international human right organizations, lawyers, and activists either criticised or ignored forgiveness. Nevertheless, since the Islamic legal system, as it will be explained in the coming paragraphs, does not compel the victims to forgive to the offender, it can overcome the above-mentioned criticism of Ozick.

Philpott (2013) argues that even though forgiveness may contradict with some notions of justice, it can help to establish restorative justice. Since the Qur'an emphasises restorative justice, it does not contradict with forgiveness. So, the forgiveness of the Prophet to his enemies or mercy of God towards the wrongdoers do not contradict with their attributes of justice. At the same time, it helps to restore their relationship in the future. This correlation between *afuw* and *adl* can be seen in the Islamic concept of *qisas* (a mode of the crime-punishment system).

In *qisas* punishments, victims have the options to forgive the offender with or without *diyya* (financial compensation) and to demand equal punishment. The choice of the

victim, whether it is equal punishment or *diyya*, is imposed by the government. Victims cannot impose it without the sanction of the government. So, in the Islamic *qisas* system, the state is neither the ultimate authority to decide punishment nor without having any power in punishing the offender. The *qisas* system empowers the victim to choose between the option of "eye for eye" and the option of complete forgiveness. The main actors to choose these options will be individual victims, their families and communities along with, if victims are ready to negotiate, individual offenders and their families. Describing the laws of *qisas*, "the recompense of evil is a punishment like it, but whoever forgives and amends, he shall have his reward from Allah" (Q. 42: 40), the Qur'an indicates that even though the victim has the option to demand equal retaliation, the forgiveness is preferable and will be rewarded from Allah. Forgiveness can change the mindset and behaviour of the offender and restore the relationship between the victim and the offender, and between their communities.

However, the forgiveness in *qisas* system does not promote the offender to continue with his wrong behaviour. Because under *qisas* system, forgiveness is not mandatory. To require equal punishment and to get retributive justice are not even *makrooh* (demotivated action) in the Islamic jurisprudence. The victim also can ask the high amount of financial payment as *diyya*. Since the preference among punishment, *diyya* and complete forgiveness are the choice of victim, and these are entirely uncertain for the offender, this psychological uncertainty is enough to deter the offender from committing the crime in the future. Since the offender cannot ensure that whether the victim will prefer financial compensation or equal retaliation, the *qisas* system can deter politically and the financially powerful person also from committing an offence.

Even though victims have the ultimate authority to choose, the preferred option can be seen in the Qur'anic verse (16:90), "God enjoins justice and goodness". The Qur'anic teaching for *adl wal ihsan* indicates that it is important to ensure goodness along with justice (Murad 2014). So, the preference between equal retaliation, which promotes retributive justice, and forgiveness, which promotes restorative justice, should be based on the principle of *ihsan* (goodness). If giving pardon to offender increase the possibility of a repetition of the violence in future, retributive justice may be required. If goodness is in forgiving by making a pathway to the good social relationship between offender and victim, and between their communities, restorative justice must be preferred.

2.4.5   *Protection of Human Life and Dignity*

Protection of human rights and dignity is crucial for conflict resolution and peacebuilding. The motivation behind the intervening parties also is assumed to protect human life and prevent violence against it.

The Qur'an and *hadith* urge to protect human life, honour and wealth. Underlining the sacredness of human life, the Qur'an states that, "whoever kills a human being, except as a punishment for murder or for spreading corruption on earth, it is as if he kills all mankind, and whoever saves a human life, it is as if he saves the life of all mankind". This verse indicates that the life of all human beings is sacred, and it must be protected unless he himself removes this immunity and blanket of protection by committing a crime. According to the Qur'an, humans are God's vicegerent on earth (Qur'an 2: 30), and all other terrestrial components are created for the human to fulfil this duty of stewardship (Qur'an 2: 29). These verses point into the centrality of human in the universe. The position of vicegerent grants human being the dignity over all other creatures, along with the responsibility to establish a just and peaceful world. The idea of *fitrah* (original human nature) also indicates to the sacredness and dignity of human life. According to a well-known *hadith*, every child is born with original human nature of sacredness and dignity. It is their surroundings, mainly parents, make them what they will become. This principle recognises the inherent dignity of each individual irrespective of their religious, ethnic, racial and gender differences. Even though the Qur'an talks about forgetful, ignorant, hostile and egoistic nature of human being, these qualities are considered a deviation from human nature (Kalin 2012: 20). Underlining the dignity of humankind, the Qur'an (95: 4) asserts that "We have indeed created human in the best of moulds".

The Qur'an (17: 70) emphasises the dignity of humanity when it says "Indeed, we have honoured the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures". Allah grants his believers the highest standard of dignity. It is reflected in a *hadith* of the prophet as he spoke to the Ka'ba in Mecca when he was circumambulating it, "Oh how good and nice smelling, how great and sacred you are! But I swear by God that the believer is more sacred than you: his property, his life and his reputation" (Ibn-Majah). Aroua identifies various reasons for this human dignity. First is the dual aspects of the human being as his body is made of the elements of earth, and God has breathed His spirit into

this body. Second, God taught him his special knowledge and made him privileged over all other creatures. Third, God appointed him as his trustee/vicegerent on the earth (Aroua 2013: 33).

This dignity is applicable to all human beings irrespective of their gender, class, race, ethnicity or nation. However, this dignity varies according to the activities and behaviour of each individual. The Qur'anic concept of equality of human beings is stated in verse, "O you mankind! We have created you out of a male and a female (Adam and Eve), and made you nations and tribes so that you may know each other. The noblest of you in the sight of God is the most righteous" (Qur'an 49: 13). This verse emphasises the equality and single origin of humanity and provides a base for the universality of human dignity. So, devotion to Allah and good deeds are factors to enhance the dignity of individuals. In his last Farewell Sermon, the Prophet Muhammad said "O people! Your Lord is one, and your father is one. You are all from Adam and Adam is from dust. There is no merit for an Arab over a non-Arab, for a non-Arab over an Arab, for a red-skinned over a black-skinned, or for a black-skinned over a red-skinned except the merit of piety" (Al-Tirmidhi). So, in the Islamic way of conflict resolution, the dignity of all parties of the conflict, especially that of underprivileged groups, must be protected.

2.4.6   Concept of Ummah and Pluralism

According to Islamic narration, humankind belongs to a single-family, and all humans are children of Adam and Eve. As the previous section mentioned, Islam proposes equality among humankind and negates the superiority of one race, ethnicity or nation over others. Unlike previous prophets who are sent into particular places or societies, Muhammad is believed as the prophet for the entire humanity. Salvation is possible for everyone who believes in God and his prophet and does good deeds. Abu-Nimer (2001: 255) cites Esack Farid arguing that "the universal community under God has always been a significant element in Muslim discourse against tribalism and racism". The idea of a universal community is also associated with the Islamic fundamental concept of *tawhid*. Because "*tawhid* encompasses the integration and connected nature of diverse humanity as emerging from one divine source of creation" (Salek 2014: 1.14).

Concept of *ummah* is used with the meaning of either *ummath al-ijaaba* to denote only the Muslim community or *ummath al-daawa* to denote all humans. The idea of social

solidarity of believers emphasised in a *hadith*, "the believers in their mutual kindness, compassion and sympathy are just like one body. When one of the limbs suffers, the whole body responds to it with wakefulness and fever" (Al-Bukhari 5665 and Al-Muslim 2586). Islamic Caliphs, like Abu Bakr, and jurists have emphasised the significance of central authority for the entire Muslim *ummah*. The suppression of deviant groups by the first Caliph was to maintain the stability and unity of the Muslim *ummah*. Classical jurists like Abdul Qahir al-Baghdadi, al-Mawaradi, Abu Yala, and al-Gazzali also have emphasised the significance of the supreme central authority (AbuSulayman 2010:51). However, as Aroua opines "*ummah* is not a nation in the modern political sense of the term, but rather a value-based community" (Aroua 2013: 34). According to him, the word *ummah* is derived from the root of *umm* (mother). So, the sense of belonging to *ummah* can be translated to matriotism, a form of patriotism associated with a community of values (Aroua 2013: 35). So, even with the meaning of *ummah al-ijaaba*, solidarity among *ummah* is different from tribal solidarity or modern nationalism. Because, Islam does not encourage to provide unconditional support to its community against outsiders, but the only principle and value-based support.

The term *ummah* often denotes *ummah al-daawa* to include entire humanity. The constitution of Madeena (*Sahifath al-Madeena*), the first constitution created by the Prophet, considers both Muslims and non-Muslims as part of *ummah*. The Qur'an (21:92 and 23:52) also indicate this entire humanity as a single community (*ummah*). Yassine-Hamdan and Pearson (2014:15) opine that the concept of *ummah* includes all people of the book: Jewish, Christians and Muslims. Common origin from a single father and mother extends the base of solidarity to include all humans.

The feeling of a single community and collective solidarity impact the conflict resolution process also. It is reflected in a *hadith* in which the prophet Muhammad says, "Help your brother, whether he is an oppressor or an oppressed one.' People asked:' O Allah's Apostle! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?' The prophet said: 'By preventing him from oppressing others" (Al-Bukhari and Al-Muslim). The concept of *ummah* is used to motivate disputants to stop conflicts and achieve unity. According to Abu-Nimer (2001: 256), "*ummah* offers a powerful mobilizing frame for various Muslim communities to pursue justice, realise their power base, and assert themselves non-violently to systematically resist structurally unjust arrangements".

Another significant principle for conflict resolution is recognition of diversity both inside and outside of the Muslim community. According to the Qur'an, the difference is inevitable among humans. The Qur'an (11: 118) states that "Had your Lord so willed, He could surely have made all mankind one single community: but they continue to hold divergent views". Islamic views on other religions have two aspects. On the one hand, the Qur'an (3: 19) presents Islam as the true and acceptable religion in the sight of Allah. On the other hand, it opposes coercive conversion in verse (Qur'an 2: 256), "Let there be no compulsion in religion, for the truth stands out clearly from falsehood". The Qur'an acknowledges the religious diversity in verse (10: 99), "If it had been the will of your Lord that all the people of the world should be believers, all the people of the earth would have believed! Would you then compel mankind against their will to believe?". Another verse (16: 93) says "If Allah wanted, He could have made you all one nation, but He lets go astray whom He wants and guides whom He pleases: but most certainly you will be questioned about all your actions". In short, while Islam warns about the punishment of infidels in the world hereafter, it grants freedom of religion in this world.

As far as national and racial differences are concerned, the Qur'an (30: 22) describes the difference of skin colour and languages as among signs of God. After acknowledging the single origin of humanity, the Qur'an (49: 13) describes the purpose of dividing them into different tribal and national identities as to identify each other.

Internal pluralism and coexistence of diverse views are other features of Islam. For example, in the Sunni Islamic tradition, four *madhhabs* (schools of jurisprudence) are recognised as authentic references to shape the everyday life of a believer. They are Hanafi, Maliki, Shafi and Hanbali. In each *madhhab*, there are diverse opinions on each issue. Muslims can follow any of these schools/opinions. That is why there was no standardization of Islamic law or constitution. "The development of the Qur'anic interpretation legitimises the validity of differences (*ikhtilaf*): several interpretations of the Qur'an coexisted in the same period and space" (Abu-Nimer 2001: 260). Unlike the Catholic Church, since there is no supreme authority in Sunni Islam to decide right and wrong, qualified scholars, but they only can issue *fatwas* on contemporary issues. Since these *fatwas* are not binding believers, the acceptance and popularity of *fatwas* depend upon the power and popularity of *muftis*. The legitimacy of diverse schools of jurisprudence and freedom a Muslim to follow any of these schools illustrate internal pluralism within Islam.

Abu-Nimer (2001:217) identifies seven principles from the Qur'an supporting coexistence and pluralism.

> First, Human dignity deserves absolute protection regardless of the person's religion, ethnicity, and intellectual opinion orientation (Qur'an 17: 70). Second, All humans are related and from the same origin (Qur'an4:1; 6:98; 5:32). Third, Differences among people are designated by God and are part of His creation and rules (sunnan), thus differences in ethnicity, race, culture, etc., are a natural part of life (Qur'an 30:22; 10:99; 11:118, 199). God had the power to create us all the same, but He did not (Qur'an 11:118). Fourth, Islam acknowledges other religions and asserts their unity of origin (Qur'an 42:13; 2:136). Fifth, Muslims have the freedom of choice and decision after the calling or the message has been delivered (Qur'an 2:256; 18:29; 17:107; 109:4-6). Sixth, God is the only judge of people's actions. People are responsible for their decisions and deeds when they face judgement (Qur'an 42:48; 16:124; 31:23; 88:25, 26). Seventh, Muslims should observe good deeds, justice, and equity in dealing with all human beings (Qur'an 5:9; 4:135; 60:8).

Both external and internal pluralism are significant factors in the conflict resolution process. Additionally, to identify whether a particular religion/ideology promotes peace or conflict depends upon its perspectives towards other religions/ideologies. To admit the right of others to be different in their identity, culture and belief is the primary step of conflict resolution. For this purpose, peacebuilder/ mediator should convince the conflicting parties of natural difference among human beings along with the unifying bond among them as part of single *ummah* or as children of one father and mother.

2.4.7   Patience (Sabr)

For resolving a conflict, both sides should control anger and maintain patience. Human anger often compared to a hunting dog and told "without training, it will never retrieve what its owner needs, nor will it point the person in the right direction" (Vehapi 2013: 66). Islam promotes patience and calls it as half of belief. Patience is the direct focus of about 200 verses of the Qur'an (Salek 2014: 18). There are lot of Qur'anic verses that encourage patience offering high rewards and God's love (Qur'an: 3: 146; 8: 46; 11: 11; 16: 127; 42: 34; 52: 48). The Qur'an (32: 24) describes patience as an attribute of leaders. The Qur'an (8: 46) encourages to be patient in adversity and offers Allah's help for those who are patient. Allah exhorts believers to seek help with prayer and patience in the time of difficulties (Qur'an 2: 45). In another verse, Allah offers his assistance to those who are patient at the time of conflict with enemies. The Qur'an (3: 120) says "if you are patient and mindful of Allah, their schemes will not harm you in the least. Surely Allah is Fully Aware of what they do". The story of the prophet Yusuf

is an example for such help from the God as it is described in the Qur'an (12: 90), "Surely whoever is mindful of Allah and patient, then certainly Allah never discounts the reward of the good-doers". Allah correlates between patience and success through various the Qur'anic verses. For example, the Qur'an (23: 111) says "Verily, I have rewarded them this Day for their patience; they are indeed the ones that are successful".

Although Islam permits retaliation with conditions, it encourages to be patient. For example, the Qur'an (16: 126) says "If you retaliate, then let it be equivalent to what you have suffered. But if you patiently endure, it is certainly best for those who are patient". Patience is the best way to change the attitude of enemies. The Qur'an talks about it in the verses (41: 34-35),

> Good deeds are not equal to the evil ones. Repel others' evil deeds with your good deeds. You will see that he with whom you had enmity, will become your close friend. But none will attain this quality except those who patiently endure, and none will attain this quality except those who are truly fortunate.

So, patience does not mean passivity. According to Wahiduddin Khan, "patience enables a person to find a positive and successful solution to a problem" (As cited in Kadayifci-Orellana et al. 2013: 15). The interveners/ mediators also should have the patience to make a treaty between conflicting parties.

2.4.8 Mercy (Rahmah)

Mercy is one of the central values of Islam and crucial in the conflict resolution process. Islam promotes believers to be merciful to other creatures and offers mercy of Allah as its reward. Since, according to Islamic tradition, the mercy of Allah is an inevitable aspect for the success of here and hereafter worlds, and mercy to fellow beings is the best way to attain it, believers are encouraged to be merciful in their life. Prophet Muhammad reminds that "Verily, none of you will enter Paradise because of his deeds alone". Then, his companions asked, "Not even you, O Messenger of Allah?" The Prophet said, "Not even me, unless Allah grants me mercy from himself" (Al-Bukhari 6099; Al-Muslim 2818). The prophet Muhammad emphasises the significance of compassion in a *hadith*, "Those people who show no mercy will receive no mercy from Allah" (Al-Bukhari). In a *hadith* reported by al-Tirmidhi (Hadith 1924), Prophet says that "Those who are merciful will be shown mercy by the Most Merciful. Be merciful to those on the earth and the One in the heavens will shower mercy upon you". It is the first saying of the prophet Muhammad that is traditionally passed from teacher to

student. As Naveed S. Sheikh stated, "From generation to generation, this wisdom is the first to be inherited as a summary of the Islamic meta-ethic that informs both knowledge and action" (Sheikh 2015: 293).

According to Islamic narration, both Allah and the prophet Muhammad are best sources of compassion to the world. This compassion encompasses all creatures including animal, plants and non-living beings. Allah says that "My mercy encompasses everything" (Qur'an 7: 156). Merciful is considered as most important attribute of the God and first among his 99 names after the name 'Allah'. The word *rahma* and its derivatives have been mentioned 326 times in the Qur'an. The phrase *Bismillah al-Rahman al-Raheem*, which means 'In the Name of Allah—the Most Compassionate, Most Merciful', is the beginning verse of all, except one, chapters of the Qur'an. Believers are recommended to begin their activities by saying this statement. His name 'Al-Rahman' is translated as one who is merciful to both believers and non-believers in this world. Although Allah warns punishment for bad deeds, believers expect and pray for his mercy and forgiveness. According to a *hadith qudusi*, the God says that "without doubt my mercy precedes my wrath" (al-Tirmidhi, *hadith*: 3543).

Life of the Prophet Muhammad also shows how merciful he is towards others, including animals. The phrase *'Rahmath li al-Alameen*, which is one of the names of the Prophet, means merciful to the whole world. The Qur'an (21: 107) also states that the Prophet Muhammad was sent as a mercy to the whole world. Through many *hadiths,* the Prophet Muhammad encouraged others to be merciful. For example, the Prophet said, "only the one who behaves with mercy will enter Paradise".

According to Philpott, the Qur'an's mercy, like mercy in the Bible, is far more sweeping and restorative than the modern concept and thus serves well as the animating the virtue of the process of reconciliation (Philpott 2012: 156). These teachings provide significant values for conflict resolution. It helps restore the relationship among conflicting parties. It motivates victims to give up the demand for equal punishment with retributive justice.

2.5   Islamic and Western Ways of Conflict Resolution: A Comparison

The perspective towards conflict is different in the western and Islamic traditions. It is interesting to note that the analysis of these perspectives also different among scholars. According to scholars like Salem (1993) and Rehman (2011), while the dominant

western model of conflict resolution sees conflicts negatively and tries to resolve them totally, Islamic model of conflict resolution views conflict as natural and sometimes as positive with potential to lead to better change and to improve the social condition (Rehman 2011: 59). Salem builds his arguments based on the assumption of utilitarian philosophers, like Jeremy Bentham and John Stuart Mill, who view pain as bad and pleasure as good. Salem points out that in the Arab world, suffering is always not bad. Moreover, non-physical suffering may be worse than physical sufferings. So, they will be ready to accept physical sufferings of conflicts to shun non-physical sufferings such as injustice and loss of honour. Irani and Funk (1998: 55) also opine that Western conflict resolution theorists assume "conflict can and should be fully resolved" and "every conflict can be managed or resolved". According to Irani and Funk, it is contradicting to the approaches of many cultures, including Arab/Islamic culture, which take a less optimistic view. The opinion of Abu-Nimer (1996 and 1996a) is exactly opposite, as he argues the western model views conflict as a positive force whereas Islam sees it as a negative and disruptive to the normative order. Supporting this argument of Abu-Nimer, Kadayifci-Orellana et al. (2013: 23) cite the Qur'anic verses 49: 9 and 8: 46, which command to not make conflicts and to intervene if two Muslims fight each other. However, Abu-Nimer (1996a: 29) also states that in the western context, "any conflict can be settled and managed through rational planning". Funk and Said (2010:172-173) also propose similar opinion when they state conflict is viewed in the Middle Eastern culture as a negative phenomenon that threatens harmony in the family, community and nations whereas modern western traditions consider it as natural. In an interview for this research, Kadayifci-Orellana (2020) noted that according to Islam, conflict might be natural, but every natural thing is not positive.

The approaches to peace also differ in the Western and Islamic models. The western perspective of peace emphasises the individual rights and political pluralism as the substance of peace. In contrast, the Islamic model stresses social justice, communal solidarity, cultural pluralism and faith (Rehman 2011: 60).

According to Kadayifci-Orellana et al. (2013: 23-27), perception of the conflict as a negative phenomenon, hierarchical and authoritarian procedures, community orientation, binding nature of agreements, the centrality of Islamic values and rituals and social norms, the centrality of emotions and emphasis on restorative justice are unique features of the conflict resolution in the Muslim societies.

Funk and Said (2010: 172-174) figure out the differences between the western and the Islamic traditions of conflict resolution. According to them, as Islamic tradition offers a communitarian framework, solidarity and harmony are considered as key values. Conflict is approached as a communal, not just individual, concern. It emphasises the significance of repairing and maintaining social relationships. Although there is a choice for retribution, restoration and forgiveness are promoted as greater values. Religious based moral suasion and affirmation of spiritual rewards for forgiveness are also features of the Islamic tradition. It draws conflict resolution on religious values, social network and rituals of reconciliation.

Philpott (2012) identifies many differences between the Western way of conflict resolution and the Islamic way of *sulh*.

> Western conflict resolution theory stresses incentives, interests, needs and bargaining dynamics that results from configurations of actors, power and authority structures. *sulh* rituals, by contrast, draw on community's traditional understandings of the obligations that go with relationship, ones governed by values of honour, dignity, shame, and respect. Western conflict resolution approaches treat the individuals and parties to a settlement as isolated free agents in a negotiation governed by judicial procedure, while *sulh* treats them as enmeshed in webs of relationships with family and community. While in western conflict resolution approaches, settlements are based on a just outcome denominated in terms of compensation, punishments, right, and fairness, *sulh* seeks a broader restoration of right relationships among victims, offenders, families, and community members- a justice of righteousness. With western theories, settlements are achieved through bargaining and mediation; *sulh* involves a portfolio of practices that, like the ethic of political reconciliation, include acknowledgment, reparation, apology, forgiveness and rituals of settlement. The mediators who conduct these processes are, in the western approaches, trained specialists in the field, often with a legal background, who act as neutral, third party mediators, arbitrators, or judges, while *sulh* is conducted by community and village elders with traditional bases of authority for whom impartiality is surely a virtue but who are much more closely related to the parties involved in the negotiations. Western practices conclude in a signed agreement; *sulh* concludes with a ritual of *musafaha* (handshake) and *mumalaha* (breaking bread together). Western conflict resolution theory is typically secular, whereas *sulh* is based on religious faith, both in its justifications and procedures. These contrast should not be drawn too sharply. Western conflict theory itself diverse, with some of its strands taking into account some of values stressed in *sulh*. Yet the core enduring themes of the western field remain different from the essentials of *sulh* (Philpott 2012: 161).

Abu-Nimer (1996) figures out the fundamental assumption of western conflict resolution. First, the conflict resolution can benefit and may satisfy the interests of, both parties. Second, the task can be achieved through the interest-based negotiation and cooperative mechanism. Third, the intervention will be within the framework of the

existing framework of civic laws. Forth, the people who are not related to the conflict have a minimal role in the conflict resolution. Fifth, conflict can also be a positive interaction. According to Abu-Nimer, the fundamental assumptions in the Middle Eastern conflict resolution are different from western assumptions. They are: first, conflict resolution aims to restore the disrupted social order. Second, the focus of the process will be group, such as clan and community, rather than an individual. Third, social norms and values are used as a pressuring tool to reach an agreement. Fourth, the conflict resolution process emphasises the future relationship between disputants. Fifth, conflict is negative and needs to be settled quickly. Sixth, people and relationship are preferred to task, structure and tangible resources. Seventh, face-to-face negotiation is often side-lined to avoid the humiliation of a party during the process. Instead, the mediator goes between parties and discusses with them separately. It has similarity with the western concept of 'shuttle diplomacy'. Abu-Nimer also points to the role of the pressure from the broader community on disputants to reach a resolution. While such pressure works well in the Middle East, in the western case such pressure is largely from the court only. Another difference is in the role of emotion in the conflict resolution. Intervenors in the Middle Eastern conflicts involve emotionally in the conflict, whereas the western intervenors focus more on the process and refrain themselves from the values of the disputants. The western intervenors do not have control over disputants as the Middle Eastern intervenors have. Since the intervenors in the Middle East are reputed personalities, the disputants will try to maintain the relationship with them. It can be leverage in the conflict resolution. Reaching final agreements is also different in the West and the Middle East. The final agreement in the western context is like a legal contract valid with the signature of both parties. At the same time, the validity of the Middle Eastern conflict resolution agreement is its public nature of the settlement, rather than signing papers. Since the parties meet in front of huge public gathering to announce their agreement, the social influence pressures the parties to maintain the treaty.

Özçelik (2006-2007) also identifies many differences in the western and Middle Eastern/Islamic approaches of conflict resolution. First, while the western approach focuses on the maximisation of a group or personal interests, the Middle Eastern approach aims to restore the broken relationship among parties and within the community. Second, while the source of most of the conflicts in the western countries is the scarcity of resources, the Middle Eastern conflicts are largely due to non-material

resources such as honour, pride and values. Irani (1999: 3) also states that according to the Western psychological perspective, reasons for conflict usually are unfulfillment of some basic needs such as shelter, food, self-esteem, love, knowledge. Abu-Nimer (1996a) also identifies the individual's interest, position, needs, and desires as the root causes of conflicts in the west.

Third, the required attributes of third-party intervenor or mediator are different in the Middle Eastern and Western culture. The mediator in western countries is expected to be someone who has knowledge about legal procedure, whereas the mediator in the Middle Eastern Conflict will be someone who has high authority and status in society. This authority may be through kinship, age, moral values, and religious affiliation and authority. Since the third party in the Middle Eastern conflicts are insiders, they possess more knowledge of conflicts and characteristics of disputants than western intervenors. Abu-Nimer (1996) also opines that while the third party in the Middle Eastern conflicts are those who have a high status in the community, the third party in the Western conflict resolution may be strangers to the disputants like court officials and volunteers.

While the western model prefers outsider-neutral, the Middle Eastern model prefers Insider-expert for mediation and arbitration. The western idea of neutrality allows each party to maintain the freedom to define issues and outcome based on their free choice and 'enlightened self-interest'. The role of the third party is to assist the disputants in defining their issues and in generating an outcome that suits all parties. However, some scholars, like Jim Laue and Gerald Cormick, who opine that the neutrality of interveners may lead to sustaining of unjust status quo promote active involvement of intervenors (cited in Abdalla 2001: 164). Accordingly, the mediator should try to empower the weaker party. The criticism against this argument is that the attempts of a mediator to empower the weaker party and achieve justice may be self-defeating as it may motivate the stronger party to withdraw from the resolution process. However, this criticism can be overcome in the Islamic/Middle East conflict resolution because, unlike individualistic western society, there is a strong group feeling and influence of the mediator in the Middle East. While the Qur'an (49:9-10) encourages conflict resolution and intervention, it also requests to support the weaker party if the other transgresses. So, in the Islamic conflict resolution, "third parties are expected to function in a reconciliatory mode unless clear injustice or deviance takes place" (Abdalla 2001: 179). These verses also indicate an adjusting type of intervention as the situation and behaviour of parties change. In the western conflict resolution literature, Ronald Fisher

and Loraleigh Keashly have proposed a similar strategy of "contingency model which adjusts the type of intervention to the level of conflict escalation" (Abdalla 2001: 179).

Fourth, compared to the western model, Islamic/Middle Eastern model emphasises the traditional values and norms. The mediators cite examples of harmony from religious and other traditional texts. They encourage conflicting parties to forgive each other by quoting religious texts of offering rewards for those who forgive others. So, the mediator/arbitrator needs to be aware of Islamic tradition, values and terms. The knowledge in the classical Islamic texts is helpful to influence the parties of the conflict.

Özçelik (2006-2007) presents the difference between Islamic/Middle Eastern model and the Western model of conflict resolution through a table (table 1)

Table 1: Difference between Islamic/Middle Eastern model and the Western model of conflict resolution

The Middle Eastern/Islamic Model	The Western Model
Go-between negotiation	Face-to-face negotiation
Social harmony, social status, relationship	Problem-solving
Group-oriented	Individual-oriented
Verbal agreement	Written agreement
Socially/morally binding	Legally binding
Value-based	Interest-based
Insider-partial	Outsider-impartial
Traditional/religious values and norms	Civic laws
Face-saving/Indirect communication	Direct communication
Rituals and symbols	Rules and guidelines
Experience, status, kinship	Professional certificate
Social institution	Pseudo-legal institution
Public/Pseudo-public setting	Private and formal setting
Triadic structure	Dyadic structure

Source: Özçelik (2006-2007: 14)

2.6 Islamic Views on International Relations

In classical Islamic jurisprudence, the discussion of international relations was with the title of *Siyar*. Al-Sarakhsi defines *Siyar* as,

> the conduct of the believers (Muslims) in their relations with the unbelievers of enemy territory as well as with people with whom the believers have made treaties, who may have been temporally (*musta'man*) or permanently (*dimmi*) in Muslim land; with apostates and with rebels (Cited in Istanbuli 2001: 110 and AbuSulayman 2010: 7).

According to this definition, international relations is only one part of *Siyar*. In early eighth century, many jurists, like Abu-Hanifa, Abu-Yousuf and Al-Shaibani have written separate books or chapters to discuss foreign policies of the Islamic state. According to Marwan al-Qadoumi, Abu Hanifa was the first jurist who addressed the issue of international relations (cited in Reiter 2011: 37). The book *Kitab al-Siyar al-Kabir* (the large book on al-Siyar), which was written by Al-Shaibani (d.189AH/ 804AD) is a pioneer work in this topic. It was translated to English by Majid Khadduri under the title *Islamic Law of Nations*. According to Khadduri, "this is probably the most important classical source on classical international relations, and it is the first systematic and specialised *corpus juris*" (cited in Dizboni 2011: 47). Al-Sarakhsi has written a commentary of this book with title *Sharh Kitab al-Siyar al-Kabir* (Interpretation of the large book on al-Siyar). Since the Islamic international law was an extension of the Islamic jurisprudence, it was binding on both state and individual Muslim. The divine legitimacy makes the *siyar* also a compulsory law. The sources of these rules are, just like other branches of the Islamic jurisprudence, the Qur'an, Prophet's *hadith*, *ijma* (consensus) and *qiyas* (analogy).

The universality of the Islamic international law and equality of nations can be understood from its views on humankind and their diversity. As it was discussed in the previous section (2.4.6) on the concept of *ummah* and pluralism, Islam considers entire humanity as members of a single-family. The division to different tribes and nations is intended for having an address and identifying each other. However, division of the world into *Dar al-Islam* (Abode of Islam, peace or security) and *Dar al-Harb* (Abode of War) is a matter of debate and controversy. Since religious identity is the critical variable in this division, the Islamic approach to other religious communities needs to be addressed.

Islam acknowledges the existence of other religious communities and recognises their social and economic rights. It was certified by the communal relationship that was developed in Madeena, and treaties signed by the Prophet Muhammad with non-Muslim rulers and leaders. For example, Madeena treaties (*wathiqat al-Madinah*) "recognises the Jews of Banu Awf, Banu al-Najjar, Banu Tha'labah and others as a distinct community with their own religion" (Kalin 2005: 351). The treaty with Najran states that

> They [People of the Book] shall have the protection of Allah and the promise of Muhammad, the Apostle of Allah, that they shall be secured their lives, property, lands, creed, those absent and those present, their families, their churches, and all that they possess. No bishop or monk shall be displaced from his parish or monastery no priest shall be forced to abandon his priestly life. No hardships or humiliation shall be imposed on them nor shall their land be occupied by [our] army. Those who seek justice, shall have it: there will be no oppressors nor oppressed (Quoted in Kalin 2005: 351).

Dhimmis' rights include even what is prohibited for Muslims such as drinking alcohol and eating pork. As compensation for the protection of states and exemption from military service, *dhimmis* are asked to pay *Jizya*, a form of tax. If states fail to protect them from the aggression of Muslims or non-Muslims, the *Jizya* will be returned to them. Those who cannot pay it, such as the poor, women, children, elderly and the sick, were exempted from *Jizya*. Emphasizing the lenient treatment with the *dhimmis*, the Prophet Muhammad says that "he who robs a dhimmi or imposes on him more than he can bear will have me as his opponent" (Quoted in Kalin 2005: 353).

The following sections engage with the Islamic discourse about the division of the world into different nations and *Dars* (adobes) and relationship among them, the concept of *jihad*, and modern nation-state and international relations.

2.6.1   *Dar al-Islam, Dar al-Harb and other Dars*

The division of the world into *Dar al-Islam* and *Dar al-Harb* was an Islamic jurisprudential initiative to formulate the state policies and laws. As Allah and the Prophet have not made a categorical statement demarcating the world into two adobes, these terms are not found in the Qur'an nor in *hadith* (DIN 2009: 5).

Scholars possess diverse opinion regarding the meaning and fundamental characteristics of these adobes and possibly other forms of adobes. As for the meaning and characteristics of *Dar al-Islam* is concerned, most of the jurists define it as a

territory where a system of Islamic rule was applied. According to them, the rule and dominance of Islam is a mandatory condition. Then its meaning will be the adobe of Islam. However, since very few countries, if any, apply Sharia principles for governance, it will be difficult to apply this term on modern Muslim majority states. However, some scholars identify all Muslim majority states as *Dar al-Islam,* irrespective of their legal system (DIN 2009: 6).

Crow translates the word *Dar al-Islam* as the 'adobe of security' and argues that,

> it is wherein both Muslims and non-Muslims mutually cooperate beneath the umbrella of the larger Islamic society. In this conceptual polarity of *islam ↔ harb*, *al-islam* is best understood here to specifically refer to the security enforced by the governing polity and social order upheld by the Faith. This outmoded juridical doctrine underlines the integral association of Islam's conception of 'peace' with 'security' – a connection lost in the common English translation 'Abode of Peace' (Crow 2011: 712).

According to Hanafi school, the term *Dar al-Islam* refers to any place where Muslims have security to practice their religion. Then, *Dar al-Harb* is where Muslims do not feel safe. If safety for life and religion is the fundamental criteria of the division between *Dar al-Islam* and *Dar al-Harb*, irrespective of whether the country is ruled by Muslim or non-Muslim leaders, many of the secular and non-Muslim majority countries can be identified as *Dar al-Islam.* Because some such countries ensure the security of life and religion of Muslims even more than some Muslim majority states. When the Prophet Muhammad and his companions were persecuted in Makkah, he suggested his companions migrate to Abyssinia. It was known as the First *Hijra*. Directing his companions to migrate, the Prophet said that "If you were to go to Abyssinia (it would be better for you), for the king (there) will not tolerate injustice, and it is a friendly country" (cited in Ishaq 2018: 91). It shows that rather than the religious identity of the ruler, the social and political security in the state are more important. According to Said al-Mahiri, those countries that permit Muslims to preach Islam in a peaceful way are not considered as enemies (Reiter 2011: 47). Muhammad Afifi describes the *Dar al-Harb* as "territory from which war is initiated against the Muslims, or if it is feared that an attack against Islam is being prepared in this territory" (cited in Reiter 2011: 44). Abd al-Aziz al-Khayyat negates any connection between the term *Dar al-Harb* and political and military policies of Islamic state against it. According to him, since the *Dar al-Harb* merely means territory where Islamic laws are not applied, the word does not mean perpetual war against it. Islamic rulers can make and have made treaties with

them (cited in Reiter 2011: 43). It is interesting to note that, most of the jurists have not defined the term *Dar al-Harb* as a state which is in actual war with Muslims.

Fakhr al-Din al-Razi proposes an alternative division of the world as *Dar al-Ijaba* (the land of Islamic practice) and *Dar al-Daawa* (the land of propagation). According to al-Razi, this classification is better than classifying to *Dar al-Islam* and *Dar al-Harb* (Funk and Said 2010: 124). The term *Dar al-Daawa* indicates into educating/civilizing mission of Islam.

In contrast to the common tendency to apply this binary division of the world to all times and places, many Islamic scholars have talked about other forms of adobes. Imam Shafi introduced the term *Dar al-Ahd* to refer states which have a political alliance or peace treaty with Islamic states, though they are not politically Islamic one (DIN 2009: 6). The terms *Dar al-Ahd* (the adobe of the covenant) and *Dar al-Sulh* (the adobe of the reconciliation) became popular among the Islamic jurists in 11th and 12th centuries when they faced new political realities (Kalin 2005: 345). Since the Prophet Muhammad himself had made a treaty with the Christians of Najran in Arabia, the *Dar al-Ahd* also was not wholly a novel phenomenon. So, the argument of Majid Khadduri, who considers the bifurcation of the world into adobes of Islam and war as the only authentic Islamic perspective of international relations, and "the law of Islam recognises no other nation than its own" (Khadduri 1956: 358), is based on a partial reading of the classical texts. It also falsifies the opinion of Khadduri on the integration of Muslim states to the larger community of nations and justification of Islamic scholars for that as a deviation from the Islamic tradition. Although the formation of modern-states was rooted in the European history and norms, the recognition of abode other than *Dar al-Islam* and *Dar al-Harb* was not an outcome of the influence of European model of nation-states and modern norms. Muslim rulers had made treaties with European rulers even before rising of European states as powerful opponent and development of norm of nation-states and Westphalia treaty. For example, Sultan Sulayman of the Ottoman Empire has signed a treaty of alliance with Francis I, King of France, in 1535. This treaty considers the King of France as equal to the Sultan of the Empire.

The classification of the world into different abodes was not a unique feature of Islamic political thought. While some classical Islamic jurists and rulers divide the world into *Dar al-Harb* and *Dar al-Islam,* some western scholars and rulers divide it as civilised and non-civilised/barbarous worlds and justify the war in the name of the civilizing

mission. Romans classified the world into three adobes: adobe of Romans, the adobe of enemies and adobe of those who signed peace treaties. Ancient Greek political thinkers considered outsiders, the barbarians, as enemies and slaves of the Greeks (al-Zuhayli 1962: 194). During the medieval period, justifying war based on religious identity was common among European rulers and scholars. For example, Khadduri noted that,

> even Grotius, who emphasised the law of nature as the basis of the modern law of nations, advocated discriminatory treatment against non-Christian states. He argued that it was permissible by the law of nature to make treaties with the enemies of the Christian religion, but advocated that all Christian princes should combine against the advances of the enemies of the faith (Khadduri 1956: 362).

So, even though Ottoman rulers established diplomatic relations with the western countries for a long time, it was not included in the modern law of nations or community of European nations (Khadduri 1956: 365). According to Khan (2020), the division of the world by classical Islamic jurists into *Dar al-Harb* and *Dar al-Islam* was realistic. Khan compared it with the terminology of Regan about the USSR as evil land.

2.6.2 *Islamic Views on Modern Nation-States and International Relations*

The modern nation-state system and international relations are different from those of the medieval period. So, Islamic jurists and political thinkers keep diverse opinions to this modern system. According to Sohail H. Hashmi, Islamic political thought on state and international system can be classified into three categories: first, Islamic internationalists, who tend to prefer international platform and organizations, like Organization of the Islamic Conference, to unite Muslim *ummah*. They accept the state as a legitimate entity only if it is based on and promotes Islamic principles. Second is secular statists who fully endorse the modern secular state system. They limit the role of Islam into specific boundaries and see it as a threat to modernization and nation-building. The third is a radical group of cosmopolitans, who see the modern state system as a western imperial product and as a threat to Muslim *ummah* (cited Philpott 2012: 164-166). Nevertheless, the majority of Muslim states and scholars have accepted the norms of modern international relation.

According to Bassam Tibi, there is no consensus in Islam regarding the concept of the state. The main focus of jurists was a community of believers (*ummah*), not state (*Dawla*) (Tibi 1996: 188). Tibi (1996: 188) quotes Moroccan scholar Abd al-Latif Husni to argue Islamic scholars "refuse to acknowledge the multiplicity of states which

are sovereign and equal in maintaining the notions of *Dar al-Islam* and *Dar al-Harb*". Tibi concludes by arguing "Islamic doctrine governing war and peace (even in the modern age) continues to be based on a division of the world into *Dar al-Islam* and *Dar al-Harb*" (Tibi 1996: 189). However, the argument of Tibi is flawed for many reasons. The active participation of Muslim states in the United Nations and other international peace treaties certify that these states no longer treat non-Muslims states as *Dar al-Harb*. Islamic scholars call them as *Dar al-Ahd* (the adobe of the covenant), *Dar al-Sulh* (the adobe of the reconciliation) or *Dar al-Aman* (the adobe of safety). Through the non-aggression treaty of the United Nations Charter, Muslim states have agreed for the peaceful co-existence with others. This treaty makes *Dar al-Harb* into *Dar al-Ahd*. Considering the existence of the United Nations and other non-aggression treaties, many contemporary scholars have identified most of the modern nations as *Dar al-Ahd* (DIN 2009: 7). Wahba al-Zuhayli opines that the concept of *Dar al-Ahd* laid the basis of modern international relations. Because, the United Nations Charter has turned the non-Muslim states into partners in the agreement with Muslim states (al-Zuhayli 1981 as cited in Reiter 2011:50). Muhammad Abu Zahra also opines that the non-Muslims states that signed UN agreement is no longer belong to *Dar al-Harb*, but *Dar al-Ahd* (Reiter 2011:51). Yusuf al-Qaradawi and Faisal al-Malwawi also see about all of non-Muslims states, with the exception of few like Israel, as *Dar al-Ahd*.

Even though jurists had hesitated to approve the multiple sovereignties within Muslim world considering the unity of Muslim *ummah* and the significance of central authority, they have developed doctrines to deal with changing realities of the world politics. Ottoman and Persian Empires, the two distinct political entities in the Islamic territory, recognised the independence of each other. These two states signed the Treaty of Peace and Frontiers in 1693 to determine the borders between them till 'the day of resurrection' (Dizboni 2011: 259). They signed an accord in 1746 to exchange ambassadors in every three years. So, multiple sovereigns had existed in the Muslim world, even before the modern period.

2.6.3   *Basic Relationship with non-Muslim countries: Is it War or Peace?*

According to most of the Islamic scholars, peace is the original state of the relationship between Muslim and non-Muslim countries. So, the purpose of the peace treaty is to strengthen that base (Al-Misri 2014: 41). Sway (2006) states that "The original state that should prevail between Muslims and non-Muslims is that of peace, not war. If an

armed conflict breaks out, then this state should be considered temporary; efforts should focus on restoring the original state of peace". Subhi Muhammadani also opines peace as a basic state of affairs and war as an exceptional situation in Islam (Reiter 2011: 44). Contemporary scholars like Muhammad Abu Zahra, Abdulwahab Khalaf, Mahmud Shaltut and Wahbah al-Zuhayli also suggest peace as the basis of Muslims' relationship with non-Muslims and war is allowed only if there are legitimate reasons.

Rehman (2011: 64) also opines that

> Peace, according to Islamic sources, is the natural state of affairs where the truth prospers and prevails while conflict is an aberration and disturbance of this. Peace and conflict are thus representations of acceptance and rejections; truth and lie. Peace is the rule and war is the exception. War according to Islam is permitted on specific grounds, mainly defensive but also against oppressors, despots and those who violate principles of religious freedom and injustice. Wars that are posed on the grounds of 'race, exploitation or pomp and show' are condemned by Islam.

The Qur'anic verse (4:90), "if they refrain from fighting you and offer you peace, then Allah does not permit you to harm them", supports this argument. The Qur'an (60:8) states "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair". The Qur'anic verse (8:61) "If the enemy is inclined towards peace, make peace with them" also indicates peace as the base of the relationship. Because, if the war were the original state of the relationship, the willingness of enemies for peace treaty would not have been a reason to compel Muslims to follow the same. Not to believe in Islam is not the reason for war. So, non-Muslim countries should not be attacked, and people should not be killed without proper reason. The Prophet Muhammad asked his companions not to desire to meet enemies and to pray to Allah for a healthy and peaceful life.

Some scholars have opined war as an original state of the relationship between Muslim and non-Muslim countries. M. Khadduri states that "In theory, the *Dar al-Islam* was always at war with *the Dar al-Harb*. The Muslims were under a legal obligation to reduce the latter to Muslim rule in order to achieve Islam's ultimate objective, namely, the enforcement of God's law (the Shari'a) over the entire world" (Khadduri 1956: 359). Even though Khadduri agrees with the possibility of the peace treaty with non-Muslim territories, he sees it as temporary suspense of war for a short period and reducing *Dar al-Harb* into non-existence as the only way to achieve permanent peace. However, negating this argument, Kalin (2005: 349) states that "the global bifurcation of *Dar al-*

Islam and *Dar al-Harb* does not translate into a 'holy war' nor a 'permanent state of war' between Muslims and non-Muslims". Wahbah al-Zuhayli (1962:135) also opines that the classification the world by jurists into two abodes was in the particular context of medieval politics. Al-Zuhayli emphasises the original state of the relationship among nations as peace.

2.6.4   *Qital/ Military Jihad*

The term *jihad* is often translated into holy war or just war. However, this translation is misleading because war is the only one among many forms of *jihad*. Most of the usages of this term in the Qur'an is not in the context of war. Instead, the Qur'an uses the words '*qital'* and '*harb*' to denote war. According to Abdel Haleem, the words derived from j-h-d have appeared 35 times in 15 chapters of the Qur'an. Out of them, four are *makkiyy*, and 11 are *madaniiyy* (cited in Amadu 2015: 67). The examples for using such words in chapters of Makkah can be seen in the Qur'an 29: 6 (whoever strives in Allah's cause, only does so for their own good), 29:69 (As for those who struggle in Our cause, We will surely guide them along Our Way), and 25: 52 (So do not yield to the disbelievers, but strive diligently against them with this Qur'an). It should be noted that the permission for was military fighting was not given during the Makkah period of the Prophet Muhammad. Out of these 35 references, only a few are revealed in the context of war. Kadayifci-Orellana et al. (2013: 17 and DIN 2009:3) figure out that the word *jihad* has not been used in the Qur'an even once with the sole meaning of military fighting. Reuven Firestone also suggests that "the semantic meaning of the word *jihad* has no connection with holy war, and neither war in general" (Firestone 1999 as cited in Amadu 2015: 69). As he opined, out of several meanings of *jihad,* most of them have no connection with the warfare.

Pointing to different forms of *jihad,* the Prophet Muhammad has characterised struggle against one's own evils as the greater *jihad* (*jihad al-akbar*) and the military fight against external enemies as lesser *jihad* (*jihad al-asghar).* The Prophet Muhammad once said that "The real *mujahid* is he who makes *jihad* against his *nafs* (ego) for the sake of obeying Allah". In another *hadith*, the Prophet says that "the strong one is not the one who overcomes people, the strong one is he who overcomes his *nafs* [ego]". On another occasion, "a person came to the Prophet Muhammad and asked permission to join for military *jihad.* Then the Prophet asked him that 'do you have parents?'; the man said 'yes'; then the Prophet replied, 'then do *jihad* by serving them!'" (Al-Bukhari

5972). According to hadith reported by Musnad Aḥmad, the best form of *jihad* is "a word of truth in front of a tyrannical ruler". These *hadith*s prove that the Prophet Muhammad has not used the word *jihad* exclusively for military fighting. Jad al-Haq Ali Jad al-Haq, the former shaykh of al-Azhar, underlines that,

> *Jihad* in itself does not mean war. If we want to talk about war, we must say 'armed *jihad*', to distinguish between this *jihad* and the everyday *jihad* against ignorance, *jihad* against poverty, *jihad* against illness and disease…… The search for knowledge is the highest level of *jihad* (Cited in Tibi 1996: 183).

Various forms of *jihad* include *jihadu al-nafs* (struggle against one's own evils), *jihad bi-al-qawl* (speech act) like speaking against injustice, propagating Islam and speaking truth to power, *jihad bi-al-qalam* (fight with a pen) by writing against injustice and by enriching scholarship and research on Islam, *jihad bi-al-Mal* (struggle with money) like helping charitable institution and *jihad bi-al-qital* (*jihad* of force) (Sheikh 2015: 290). Wahba al-Zuhayli (1962) opines that if the meaning of *jihad* is to fight against the enemy, it is crucial to define who is that enemy. According to Islamic scholars, these are visible external enemy, Shaitan, and one's own ego (al-Zuhayli 1962: 32). Ibn-Qayyim al-Jawziyya (1292–1350), the foremost student of Ibn-Taymiyyah (1263–1328), states that

> The *jihad* against the enemies of God with one's life is only a part of the struggle which a true servant of God carries on against his own self for the sake of the Lord….This striving against evil tendencies which have dominated his mind is more important than fighting against enemies in the outside world (Cited in DIN 2009: 8).

AbuSulayman (2010:24) states that,

> *Jihad* as the duty to pursue what is true and right, includes protection of the human rights of life, belief, honour, family, and education. The highest purpose of *jihad* is to change one's own life so that one will pursue these rights in submission to Allah. The second highest purpose is to defend the rights of others. *jihad* in this second sense is also the pursuit of justice for everyone, always, everywhere; and the substance of justice is human rights.

In short, *jihad* is a duty to struggle against all evils, starting from one's own ego and including family, society and world, such as corruption, injustice and oppression. It can be military forms only if all other forms are failed and only with several conditions and code of ethical behaviour. Out of various forms of *jihad*, the Islamic jurisprudential texts have primarily focused on military *jihad*. It is because, military *jihad* needs more

jurisprudential explanation and legal restriction than other forms (DIN 2009: 4, Kadayifci-Orellana et al. 2013: 17).

However, through the overuse and misuse of the word *jihad* by Islamic fundamentalist groups and media, "the concept of *jihad* has become confused with the related Islamic concept of 'armed fighting' (*Qital*)" (Tibi 1996: 179). In contrast to its real meaning, now the word *jihad* is used by extremists as a synonym of war against not only non-believers but also fellow Muslims whom they consider as mere nominal Muslims. In his essay, published in the Washington Post, Qasim Rashid (2017) argues that "Indeed, the only two groups who claim '*jihad* = terrorism' are Islamic State terrorists and Islamophobes with an agenda. Both are ignorant of Islam and serve only one another".

A rightful authority, like Caliph or Imam, is a necessary condition for conducting military *jihad.* So, the vigilant fighters or terrorist groups cannot order *jihad.* After Soviet invasion to Afghanistan and the formation of terrorist groups like Al-Qaida, *jihad* has been divorced from both state and Sharia. "Bin Laden's jihadism was religious in garb but secular in its (geo)politics" (Sheikh 2015: 292). The attack of terrorist groups targeting civilians is a violation of all conditions of *jihad*: rightful authority, right cause and ethics of warfare.

DIN (2009: 9-14) classifies the Qur'anic verses on warfare into three categories: first, verses related to the conditions to begin a war. It includes verses such as Qur'an 2: 190-193; 4:75; 4:89-91; 9:4-6; 9: 12-13; 9: 23; and 22: 39-40. Second, verses related to ethics to be kept during the war. For examples, Qur'an 2:191; 2: 194; 2: 256; 4:94; 8:15-16; 9:1-7; 9:14; 9: 123; and 47:4. The third category talks about the conditions to terminate warfare. For examples, Qur'an 2: 192; 2:193; 4:90; 8:61; 9: 6-7; and 60:8. The misunderstanding and misinterpretation of the Qur'anic views on warfare are the outcomes of the inability to differentiate among these categories (DIN 2009: 9 and Kadayifci-Orellana et al. 2013: 17).

Islam prohibits all forms of war other than (lesser) *jihad* (Denny 2004: 134-135). The Prophet Muhammad has discouraged war for tribalism, racism and nationalism (*asabiyya*) (Kadayifci-Orellana et al. 2013:23). In a *hadith* reported by Sunan of Abu-Dawud, the Prophet says that "He is not one of us who calls to tribalism. He is not one of us who fights for the sake of tribalism. He is not one of us who dies following the way of tribalism". According to Khan (2020), war is not allowed for territorial and

material gain. In another interview, Kadayifci-Orellana (2020) also opined that nationalism is a dividing force. So, the aggressive war for just nationalist purpose is not allowed in Islam.

The permission of the military *jihad* (*qital*) for the sake of Allah in Islam is also limited to certain conditions. Anyhow, it "does not mean the *constant* use of the sword to resolve problems between Muslims or with non-Muslim enemies" (Thistlethwaite and Stassen 2008: 4). The Qur'an allows war only for self-defence (Qur'an 2:190, 22:39), and to prevent persecution and oppression (Qur'an 4:75, 8: 35). Since these verses talk about specific reasons to fight, the unspecified command in the ninth chapter (Thawba) is to be limited for these contexts. Morkevičius (2018: 114) states that, "While the Medinan verses permit political violence, a careful reading of makes it clear that only defensive war is allowed, not offensive war". The Qur'an (22:40) suggests such defensive war as a way to protect all houses of worship, not only mosques but also monasteries, churches and synagogues. It is interesting to note that the mosque has been referred in this verse only after mentioning of other houses of worship.

Wahba al-Zuhayli (1962) has acknowledged the obligation of *qital* in Islam and presented various evidence from the Qur'an and *hadith*. He says that "all these evidences show *qital* is a religious duty and it is established by the Qur'an, *hadith* and *ijma*" (al-Zuhayli 1962:86). According to al-Zuhayli, the obligation of *qital* is still there, and it has not been abrogated. However, he explains, it does not mean the war is the permanent sate of the relationship between Muslims and non-Muslim countries or a way to convert a *Dar al-Harb* into *Dar al-Islam*. Al-Zuhayli states that *qital* is not a way to propagate Islam. It is only to defend aggressors, to prevent injustice, to protect the oppressed, and others as the ruler decides.... So, all wars, except for defending oneself and the territory, should be avoided. In the contemporary world, the military *jihad* is required only to free the Islamic territories from occupiers (al-Zuhayli 1962: 93-94, al-Zuhayli 1981: 26). Many reasons for initiate a war are resolved through international treaties of non-aggression, human rights and freedom of religion.

The Qur'anic verses (2: 190-193) talk about the conditions for a *qital*. It specifies the reasons and way of conduct of a war. It says

> Fight in the cause of Allah against those who wage war against you, but do not exceed the limits. Allah does not like transgressors. Kill them wherever you come up on them and drive them out of the places from which they have driven out you.

For persecution is far worse than killing. And do not fight them at the Sacred Mosque unless they fight against you there first. If they do so, then fight them- that is the reward for such unbelievers. But, if they cease, then surely Allah is All-Forgiving, Merciful. Fight against them (if they persecute you) until there is no more persecution and worship is devoted to Allah only. If they stop (persecuting you), let there be no hostility except against aggressors.

The Qur'anic command "do not exceed the limits" has been interpreted by classical and modern commentators of the Qur'an as to avoid aggressive war and, to keep away from attacking non-combatants once a war starts. The ten commands of Abu Bakr, the first caliph, to his army points to Islamic ethics of warfare. He said,

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

As Istanbuli (2001: 118) pointed out "Islam did not impose constraints only against the initiation of hostilities but also established rules limiting the means and ways of fighting".

The idea of offensive war to expand the borders of *Dar al-Islam* and to dominate over entire *Dar al-Harb*, though it is often considered as the orthodox jurisprudential view, is against the stance of the majority of jurisprudents such as "Imam Abu-Hanifa (d. 150/767), Imam Malik ibn-Anas (d. 179/795), Abu Yusuf Yu'qub ibn-Ibrahim (d. 182/798), Muhammad ibn-al-Hasan al-Shaybani (d. 189/804), Abd al-Rahman ibn-'Amr al-Awza'i (d. 157/774), Muhammad ibn-Ahmad Ibn-Rushd (d. 595/1198), Ahmad ibn- 'Abd al-Halim Ibn-Taymiyyah (d. 728/1328) and Muhammad Ibn-Abi Bakr Ibn-Qayyim al-Jawziyyah (d 751/1350)" (Kalin 2005: 345). According to the majority of jurists from Hanafi, Maliki and Hanbali schools specify the motive behind the *qital* is the aggression of enemies, not their religion. So, no one should be fought just because of his religious difference (al-Zuhayli 1962: 106). Even Ibn-Taymiyyah and his student Ibn-Qayyim, whom modern Salafi groups cite to support their extremist ideology, permit war only against aggressors. According to them, the fundamental cause to be fought is not disbelief of a person, but his/her aggression. Additionally, Islam prohibits attack against those who pray in churches and synagogues even during the legitimate war. If disbelief is the fundamental reason for the war, such people would have been the first targets.

This argument is supported by the Qur'an's command (Q. 2:192; 8:61) to stop fighting and incline to peace if enemy does the same. If the religious difference was the fundamental reason, the fighting would not have been stopped even if enemies stop it. Another evidence to say that the war is only against aggression is the prohibition by the Prophet Muhammad of killing non-combatants. Moreover, since aggression is the main cause, such fighting is permitted and even practised during the first centuries of Islam even against Muslims if they perpetrate aggression.

Wahba al-Zuhayli (1962:32) states that "the argument of presenting *jihad* as a war against non-Muslims to convert them forcefully is a calumny and lie against Islam". So, the so-called "holy war" that is aimed to convert others is, "by *consensus doctorum*, declared unholy and inadmissible as a form of *jihad*" (Sheikh 2015: 291). In Islam, war is never a holy practice, though it may be justified for specific reasons. So, the Islamic concept of *qital* is similar to Western/Christian concept of 'just war', not 'holy war'. Islam has talked about ethics of both *jus ad bellum* (just causes to start a war) and *jus in bello* (ethics to keep during warfare)

The expansionist theory of Imam Shafi was in the context of prolonged military struggle between Muslims and non-Muslims' territories, and Muslim states were successful in expanding their borders. Such territorial expansion should be seen in the geopolitical context of the medieval period when imperial powers, the Islamic empire was part of it, were expanding their territories for enhancing economic, political and demographic power. The Byzantines and the Persians, the two superpowers of that time, were in a continuous state of war (Istanbuli 2001: 117). The war of the Islamic ruler against another ruler was not a theological war of one faith against another, but it was a political war of one state against another. It is certified by the fact that non-Muslim residents and travellers were safe in Muslim territories and they were given *Aman* (safety) not only by the head of states but also by an individual. The military struggle of the medieval period, as Philp K. Hitti opined, was not by "the Islamic religion but the Islamic state ... it was Arabianism and not Muhammadanism that triumphed first" (Quoted in Kalin 2005: 346). So, the historical march of Muslim armies to expand the Islamic territories was not *jihad* in its religious sense. Instead, it was an outcome of power politics of Muslim and non-Muslim states. Even after establishing political authority, neither rulers nor Islamic scholars imposed forced religious conversion. Khan (2020) has called Imam Shafi as a political realist. At the same time, it should be noted that Shafi school also respects the *jus in bello* norms to avoid civilian harm. For example, Shafi requires

to exclude women and children from killing if they are distinguishable (Morkeviči, 2018: 134). Moreover, many jurists of Shafi school of thought also have opined that the actual war with non-Muslim states is not a mandatory task, but a mere showing of military strength and preparation for preventing any possible attack of enemies is enough.

Al-Azhar scholars like Jad al-Haq Ali Jad al-Haq emphasise that the ultimate purpose is *daawa* (propagation of Islam). Unlike modern age, the sword was necessary for securing the path of *daawa*. Now, compared to various other ways of *daawa*, such as communication network, arms are very weak instrument. According to Jad al-Haq, even in the earlier period, the use of the sword was not to impose Islam on others. Because, "belief is not for imposition with force" (Cited in Tibi 1996: 184). While the Al-Azhar scholars downgrade the role of military *jihad* in the modern age and promote non-military *jihad* against disease, ignorance and poverty, Hasan al-Banna, the founder of the Muslim Brotherhood, glorifies *qital* and considers it as an obligation of every Muslim (*Fard Ain)* (Cited in Tibi 1996: 185). During the anti-colonial struggle in Muslim lands, rulers and Islamic scholars used the term *jihad* to fight against colonial powers who have occupied Muslim territories. For examples, Sayyid Ahmad (d. 1831) in India, Shaykh Shamil (d. 1871) in Chechenia, and the Sanusiyyah order in Libya incorporated the idea of *jihad* to mobilise people against colonial powers. This legacy of anti-colonial *jihad* is now used/misused by terrorist groups like al-Qaida to wage war against western countries. However, it should be noted that during the anti-colonial struggle, the call for *jihad* was targeted only on aggressors, not all Christians or Westerners (Kalin 2005: 350).

2.7 Islamic perspectives on treaties and resolution with non-Muslim countries/ political entities

Treaty with non-Muslim countries and political entities has been a policy of Muslim leaders from the time of the Prophet Muhammad. Examples of such treaties have been mentioned in the section (2.2.2) on conflict resolution in *hadith*. Wahba al-Zuhayli (1981) has pointed out many peace treaties made by Muslim leaders. Out of Umayyad Caliphs, Muawiya Ibn-Abi Sufyan made a truce with Byzantine Emperor during the rule of Ali Ibn-Khattab in AD 656. During the time of his Caliphate, Muawiya made a treaty with the Roman Empire. Abdul Malik Ibn-Marwan made such a peace treaty with Byzantine. The Abbasid caliphs also followed the same path. During this period,

especially since the rule of the Caliph Mansoor, the diplomatic relationship with the Byzantine Empire got strengthened. The diplomatic relations with the French Empire reached its peak during the rule of Haroon Rasheed when he sent his emissaries and gifts to Emperor Charlemagne in AD 797. During the time Crusades, Salah al-Din al-Ayyubi (Saladin) finalised a treaty with the Richard the Lionheart, the king of England in 1192.

About all of the Islamic scholars have sanctioned the legitimacy of peace treaties with non-Muslim political entities, though there are different opinions about various conditions. Most of the jurists, including Abu Hanifa, Malik, Shafi and Hanbal, and their followers, opine that head of states can sign a treaty with enemies if there is a benefit (*Maslaha*) to Islam and Muslims. They use the word *Maslaha*, which can be paralleled to the concept of 'national interest'. Accordingly, such treaties can be signed even though there is no compelling reason (*zaroorah*) to do so. Some scholars, like Shaibani, Qurtubi, Suyooti and Ibn-Taymiyyah put the presence of compelling reason as a necessary condition to make a treaty with enemies. Some scholars like Muhammad Abu Zahra, Abdulwahab Khalaf, Mahmud Shaltut and Wahbah al-Zuhayli state that the mere end of war is enough to sign a peace treaty. Because, peace is the original state of the relationship between Muslim and non-Muslim. If war over, the relationship will return to its original situation, and leaders can sign a peace treaty (Al-Misri 2014: 15-16). The reason for these diverse opinions is the difference among scholars in interpreting the Qur'anic verses on war and treaty (for examples: Q. 9:5, 5: 29 and 8: 61). Those who interpret the verses of war as abrogating the verses of the peace treaty with non-Muslims put the condition of presence of compelling reasons for a peace treaty. On the other hand, those who apply the verses of war only to a specific context suggest either any benefit is enough to sign a peace treaty, or it can be signed once war finishes.

The primary purpose of the peace treaty is to avoid war by both parties against another and to ensure peaceful interaction between them. While the Qur'anic verse 8:60 asks believers to prepare for a fight against the enemies, the very next verse commands "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah". The command "put your trust in Allah" indicates that Muslim rulers can go for peace treaty even they are doubtful about the wrong intention or treachery of enemies. Interpreting these verses, Kadayifci-Orellana et al. (2013) state that,

On the basis of these verses (and understanding the context in which they were revealed) one reaches the conclusion that it is wrong to suppose that peace between Muslims and others is conceivable only when the Muslims' position is so weak that they are unable to wage war (Kadayifci-Orellana et al. 2013: 20).

Wahbah al-Zuhayli (1962: 654) negates the argument of seeing the peace treaty in Islam as a temporary break of war for preparing for the next war. Because, according to him, peace is the original state of the relationship between Islamic and non-Islamic states.

The legitimacy of the peace treaty depends upon the rightness of its provisions in Sharia. Any part of this treaty should not violate explicit teachings of Islam. The head of states also needs to ensure that the provisions of the treaty are not conflicting with the interests of Islam and Muslims. Accordingly, Al-Misri (2014: 61), if a treaty allows non-Muslim aggressors to hold the occupied Muslim territory, it will not be valid in Islamic jurisprudence. This condition and debates on it are crucial in theological debates over Israel-Palestine peace processes.

The legitimate authority to sign a peace treaty is also a topic of debate among jurists. According to most of the scholars, including Maliki, Shafi and some Hanafi scholars, a peace treaty with non-Muslims can be signed only by Imam or his representative. Another opinion suggested by Hanbali and some Hanafi scholars allows a group of Muslims also to sign such treaty.

As far as the duration of a peace treaty is concerned, there is a near consensus among Islamic jurists on the necessity of fixing a time duration in the peace treaty, though there are diverse opinions about the upper limit of this period. Accordingly, a peace treaty for an unlimited period is not valid (al-Zuhayli 1962:675). According to Shafi school of jurisprudence, the duration of truce should not be more than ten years, following the time limit of the Hudaybiyya agreement. This temporary nature of *Hudna* allows state leaders to renew the treaty every ten years and prevents injustice treaty for a permanent/indefinite period. Maliki and Hanafi schools of jurisprudence do not specify any maximum duration of the treaty, and they allow the head of states to fix period according to their reasoning and interest of the Muslim community. Sway opines that the ten-year duration of the Hudaybiyya agreement was "arbitrary" and not a time limit for all treaties of all ages. So, Muslim scholars can choose a longer period if it is required (Sway 2006: 6). However, according to all these opinions specifying a time duration is mandatory. At the same time, Ibn-Taymiyyah and Ibn-Qayyim allow peace treaties for the unspecified duration (Al-Misri 2014). Wahbah al-Zuhayli (1962: 354)

also sanctions permanent treaty with non-Muslim states, like UN treaty, since the Prophet Muhammad had not mentioned any time duration for his treaty with the Jewish tribes of Madeena. Contemporary scholars like Abu Zahra and Abdu l-Aziz al-Khayyat also have permitted signing of permanent peace treaties.

Another topic of debate is about the breaching of the signed treaty. Islamic jurists unanimously agree on mandatory of respecting the treaty until the end of the specified period as long as it does not contrast the interest of the Muslim community. Even if the Muslim ruler who signed the treaty died, it is the obligation of his successors to honour that treaty. The Qur'an (16: 91) mentions that "Honour Allah's covenant when you make a pledge, and do not break your oaths after confirming them, having made Allah your guarantor. Surely Allah knows all you do". The Qur'an (17: 34) commands "Honour (your) covenants, for you will surely be accountable for them". The Qur'an (9: 7) states "except for those with whom you ratified a treaty at the Masjid al-Haram? So long as they honour it, you also honour". The Qur'an (5:1 and 9:4) also commands to fulfil all covenants. It is interesting to note that the Qur'an (8: 72) suggests Muslim states to prefer honouring the treaty (of alliance or non-intervention) with non-Muslim states even if Muslim minority living there are facing persecution. Muhammad Asad in his explanation of this verse states,

> Since in such cases an armed intervention of the Islamic state in behalf of the Muslim citizens of a non-Muslim state would constitute a breach of treaty obligations, the Islamic state is not allowed to seek redress by force. A solution of the problem could conceivably be brought about by negotiations between the two states or, alternatively, by an emigration of the persecuted Muslims (Asad 2005).

Based on this verse (Q. 8:72), Wahbah al-Zuhayli opines that "it is clear from this verse that Allah prefers treaty with non-Muslim countries even more than brotherhood among Muslims".

As Ibn-Taymiyyah said, it was a practice of the Prophet Muhammad not to wage war with any group who signed a peace treaty with him (as cited in al-Zuhayli 1962: 105). The Prophet Muhammad said, "the best person among you is the one who fulfils his/her treaty". The Prophet also says "He has little faith the one who has no trust, and there is no religion for the one who does not fulfil his promises" (Ahmad). The Prophet sent back Abu-Jundal and Abu-Basir, who came to Islam from Quraysh, to Quraysh respecting the provision of the Hudaybiyya agreement. The prophet also counted the breaching as attributes of hypocrites. He said,

> Whoever has the following four (characteristics) will be a pure hypocrite and whoever has one of the following four characteristics will have one characteristic of hypocrisy unless and until he gives it up: Whenever he is entrusted, he betrays; Whenever he speaks, he tells a lie; Whenever he makes a covenant, he proves treacherous; and Whenever he quarrels, he behaves in a very imprudent, evil and insulting manner. (Al-Bukhari 34).

It is clear from the above-mentioned verses and *hadith*s that Islam considers honouring treaty as a necessary part of Iman. AbuSulayman (2010: 137) states that "A Muslim decision-maker or statesman can find no refuge in the Islamic framework of thought or in its principles or values to justify the violation of agreements either by intention or by deliberate action".

The scholars also agree on the permissibility of its breaking if it is breached by enemies. At the same time, there are diverse opinions if the treaty is no longer beneficial to the Muslim community or if a Muslim ruler is afraid of breaching of the treaty by an opponent. Most of the jurists from Maliki, Shafi and Hanbali schools stress the obligation of respecting treaty until the end of its specified time period even though it is no longer serve the interest of Muslims. Hanafi jurists permit the breaking of the treaty after informing the opponents if it is no longer beneficial to Muslims. According to most of the jurists, including jurists of Maliki, Shafi, Hanbali, Shia, Imamiya and Yazeediya schools, the *Hudna* will be broken if the opponent starts a war against Muslims, kills Muslim, shows hostility or steals the property of Muslims. According to Hanafi school, *Hudna* will not be broken until the opponent shows betrayal (al-Zuhayli 1962: 380). If a Muslim ruler is afraid of betrayal of the enemies, according to Imam Shafi, he can also breach the treaty, but only if he has enough evidence about the breaching of the opponents. Mere doubt is not enough to breach it (al-Zuhayli 1962: 360). If there is no enough evidence, it is mandatory to honour the treaty. It is also necessary to warn the enemies about their betrayal and inform them of the Muslim ruler's plan to breach it. According to those scholars who allowed treaty for an unspecified period, like Ibn-Taymiyyah and Ibn-Qayyim, it is allowed to breach such unspecified treaty at any time after informing the opponents. But, contemporary scholars like Abu-Zahra and Al-Zuhayli oppose the violation of any treaty until the other side violates it (Reiter 2011: 52). If some of many signatories breached the treaty and if all others kept silence over the betrayal of some or did not respond against betrayal, then the treaty with all will be broken. If other signatories show their disagreement of the betrayal of some, the treaty with others is to be honoured.

2.8   Conclusion

In short, peace and conflict resolution are virtues in Islam. Quran, Hadith and other classical Islamic texts have offered high rewards for promoting peace and resolving conflicts. At the same time, since justice is an inevitable aspect of Islamic discourse of peace, conflict resolution also requires to achieve a positive peace, rather than a mere settlement of disputes. Islam suggests many principles for conflict resolution. They include justice, forgiveness, protection of human life and dignity, pluralism, patience and mercy. Although Islam allows rulers the use of violence if it is inevitable, the non-violent method is the preferred way for resolving conflicts. Compared to the western way of conflict resolution, the Islamic/Middle Eastern way of conflict resolution have many differences. The emphasis on justice and forgiveness is one of them. The obligation on rulers to abide with the provisions of the treaty until the end of its fixed period or until the other group breaches it is another feature of the Islamic way of conflict resolution.

Islam allows conflict resolution with both Muslim and non-Muslim countries if it does not violate explicit teachings of Islam. According to the majority of Islamic scholars, the fundamental relationship between Muslim and non-Muslim countries is peace, not war. Accordingly, a peace treaty with non-Muslim countries is allowed even without a necessity for that. However, most of the Islamic scholars suggest fixing a time-period for the treaty. Since the peace treaty can normalise the relationship between Muslim and non-Muslim countries, the bifurcation of the world into *Dar al-Islam* and *Dar al-Harb* would not be enough to explain the Islamic perspective of international relations. So, many scholars have added other adobes like *Dar al-Aman* and *Dar al-Ahd*. So, the religious difference of a country or society cannot be a reason to initiate war against them. Although Islam promotes peace treaty with other countries, there are different opinions among scholars about the legitimacy and necessity of reconciliation with Israel. The next chapters will analyse the nature of the Israel-Palestine conflict and conflict resolution in detail.

3   Chapter III

RELIGIOUS ASPECTS OF ISRAEL-PALESTINE CONFLICT AND PEACE PROCESS

Israel-Palestine conflict is one of the most long-lasting conflicts of the last century. Although the fundamental causes of the conflict are nationalism and disputes over territory and sovereignty, religion is also an inevitable part of it. Indeed, the secular leaders like Gamal Abdul Nasser of Egypt and David Ben Gurion of Israel fought each other for secular national interest rather than a religious one. As Sharon Rosen (2012: 440) states "they were fighting for their nation's right to sovereignty on the physical territory". According to Micheline Ishay (2011:71) "It should be stressed that religion is not a sui generis cause of the Israeli–Palestinian conflict", but at the same time Ishay acknowledges the growing role of religion in radicalisation in both Israel and Palestine. After underlining the fact that the root cause of the conflict is not religious but nationalist one, Landau also points out that,

> religious traditions are invoked to justify nationalistic claims and grievances. Religious tradition, with its symbols and loyalties, is fundamental to the identities of both Arabs and Jews, even for those who do not define themselves as traditional or observant. And the land they both claim and love is, after all, considered 'holy' by most Jews, Christians, and Muslims (Landau 2003: 11).

Religion is an instrumental and/or motivating factor for both secular and religious groups among both sides of the conflict. Religion is visible in the narration of history, claims over territory, portraying the friends and enemies, and identifying the uniting and dividing elements. Religion has emerged as a centre of identity, dignity and security. The threat to religion is treated as equal to a threat to identity. Unlike many Western states, the West Asian countries, including Israel and Palestine, do not restrict religion as a private pursuit. Although religion had been a critical element from the starting of Zionism in 1897 and conflicts with Arabs in the beginning of the twentieth century itself, it became more visible and influential in the last few decades in both Israel and Palestine. The rise and dominance of religious-oriented political parties show a shift in the nature of the conflict.

Even though, generally, conflict resolution theory and practices tend to ignore the role of religion in resolving conflicts, it is an inevitable element to be considered in Israel-Palestine conflict resolution. Because as Abu-Nimer noted, "religious identity is one of the most powerful sources in shaping attitudes and actions in a conflict zone" including

Israel and Palestine (Cited in Rosen 2012:443). Abu-Nimer (2004: 492) clearly states that,

> As in other parts of the world, especially conflict areas, religion in the Middle East (particularly in Islamic cultures) has never been separated from politics; thus, if we assume that Israelis and Palestinians deal with each other (or their conflict) on a purely secular basis, such an assumption would be mechanical and superficial.

So, after a brief description of Israel-Arab conflicts in the twentieth century, this chapter will analyse religious narrations of history of Israel/Palestine by Christians, Jews and Muslims. It will go through debates ranging from questions, who are the original inhabitants of the land, the biblical narration of the promised land, and conflicts in the ancient, medieval and modern periods for controlling the land. The subsequent section will figure out the religious significance of Jerusalem and other parts of Israel/Palestine to Christians, Jews and Muslims. The following part will analyse the role and growth of religious parties in Israel and Palestine. It will explore how religious parties gained dominance over secular nationalist parties. The difference of religious parties vice versa national parties in their approach to the conflict and peace process will be analysed to understand the impacts of the rise of religious parties on conflict and peace process. The last part of this chapter will look at how religious, both political and non-political, organisations work for conflict resolution and peacebuilding in the region.

3.1   Formation of Israel

The origin of Zionist movement in Europe in the nineteenth century began as a secular movement, and some time with "anti-religious dispositions" (Masalha 2014: 66). Prof. Gareth Lloyd Jones (2014:116) also opines that the origin of Zionism was as a secular movement and its "pioneers had little time for religion". So, it was similar to other nationalist movements of the nineteenth century. The movement was opposed by both orthodox and reform wings of Judaism. While Orthodox wing criticised it for being anti-religious, the reform Jewry considered it as contradictory to the universalism of Judaism (Masalha 2014: 66). The Orthodox argued that "Jewish state could be inaugurated only by God's own representative. They could return only if they were led by the Messiah, who would come in God's good time" (Jones 2014:117). In an interview with the researcher, Hillel Schenker (2020), the co-editor of *Palestine-Israel Journal*, pointed out that "the modern Zionist movement founded by Theodore Herzl and his colleagues in 1897 was a secular Jewish rebellion against the traditional Orthodox Jewish belief in waiting for the arrival of the Messiah to solve the Jew's

problems" (Schenker 2020). Accordingly, instead of waiting for the Messiah, the Zionist leaders were taking the fate of Jews, who were suffering from persecution, anti-Semitism and frequently expulsion from their host countries, to their own hands. According to Schenker, the reason for choosing Palestine as the destination was not a religious reason like God's promise, but it was due to historical affiliation of Jews people with the land before Romans. Neturei Karta, a Jewish religious movement in Jerusalem, still believes that they should be ruled by the Palestinian Authority. They oppose Zionism and work for 'peaceful dismantling' of Israel. According to their belief, since the Jews should not have their own state until the coming of the Jewish Messiah, the formation of the Israeli state is a rebellion against God. So, the Israeli Army usually arrests them. Mohammed Abudagga (2020), First Counsellor at Embassy of the State of Palestine in Malaysia, pointed out that their leader Moshe Hirsch was an advisor of Arafat and there also was an ambassador from them. In another interview, Walid Shomaly (2020), the Executive Director of the Palestinian Center for Research and Cultural Dialogue, also pointed out that the founders of the Zionist movement were secular and some of them were even atheist. Nevertheless, they were successful in using religion for their political purpose.

The founding fathers of Zionism could successfully use religious texts and biblical narrative for getting legitimacy and support from international, mainly western countries. The anti-Semitism which took place in European countries was very helpful to Zionist movement to get the support of Western countries to establish a Zionist national home in Israel (Kramer 2008:103). At the same time, Gudrun Kramer has argued that the idea of 'ingathering' of Jewish people in Eretz Israel had been suggested by people like Rabbis Yehuda Alkalai and Zvi Hirsch Kalischer from 1830 onwards. Rather than freeing from physical oppression, their aim was spiritual redemption of the Jewish people. In that sense, the idea of Jewish revival in Eretz Israel emerged before the rise of modern anti-Semitism (Kramer 2008: 103). The Zionism got the support of religious Jews in the twentieth century due to incidents like the Holocaust, the formation of Israel, and the Six-Day War of 1967 in which Zionists got control over the East Jerusalem. Shifting from the early stand, Orthodox Jews considered the formation of the State of Israel as the first step for the coming of Messiah (Jones 2014: 117). Despite being late to accept, the religious Jews in Israel are now supporting the Zionist cause and its achievements.

During the Ottoman rule, the name 'Palestine' was used to refer to the whole territory between south of the vilayet of Beirut and west of the Jordan River. The name was used by Arabs, Jews, and Ottoman officials alike. In the in the official correspondence of Ottoman it was referred as *Arz a-Filistin* (the Land of Palestine) (Harms 2008: 58). Even before the start of Jewish immigration in 1882, a few Jews were living in Palestine. Since there were around 400,000 Muslims, 43,000 Christians, and 15,000 Jews, more than 96% of the total population were non-Jews (Harms 2008:60). Sephardim and the Ashkenazim were the main two Jewish groups in Palestine at that time. While Sephardic Jews integrated with the local culture, the Ashkenazim consisted of mostly European Jews who came to pray as well as die.

The Zionist slogan of "a land without a people for a people without a land" was contradictory to reality of that period. It deliberately neglects the presence of indigenous population who had cultivated most of the available arable land (Harms 2008: 63). Even before Moshes, the land was, according to biblical narration, prosperous, "flowing with milk and honey". Gregory Harms quotes Asher Ginzberg, a prominent Zionist leader from Eastern Europe, saying in his work "Truth from the Land of Palestine" as

> We abroad are used to believing that Eretz Israel is now almost totally desolate, a desert that is not sowed, and that anyone who wishes to purchase land there may come and purchase as much as he desires. But in truth, this is not the case. Throughout the country, it is difficult to find fields that are not sowed. Only sand dunes and stony mountains that are not fit to grow anything but fruit trees – and this is only after hard labour and great expense of clearing and reclamation – only these are not cultivated (Harms 2008: 61)

The First Aliyah (1882-1903) with the immigration of 25000 Jews was primarily motivated by parting company with Russia rather than any ideological reason. So, about half of them would leave Palestine due to the lack of opportunities there (Harms 2008:61). The Second Aliyah (1904-14) witnessed the immigration of 30,000 Jews with political motivation to establish a Jewish homeland in Palestine, and they acquired land for the same. The land acquired by the Jewish National Fund (JNF) was never sold or leased back to Arabs and that policy still continues (Isaac 2011: 67). The World War-I was a turning point in Palestine's history as it shifted its control from Ottoman to Britain. While the Ottoman Empire joined Central Powers of Germany, Britain and its Allies could get the support of Arab leaders who wanted to part their company with the Ottoman for their personal and national interest. By that time, the European idea of nationalism had started to develop among Arab communities. For Britain, it was a golden chance to get control over Arab states and to destabilise the Ottoman Empire.

The Mandate Palestine of 1922 had included 27,000 sq. Km territory with 660,641 Christian and Muslim Palestinians (88.25% of the total population) and 88,000 Jews (11.75%) (Isaac 2011: 67).

Gershon Shafir calls Zionist movement as settler colonialism. Unlike the traditional form of colonisation, the goal of settler colonisation is "not the exploitation, but the replacement of the native population" (Shafir 2017: 91). This replacement can be by genocide, expulsion or cultural assimilation. The difference between emigrants and settlers is that while the former join with the already existing society, the later founding their own society. Settlers' society is a product of conquest, not just of immigration. The continued immigration and acquisition of land with political purpose led to conflicts between Arabs and Jews.

In the beginning, the Arab's resistance was not in nationalist nor religious form. The riots of 1921 had no much Islamic overtones. However, gradual Islamization of resistance started in the late 1920s (Kramer 2008: 216). From the nineteenth century, religion had been playing a significant role in the anti-colonial struggle in many parts of the Muslim world. Islamic scholars and Sufi brotherhoods led such movements considering them as part of Islamic *jihad*. As the resistance against Jewish Immigration Islamised, Haram al-Sharif, with Al-Aqsa Mosque and the Dome of the Rock (Qubbat al-Sakhra), emerged as concrete symbol and cause of the anti-Zionist struggle. Al-Hajj Amin al-Husaini, the Mufti of Jerusalem, and the Supreme Muslim Council became key players. Al-Aqsa Mosque was restored with a grand ceremony in 1928, and its work was completed in 1929. Nabi Musa festival was also revived as a place of religious gathering. The riot between Jews and Muslims in 1929 for the Wailing Wall/ Buraq Wall was an example of the religiously motivated conflict between Jews and Muslims. The Mufti Amin al-Husaini convened a General Islamic Congress consisting of 145 participants from different Islamic countries. It was helpful to internationalise the Palestinian issue.

Meanwhile, many militant organisations emerged in Palestine to attack Jewish and British targets. Green Hand (al-yad al-khadra), which was active in 1929, was such an organisation. Izz al-Din al- Qassam also led religiously motivated resistance against Zionist immigration. Qassam declared the fight against Jews and British as an individual duty of all Muslims. By 1935, he could attract many volunteer fighters with the motto of "This is *jihad*, victory or martyrdom".

However, the Arab's resistance to Jewish immigration was not due to enmity towards Judaism per se. Rather than being anti-Semitism or anti-Judaism, it was characterised by anti-Zionism. Rather than racial or religious, the Arab resistance was due to political and economic reasons. Historically, Jews were not as a central enemy of Islam as Christians were. So, Jews were welcomed to the Ottoman Empire while they had been tortured in Europe due to anti-Semitism. However, the idea of Zionist conspiracy could get popularity among Arabs very fast due to their ongoing experience. The Protocols of the Elders of Zion, an anti- Semitic forgery, was translated into Arabic in the 1920s. Nevertheless, "anti-Semitic views were still confined to the margins; they were not part of an elaborate racial theory, and above all was not advocated by the political leadership" (Kramer 2008: 269). At the same time, since Zionism spoke for the entire Jewish community, irrespective of their racial, political and ideological background, the dividing line between Jews and Zionists became vague especially for local Arabs, and it led to assaulting of pious Jews of Hebron and Safed.

Recognising the resistance of Arabs, the British set up a commission under the leadership of Sir Walter Shaw. It recommended Ramsay MacDonald's Labour government to make strict control over Jewish immigration and land acquisition. Being unhappy over the report, MacDonald appointed another commission under Sir John Hope-Simpson. Its report also recommended the suspension of Jewish migration as a necessary condition to maintain the living standard of Arab peasants at the current level. Based on this report, Lord Passfield, the colonial secretary, issued the Passfield White Paper limiting Jewish immigration. While most Arabs welcomed this White Paper as fair and just, it provoked outrage among Zionists. Due to pressure from Jews and conservative opposition, Prime Minister MacDonald distanced himself from the report and sent a letter, which is known as 'Black Letter', to Chaim Weizmann, the Zionist leader, assuring him the British support to continuing migration. Zionists could change the policies of Britain using its lobbying power with easy access to the British policymakers.

Following Arab's revolt in 1936-39, Britain appointed Palestine Royal Commission, which is known as the Peel Commission. It recommended dividing Palestine into three areas: An Arab state, a Jewish state, and territory under British administration. However, this plan was rejected by both Arabs and Zionists. Arab rejected this plan because according to it, they had to transfer their fertile land to Jews. While Jews had

owned only 7% of the total land in 1937, the commission allotted one-third of the country for Jews state.

The United Nations General Assembly adopted resolution 181 on 29 November 1947 dividing Mandated Palestine into Arab and Jewish states with 43.5% and 56.5% of total territory respectively. Jerusalem was declared as a 'Corpus Separatum', which would be run by an international administration. It was unacceptable to Arab because Jews, who owned only 7% of the land, were given a large share of it. However, this "partition map is still the only legally and internationally recognised boundary of erupted between Israel and the Arab" (Isaac 2011: 68). However, by 1948 Israel got control over 78% of the land depopulating at least 418 villages and making more than 750,000 Palestinians refugees. The post-1948 settlement was carried out by Israeli government with a slogan of 'population dispersal'. However, the Israeli government was concentrating the Palestinian population by narrowing its territories (Shafir 2017: 97). The remaining Palestinian places of the West Bank and Gaza were administrated by Jordan and Egypt respectively.

In the war of 1967, Israel occupied more territories from the West Bank, East Jerusalem and Gaza, and they were known as Occupied Palestinian Territories (OPT). After three months of the war, Levi Eshkol, the Israeli Prime Minister, announced its plan to build a settlement in the Occupied Territories with a plan to 'Israelize' the OPT. While the Labour party justified the settlement in the OPT claiming its strategic significance for the security of Israel, the Likud Party considered this occupation as a 'God-given' right. The UN Security Council Resolution 242, which was issued on 22 November 1967, demands Israel to withdraw from occupied territories. Nevertheless, the occupation and settlement project still continues. However, Israel faces a dilemma since it wants to annex the occupied territory, but not the Palestinian population there. Prime Minister Levi Eshkol describes this dilemma using a metaphor of "we won the war and received a nice dowry of territory, but the dowry came with a bride whom we don't like" (cited in Shafir 2017:11-12). The Palestinians in the occupied territory have been denied all aspects of rights: rights as a citizen, human rights and humanitarian rights. UN General Secretary Report of 2004 summed up the Israeli position on human rights in OPT as: "Israel denies that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which it has signed, are applicable to the occupied Palestinian territory" (cited in Shafir 2017:20).

3.2 Religious Narrations of Israel-Palestine History

The region of Israel and Palestine has a history of thousands of years. For example, the city of Jericho in the West Bank, which dates back to 9000 BCE, is considered as one of the oldest cities in the world. The region was populated and ruled by different types of people, and "they lived together, intermixed, intermarried, merged, and grew apart" (Ferry 2008: 3). According to Todd M. Ferry (2008:4), Canaan is one of the first recorded names of the region. Palestine remained called the land of Canaan until 1200 BCE. Ancient Canaan had covered areas of modern Palestine, Israel, Lebanon, South Syria, Sinai Peninsula and Western half of Jordan.

During the Bronze Age (from 3300 BCE), the area became a busy place, and people used it as a crossroad from one region to another. So, many groups other than Canaanites started to live there. According to William F. Albright, the stories of patriarchs and prophets of Semitic religions, Abraham (Ibrahim), Isaac, Jacob (Yaaqoob), and Joseph (Yusuf) were during this Bronze Age (Cited in Ferry 2008: 7). However, Ferry has challenged the connection of these patriarchs with Bronze Age and opined that there is no scientific evidence to prove that.

However, as per traditional and biblical history, Abraham migrated from the town of Ur in Mesopotamia, which is his birthplace, to Canaan in the third millennium BCE. Jacob, the father of Joseph, was born there as the son of Abraham and Sarah. Jacob is called Israel and the father of Israelites. Joseph was separated from his father by the plot of his brothers as a result of sibling rivalry. Joseph reached Egypt as a house servant and then became its chief administrator. This story has been narrated in detail in both the Qur'an (Chapter: Yusuf) and the Bible (Genesis). Eventually, due to famine in Palestine, Jacob and his children emigrated to Egypt where his son administered the treasuries. Afterwards, Israelites settled in Egypt and increased their number. However, the Exodus period of Israelites started after the death of Joseph and the ascension of a new Pharaoh. They were prosecuted during the reign of Ramses (known as Fir'aun in the Qur'an). Moses intended to bring them to the land of Canaan. However, Israelites refused to go there afraid of powerful Canaanites and spent forty years in the wilderness.

3.2.1   Abraham and the Land of Canaan

According to the biblical narrative itself, Abraham was not indigenous to the land of Canaan. For example, Genesis 17: 8, indicates that Abraham was a foreigner in the land when it states, "the whole land of Canaan, where you now reside as a foreigner, I will give as an everlasting possession to you and your descendants after you". Similarly, Genesis (13:12) identifies the owner of the land as Canaanites when it states "Abram lived in the land of Canaan". Genesis (13:7) identifies people of the land as "The Canaanites and Perizzites were also living in the land at that time".

God promised the land to him and his children with the condition of keeping God's covenant, including circumcision. If the land were promised to Abraham by God, the authority over it would be not only to Isaac and his children, i.e., Israelites but also to Ishmael (Ismail) and his children, Arabs. It also should be noted that Ishmael was the first child of Abraham, who was alive at the time of this promise and circumcised on the first day of the covenant (Genesis 17: 23-26). Nevertheless, although the land was promised to him and his descendants, Abraham was not commanded to displace the indigenous people.

In a covenant with Abram, the Lord promises "To your descendants I give this land, from the Wadi of Egypt to the great river, the Euphrates- the land of the Kenites, Kenizzites,   Kadmonites, Hittites, Perizzites, Rephaites, Amorites, Canaanites, Girgashites and Jebusites". (Genesis 15:18-21). Similarly, the book of Genesis (13: 14-15) states that "Look around from where you are, to the north and south, to the east and west. All the land that you see I will give to you and your offspring forever".

Nevertheless, when Sarah, the wife Abraham, died in the land of Canaan, he considered himself as a foreigner to the land and got a plot from the Hittites to bury his wife for four hundred shekels (Genesis 23). Acknowledging the ownership of the indigenous people over the promised land, Abraham said "I am a foreigner and stranger among you. Sell me some property for a burial site here so I can bury my dead" (Genesis 23:4). For asking this land, Abraham had bowed down in front of the people of the land many times (Genesis 23: 7, 12). Finally, he got the plot "near Mamre (which is at Hebron) in the land of Canaan" (Genesis 23: 19).

3.2.2 *Palestinians' Claim of Canaanites' Root*

Palestinians nationalists have claimed their roots in Canaanites who were indigenous people of the land. They see Canaanites, Jebusites, Amorites and Philistines as their ancestors (Masalha 2014: 59). According to this narration, even though the land was conquered and ruled by many foreigners, including Egyptians, Israelites, Greeks and Romans, the large number of the population were Canaanites. The Islamic/ Arab's conquest of the land ending the rule of the Byzantine Empire was regaining the authority of indigenous Arabs over the land. For asserting this Canaanites' root, ancient Philistine festivals in Sebastia have been infused with nationalist ideology (Breger et al. 2012: 25). In an interview for this research, Magid Shihade, who is an Assistant Professor at Birzeit University, viewed the Palestinian nationalism as different from Arab or Islamic nationalism. Although there is the cultural and linguistic linkage between Palestine and other Arab countries, Palestine as a political entity is different from other Arab states. Accordingly, Shihade considers the conquest of Caliph Umar also as a foreign conquest (Shihade 2020). Shihade asserted Palestine as the land of Canaan. In his opinion, religious figures like Abraham, Isaac and Ismail are biblical stories, not proved by history nor archaeological evidence. In another interview, Raed Abubadawia, the Head of Legal Science Department in the Arab American University, stated that the origin of Palestinians is not only Canaanites, but also philistines, and Ishmaelites. So, according to him, Palestinian Jews are also Palestinians, not Israelites. Abubadawia (2020) shared his experience in the Israeli jail when he was imprisoned for 80 days. During the inquiry by Israeli officers, Abubadawia said, "even if a place is the land of Jews in the ancient history, I have right on it. Because, my grandfather in the past may be Christians, and their grandfathers maybe Jews".

After underling the ancient Canaanites roots of modern Palestinians, Harms states that,

> Palestinian is a regional ethnic term for a people who have lived in the land of Palestine for thousands of years, from Canaanite to Phoenician or Moabite or Edomite, etc., to the same people under Roman, then Greek, then Byzantine, and then Arab occupation, intermarrying with these other populations, but continuing on just the same. The Palestinian–Arab culture of today is a result of a later seventh–century influx of Arab tribes who brought with them the religion of Islam, Arabic culture, language, and the intermixing of Arab peoples with the population of Palestine (Harms 2008:21).

Harms distinguish the origin of Palestinians as an ethnic community and their Islamic culture. According to him, while the people are indigenous to the land, Islam arrived there in the seventh century.

According to Samih Farsoun, a Palestinian sociologist,

> Palestinians are descendants of an extensive mixing of local and regional peoples, including eth Canaanites, Philistines, Hebrews, Samaritans, Hellenic Greeks, Romans, Nabatean Arabs, tribal nomadic Arabs, some Europeans from the Crusades, some Turks, and other minorities; after the Islamic conquests of the seventh century, however, they became overwhelmingly Arabs. Thus, this mixed-stock of people has developed an Arab- Islamic culture for at least fourteen centuries (Cited in Masalha 2014: 59)

Many Zionist-Jewish fundamentalists also have considered Palestinians as same to ancient Canaanites, Philistines, or Amalekites while some others called them as 'Ishmaelites' (Masalha 2014: 60). The purpose of both these references is to get the biblical authority to expel Palestinians from the land. On the one hand, by calling the contemporary situation as 'new Canaanite era', Gush Emunim rabbis encourage to consider Joshua's destruction as a model to treat Palestinians and to follow the biblical command to "blot out the memory of Amalek". D. Landau opines that the interpretation of Gush Emunim "which equates the present-day Arab inhabitants of the Land with the Amalekites has seeped into current Haredi [ultra-Orthodox] theology" (Landau 1993, 159 as cited in Jones 2014: 120). In biblical narration, Philistines were presented as cultureless people. This narration is reflected even in the modern usage of the term 'Philistine' with a derogatory meaning as "a person ignorant of, or smugly hostile to, culture". However, outside of this biblical narration, Philistines were superior to Israelites in their cultural and technological accomplishments such as iron smiting (Masalha 2014: 60). On the other hand, referring to Palestinians as 'Ishmaelites' intends to expel them as Abraham "expelled" Ishmael.

3.2.3 Israelites and the Land of Canaan

At the beginning of the Late Bronze Age, Egyptians under Pharaoh got control over Egypt and even loosely over Canaan. However, native Canaanites were not ready to bow down to their Egyptian masters (Ferry 2008: 8). However, at the end of the Late Bronze Age, Egypt pulled out of Canaan due to political and economic problems. It was to fill this power vacuum that the famous kingdoms of the Bible did battle to control it.

Joshua and then David established the kingdom of Israel in Jerusalem after defeating Goliath and Jebusites. The book of Joshua (11:15) states "As the Lord commanded his servant Moses, so Moses commanded Joshua, and Joshua did it; he left nothing undone

of all that the Lord commanded Moses". Joshua (11: 21-22) describes the ethnic cleansing of Joshua as he "destroyed the Anakites from the hill country: from Hebron, Debir and Anab, from all the hill country of Judah, and from all the hill country of Israel. Joshua totally destroyed them and their towns. No Anakites were left in Israelite territory; only in Gaza, Gath and Ashdod did any survive". The book of Joshua (11:23) states Joshua "took the whole land, fulfilling all the commands that the Lord had laid on Moses". As it was narrated in Joshua 15:63 and Judges 1:21, Judah was not able to drive out Jebusites from Jerusalem. It was under David, around 1000 BCE., Jerusalem came under the political control of Israelites for the first time. During his period, Jerusalem was elevated to a centre of Israelites.

There are different opinions about the origin of Israelites in the Canaan region. According to William F. Albright, Israelites reached there through military invasion (Ferry 2008: 10). This opinion is supported by narrations recorded in the Book of Joshua. According to another narration of peaceful infiltration, based on the history of Judges and Samuel, Israelites were nomads from surrounding regions and entered Canaan over a period of time through peaceful infiltration and settled there. When Egypt's power declined, kingdoms of Palestine and Israelites started to assert themselves. To defend Philistines, who dominated the region, the newly-settled Israelites formed a confederacy of twelve tribes and later a nation under the king, Saul. They were successful in conquering the Philistines and getting control over central Canaan (Ferry 2008: 11). According to another narration, which is based on modern Marxian theory, the rise of Israelites is treated as a kind of peasant revolt. According to it, Israelites were a subclass of Canaanite, and they were united and distinguished by their religious belief in Yahweh. Accordingly, the first Israelite was indigenous to Canaanites. Some Biblical scholars have argued that the conflict between Canaanites and Israelites was not for getting political control or for the ethnic difference. Since Canaanites were not ready to convert to the new religion of Israelites, the real distinction and reason for the conflict were religious, not national (Masalha 2014: 58).

However, according to Biblical narrations, Israelites are not indigenous people of Palestine and exodus from Egypt is the foundational myth of Israel. The twelve tribes of Israel also had been formed before conquering Palestine. According to the Bible, God' revelation to Abraham, Moses and Joshua took place outside the borders of Israel. For example, Moses got Torah in the Sinai, which is in Egypt. Considering these aspects, Kramer contends that "what, according to Jewish tradition, is 'holy' about

Eretz Israel? Strictly speaking, it should not be 'Holy Land', but rather 'land (city, mountain) of the Holy'—holy because God is its owner and is present there" (Kramer 2008: 19). It is based on the notion in the Middle East as God is the owner of the land. According to Kramer, "Jerusalem emerged as the sole religious centre only after the Babylonian exile, when in 539 BCE the Persian king Cyrus II granted the Israelites (Jews) the right to return to their city and rebuild the Temple, which was allegedly constructed with the aid of the Persian state treasury" (Kramer 2008: 23).

The narration about the land in Deuteronomy 6: 10-11), "a land with large, flourishing cities you did not build, houses filled with all kinds of good things you did not provide, wells you did not dig, and vineyards and olive groves you did not plant", indicate that the Israelites were not the owner of the land and it was prospered by non-Israelite indigenous people. According to biblical narration, the land of Canaan was a very prosperous one and was "flowing with milk and honey" (Exodus 3:17, Deuteronomy 6: 3). Joshua (24: 13) talks about development in the land of Canaanites by its indigenous people. It says "I gave you a land on which you did not toil and cities you did not build; and you live in them and eat from vineyards and olive groves that you did not plant". Citing many proofs from the Bible, Jones states that "It is clear that the Israelites had no exclusive claim to the land, they simply dispossessed those who lived there before them" (Jones 2014: 120). Since Israelites came from outside and forcibly dispossessed indigenous population, it needed a justification: that is the divine promise (Kramer 2008: 19). However, the border of the divine promised land is still a matter of dispute within Israel.

In his promise to Moses, the Lord describes the boundary as,

> Your southern side will include some of the Desert of Zin along the border of Edom. Your southern boundary will start in the east from the southern end of the Dead Sea, cross south of Scorpion Pass, continue on to Zin and go south of Kadesh Barnea. Then it will go to Hazar Addar and over to Azmon, where it will turn, join the Wadi of Egypt and end at the Mediterranean Sea.
>
> Your western boundary will be the coast of the Mediterranean Sea. This will be your boundary on the west.
>
> For your northern boundary, run a line from the Mediterranean Sea to Mount Hor and from Mount Hor to Lebo Hamath. Then the boundary will go to Zedad, continue to Ziphron and end at Hazar Enan. This will be your boundary on the north.
>
> For your eastern boundary, run a line from Hazar Enan to Shepham. The boundary will go down from Shepham to Riblah on the east side of Ain and continue along the slopes east of the Sea of Galilee. Then the boundary will go down along the

Jordan and end at the Dead Sea. This will be your land, with its boundaries on every side (Numbers 34:3-12)

However, in Exodus 23:31, Genesis 15:18, and Deuteronomy 1:7 and 11:24, the boundary goes further, and the Euphrates is treated as the eastern frontier. According to Exodus 23: 31, the boundary is "from the Red Sea (or the Sea of Reeds) to the Mediterranean Sea (or the Sea of the Philistines) and from the desert to the Euphrates River". According to Deuteronomy 11:24, "Every place where you set your foot will be yours: Your territory will extend from the desert to Lebanon, and from the Euphrates River to the Mediterranean Sea". Jones opines that "to set the Euphrates as the eastern boundary was to create a totally unrealistic and unrealizable extension" (Jones 2014: 119). Although some early Zionist demanded the land beyond Jordan as an inalienable right for Jews, the generally accepted border is what is mentioned in Numbers: The Jordan River and the Dead Sea (Jones 2014: 119). Since this boundary is set by the Lord, the partition is seen by right-wing groups as an anathema.

For example, in a leaflet, issued on 18 December 1993 and distributed in every synagogue in the Occupied Territories, Israeli Chief Rabbi reiterated Jews' God-given right to the land. According to it, since the supreme law of the land is the Law of Moses, any states' decision that contradicts to the Law of Moses is a rebellion against Moses, Torah and Judaism. So, refusal to obey such laws of the state is part of obeying Moses. So, the conquest of whole Palestinian land and expulsion of indigenous people are justified in the name of obeying to divine-diktat. Even the human rights of Palestinians are no match for the divine imperative. The right-wing groups find not only biblical justification but also divine-mandate to exterminate Palestinians. It is the religious-base for Gush Emunim to pursue settlement in the Occupied Territories violating basic human rights of Palestinians, and to reject any peace deal of government that agrees to divide the land into two political entities. However, Michael Walzer opines that,

> right-wing Zionists who cite the biblical passages are practicing a kind of fundamentalism that is entirely at odds with the Jewish tradition. For Judaism . . . is not found in the text so much as in the interpretations of the text (Walzer 1985, 144 as cited in Jones 2014: 121).

As per narratives of Exodus and Deuteronomy, the divine mandate to plunder and even to commit genocide is connected with the liberation of the Israelites from slavery in Egypt (Deuteronomy 6:12). They command to wipe out the indigenous people of "the land of Canaan". The Book of Deuteronomy requires for ethnic cleansing though

annihilating the indigenous inhabitants. For example, Deuteronomy (20:16-17) commands,

> However, in the cities of the nations the Lord your God is giving you as an inheritance, do not leave alive anything that breathes. Completely destroy them— the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites—as the Lord your God has commanded you.

According to these verses, Yahweh not just permits, but also commands genocide and ethnic cleansing. However, as per the modern standard of international law and human rights, these are "war crimes" and "crimes against humanity" (Masalha 2014:61). Yahweh commands to flow with blood in a land that was "flowing with milk and honey". The books of Deuteronomy, Exodus and Joshua present Yahweh as a racist, xenophobic, militaristic and genocidal God who acts for the interest of only one tribe although they have misbehaved with him many times.

However, as per historical and archaeological evidence, such a genocidal massacre never took place (Masalha 2014:6). According to the book of Judges (1:21), Benjamites could not drive out Jebusites of Jerusalem.

The book Judges continues,

> Manasseh did not drive out the people of Beth Shan or Taanach or Dor or Ibleam or Megiddo and their surrounding settlements, for the Canaanites were determined to live in that land. When Israel became strong, they pressed the Canaanites into forced labour but never drove them out completely. Nor did Ephraim drive out the Canaanites living in Gezer, but the Canaanites continued to live there among them. Neither did Zebulun drive out the Canaanites living in Kitron or Nahalol, so these Canaanites lived among them, but Zebulun did subject them to forced labour. Nor did Asher drive out those living in Akko or Sidon or Ahlab or Akzib or Helbah or Aphek or Rehob. The Asherites lived among the Canaanite inhabitants of the land because they did not drive them out. Neither did Naphtali drive out those living in Beth Shemesh or Beth Anath; but the Naphtalites too lived among the Canaanite inhabitants of the land, and those living in Beth Shemesh and Beth Anath became forced labourers for them. The Amorites confined the Danites to the hill country, not allowing them to come down into the plain. And the Amorites were determined also to hold out in Mount Heres, Aijalon and Shaalbim, but when the power of the tribes of Joseph increased, they too were pressed into forced labour. The boundary of the Amorites was from Scorpion Pass to Sela and beyond (Judges 1: 27-36).

Afterwards, as Judges (3:5-6) state "Israelites lived among the Canaanites, Hittites, Amorites, Perizzites, Hivites and Jebusites. They took their daughters in marriage and gave their own daughters to their sons, and served their gods". These verses indicated that Canaanites and other indigenous people continued in their land even after the occupation of Israelites.

At the same time, these biblical verses in Deuteronomy, Exodus and Joshua continue as a proof for divine support in the war against enemies. For example, the Book of Exodus has been used by imperial powers to get legitimacy and supremacy over indigenous people of Asia, Africa and America. The Book of Joshua was used by Britain to equate Irish Catholics with Canaanites and to justify its policies. Similarly, the Christian Zionists in the West and Israeli messianic used to refer to these biblical texts to justify the extermination of indigenous inhabitants of Palestine: both Christians and Muslims. The book Joshua holds a significant place in the Israeli school curriculum. It is because the founding fathers of Zionism viewed the story of Joshua as a precedent to establish a Jewish state in Palestine by wiping out Palestinians (Burge 2003: 82 as it is cited in Masalha 2014:67). David Ben-Gurion, though he was not a religious person, treated the bible as a central text to establish the myth of secular Zionism. For Ben-Gurion "It is not important whether the [biblical] story is a true record of an event or not. What is of importance is that this is what the Jews believed as far back as the period of the First Temple" (cited in Masalha 2014:68). Ben-Gurion considered the Israel Defense Force (IDF) as a modern version of Yehoshua Ibn-Nun (Joshua son of Nu). Ben-Gurion and Yitzhak Ben-Tzvi, who later became the second and longest-serving president of Israel, in their co-authored book entitled: *Eretz-Yisrael: Past and Present* (1918) argue that "Jewish 'return' to Palestine is actually a 'repeat' of Joshua's conquest of ancient Palestine" (Masalha 2014:69). Considering this vision, it is not surprising that book Joshua continues as a required-reading in Israeli schools.

In the Zionist narration, the 1948 war is narrated as a battle between a "Jewish David and an Arab Goliath". While Goliath is viewed as the giant, but barbaric character, David is seen as small, but enlightened, personality. The battle between David and Goliath is used to symbolise war between unequal powers. So, the Zionists' war against Palestinians is seen as modern recurrence of the battle between David and Goliath where David won against indigenous Goliath and established Israelite kingdom in Jerusalem. Although such a narration was dominant among even western academia until the late 1980s, after that many myths about 1948 wars have been challenged and demolished by revisionist Israeli historians (Masalha 2014:70). Michael Prior, the liberation theologian, exposes the foundational myths of modern Zionism and negates the argument of divine support to cleanse the indigenous Palestinian population. According to Prior, the secular nationalism in East Europe is the root cause of Zionism, and the support of religious Jews to Zionist movement is a recent phenomenon.

Additionally, the extermination and expulsion of Palestinians after 1948 war was planned by secular Zionist leaders from the outset (Cited in Masalha 2014:100).

However, even after political domination of Israelites, most of the population of the land was non-Israelite Canaanites. They kept their culture vibrant throughout the region and continued their religious belief. It is reflected in the Bible when it mentions about Canaanites' God other than Yahweh and prohibits Israelites from mixing with Canaanites. Canaanites also had as powerful kingdoms as Israelites outside the control of Israel.

The Israeli kingdom in the region was very short-lived only for 75 years between 1000-925 BCE. Meanwhile, it was ruled by three kings Saul, David, and Solomon. David was successful in uniting the Divided-Israelis by eliminating the differences and wars among them. After Solomon, the Kingdom was divided into two: Judah and Israel.

3.2.4   The Region under other Empires

After the waning of Israeli empires, the Canaan region was conquered by Assyrian Empire (900-609 BCE). It was succeeded by the Neo-Babylonian Empire (612-539 BCE). Meanwhile one of the most tragic events in Jewish history happened in 586 BCE when Judah made an unsuccessful revolt against Babylon. In response, Babylon destroyed the Temple to Yahweh built by King Solomon and sacked Jerusalem. It also resulted in the collapse of the Judah kingdom and the beginning of Jewish history in the Exile. So, the total period of the Jewish state within Palestine was for the four centuries (1000-586 BCE). The Neo-Babylonian Empire was followed by the Persian Empire (539–332 BCE), which allowed exiled Israelites to return to Judah and to rebuild the Temple to Yahweh. The modern name 'Jews' is developed in this context as it is called to those who return to Judah (Ferry 2008: 15).

Alexander the Great seized and annexed Syria, Gaza and Jerusalem in 332 BCE. During the time of Alexander and the following Seleucid (Seleucus's) Empire, Greek culture was promoted and even imposed as part of Hellenization (making more Greek). Antiochus IV Epiphanes, one of the Seleucid kings, tried to ban all elements of Judaism. However, in 164 BCE, Judas Maccabeus of Jewish Hasmonean clan could reclaim Jerusalem though a successful revolt against the Seleucid Empire. During the Hasmonean era (140-116 BCE), there were renewed attempts to convert all inhabitants

of Jerusalem into Judaism and to destroy all pagan places of worship. Whoever resisted were expelled.

Rome took control over Palestinian region (67 BCE–330 CE) when Pompey conquered it between 67 and 63 BCE. During the time of Jesus, Palestine was under the control of Rome. The Romanization and Hellenization of Jewish culture along with poor treatment of Jews resulted in the first Jewish war against Rome (66-74 CE). However, its end was very tragic for Jews. In addition to Jerusalem being sacked, Jewish Temple, which was built during the Persian period, was destroyed. The Western Wall, also known as Wailing Wall, is believed by Jews as part of the destroyed temple. The outcome of the last attempt to re-establish Jewish State in Palestine through waging war against Rome (132–135 CE) also was similarly tragic and resulted in the annihilation of two-thirds of the Jewish population of Judaea. As a result, Jews were scattered throughout Europe, and it can be treated as the starting of the Jewish diaspora. After that, Jews have not made such an attempt until mid-of the twentieth century. According to Ferry (2008: 19), Roman Judaea was renamed in 139 CE as Palaestina, which is said to be the root of the modern name of Palestine.

After the Byzantine Empire took power, Christianity became the official Roman religion and was promoted by emperors. The power centre shifted from Rome to Byzantium around 330 CE. It promoted Jerusalem as the centre of Christianity followed by Rome. Christian monuments were built throughout Jerusalem. The Jews of the empire were persecuted by rulers for the crucifixion of Jesus, although some rulers gave autonomy to Jews.

3.2.5 Palestine under Muslim Empires

Palestine came under Islamic rule during the reign of Caliph Umar as completion of Caliph Abu-Bakr' expedition. The Caliph got control over Jordan, Southern Syria and Palestine, excluding Jerusalem, by 635 and over Jerusalem (At that time it was known as Aelia, a Roman name of Jerusalem) by 637 CE. The Caliph Umar came to Palestine and gave assurance to Patriarch Sophronius about the security of Christians (Full text of the agreement is given in the appendix III). It assured the physical and religious security of Christians and talked against forceful conversion and damaging of church and property. Christians were also given assurance that the Jews will not live with them in Jerusalem.

As for Jewish entry to Jerusalem, Kramer (2008:24) opines that,

> From the defeat of the Bar Kokhba revolt in A.D. 135 until the Muslim conquest in 636-38, that is, for half a millennium, Jews were banished from Jerusalem and its vicinity (though it is doubtful whether the ban was always enforced) …….
>
> That Jews were readmitted to Jerusalem after the Muslim conquest, therefore, marked an important moment. Another positive sign was the purification of the Temple Mount, which according to both Muslim and Jewish sources, had degenerated under Byzantine rule into a heap of rubble and refuse.

After that, Arabic became the dominant language and many Arab groups from Syria, Hijaz, Najd and Yemen inhabited there. Islam continued as the prominent religion of the land nearly for fourteen centuries, except for a short period of Crusaders, until the formation of Israel.

The Crusades (1095-1291) of rulers of European Christian countries, with the sanction of Latin Church, for getting control over Jerusalem were significant historical events in the medieval age. Alexius Comnenus, the Byzantine emperor, was unnerved by the rapid expansion of the Seljuk Empire. Eventually, he contacted Urban II, the pope in Rome, for help. The pope considered it as a chance not only to rescue Christians in the East and to open Palestine and the road for pilgrimage but also to establish his authority over entire Christian Churches (Harms 2008:36). He inspired Christian rulers and people of Europe with a range of motivations, from religious to racial, to regain the Holy Land from the "wicked race" of Muslims. Azzam Abu Saud (2015: 95) opines that the main objective of crusaders was economic colonisation. The control over Palestine and other Eastern countries was seen as a solution to social and economic problems of Europe which arose due to the lack of raw materials and due to difference between the Kings and Knights and between the Pope and the kings. However, they inflamed the religious feeling of Europe for this purpose. So, the crusades can be considered as a prominent example of political religion.

The First Crusade was successful in getting control of the Holy City, and crusaders took Jerusalem in a six-week siege, in 1099. However, the results of succeeding crusades were just the opposite. The Second Crusade (1147-49) failed to take control of Damascus. Meanwhile, Saladin regained the control of Muslims over Jerusalem in 1187. Provoked by losing control over Jerusalem, the Third Crusade occurred during 1189-92 under the political leadership of the French King Philip II and England's Richard I (Richard the Lionheart), and spiritual leadership of Pope Gregory VIII. However, this attempt also was defeated and resulted in a peace treaty between Richard

and Saladin. Even though many rulers initiated further crusades, they all failed to regain control of the Holy Land. The crusade of King Louis IX of France is considered as the last attempt in this series.

However, even though it failed on the battlefield, Europe had some other benefits out of these crusades. They brought scientific and cultural achievements of the Islamic civilisation into Europe. This new impulse, eventually, resulted in the renaissance in Europe (Harms 2008: 38). However, for Muslims, the cost of two hundred years of battles had outweighed the victory.

Meanwhile, the region witnessed another bloody attack with the destruction of many cities and the genocide of the population. This time was by Mongols under the leadership of Genghis Khan. After Genghis Khan, Hulegu, his grandson, conquered further. Regarding their attack on Bagdad, Harms (2008:39) states that "estimates vary, but it is safe to say that a million people were slaughtered during the siege (though Christians and Jews were spared)". However, the Mongol was stopped by Mamluks from Egypt while moving to Jerusalem. Then, Mamluks got control over Palestine and continued until 1517. The Ottomans defeated the Mamluks in the Battle of Marj Dabiq and got control over Palestine in 1516. Ottomans' rule lasted for four centuries.

Meanwhile, Napoleon tried to invade Palestine after the occupation of Egypt. However, this attempt was vain as it failed to enter into the city thanks to its fortifications and the valour of its leader Ahmed Pasha. In 1838, Muhammad Ali, the governor of Egypt, extended his rule over Palestine as his son Ibraheem Pasha succeeded in conquering Arish, Gaza, Jaffa, Nablus and Jerusalem. However, the unpopular policies of Muhammad Ali and his governor and son Ibrahim Pasha resulted in popular revolts and end of Muhammad Ali's rule. Afterwards, Ottoman regained their control over Palestine.

A significant shift in Palestinian history occurred after 1917 when Britain occupied it and provided political support for the Jewish immigration to the land. Palestine continued as British Mandate until 1948 and eventually divided into two states: Israel and Palestine.

3.3   Significance of Jerusalem

The word 'Jerusalem' has been equated in folk etymology to (Jeru)Salem, which means the city of peace (*shalom* in Hebrew and *salam* in Arabic) (Kramer 2008:22). Earlier

its name was Jebus (Eisheh 2012: 151). Jerusalem is a sacred place for all three Abrahamic religions: Christianity, Islam and Judaism. They have overlapping claims over many sites in the city, including Temple Mount/Al-Haram al-Sharif.

For Muslims, Al-Haram al-Sharif is the most significant place in the night journey of the Prophet Muhammad from Masjid al-Haram of Makkah to Masjid al-Aqsa of Jerusalem (*Isra'a*) and his ascent from there to heaven and unto the presence of God (*Mi'araj*). Describing *Isra'a*, the Qur'an says, "Glory be to the One Who took His servant Muhammad by night from the Sacred Mosque (of Makkah) to the Farthest Mosque (of Jerusalem) whose surroundings We have blessed" (Qur'an 17:1). Accordingly, the 'surroundings' of the Al-Aqsa Mosque are also treated by Muslims as sacred and blessed places. It is argued that "God chose al-Aqsa for Muhammad's ascension to heaven in order to tie between this blessed land and the Prophet, since he is the heir of this land from earlier prophets" (Litvak 1998: 153). According to Islamic tradition, during his night journey, the Prophet Muhammad visited the tomb of the Prophet Ibrahim at Hebron and performed two prostrations (*raq'as*) (Eisheh 2012: 153). This narration strengthens the connection of the Prophet Muhammad with previous prophets like Ibrahim (Abraham) and Isa (Jesus). Additionally, the Al-Aqsa Mosque was the first *qibla* (direction of the prayer) of Muslims. Furthermore, it is one of three mosques to which Muslims are required to pilgrimage to get special reward than other mosques. The other two mosques with extra-rewards are Masjid al-Haram of Makkah and Masjid al-Nabawi of Madeena. According to Islamic tradition, the reward of one prayer in the Masjid al-Aqsa as worth as hundred thousand prayers elsewhere except Makkah and Madeena.

Muslims gives special status to Buraq Wall, which is also known as Western Wall, since the Angel Gabriel tied Buraq al- sharif, a magical horse of the Prophet Muhammad which he used for his Isra'a and Mi'araj, to the entrance of Al-Aqsa mosque where the wall is located. Additionally, "the grounds (plaza) of the Western Wall are *waqf* property (consecrated by the 14th-century Mughrabi pilgrim Abu Midyan al-Ghawt)" (Reiter 2010:246). Quabbt al-Sakhra, Dome of the Rock, is believed by Muslims as the location from where the Prophet ascended to heaven. Moreover, Jerusalem contains thousands of Islamic monuments, institutions, and holy sites. The prophets of Christians and Jewish history, like Ibrahim (Abraham), Isaac, Yaaqub (Jacob), Musa (Moses), Dawood (David), Sulayman (Solomon) and Isa (Jesus),

are respected in the Islamic tradition as well. So, their memories in the land are sacred places for Muslims too.

Jerusalem was under Islamic rule for 1400 years after the Prophet Muhammad, except 90 years of Crusaders' rule. During the period of the Umayyad caliphs, the Islamic character of the city was enhanced as they constructed the Dome of the Rock and the Aqsa Mosque. After ending Crusaders' control, the Ayyubids and Mamluks also carried out such construction in the city. The literature on *fada'il al-quds* (the merits of Jerusalem) spread in the Muslim world during the time of crusades.

The Second Intifada (known as al-Aqsa Intifada) which occurred after Israeli Defense Minister Ariel Sharon's visit to Al-Haram al-Sharif on 28th September 2000 illustrates the religious significance and sensitivity of the place. The slogan "Al-Aqsa is in Danger" was successful in mobilising people for the cause.

Reiter (2010: 247) notes that,

> Today the Muslim world is engaged in an intensive discursive and symbolic political ritual surrounding Al-Aqsa and Al-Quds, expressed through special gatherings. Under the heading 'Al-Quds Day' or 'Al-Aqsa Week', many mosques throughout the world offer special sermons, hereby infusing the public discourse with an array of writings and speeches.

Palestinian Mufti Ikrima Sabri wrote in 2000 that "There is no room for compromise on our right to Jerusalem because our presence there is a decision of God, not a human decision" (cited in Reiter 2010: 248). Apart from its religious significance, Palestinians also claim their link with Jerusalem for five thousand years as it was under the control of Jebusites and Canaanites who were considered as ancestors of Palestinians.

For Jews, Mount Moriah, which is located in Jerusalem, is a sacred place since it is a site of the near-sacrifice of Isaac. However, during the time of Abraham and Isaac, the mountain was not under their control and seen as a wilderness area. According to the biblical narrative, Israelites got control over Jerusalem when King David occupied it, defeating Jebusites over 3,000 years ago. The first Jewish Temple was built there during the time of Solomon, the son of David. Eisheh quotes A. E. Breen (1906) writing as,

> David captured the 'castle of Zion' in 1048 BCE … the foundations of the temple were laid thirty-seven years afterwards on the site of Ortnan's threshing-floor on Mount Moriah, and Jerusalem thus became the sacred, as well as the civil, capital of the Jewish nation. Zion, therefore, may be said to represent the temporal, and Moriah the spiritual supremacy of the chosen people of God (Eisheh 2012: 151).

The movement of 'Zionism' was named after one of the names of Jerusalem, Zion, with a motivation for 'return to Zion'. Kramer (2008:22) points out that "Jerusalem has held special rank within Eretz Israel since at least the period of the Second Temple, as evident from hundreds of references in the Hebrew Bible that served as a source of inspiration for later generations". Although after the destruction of the Jewish Temple in CE70 and the Jewish Kingdom most of the Jews were living outside of Eretz Israel, Jerusalem continued as a symbol of Jewish people and their spiritual destination. They lived 'turning to the land' and built their synagogues oriented towards Jerusalem. Based on narration in Daniel (6:10-11), Jews believe that Jerusalem was the direction of prayer even in in the days of the Second Temple. After the destruction of the temple, Rabbis taught: "Those who are in the land of Israel turn toward Jerusalem. Those who are outside the land turn toward the Land of Israel" (Yarden 2011:21). The attachment to Jerusalem is described in the Psalm (137:1-6),

> By the rivers of Babylon, we sat and wept when we remembered Zion. There on the poplars we hung our harps, for there our captors asked us for songs, our tormentors demanded songs of joy; they said, 'Sing us one of the songs of Zion!' How can we sing the songs of the Lord while in a foreign land? If I forget you, Jerusalem, may my right hand forget its skill. May my tongue cling to the roof of my mouth if I do not remember you, if I do not consider Jerusalem my highest joy.

The Western Wall is believed as a part of the temple, which was destroyed in the first century. However, according to Kramer, "the notion of the Wailing Wall as a focal point of holiness was only popularised in literary and pictorial form in the nineteenth and twentieth centuries" (Kramer 2008: 25). Interestingly, it was Suleiman the Magnificent who allowed Jews to open a prayer room at the Wailing Wall in the 1530s (Kramer 2008: 25).

Israeli Prime Minister Binyamin Netanyahu stated that "Jerusalem is the eternal capital of the Jewish people, a city reunified so as never again to be divided". He also said, "Jerusalem was always ours and will always be ours" (cited in Eisheh 2012:153).

At the same time, there are different opinions within Israel regarding control over temple mount. While some religious-nationalist propose to 'ascend the mount', normative Judaism prohibits going onto the Temple Mount. The entry of Jews and Gentiles to Temple Mount was forbidden by *halakha* for hundreds of years (Taub and Hollander 2012:286). Criticising the new trend for ascending the mound, Rabbi Abraham Isaac Hacohen Kook states that,

Temple Mount is the site of the Temple and its importance is spiritual at its foundation. The status should not be altered for practical reasons of sovereignty. Thus, physical distancing on account of lack of spiritual preparedness, i.e., the prohibition to enter the Temple Mount, is in fact a drawing closer in terms of holiness and fear of the Lord (Taub and Hollander 2012:278).

He also said, "entry to the Mount, based on considerations of expressing sovereignty, contradicts the metaphysical essence of the Mount's sanctity and even offends it" (Taub and Hollander 2012:287).

On the other hand, many nationalist and settler rabbis consider the possession of the Temple Mount as a significant step for the messianic process, and for that mere ownership of the land is not sufficient, but the Jewish presence is also necessary. Some others go further and argue that in addition to a Jewish presence, the expulsion of Arabs from the Temple Mount is "the jewel in the process of redemption" (Breger et al. 2012: 22-23). Taub and Hollander opine that the new ideology of demanding entry to the Temple for achieving sovereignty over it is an act of *realpolitik*. And such an aspiration is "a significant component for religious-Zionist rabbis faithful to this ideology, even if it collides with conventional *halakha*" (Taub and Hollander 2012:28).

Christians also consider Jerusalem as a Holy Land because of the active presence of Jesus, biblical patriarchs, other prophets, the apostles, and Christian martyrs in the land. However, it was the Roman Empire which developed and popularised Jerusalem as a 'Holy Land' (terra sancta) from the fourth century after conscious efforts of Emperor Constantine (Kramer 2008: 27-28). Byzantine dignitaries and wealthy patrons from Europe funded and built numerous churches and monasteries in Jerusalem and Bethlehem. However, Rome continued as the centre of the Christian consciousness until the Crusade of the twelfth century. Later, Jerusalem developed as "a permanent part of European consciousness and linguistic usage" only during the period of Crusades. Before that, there were different views on Jerusalem, and some kept even a negative attitude towards it, as it is reflected in the Gospels except Gospel of John, since it was a place where Jesus crucified.

Just like Jews, Christians also promoted an idea of sacredness by excluding other communities. While Jews expelled the indigenous people like Canaanites, Christians targeted Muslims and Jews. After the conquest of Jerusalem in 1099, the crusaders transformed the Dome of the Rock into a Christian church and al-Aqsa Mosque into Solomon's Temple.

In short, Jerusalem is one of the most significant places for all Abrahamic religions. In the words of Eisheh (2012:152),

> For Jews, the Temple was on the Temple Mount, and its western wall is currently beneath the mosque in Jerusalem (*Al-Haram al-Sharif/Al-Aqsa Mosque*). For Muslims, Jerusalem is part of Paradise. For Christians, it is the town where Jesus was crucified and buried.

So, as Rosen opined, "Jerusalem remains *a*, if not *the*, focal point of extreme contention in the Middle East conflict" (Rosen 2012:441). So, its final status cannot be postponed to the "later" as it was done in the Oslo accords. Describing the current situation of Jerusalem, Rosen states that just like it is a sacred city to three Abrahamic religions,

> (it) is also a city divided by its faiths. Muslims, Christians and Jews rarely enter each other's neighbourhoods, let alone each other's homes, and know very little about each other's religion. Not only do they rarely meet socially, there is no compulsory school curriculum offering courses to acquaint pupils with the basic tenets and practices of other religions (Rosen 2012:440).

The names of quarters of the Old City also have been identified in religious terms. This inter-religious separation further reflects as well as increases the ignorance and fear of each other.

For resolving the issue of Jerusalem, different suggestions were made. Reiter (2010) suggests to make a temporary, not permanent, arrangements with Waqf's control over Al-Haram Al-Sharif/ Temple Mount, allowing entry of non-Muslim visitors in the designated time, and Israeli control over the Western Wall. King Hussein of Jordan suggests the sovereignty over the compound should be left to God while management is done by others. Bill Clinton, the American President, suggested during the Camp David peace summit of 2000 to allot the top of the Temple Mount to Muslims and the land below to Jews. Now, though Israel claims sovereignty over Al-Haram Al-Sharif, the day-to-day activities are controlled by Muslim Waqf (Breger et al. 2012: 21).

3.4   The holiness of Other Parts of Palestine

Apart from Jerusalem, other parts of Palestine and Israel also hold a religious significance for Christians, Muslims, and Jews alike. Since religion is the central component of culture in Israel and Palestine, religious holy sites are part of the cultural legacy of each state. So, Eisheh (2012: 132) claims,

> The Dome of the Rock and the Al-Aqsa Mosque are holy sites for all Muslims, but for me as a Palestinian, they are above all a cultural legacy. I attach more

importance to their protection than to the protection of other Muslim holy sites because they represent a part of my people's history.

This logic can be applied to other religious places of both Israel and Palestine. So, the religious sites of each country deserve as protection as cultural heritage by national and international laws. However, since the holiness of a certain place is more subjective than objective, it has been politically used and misused.

Some Islamic groups and scholars have claimed the entire Palestine land as "*waqf* land". For example, article 11 of Hamas Charter (1988) puts this claim and argues no one has the authority to concede it or any part of it. According to its narration, after getting control over Palestine, Caliph Umar decided to keep it as a *waqf* to the whole Muslim community without distributing it among the victorious soldiers. However, Meir Litvak opines that,

> The depiction of Palestine as a *waqf* constitutes an 'invention of tradition', since it has no legal basis in the *Sharia.* Lands conquered by the Muslims were considered *Dar al-Islam* (the abode of Islam), that is a place where sovereignty belongs to the Muslims, and therefore the *Sharia* prevails, but not as *waqf.* In addition, Palestine contained state *(miri),* private *(mulk)* lands as well as religious endowments *{awqaf).* Legally, therefore, the entire land could not be a *waqf* (Litvak 1998:153).

Many Islamic scholars had prohibited selling Palestinian land in the 1930s to prevent the Zionist acquisition of the land. Their decrees were based on the religious significance of entire Palestine along with realistic consideration of preventing Zionists' dominance in the region. Accordingly, "land of Palestine was not just holy to Muslims, it was entrusted to them by God as an endowment and for this reason was non-negotiable. The sale of land to Jews was both sin and high treason, illegitimate in terms of both religion and politics" (Kramer 2008: 250-251). A decree signed by 249 Islamic scholars from 1935 states that,

> These holy lands are the first *Qibla* (direction of prayer), the third mosque, the destination of the *Isra'a* and the *Mi'araj* (the Prophet Muhammad's night-time journey to the Al-Aqsa Mosque as per the Qur'an (17:1) and his ascent to Heaven) of your Prophet, and the earth that is drenched with the blood of righteous Muslim warriors and the prophets, holy men, martyrs and righteous forefathers, and every step of these lands embodies all the glorified holy endowment deeds that survived over the generations, and they are what determine the Islamic nature of the Land, for there is no God but Allah and Muhammad is his Messenger. The Holy Land, which embodies all of the above is the deposit (*amana*) of Allah and his Messenger and entails a duty for all Muslims. Therefore, the sale of any piece to the Zionists is a betrayal of Allah and his Messenger and all Muslims, and its [significance] is extinguishment of the light that shines from the Holy Land, and [in addition, such a sale] promotes the expulsion of Muslims from their lands (cited in Reiter 2010:244).

The Islamic World Congress in 1931 and the Conference of Arab Youth in 1932 also characterised the entire Palestine land as the holy land and selling of any part of it as treason. Religious reference and language was a useful method to warn against selling out the Palestinian land to Zionist immigrants. So, religious preachers called the land-sale as a sin and treason.

Identifying Zionist intention of land acquisition and pointing to consequences of selling land, Mohammed Suleiman al-Qadiri al-Chishti, and Indian scholar and leading member of *Jam' iyyat Ulama-i Hind* (the Association of Indian Ulama) stated that,

> Those Muslims who today sell the holy land of Palestine to the Jews or who provide assistance to this abominable deed, although they know that the Jews only buy the land in order to drive the Muslims out of this holy land and to erect the Temple in place of Al-Aqsa Mosque, and to found a Jewish state, stand before God as enemies of Islam who have abandoned themselves to unbelief……. Their punishment is none other than the fires of hell (Cited in Kramer 2008:252).

Muslim reformer Rashid Rida (1865-1935) condemned the land-sale to Jews or British as a betrayal of God and his Prophet, but without terming it as *waqf* land (Kramer 2008: 251). Comparing selling any piece of Palestine land with the selling of the Aqsa Mosque, Rida warned about its consequences here and in the hereafter world. In the context of Camp David Peace talks of 2000, Sheikh Ikrima Sabri, the Palestinian Grand Mufti, also issued a *fatwa* prohibiting acceptance "of compensation in exchange for land conquered by the Zionists" (Reiter 2010:243).

According to Kramer (2008: 251), it is a "is a mirror image of the Zionist understanding of Eretz Israel as Jewish land, based on divine promise and requiring the 'redemption' of this land". However, it should be noted that, while the intention of above-mentioned *fatwas* was to protect life and property of Palestinians, the Zionist argument of "promised land" was to expel the indigenous people of the land.

While some Islamic scholars and groups consider the entire Palestine Land as *waqf* land which cannot be sold/exchanges to others, most of the scholars do not subscribe to this position and consider it as more *Dar al-Islam* (Adobe of Islam) which should be under Islamic rule permitting other religious communities to live there with protection. In an interview for this research, Mohamed Khanfar, a Palestinian diplomat, negates the claim of *waqf* status to the entire Palestine land. According to him, since there were no borders for Palestine during the time of Caliph Umar, it would be wrong to attribute the *waqf* status to the entire Palestine. Khanfar (2020) stated that "there is some *waqf* land, but not the entire Palestine land". In another interview, Anis Mohsen, who is a Beirut

based journalist and editorial secretary of *Majalt Al-Dirasat Al-Falastinia* (Institute for Palestine Studies), opined that according to Islam all the Land are for God, and he gives, and he takes, so there is no permanent *waqf*. According to him, *waqf* is political and God is not the one that announces a *waqf*, but individuals or governments announce that. A Muslim can make a property or money he owns as *waqf* for Muslims. So, Hamas can vacate land for a reason it believes that serve its benefit as a benefit for Islam and Islamic people (Mohsen 2020). Nevertheless, this perspective is not supported by most of the Islamic jurists.

From the Jewish perspective, Messianic Zionism underlines both the 'territorial wholeness' and 'holiness' of Greater Israel. According to its spiritual leader, Rabbi Tzvi Yehuda Kook, "the Land was chosen before the people" (cited in Masalha 2014: 73). According to Gush Emunim, a radical right-wing in Israel, "no part of the Land is more important or holier than any other part. The entire Land is sacred" (Reiter 2010: 241). Since the formation of Israel in 1948 and occupation of new territories in 1967 are seen as "part of the divine process of messianic redemption", according to Neo-Zionists, no government has authority to give back any piece of land to Palestinians (Masalha 2014: 74). Rabbi Tzvi Yehuda Kook holds similar opinion and argues "the Land of Israel is a single organic unity infused with holiness and linked to the People of Israel, and therefore, no one has the right to concede any part of it because it does not belong to any single group" (cited in Reiter 2010: 242). The Messianic Zionists refer to the biblical verse that talks about "everlasting possession" of the land promised to descendants of Abraham (Gen. 17:8) and prohibition of the selling the land (Leviticus 25:23). However, the same verse (Leviticus 25:23) has identified Israelites "as foreigners and strangers" to the land.

Accordingly, for Jews, "it is even a religious duty to settle in all parts of the land" (Reiter 2010: 239). Following the way of Joshua, for many Jewish groups, just settlement is not enough, but the expulsion of other communities is also part of religious duty. At the same time, some, like Rabbi Haim Druckman, opine that mere sovereignty over the land, rather than actual settlement, is enough to fulfil the command for settlement. At the same time, Rabbi Ovadia Yosef holds a different position and opines that the commandment of settlement is not needed to be fulfilled where Jews' power is weak and other communities cannot be expelled from their homes (cited in Reiter 2010: 242). According to Reiter (2010: 240), the interpretation of divine command to settle

the land has been depending on the historical context and changing according to political development.

For Messianics, since Jews are "divinely chosen people", the indigenous people of the land are illegitimate tenants and obstacles in the process of messianic redemption. The human rights of Palestinians are not equal to divine order to settle the land. According to Dov Lior, the Rabbi of Kiryat Arba, "a thousand non-Jewish lives are not worth a Jew's fingernail" (Cited in Masalha 2014: 106). During the funeral prayer of Baruch Goldstein, who shot twenty-nine Muslim worshippers at Mosque in Hebron, Rabbi Jacob Perrin also stated that "one million Arabs are not worth a Jewish fingernail" (Cited in Masalha 2014: 115). Rabbi Mordechai Eliyahu issued a religious decree allowing even picking the olives of Arabs. For those who consider the banning of non-Jews from the conquered land as a biblical duty, such a "ban could range from their expulsion to the killing of their children, the elderly, and even their animals" (Kramer 2008: 21). However, condemning the massacre of Hebron Mosque, Jonathan Sacks, the British Chief Rabbi, declared that "violence is evil. Violence committed in the name of God is doubly evil. Violence against those engaged in worshipping God is unspeakably evil" (Cited in Masalha 2014: 115). According to Prof. Uriel Simon (Meimad political party), causing harm to non-Jews is forbidden since it contradicts the teaching of Torah.

Political power and government have a significant role in politicising and reviving holy sites. In the case of Israel, the Ministry of Religion plays a crucial role in deciding the holiness of a site. So, as Aviad Hacohen (2012) pointed out, it could bring an "inflation" of holy sites since the ministry desires to incorporate as many places as possible. Hacohen also underlines the need for restraint in identifying new holy sites. Breger et al. (2012:25) also have pointed into the proliferation of sacred sites in both Israel and Palestine, "used by partisans to buttress their own national narrative". According to them, "Israelis have 'discovered' numerous holy sites" to legitimate Jewish presence there. Additionally, citing Funk and Said (2009), Reiter opines that the modern concept of "sovereignty" has influenced the contemporary religious discourse on the conflict and commentators on both Muslim *shari'a* and Jewish *halacha* (Reiter 2010: 239).

In Palestine, the pilgrimage to the shrine of the Prophet Musa was revived for political, along with spiritual, purpose. Since the Prophet Musa is one the most important prophets in Islamic tradition as he is one among five *Ulu al-'azm Anbiya* (The Prophets of strong will), Muslims, especially Sufis, celebrate the annual pilgrimage to his shrine, which is located in the Judean Desert east of Jerusalem. This annual pilgrimage is an

important event in the last seven hundred years (Zilberman 2012: 198). Various political and social agendas are used to be reflected in such pilgrimages and festivals. Since the anti-British and anti-Zionist resistance was formed and inspired through the pilgrimage to the shrine of Nabi Musa in 1930s, the British government banned large pilgrimage in the site. However, it was revived by King Hussein of Jordan, who then controlled the West Bank, in 1987 and later by Ministry of *waqf* of the Palestinian National Authority (PNA) after the Oslo accord.

Since both Islam and Judaism claim the tradition of Abraham and other Patriarchs, there are conflicting and overlapping claims over sites with their memories. For example, Israel has added historical sites in the Occupied Territories such as the Tomb of the Hebrew Patriarchs in Hebron and the Mosque of Bilal ibn-Rabah (Rachel's Tomb) near Bethlehem into Jewish historical sites. According to UNESCO (United Nations Educational, Scientific and Cultural Organization) executive board's declaration on 21 October 2010, these sites are "an integral part of the Occupied Palestinian Territories", and so the Israeli action is "a violation of international law" (Cited in Berger et al. 2012: 38-39). Since the religious sites and holy places are also part of the cultural heritage of a nation, these sites deserve to be preserved und)er international laws on cultural heritage.

3.5   Religion and Politics

Religious identity, tradition, institutions, scholars, and parties have influence in the politics and policies of both Israel and Palestine. Although politicisation of religion is not a new phenomenon, the influence of religious rooted political parties has been increasing in the last few decades in both countries. According to Litvak,

> The Arab-Israeli conflict has gone through several phases, each adding a different dimension to it. It began as a conflict between two national movements - Zionism and Palestinian nationalism - which claimed possession of one land, but since the 1936 Palestinian rebellion it came to encompass the various Arab states. From the 1950s it was perceived as a struggle between Israel and pan-Arab nationalism, which regarded Israel as a bridgehead of western imperialism, designed to splinter Arab territorial integrity and prevent Arab unity (Litvak 1998:148).

Reiter (2010:229) narrates,

> The political discourse on both sides of the Israeli-Palestinian conflict is infused with religious symbols and values that incorporate the sanctity of the land, the religious commandment to control and settle it, the holy sites, and the war, terrorism, and sacrifice undertaken for the sake of these religious ideals.

After 1967 War, both sides of the conflict witnessed the increasing involvement of religion in the politics. The defeat of secular Arab nationalist leaders enhanced the position of the Islamists in the region. The formation of the Organization of Islamic Conference (OIC) in 1969 also marked the revival of the religious spirit in the region. Even Nasser, who was the leading proponent of the Arab nationalism, joined the OIC and marked a departure from earlier policies (Haddad 1992: 268). Additionally, firing in the Al-Aqsa mosque in 1969 enhanced the religious concern over Jerusalem. Moreover, the Lebanese civil war, which started in 1975, was serious blow to the Arab nationalism. The Christian militias of Lebanon colluded with Israel against Palestinians and Lebanese Muslims (Haddad 1992: 269). It undermined the Arab unity based on idea of secularism and socialism. Similarly, the 1967 War increased the religious spirit in Israel also. Many Rabbis claimed the divine sanction for the conquered territories. Chief Rabbi Nissim declared that since the land was promised by the Almighty, it was forbidden for any Jews to return any part of the conquered land (Jerusalem Post, August 16, 1967 as cited in Koch 1969: 51). Similarly, Yigal Allon, Israeli minister of labour, emphasised the religious significance of the Golan Heights (Jerusalem Post, August 16, 1967 as cited in Koch 1969: 51). Although Israel is more westernised than Palestinian society, the religious dimension is close to its surface (Landau 2003: 11). The role of religiously motivated groups in the politics of Israel has been more powerful than in Palestine.

This section will analyse the role of religion in the politics of Palestine and Israel. Then, it will compare the religious influence in the politics and society of both countries.

3.5.1 Islam and Politics in Palestine

In Palestine, Islam has been one of the central elements of national identity from the 1920s. However, the political dominance of Islamist parties is a recent phenomenon started only after the Second Intifada. According to Mohsen, the recent rise of religious groups within Palestine "happened after the retreat of secular Palestinian Factions which caused by the collapse of USSR, and the defeat of PLO (Palestine Liberation Organization) in 1982 – 1983 in two battles, 1st against Israeli aggression to Lebanon, and 2nd against Syrian regime army and Palestinian and Lebanese allies" (Mohsen 2020). The Islamic revolution in Iran in 1979 convinced the Islamists that the strong commitment to Islam can defeat even most powerful enemy and topple the mightiest oppressor. After Israeli invasion of Lebanon in 1982 and massacre at Sabra and Shatila,

Hezbollah became more popular. Because, as the crisis grew, many Islamists viewed Hezbollah as the only group which could confront the Israeli forces (Haddad 1992: 269). The First Intifada and failure of the Oslo accord to create a Palestine state further strengthened the religious groups. Hamas succeeded in mobilizing people on religious line and in presenting the Israel- Palestine conflict as a religious issue (Abu-Nimer 2004: 492). In 2006 election to Palestinian Legislative Council, Hamas, which is an offshoot of Muslim Brotherhood, could secure 56% of Council seats with 42.9% votes. The increasing representation of Islamist parties in Palestine, as well as in other West Asian states, "represents a change from past patterns" (Litvak 1998: 149).

3.5.1.1 Nationalist Parties and Religion

While Gaza is under control of Hamas, the West Bank is dominated by Fatah, which is considered by many as a secular party. However, Hillel Frisch suggests that the formation of the Al-Aqsa Martyrs' Brigades (Kata'ib Shuhada al-Aqsa), as a fighting arm of Fatah, is an indication of that "the very organisation that bore the banner of Palestinian nationalism itself is conforming to the winds of change" (Frisch 2005:392). The military wing of Fatah was given this title after the Second Intifada. However, Al-Aqsa Martyrs split off from Fatah when Ahmad Sa'adat, the secretary-general of the Popular Front for the Liberation of Palestine (PFLP), was arrested the Palestinian Authority for assassinating Rechavam Ze'evi, the right-wing Israeli Cabinet Minister as a retaliation of the killing of Abu Ali Mustafa, the General Secretary of PFLP. Originally, PFLP was a movement with a combined ideology of Arab nationalism and Marxist-Leninism. However, following the Second Intifada, it also shifted to religious language such as *jihad* (Bloom 2004: 78).

According to Frisch, the name of Fatah itself is religiously inspired. To underline the religious nature of Fatah, Frisch quotes Ziyad Abu Amer saying that "There is no doubt whatsoever that the founding elements emerged from the womb of the Muslim Brotherhood" (Frisch 2005:394). Just like Hamas, many of the founding leaders of Fatah also were affiliated with the Muslim Brotherhood. One purpose of the creation of Fatah in 1954 was to implement the Brotherhood's plan for creating a virtuous Islamic society in Palestine. They believed the necessity of such a virtuous society to resist Israeli occupation. So, many Palestinians consider Fatah also as an Islamic organisation (Dunning 2015: 289). Accordingly, neither Fatah nor PLO use the term secular in their

public discourses (Frisch 2005: 396). Its leader Yasser Arafat also was a religious person. Fatah never tried to secularise Palestinian society as Hamas tries to Islamise it.

Beverley Milton-Edwards (1996: 211) opines that

> For the majority of Palestinians, Islam or their Muslimness is a key pillar in their lives and their identity. Whether Hamas or Islamic Jihad like it or not, nationalist leaders like Yasser Arafat are Muslims and express identity and political positions through this perspective……. the symbols of Islam, even in the political arena, are the property of all Muslims whether they are nationalist or not.

Slogans with religious nature like "Haibar, Haibar, YaYahud, Jaish Muhammad saYaud" (Haibar, Haibar, oh Jews recall, the army of Muhammad will return) were used by even secular political movement. This popular slogan reminds Jews about the Prophet Muhammad's victory over Jewish tribe of Haibar in CE628. According to Litvak (1998), the religious symbols and idioms were used even in the past to mobilise people for nationalist cause by political elites with a secular approach and aim.

However, differentiating Fatah from Hamas Frisch states that "Fatah's basic conception of Islam and things Islamic was nationalist……. Never in Fatah ideology was Islam construed as the normative and legal basis for Palestinian society in the way that Islamic movements such as Hamas perceived it in" (Frisch 2005:396). So, according to Frisch, the difference between Islamic aspect of Hamas and Fatah is that while Fatah uses religion as a means for the nationalist end, for Hamas Islamic normative order is an end.

The approach of Fatah towards conflict with Israel is also different from that of Hamas. While the Fatah sees it as a nationalist conflict between Palestinian nationalism and Zionism, for Hamas "it is first and foremost a 'war of religion and faith' between Islam and Judaism and between Muslims and Jews" (Litvak 1998: 149). While PLO differentiates between Zionists and Jews, Hamas in its initial years did not see any significant difference between them, though it changed this approach later. Hamas considers the conflict also as a clash between Islamic and western civilisation. The Zionist immigration and state of Israel are viewed as a part of the western attack on Islam and as a continuation of crusades and imperialism. The present conflict with Israel is also seen as a continuation of the enmity of Jews towards Islam during the Prophet Muhammad's time. The statement of Hamas, "The Palestinian cause is not about land and soil, but it is about faith and belief", reflects its inspired religious attitude towards conflict with Israel.

3.5.1.2 *Hamas*

3.5.1.2.1 <u>Formation and Ideology</u>

Hamas, an acronym of *Harakat al-Muqawama al-Islamiyya* (Islamic Resistance Movement), was formed in 1987 at the beginning of the First Intifada. Before that, Sheikh Ahmed Yassin, along with other Hamas leaders like Abd al-Aziz al-Rantisi and Mahmoud al-Zahar, had established *al-Mujamma al-Islami* (the Islamic Center) in 1973 to enhance the activities of the Muslim Brotherhood in Palestine. For increasing religiosity of Palestinians, *al-Mujamma al-Islami*, along with its social and charitable networks, initially focused on the construction of mosques. Consequently, the number of mosques increased in both the West Bank and Gaza from 400 to 750 and from 200 to 600 respectively between 1967 and 1987 (Dunning 2015: 290). After First Intifada, Hamas continued activities of Islamic education, *daawa* and community development.

Until the First Intifada and the formation of Hamas, the Muslim Brethren had focused on Islamic education and community development and kept a distance away from politics and conflict with Israel. Trying to justify the inaction of the Brethren against Israel in its initial decades until First Intifada, Hamas spokesperson stated that "The older generation was both affected by defeat and excessively influenced by Western ideologies, undermining its ability to wage a proper *jihad* against Israel. In contrast, the new generation, 'the generation of *takbir* (chanting *Allah Akbar)* and stones' has been imbued with firm Islamic consciousness" (Cited in Litvak 1998:158). Until First Intifada, Israeli authorities had not prevented the Brotherhood's activities in Palestine. It was part of Israel's strategy of divide and rule by facilitating an opposition to the PLO of Yasser Arafat (Bloom 2004:75). Subscribing this conspiracy theory, Arafat states that "We must remember that these organisations were created by Israel, which also distributes arms to them" (Cited in Bloom 2004: 76). In an interview with the researcher, Schenker (2020) also pointed out that the formation and development of Hamas were encouraged by Israel to create a counter-force and weaken Fatah.

According to Dunning, a motivation of the Brotherhood to create Hamas as its wing in Palestine was the emergence of Palestinian Islamic Jihad in the 1980s (Dunning 2015: 291). The Palestinian Islamic Jihad was founded in 1979-80 by Fathi Shikaki, Abd al-Aziz Odah, and Bashir Musa with the inspiration of the Islamic Revolution in Iran. Formation of Hamas was necessary to prove the resistance credentials of the Brotherhood and to compete with the Islamic Jihad for popular support in the context

of the First Intifada. The active participation in the Intifada boosted its acceptance among Palestinians.

The Iranian revolution of 1979, Soviet invasion of Afghanistan, the emergence of oil-rich countries like Saudi Arabia to the leading position of Muslim states with religious agenda, decline of secular states like Egypt and failure of Arab states to achieve Palestinian statehood even after many wars were reasons of getting popularity of Hamas. After the collapse of the USSR and defeat of Saddam Hussein, a figure of Pan-Arabism, in the first Gulf War, many secular and left people turned to Islamism (Dunning 2015:290). In this sense, Hamas was "a local manifestation of the regional trend towards Islamisms (plural), albeit under unique circumstances, namely Israeli occupation" (Dunning 2015:290). Like most of the other Muslim brethren movements, Hamas also was inspired by the ideology of Hasan al-Banna, the founder of the Muslim Brotherhood (Litvak 1998:149). Moreover, the Muslim Brotherhood and its scholar Yusuf al-Qaradawi still influence policies of Hamas.

The slogans such as "Qur'an is our constitution" and "Islam is the solution" were common characteristics of Islamist opposition throughout the Muslim world. They considered the resistance to oppression and struggle for justice as the fundamental teachings of the Qur'an. For example, Mousa Abu Marzouq, the Deputy Head of the Hamas political bureau, states "Islam is a self-engine…against oppression and occupation, and against all the features that oppress people and offend them…Islam is a strong engine for people to refuse oppression, occupation, discrimination and so on" (Cited in Dunning 2015: 284). It indicates to the Islamist ideology of Hamas. Article 1 of the Charter of Hamas declares Islam as its source of inspirations and guidance. Article 2 connects Hamas with the Muslim Brotherhood and describes it as an extension of the Brotherhood.

However, although Hamas was an offshoot of the Muslim Brotherhood, it does not have a Pan-Islamist agenda. Instead, its focus is on the state and society of Palestine. "'Islamic essence' of the Palestinian cause (*Islamiyat al-qadiyya al-Filastiniyya*) and Palestinian-Israeli conflict" are the central agendas of Hamas (Litvak 1998: 149). Klein describes this orientation of Hamas as a shift from "Islamising Palestine" to "Palestinianizing Islam" (Cited in Dunning 2015:287). Talking about universalism of Islam and localism of liberation of Palestine, Mousa Abu Marzouq stated that "that there is no problem between the national element and the religious element because patriotism is part of Islam" (Cited in Dunning 2015:291). Even when Hamas working

in the foreign land, it did not interfere with the internal issues of that country and limited its focus for the Palestinian cause. According to Dunning (2015:287), "political and ideological ideas are not hermetically sealed entities", but they are affected by social and political condition of their geographies.

Hamas considered Sheikh Izz al-Din al-Qassam (1882–1935), a celebrated fighter in the 1930s against British Mandate rule and Zionist immigration, as a role model to its activities. Reminding the legacy of al-Qassam, armed wing of Hamas was named as *Kata'ib al-Shahid al-Izz al-Din al-Qassam* (the Qassam Martyrs Brigades).

Approach to Israel, Conflict and Conflict Resolution

In its initial years, as is reflected in its charter (1988), Hamas, like Palestinian Islamic Jihad, opposed any negotiation with Israel. Then, Hamas in its communique of 1993 declared the military *jihad* as the only option to solve the Palestinian issue. It criticised negotiation as a western agenda and a "child's play". According to Hamas' charter, Israel understands the only language of force. Arabs are not so weak to run behind peace. The concession of Palestine can only increase the arrogance of Israel. The recognition of Israel means disunity and decline of Arabs. The Charter also rejected the argument of the military weakness of Arab against Israel, which enjoys the support of the USA. According to it, such a call for concession ignores the potency of the Arab and Islamic world to mobilise its resources. Muslims can defeat Israel as they had defeated Crusaders and Mongolians in the past (Litvak 1998:154). However, it is interesting to note that the view of Hamas, which considers military *jihad* as the only option, resembles the National Covenant of PLO, which considered armed struggle as the sole strategy to liberate Palestine land. The only difference is that unlike Fatah Hamas used religious terminologies.

Strengthening the Islamic essence of the conflict, Hamas (Article 11 of its Charter) considers the entire Palestine as *waqf* land. Since the entire Palestine is *waqf* land, Hamas argues, "neither the Palestinians nor the Arabs, neither the present generation nor any generation in the future, have the right to give up even an inch of land or to accept an alien entity in Palestine" (Litvak 1998:155). According to Hamas's Charter "The land of Palestine is an Islamic *waqf* endowed to all Muslim generations until the day of resurrection. It is not right to give up it or any part of it". Consequently, "giving up even a bit of the land means giving up part of religion" (Litvak 1998:155). So, according to the Charter, the solution of the conflict would be the establishment of an

Islamic state for the entire Palestinian land. However, although this narration of the land as *waqf* is shared by many other Islamist organisations of the land, it is a recent phenomenon. When Islamist writers like Hasan al-Banna described Palestine as "the heart of the Arab world and the knot of the Muslim peoples", they did not use sanctifying terminologies like *waqf* land (Litvak 1998: 154).

Hamas continued this policy at the beginning of the 1990s. Hamas criticised Israeli-Palestinian Declaration of Principles (DoP) of Oslo for it approved the occupation of Israel in Palestine's land, recognised the state of Israel and negotiated the issue of Jerusalem (Milton-Edwards 1996: 209). As Dr Azmi Bishara of Birzeit University described, for Hamas the Oslo accord "is a cup of poison so there is no need to sing songs of praise" (Cited in Milton-Edwards 1996: 209). Secular Marxist groups like PFLP and DFLP also adopted similar policies in rejecting the Oslo accords. Nevertheless, according to Khanfar (2020), the Oslo accord in the beginning was a good initiative. However, while the Palestinian executed all their duties, Israel did not. If Israel also did their part, the accord would result in a better outcome. Khanfar (2020) justified the concession given by PLO and argued that since PLO was under the pressure of the international community, it had no option other than being ready for the 1967 border (22% of the total land). Although the treaty brought Islamists and Secular-Marxist closer, it created tension between Hamas and ruling Palestinian National Authority (PNA) led by Fatah. Following signing the Oslo accords, despite its opposition, Hamas announced its intention to avoid fighting between Palestinians as much as it can. Fatah and Hamas agreed to avoid conflict with each other to avoid internal conflict and to ensure national unity (Milton-Edwards 1996: 212).

After the signing of the Taba agreement between Israel and PNA, Hamas was forced to reconsider its position. It realised that it could not achieve its ideal goal of a state for the entire land and most of the Palestinians, who are tired of fighting with Israel, prefer a compromise with Israel at least for a short period (Litvak 1998:159). So, even if it calls for a prolonged war, it would be accepted only by its hard-core supporters, not the majority of Palestinians. Afterwards, the policies of Hamas, with the guidance of pragmatists, were different from its original charter and declared agendas.

According to Paul Scham and Osama Abu-Irshaid (2009:4),

> The charter is an unapologetically hard-line document that vividly promises destruction to Israel. The charter's language and tone contrasts with many of the notably softer individual statements made by Hamas's leaders both before and after

the issuance of the charter, in which they indicate a greater possibility of compromise. Indeed, judging from the organization's lack of reference to the charter and from the statements since made by Hamas's leaders, the charter does not appear to be a major influence on Hamas's actions.

Consequently, Hamas adopted a new approach towards Israel as Sheikh Yassin opened the possibilities of *Hudna* (truce) with Israel. By *Hudna*, Hamas offers a long-term ceasefire with Israel (Tuastad 2010). According to Dag Tuastad (2010), there was no substantial difference between the purpose and details of *Hudna* and those of Camp David talks of PLO in 2000.

Comparing the position of Hamas on Oslo and *Hudna*, the interviewees of this research shared different perspectives. According to Abubadawia (2020), the difference between Oslo and *Hudna* is mainly in its name. Criticizing Hamas, Mohsen (2020) observed that the *Hudna* offer of Hamas is worse than the Oslo accords. According to Khanfar (2020), the shift of Hamas to a more political movement after its success in the electoral victory in Gaza was the reason for the change in its policy from rejecting Oslo to offering *Hudna* to Israel. Because of the same reason, Hamas changed its earlier approach on negotiation as a "child play" and *jihad* as the only option (Khanfar 2020). Schenker (2020) noted that in 1993, Hamas had considered the Oslo accord and the recognition of the existence of Israel as against their basic ideology. Nevertheless, in order not to be left out of any potential political process, Hamas modified their views, in the context of their 50-year *Hudna* proposal, which essentially accepts the existence of the State of Israel, though not accepting that as a final end of the game goal. According to Schenker (2020), the idea of *Hudna* is clearly a shift in the ideological position of Hamas. According to him, the reason was fear of being left out of at least a share of political power. Schenker observed that the *Hudna* offer of Hamas was an outcome of the realization that the balance of power between Israel and the Palestinians is such that no amount of military preparation can change that balance. Therefore, according to Schenker, while the *Hudna* is not defined by Hamas or perceived by Israel as a genuine demand for permanent peace, it is recognition of the nature of the power balance between the two peoples and a readiness to accept an arrangement which involves long term coexistence. In the perspective of Nadia Harhash, a Palestinian writer, Hamas has more reliable justification in changing its speech towards Israel when experiencing life in Gaza. Over a decade of a complete seize and closure, more than three wars, complete abandoning from the rest of the Palestinian people and land, it can be only logical that they try to make talks \arrangements\ whatever with Israel (Harhash 2020). In the

opinion of Abu-Nimer, there are two reasons for Hamas to reject Oslo and accept *Hudna*. First of all, Oslo was initiated by Fatah and Hamas was not invited for it. The second reason is that Hamas is not ready for a gradual solution and it sees withdrawal as a precondition for it.

Nevertheless, Scham and Abu-Irshaid identify four differences between *Hudna* and agreements of PLO. First, *Hudna* does not recognise the legitimacy of Israel while the agreements of PLO do. Second, unlike agreements signed by PLO, *Hudna* is for a specific period and not a permanent settlement. Third, while the PLO is ready to renounce Palestinians' claim over about 78% of historic Palestine, *Hudna* of Hamas does not abandon its claim over the rest of the land forever. Fourth, *Hudna* acknowledges the possibility of gaining ability by Palestinians for the fight against Israel in the future (Scham and Abu-Irshaid 2009:11). In a memorandum sent to European diplomats in 1999, Hamas put following conditions for *Hudna*: 1) Withdrawal of Israeli force from Gaza and the West Bank; 2) Evacuation of illegal Jewish settlement in Gaza and the West Bank; 3) Release of all Palestinian prisoners from custody of Israel and 4) Recognition of Palestinians' right to self-determination. Describing *Hudna* policy of Hamas, Tuastad (2010) states that "Where Arafat had an olive branch in one hand and a gun in the other, Hamas has the *Hudna* and the Qassam rocket".

However, the Hebron massacre, in which Israeli settler Baruch Goldstein killed Palestinians at Ibrahimi mosque, strengthened Hamas's view of conflict as a religious one. For this massacre, Goldstein was celebrated as a hero by many Israelis. Afterwards, Hamas considered settlers and Israeli civilians as a legitimate target of attack and started the phenomena of suicide bombing. The shift in the attitude of Hamas is evident in its statement:

> Compelled by its loyalty to the spilt blood of Hebron's recent martyrs, the Qassam Brigades decided to avenge this blood….
>
> It has always been Hamas policy to attempt to direct military operations against Zionist military targets…. The Qassam Brigades have always tried to avoid civilian casualties….
>
> But the outrageous criminal actions of the Zionists against Palestinians… forced the Qassam Brigades to treat the Zionists in the same manner. Treating like with like is a universal principle (cited in Milton-Edwards 1996: 219).

In the second half of the 1990s, the popularity of Hamas increased due to many factors. The disappointment of people for getting statehood even after the Oslo accord, unemployment and corruption were the reasons that shifted popular support from Fatah to Hamas. It brought the popularity of Yasser Arafat down from 65% in 1996 to 47% in 2000 and support for Fatah from 37% in 2000 to 29% in the following year (Ishay 2011: 79). The more exceptional ability of Hamas to offer basic human services to needy people "without distinction of religious belief or political affiliation" was a critical factor in enlarging its popular base among Palestinians. So, even in the 1990s the Islamists had social and moral dominance over Fatah, though their political influence was marginal until the Second Intifada (Dunning 2015: 292). In 2001, the Islamist groups were the second-largest emergency food supplier in Palestine after UNRWA (Dunning 2015: 292). According to Ishay, "Against the national and secular aspiration of the Palestinians once personified by the PLO and Arafat, Hamas posited a viable Islamist Caesarist alternative, which gained momentum with the charismatic religious figure Sheikh Ahmad Yassin" (Ishay 2011:80). Following the Second Intifada, Hamas emerged as a powerful political party and its popularity doubled and eclipsed Fatah for the first time by 2004 (Dunning 2015: 292). It finally translated into the victory of Hamas in Municipal and later legislative elections.

However, the participation of Hamas in the electoral process indicates a change in its approach towards Israel and the Oslo accord. Because the election was conducted as per the agreement of the Oslo accord. So, participation in the election implicitly means the acceptance of the treaty. Additionally, it also necessarily requires Hamas political compromises and engagement with the international community, including Israel (Scham and Abu-Irshaid 2009: 12). So, even when as a movement, Hamas maintains its ideological position, as a government it needs to maintain a flexible and pragmatic line. Khanfar (2020) stated that Hamas changed its position after coming to power through the election. Once it enters to power, Hamas has to accept all agreements signed by PLO including the Oslo accord. Nevertheless, according to Abubadawia (2020), participation in the election does not mean acceptance of Oslo. Because, rather than how these institutions were formed, Hamas considers them as institutions as for Palestinians. Its perspective about enemies also has changed in the 2000s. It narrowed down the list of enemies from Jews to Zionists. Scham and Abu-Irshaid (2009) suggest the hostility of Hamas against Jews in its early period was due to confusion over dealing with the Jews. Gradually, Hamas reached into a clear position of being hostile only

against Zionists. Additionally, the charter of Hamas, Article 31, itself states the Islamic view of coexistence of Christians, Jews and Muslims peacefully and safely.

Furthermore, there are many statements by leaders of Hamas accepting Jewish presence in Palestine (Scham and Abu-Irshaid 2009: 6). In its early period of Hamas, Sheikh Yassin had proposed equality and citizenship for people of all faiths in historical Palestine with a condition of allowing refugees to return to home. It also indicates that Hamas's enmity to Jews, even its initial stage, was not just because of the theological difference. Scham and Abu-Irshaid also opine that "Hamas is not hostile to Jews because of religion. Rather, Hamas's view toward Israel is based on a fundamental belief that Israel has occupied land that is inherently Palestinian and Islamic" (Scham and Abu-Irshaid 2009:2). Now, Hamas presents itself as proponents of a moderate brand of Islamism and centrism (*wasatiyya*) (Tuastad 2010b: 35).

Hamas has gradually changed its approach to the state of Israel also. According to Scham and Abu-Irshaid, Hamas's approach to Israel can be classified into different stages. First, it refused any kind of political resolution. In the second stage, it denied considering any settlement that affects the rights of Palestinians. In the third stage, it announced its readiness for a truce, but without recognising Israel. Scham and Abu-Irshaid observe that "Hamas has progressed from a traditional ideologically consistent and rigid position to one in which it is taking account of the political reality and dealing with it, without an ideological acknowledgement" (Scham and Abu-Irshaid 2009:8). In an interview published in the Washington Post, Ismail Haniyeh, the leader of Hamas and then the Prime Minister of Palestine, stated that Hamas could not be expected to recognise Israel until Israel recognised the right of Palestine (Scham and Abu-Irshaid 2009:14). By this, Haniyyeh shifted the focus of the debates into non-recognition of Palestinians' rights by Israel. It implicitly means Hamas's willingness to coexist with Israel.

As Scham and Abu-Irshaid (2009: 4) pointed out, though Hamas will not be ready to recognise Israel in the conventional sense, it is ready, and already has sent signals many times, to coexist with Israel in their defined boundaries. Although without explicitly recognising Israel, Hamas indicated its acceptance of the two-state solution. Hamas's leaders have made many statements expressing its willingness to accept a Palestinian state along the Greenline with Jerusalem as its capital and with guaranteeing rights of refugees to return. Even though Hamas presents it as part of its agenda of "phased liberation", it should be seen as an ideological shift to coexist with Israel rather than a

tactic for the destruction of Israel in the future (Scham and Abu-Irshaid 2009:6). Since neither Hamas nor Israel going to disappear in the near future, it necessary and also possible for both to think of such coexistence. Pointing to the norms of the Middle East which use implicit and nuance language is used to indicate changes in position largely to avoid public humiliation, Scham and Abu-Irshaid criticise the attempt of the "Quartet" countries (which oversee Palestinian-Israeli negotiations and consist of the European Union, Russia, the United States and the United Nations) to pressurise Hamas to recognise Israel in explicit and unambiguous language in order to remove international sanctions on it (Scham and Abu-Irshaid 2009:14). Similarly, Sara Roy writes that "Hamas not only remains open to power-sharing, but also has a history of nonviolent accommodation and political participation, ideological reflexivity and transformation, and political pragmatism that the West should welcome" (cited in Shafir 2017: 136).

Regarding the shift in the policies of Hamas, the interviewees of this research provided different perspectives. Abudagga (2020) opined that Hamas had changed a lot in the last decade and now it is more ready to compromise with Israel than Fatah. According to Khanfar (2020), Hamas has changed its position as a resistance movement to a political movement. Khanfar pointed to the change in the leadership of Hamas as one reason for this shift in the orientation. Abdul Aziz Ranteesi and Ahmed Yassin, who led the movement in the past, were not interested in politics, and resistance was their main concern. Explaining the change in the position of Hamas, Shomaly (2020) noted there had been two currents within Palestine: pragmatic and radical. The position of Hamas depends upon which group is dominating. When Hamas was a resistant movement, it was radical, and when it came to office, it became pragmatic. Recently, the pragmatic approach within Hamas has become powerful. According to Shomaly, such change happens everywhere. According to Shihade (2020), since Hamas is a political organization, its position will change according to change in the political context.

3.5.2 Religious Parties in Israel

As it is mentioned in the previous session, Zionist movement, even though it started as a nationalist movement, had used religious texts and narration for its purpose from its beginning itself. It promoted religious symbols for national identity. Gradually, this connection between religion and politics got strengthened. In words of Nur Masalha,

Since its establishment, Israel has undergone a slow but constant process of clericalisation and orthodoxisation, with leading Labour Zionists and founding fathers of the state (notably David Ben-Gurion) seeking an alliance with religious Zionism—thus cementing the alliance between the sword and the Torah, between the secular establishment of Zionism and the Zionist religious parties (Masalha 2014:70-71).

The 1967-War enhanced the influence of the religious right wing groups in the Israeli politics. Schenker (2020) observed the growth of religious groups within Israel as an outcome of the post-1967 victory euphoria. While secular Jews considered it the achievement of the Israeli army, the national religious Jews considered it a God-given miracle, which had been predicted by Rabbi Tzvi Yehuda Cook, head of the Merkaz Harav yeshiva a little before the war broke out. The 1967 War motivated the Jewish Defense League in the United States Rabbi Meir Kahane to term Palestine as a cancer that should be surgically removed. Rabbi Abraham Isaac Ha-Cohen Kook taught the divine command to exterminate Amalek, who were identified as the Palestinian Cristian and Muslims (Liebman and Don-Yehiya 1983: 200-204). Pat Robertson, a Christian fundamentalist, preached through his Star of Hope television station that the 1967 War is a divine sign of ending the Christian power and growing Jewish power. He also pointed to the loss of USA in Vietnam to substantiate his argument. So, he urged listeners to pray for the destruction of Al-Aqsa mosque to facilitate building Jewish temple there and to hasten the second coming of the Christ (Haddad 1992: 272). Islamist viewed this statement of Robertson as indication of that it is not only Jews, but Christians also want destruction of the Islamic holy places. The perception was strengthened by the Al-Aqsa fire in 1969.

Masalha identifies two distinct strands of Jewish fundamentalism in Israel. One is of Jewish-Zionist fundamentalists, which is known as nationalist-religious or messianic camp. Another strand is represented by the ultra-orthodox rabbis and non-Zionist religious parties of the Haredim (Masalha 2014:71). The messianic camp is based on four components: 1) a belief in the sanctity of the land of Greater Israel, 2) building temples on the sites of Muslims shrines in the occupied East Jerusalem, 3) desire to create a theocratic state based on *halacha* and 4) intention to establish Jewish sovereignty over greater Israel (Masalha 2014:74). They were inspired by the results of the 1967 war and conquest of Jerusalem. The support of the Shas movement and different Hasidic and Ultra-Orthodox groups have further strengthened the settlement ideology of religious Zionism (Reiter 2010: 228).

The students of Rabbi Tzvi Yehuda Cook went on to found Gush Emunim (the Bloc of Faithful), a movement of settlers, in 1974 following the shock of the 1973 Yom Kippur War, which created in their view a sense of urgency for the need to settle the West Bank, which they considered being the centre of the origins of the Jewish people. They also wanted to compensate for having played second fiddle to the secular founders of the state via the kibbutzim, the army and all the pre-state institutions (Schenker 2020). It emerged as a powerful political force since the 1970s. Gush Emunim, along with Tehiya the secular ultranationalist party, rejected any territorial concession and criticised Israeli prime minister Menachem Begin's decision to return Sinai to the Egyptians (Ishay 2011:72). They considered returning of any part of Greater Israel is a form of betrayal. Additionally, there are many religious fundamentalist groups in Israel with a vision of theocratic state based on the Jewish religious law, *halakha* rejecting the idea of universal liberal and humanistic values.

Gush Emunim has a significant role in turning the Israeli politics to the religious right-wing. The coming of Likud Party and Menachem Begin to power in Israel after election of 1977 further strengthened the religious aspect of the conflict. By claiming the ownership of the entire Palestine land with reference to the divine dispensation and by naming the occupied territory with biblical names such as Judea and Samaria, Begin reinforced the religious dimension of the conflict (Haddad 1992: 269). While until 1977, religious Zionist allied with labour Settlement Movement, since then it moved to the right and joined with Likud governments (Shafir 2017: 115). By 1980s, even secular parties, like the Labour Party, and leaders, like Shimon Peres, were undergoing a process of orthodoxisation. His pictures of going to Wailing Wall after getting elected as Prime Minister were reported in Media.

This shift in politics also reflected in the attitude of people about self and others. According to a survey of the late 1990s, the majority of Israeli Jews (68%) believe that Jews are chosen people, while only 20% reject this ethnocentric belief (Masalha 2014:70-72). According to a survey of the Guttman Institute in 2008, 51% of Israeli population consider themselves as secular while 30% as traditional. However, according to another survey of the Central Bureau of Statistics, 83% of Israelis consider themselves as "at least minimally observant in the religious sense" (Reiter 2010: 249). However, the proportion of religious-Zionists in politics and military is more than their share in the population (Reiter 2010: 251). For example, the representation of religious

Zionists among infantry officers has risen from 2.5% in 1990 to 31.4% in 2017, three times more than their share in the national population (Shafir 2017: 114).

Additionally, military rabbis have a growing influence on military commanders as the commanders consult with them both formally and informally on topics such as the deployment of troops in OPT and integration of women into combat and field units. Moreover, deviating from the democratic norms of civilian control over the military, Rabbis are asked to rule in cases of conflict between military commands and religious commandments (Shafir 2017: 116). Since the 1967 war, a special arrangement, called *the yeshivat hesder,* has been established to attract more religious Zionists to the military. Accordingly, a thirteen months' military service is alternated with three years of religious study (Shafir 2017: 113). After a poor performance in the 1973 war, the Israeli military's chief of staff, Lieutenant General Motta Gur, hailed more participation of religious Zionists in the military service. In 1988, Rabbi Yigal Levinstein and Rabbi Eli Sadan established the first premilitary preparatory yeshiva to strengthen the faith of teenagers in 'gap year' between finishing high school and joining military service (Shafir 2017: 113). Out of forty-four preparatory schools in Israel (in 2017), eighteen are religious schools (Shafir 2017: 114).

Pointing to the triumph of religious Zionism in Israel, Shafir states that,

> In 2016, the heads of Mossad, and the police, and the governments' legal adviser– all appointed governmental positions and gatekeepers to the judicial system– are religious Zionists. This presents a consolidation of power that is highly telling of religious Zionists' political sway in Israel social and political life (Shafir 2017: 115).

Religious Zionists also focus 'to penetrate to the media'. For this purpose, it recruits 'best to the media', and its schools offered about thirty courses related to media, movie and TV (Shafir 2017: 114). Now, it has control over Israeli media to advance their pro-settlement agenda. According to Shafir, military service, media and national politics are three significant spheres where religious Zionists concentrate and control (Shafir 2017: 112).

3.5.3 *Role of Religion in Politics and Society: A Comparison between Israel and Palestine*

Compared to Palestine, religious parties were powerful in Israel from a very early period. While the active participation of religious groups in Palestinian politics started only after the First Intifada, it had started in Israel from its establishment itself.

Nevertheless, in the 1950s and 1960s, the representation of religious parties in the Knesset was less than twenty (Ishay 2011:79). However, gradually, the representation of religious parties became more than 30, and their support became inevitable to form a government.

Most of the interviewees observed the more powerful role of religion in Israeli politics than Palestine. Khanfar (2020) observed that the political role of religious groups in Israel is more powerful than in Palestine. Because, while religious groups in Israel was part of the government for many decades and Likud party is the strongest party, Hamas in Palestine is not that much powerful or popular. Additionally, Khanfar pointed out that, while Likud party often demands the territories beyond Palestinian border, Hamas is ready to accept even 1967 border. According to Ayat Nassar Abahra, a conflict resolution and public relations consultant from Ramallah, the role of religious groups in Israel is more powerful than in Palestine. In her opinion, the Palestine Authority oppresses religious movements within Palestine, whereas the religious groups get the support of the system in Israel (Abahra 2020). She suggests that Palestine also should follow Israel in allowing religious groups; but, not for making conflict, but to solve it. In comparison between Likud and Hamas, Abahra told that while Likud gets international recognition and support, Hamas is not getting that. Similarly, Abubadawia (2020) also opined that it is not fair to compare Hamas and Likud party. Because, Hamas is a religious party and Likud is a right-wing party. Moreover, according to Abubadawia (2020), Likud wants to control the entire land and does not want a peace treaty. According to Harhash (2020), almost every political movement in Israel and Palestine is religiously influenced. If not, their speech takes a religious aspect. In Harhash's opinion, Netanyahu is not different than Haniyyeh and Abbas is no different from Rivlin. All use religion to gain political scores. According to her, Hamas is similar to Likud party whereas Gush Emunim is similar to the Islamic State of Iraq and Syria (ISIS). In the opinion of Shihade (2020), although Hamas is a religious organisation, the entire system of Israel is rooted in the religion. So, according to him, religion in Israel is more powerful than Palestine.

While religion plays a significant role in the Palestinian society, religious influence in politics is stronger in Israel than in Palestine. According to Abudagga (2020), while religion influences the foreign policy of Israel, its role in Palestine is more limited to their daily life. Nevertheless, he stated that religion plays a crucial role in Palestine when the issue is related to Jerusalem (Abudagga 2020). Abudagga opined that while

the idea of the state of Israel itself is based on religion, the Palestinian state is not based on religious identity. Although there are some religious parties in Palestine, they are not the majority. According to Abudagga, even Islamic states Iran and Saudi Arabia, which are theocratic states, do not discriminate against religious minorities similar to Israel. In Israel, religious identity is the crucial aspect of citizenship. According to Abahra, Palestinian society is religious, but its politics is secular. In her view, holding only a secular idea is weakening Palestinians (Abahra 2020). In contrast to that, Khan (2020) argued that state should be secular, and society should be religious. In the views of Shomaly (2020), while Palestine is more religious at the grassroots level, Israel is more religious at the political and high level. In short, while the influence of religion in society is stronger in Palestine, its influence in politics is stronger in Israel.

3.6 Religion in Conflict Resolution

3.6.1 Significance of Religion in Israel Palestine Conflict Resolution

As explained in the introductory chapter, religion is often treated as a source of conflict and often ignored from the policies and analyses of conflict resolution. The general tendency is, as Rosen pointed out, to conclude "religion, having so often inspired, legitimated and exacerbated deadly conflicts, cannot be expected to contribute to their peaceful transformation" (Rosen 2012:439). Many interviewees for this research also expressed a pessimistic approach to the role of religion in the conflict resolution. For example, Khanfar (2020) opined that since the modern state system is based on the secular Westphalian model, the Islamic principles are not effective in international relations. According to him, although some countries like Malaysia have adopted the Islamic principles, like Islamic banking, at the domestic level, religious principles are not influential at the international level. Supporting a secular approach to the conflict resolution, Mohsen (2020) also suggested that although every religion promotes principles like forgiveness, mercy, compassion and justice, each religion has different interpretations. So, they do not serve to resolve conflicts.

Regarding the impact of the growing influence of religious groups on the conflict resolution between Israel and Palestine, the responses of the interviewees for this research were mixed. Many interviewees considered the growing role of religious groups as a threat to conflict resolution. For example, according to Schenker (2020), since both the Israeli religious nationalists and the Hamas movement tend towards an absolutist view of the conflict – as either Greater Israel or as one Palestinian state, their

emergence and growth create greater obstacles to the peace process. According to Harhash, both Palestinian and Israeli sides have witnessed the rise of fundamentalist groups, who are closer to be fanatic. These groups utilise religion to promote hatred and segregation among people, whereas the real religion should be a means to make peace (Harhash 2020). Although Abudagga (2020) supported the role of religious values and scholars in the Israel-Palestine conflict resolution, he considered the growing influence of religious groups in the society as a threat to the peace process. Because, according to him, although the explanation of the holy texts should be based on international humanitarian laws and justice, the religious leaders do not consider this aspect. Steve Sosebee, who is the president of Palestine Children's Relief Fund (PCRF), also viewed the growing influence of religious groups as an obstacle to the conflict resolution (Sosebee 2020). According to Shihade (2020), the mixing of religion and politics is dangerous. Shomaly (2020) opined that when religion is involved, the issue would be more complicated and difficult to solve. It will be intractable and without any end.

At the same time, many interviewees rejected this generalization and argued that the impact of the growing role of religious groups on the conflict resolution depends upon the perspectives of the groups. For example, Abu-Nimer (2020) opined that the impacts of the growing influence of religious leaders on conflict resolution depend upon their approach to the conflict. For example, the engagement of peace-loving religious leaders will be constructive in the conflict resolution. Abahra (2020) also suggested that the impact of religious groups on the conflict resolution process is dependent on their perspectives. For example, according to her, the ideology of Likud and early policy of Hamas were obstacles to the conflict resolution. In the opinion of Thomas Clough Daffern, an interviewee of this research and the director of International Institute of Peace Studies and Global Philosophy (IIPSGP), if religions are implemented in their correct forms, they are advantages for the conflict resolution process. According to him, if Muslims study the Qur'an well, they will not support the suicide bombing (Daffern. Similarly, since Judaism suggests all human beings as the children of God, a true Jew will not discriminate or oppress followers of other religions (Daffern 2020). At the same time, Daffern argued that the Zionist movement is now in the hand of fanatics, and Netanyahu represents this fanatic wing. Abubadawia observes that out of four schools of Islamic jurisprudence, Maliki and Hanbali are at the extreme levels and Shafi and Hanafi are considered as the middle. Since the Palestinians mostly follow Shafi or Hanafi, they adopt a moderate approach. So, according to him, the growing religiosity

in Palestine will not be a barrier to the conflict resolution. According to him, although Hamas is a religious party, it adopts a moderate approach. Moreover, the popularity of Hamas in Palestine is not because of its religious aspect, but it is due to failure and corruption of other parties. So, religious parties in Palestine are not an obstacle to the peace treaty (Abubadawia 2020). At the same time, according to Abubadawia (2020), the growing influence of religious groups in Israel is an obstacle to the conflict resolution. Because, since 2002 right-wing religious parties have become more assertive in Israel. They support the settlement in the Occupied Palestinian Territory. Most of the settlers are religious. Since they influence politics and parliament and pressurise the Israeli government to annex more territories, they are barriers in the conflict resolution.

Many interviewees also opposed the claim to involve religious institutions and leaders in the conflict resolution process. For example, Khanfar (2020) challenges the argument that suggests the involvement of the religious leaders as necessary for getting popularity to the agreement between Israel and Palestine. According to him, PLO is the most popular organisation in Palestine, and there is no religious group which is as powerful as PLO. Sosebee (2020) also oppose the active involvement of religious leaders. According to him, it not a religious struggle, and religious scholars and institutions do not have any experience in dealing with resolving complex political issues related to security, the economy, equality, and diplomacy. Ending the occupation has widespread support in Palestine. How to achieve it is the question in the face of rejection by the occupier (Sosebee 2020). Sosebee also rejected any positive role for religious actors, institutions or even religious norms in conflicts that include more than one religion or sect. According to him, these resolutions should be based on international law and diplomacy. However, the responses of Sosebee indicated that he was not aware of the religiously-motivated peace movement on the grassroots level and Alexandria summit of high-profile religious scholars.

According to Harhash, another interviewee, since it is not a religious conflict, it is beneficial to the Palestinians to create a religious-based discourse to create peace (Harhash 2020). Abudagga (2020) also pointed out the limitation of the religious institution. First of all, since there are many religious groups and institutions in both Israel and Palestine, it is not clear which institution or leaders are the ultimate religious authority to represent their people. Additionally, if religious leaders use religion for political purposes, they cannot be part of the resolution. In the perspective of

Abubadawia (2020), people of Palestinians want a powerful political leader, not a religious leader. Lack of popularity of peace accord has nothing to do with Islam. Because, Islam does not prohibit such a treaty (Abubadawia 2020). According to Shihade (2020), religious groups and agendas can be included in negotiations. However, according to him, that should be with the control of political leaders. Khan suggested that religions propose many principles useful for conflict resolution. Nevertheless, according to him, there is very little evidence for the role of religion in resolving international conflict resolution, but there are many examples to say religion can make violence more intractable (Khan 2020). However, Khan (2020) also pointed out that most of the violence in the world is secular. According to Khan (2020), the lack of legitimacy of the treaties of Muslim leaders is due to lack of democracy. Even if the leader uses religious text to legitimise their position, it will not get popular support. According to him, the solution is to have a democracy and free Islamic scholars without the state's control. In the opinion of Abubadawia (2020), Oslo did not get popular support; but it was not because of religion, rather it was a bad agreement. Even after 25 years of Oslo, Palestinians suffer. The Oslo agreement was used by Israel to justify their annexation of the West Bank. That is why the agreement did not get popular support (Abubadawia 2020). According to Shomaly (2020), the conflict resolution should not be influenced by religious leaders directly; at the same time, they can be referred for getting their perspectives on issues.

However, religion is an inevitable and useful variable in the Israel-Palestine peace process. Many interviewees have pointed into the positive potentiality of religion in the Israel-Palestine conflict resolution. For example, Kadayifci-Orellana (2020) advocated for the more active involvement of religious scholars and institutions in the peace process between Israel and Palestine. According to her, one reason for the failure of the Oslo accords was the absence of religious groups in its process. She reasoned that since the conflict is very much connected with religion, though it is a political conflict, religious leaders and groups must be included. According to her, even those groups which oppose the peace treaty also should be included (Kadayifci-Orellana 2020). Explaining the failure of the past negotiations between Israel and Palestine, Thomas Clough Daffern (2020) also said that "the elephant in the room is the western root of conflict resolution" (Daffern 2020). Daffern also has emphasised the positive role of religion in international conflict resolution. According to him, politics is connected with religion in many countries. So, it affects their political perspectives (Daffern 2020).

According to Daffern, the influence of religious groups in politics is visible even in the so-called secular countries. For example, Christian and Jewish groups have an influential role in the foreign policy of the USA. At the same time, Harhash observed that although ideally foreign and security policies of Muslim countries should be decided by political leaders based on national interest without having the influence of religious scholars, in practice religious influence, and norms rule over behaviours and decisions. Abudagga also shared a similar opinion and stated that although the foreign policy should not be based on religious principles, in reality, religion has an influence on foreign policies (Abudagga 2020). "So, it does not matter what we name the system, it is always religiously dominated. Somehow it is easier to control people's minds through their normative and religious sentiments" (Harhash 2020). Harhash supported and welcomed the contribution of religious actors in the peaceful resolution of the conflicts. Nations have been driven towards more religious sentiments and ideologies in the last decades. If it is used to the welfare of the people, religion can play better roles. But, according to Harhash, it is impossible to find any religious institution without a political affiliation everywhere (Harhash 2020). For example, she pointed out that what is happening in Saudi Arabia in converting *fatwas* into a 360 degree of diversion only proves that religion is utilised for political agendas. So, Harhash considered the *fatwa*s supporting or opposing the conflict resolution with Israel as politically motivated. According to Abudagga (2020), since many religious leaders in the world want to use religion to promote peace, they can play a big role in international conflict resolution. Moreover, eastern religions promote many values similar to values of international humanitarian law. The religious principles like forgiveness, mercy, compassion and justice are related to international law in general, and international humanitarian laws. So, all these principles are relevant in the international conflict resolution. Abudagga pointed out that even though Zionist uses religion for the occupation, there are many Jewish religious groups who oppose it (Abudagga 2020). According to Abahra (2020), religion can play both constructive and destructive roles in the conflict. She observed that all religions have similar principles and unifying languages. According to her, religion can contribute to reconciliation not only at the domestic level but also in international conflicts if both parties believe in the role of religion in conflict resolution.

 Landau correctly points out that,

Even though the Israeli-Palestinian conflict is primarily a political dispute between two nations over a common homeland, it has religious aspects that need to be addressed in any effective peacemaking strategy. The peace agenda cannot be the monopoly of secular nationalist leaders, for such an approach guarantees that fervent religious believers on all sides will feel excluded and threatened by the diplomatic process. Religious militants need to be addressed in their own symbolic language; otherwise, they will continue to sabotage any peacebuilding efforts (Landau 2003: 5).

Landau warns that restricting religions into churches, mosques and synagogues will forfeit the opportunity to "inject a spiritual dimension" to the peace process. A political peace without considering people's feelings, attitudes and symbolic images will not be long-lasting (Landau 2003:14). According to Landau, the Oslo accord partially failed because it was a secular plan by secular leaders imposed on Holy Land, where the majority of people are religious followers (Landau 2003: 13). Since the peace process is considered as an arena of the secular left, religious people in Israel link it to the sphere of secularism and feel even threatened by the peace process (Landau 2003: 21). Accordingly, political peace conferences and discussion have to be strengthened by "by symbolic or ritualised gestures of rectification and reconciliation, grounded in the wisdom of the different religious traditions" (Landau 2003: 47). Landau writes it with experience of twenty-five years living in Jerusalem as a peacemaker and co-director of the Open House Center for Jewish-Arab Coexistence Ramle, Israel from 1991 to 2003.

Mollov (2011) also emphasises the potentiality of religion to facilitate constructive mutual accommodations. Given the centrality of religion in the region, Mollov underlines its potentiality "to serve as an exacerbating as well as a moderating influence on the attitudes of parties involved in intense inter-ethnic conflict" (Mollov 2011:289). Since political agreements do not integrate the religious dimension, a large segment of both Israeli and Palestinian population has been alienated (Landau 2003; Gopin 2000; Abu-Nimer 2002 as cited in Abu-Nimer 2004:492). According to Mollov, interreligious dialogue can bring together those peoples from both sides who were missing from and resistant to ongoing political dialogue (Mollov 2011:297). Incorporating religious dimension can "provide the lacking mass legitimacy for elite agreement" (Abu-Nimer 2004:493; Landau 2003). Gopin (2002) also has argued for including religious actors in the Israel-Palestine peace process. According to Gopin, peacemakers have to "tap the resources of both Judaism and Islam" to achieve a successful resolution.

Religion is a central part of the culture and history of Israel and Palestine. The boundary between religion and society is very vague. While the biblical narration of the land and

divine promise are the inspirations for Jewish movements, the narration of the Qur'an and *hadith* about Masjid al-Aqsa is a source of pride for Palestinian Muslims. Even the "secular" parties mobilise people and justify their positions based on religious texts and tradition. Another reason is that interfaith dialogue can provide equal status to both parties. Mollov (2011:295) cites social psychologist Yehuda Amir to argue that inter-religious dialogue can provide equal status to both parties, which is missing at the political level, but essential for a successful negotiation. At interreligious dialogues, Jews and Muslims can negotiate as equals despite political asymmetry.

Many scholars have advocated for the more active involvement of religion in the peace process because of its central role in the conflict. Their logic is "If religion is involved in the conflict, then it might also be fundamental for peace" (Kibble 2003: 331). The very word 'Holy Land' itself indicates the involvement of religion in the conflict. Any agreement on the future of Jerusalem and Temple Mount/Haram Al-Sharif obviously requires religious legitimacy and support of the religious authority of all sides. During the Camp David Talk in 2000, Yasser Arafat rejected Clinton's suggestion to divide the site on Al-Haram Al-Sharif/Temple Mount vertically. He stressed that the issue of Al-Haram Al-Sharif is an Islamic issue, not just Palestinian one. So, Palestinian political leaders cannot give up any part of it without religious legitimacy. It illustrates the need for involving religious leaders in any negotiation on Jerusalem (Rosen 2012:447). Based on demographic data of increasing religious-oriented population and the growth rate of religious groups and their influence on politics, Reiter (2010: 257) concludes that as long as the conflict resolution is postponed, the potential of religion to influence the peace process also will increase.

Landau cites the opinion of Rabbi Michael Melchior saying that "Religious leaders still have more credibility with the public than do the politicians" (Landau 2003:21). Supporting this argument, Landau cites an incident in which religious leaders could control an outrage, where even the Prime Minister failed to do so, against an act of Russian immigrant Jew depicting the Prophet Muhammad as a pig. In the interview, Abahra (2020) observed that Palestinian religious leaders are closer to people than political leaders. So, their involvement is necessary for conflict resolution. In the opinion of Abu-Nimer (2020), religion has a very significant influence in society. At the same time, Abu-Nimer warned about the manipulation of religious leaders by political leaders. Despite this political manipulation, Imams still influence within society.

Moreover, all Abrahamic religions, Christianity, Islam and Judaism, propose and share many fundamental values encouraging for conflict resolution. Sanctity of human life and the inalienability of human dignity are fundamental values of all these three religions (Rosen 2012:448). In the words of Abahra (2020), "the language of religion is a unifying language, more than the English language". The second chapter has analysed in detail the Islamic principles for conflict resolution. Howard Kaminsky (2018) has identified fundamental principles and aspects of traditional Jewish interpersonal conflict resolution. He outlines those commandments which are relevant in conflict resolution, like to love one's neighbour, the prohibition against hatred, the prohibition against physical violence, and prohibition of verbal abuses, including saying hurtful things, embarrassing and cursing others. Similarly, the Jewish tradition of conflict resolution also teaches values like 1) judging other people towards the scale of merit and avoid negative interpersonal biases; 2) Tokhahah (reproof) which requires a person who feels another person has committed an improper action against him to go to that person and to discuss the issue with him (here the burden of reproof is upon the victim); 3) prohibition of taking revenge (Nekamah) and bearing a grudge (Netirah); and 4) the obligation upon an offender for asking forgiveness and upon the victim for granting it.

Ophir Yarden (2011:22) figured out three Jewish universalistic values which are at the heart of religious-based conflict resolution. They are,

> 1) the common humanity of all descendants of Adam and Eve; 2) the responsibility to behave as those created in God's image; (3) the commonality of all who worship the same, one, God – albeit in different ways.

Yarden ((2011:22) adds two more values particularly in the context of Israel as,

> 1) the notion that one is commanded to be sensitive to neighbours who are unlike oneself 'for you were strangers in the Land of Egypt';12 and (2) the obligation to care for one's non-Jewish neighbours in the same way as one cares for one's Jewish neighbours, *mipnei darkei shalom*, for the sake of the paths of peace.

Talking about commonality among Christianity, Islam and Judaism, David G. Kibble states that,

> Whether one is a Jew living in Jerusalem or Jacksonville, a Christian living in Bethlehem or Birmingham or a Muslim living in Ramallah or Riyadh, all worship the same God. One may call him Adonai, or God, or Allah, but all worship the one God. The God whom each worships is the God who created the universe, as taught by the Torah, the New Testament, and the Qur'an. Some find it difficult to accept that each religion worships the same God (Kibble 2003:331).

The challenge is to overcome the insecurity and recurring trauma that "triumph over universal values of commonality and mutual dignity leading to the demonisation of the other and to the conflict" (Rosen 2012:448). While for Jews, this trauma is the outcome of the experience of persecution, anti-Semitism and Holocaust, Muslims are traumatised by *Al-Nakba*, the catastrophe of 1948, which resulted in millions of refugees. According to Landau (2003:13), these wounds and traumas need spiritual, not just political, remedies.

In short, religion becomes a must-considered institution due to various reasons like religion is part of culture and tradition of these countries; religion and religious sites are part of conflict; religion and politics are interrelated in Israel and Palestine; religious legitimacy is crucial for getting public support for conflict resolution in both Israel and Palestine, and all three Abrahamic religions teach moral values that helpful for conflict resolution.

Nevertheless, religious institutions and leaders were often ignored from the peace process. There was very little attempt to make these influential leaders and religious values part of the solution rather than the problem. Despite clear evidence of the role of religion in society, politics and conflict, the peace process continued as a secular process and religion dimensions were neglected in both formal and informal dialogues. None of the agreements between Israel-Palestine leaders refers to the religious dimension of the conflict (Abu-Nimer 2004: 492). In the interview Abu-Nimer, he observed that although the influence of religious groups has been growing, they are still ignored and have no significant role in the formal conflict resolution process. Kadayifci-Orellana (2020) also shared similar concerns and noted that even though religious leaders have an influence on society, political leaders still tend to ignore their role. So, the peace process is still at the political level. Regarding the Alexandria process of religious leaders, Kadayifci-Orellana observed that although political leaders of both Israel and Palestine did not oppose it, they did not promote it.

This ignorance can be the outcome of various reasons like prejudice about religion as a source of conflict and intention to keep it away from the public sphere. Rosen narrates an experience of Rabbi David Rosen in a meeting with President Hosni Mubarak in 1997. When it was suggested to bring religious leaders together to bring peace in the region, Mubarak's immediate response was "religious leaders; you should keep far away from them! That is a very dangerous idea!" (Rosen 2012: 444). However, after the Second Intifada, religious leaders and groups have been actively involved in the

peace process. The discourse after the 9/11 attack also has underlined the necessity of considering religion seriously.

One issue in interfaith dialogue is to determine who has the legitimate right and authority to talk. Although the chief rabbis of Israel are state-appointed authorities, their power as the spiritual authority is contested (Breger et al. 2012: 35). Similarly, the Minister of *Waqf* and the Chief *Mufti* in Palestine are also can be identified as state officials. Therefore, Breger, Reiter and Hammer doubt a kind of obligation from these religious leaders to 'check-in' with political leaders before taking a political stance. The influence of religious leaders over political leaders is also a matter of concern. Additionally, support of political leaders is necessary to coordinate the meeting and agendas of religious leaders. The Alexandria process of religious leaders was hosted by Egypt's president Mubarak. Moreover, if Israel denies, for example, entry of religious leaders to Israel, it also will make the meeting and further actions of religious leaders difficult. In short, religious leaders operate under numerous constraints.

Another issue is to face challenges of right-wing extremist groups in both Israel and Palestine. For example, one group among religious Zionism rejects any agreement with Palestine considering there is divine order to settle in the entire Palestine land. So, even when the Israeli government removes settlers from OPT, such right-wing Rabbis ask soldiers to disobey the evacuation order (Shafir 2017: 117). Rabin, who was a critic of religious settlers and signed the Oslo agreement and agreed to withdraw Israeli force from Gaza and Jericho, had to pay with his life for it. Rabin was assassinated on 4th November 1995, just after one week of signing the agreement, by a sympathizer of the religious settlement movement. The settlers who are not ready to withdraw from the OPT are the major obstacle to reach a solution. The assassination of Rabin and massacre of Arab worshippers at the Mosque of Abraham in Hebron by a settler in Qiryat Arba demonstrate the willingness of religious Zionist settlers to go any extend to prevent an agreement. The victory of right-wing Likud party, which opposed Oslo and led by Netanyahu, shows the acceptance of right-wing religious Zionist's narration in the Israeli society.

Similarly, Hamas faces challenges from people who consider military *jihad* as the only option to save Palestine. Although Hamas also was against treaties in its initial stage, it had no support of the majority of Palestinians in the 1990s. So, in first elections to the Palestinian National Authority after the Oslo agreement, the supremacy of Arafat was

assured. Additionally, comparing positions of Hamas and Gush Emunim about Oslo, Shafir states that,

> the role played by Gush Emunim and Hamas are vastly different: the former set up the major roadblock to peacemaking through its colonization project, while the latter reacted to the Israeli refusal to remove Gosh Emunim's colonies (Shafir 2017:121)

Since there is a clash between moderates and extremists in both Israel and Palestine, the popularisation of moderate interpretations of rabbis and sheikhs can contribute to getting religious legitimacy among the public for conflict resolution. Yarden (2011:23) points out that the clash is often between extremists and moderates rather than between religious groups. Moderate religious leaders have the potential to challenge the extremist interpretation by removing the emotionally charged elements from religious values. Moderate religious narration, rather than secular narration, is the best way to counter extremist perspectives.

3.6.2 Religious Motivated Peace Process: Some Examples

Some interreligious and religiously motivated peace processes have been already taking place in both Israel and Palestine both at grassroots and elite levels.

3.6.2.1 Grassroots Level Peace Processes

Rabbis for Human Rights (RHR) is a grassroots organisation, established in 1988 as a response to the grave human right violation of Israeli military force during the First Intifada. Though RHR is a small group, it includes Rabbis from different streams of Judaism such as conservative, orthodox, reformist, and constructionist (Abu-Nimer 2004: 507). Working with the Jewish moral principle of "every human being is created in the divine image", RHR opposed the demolition of Palestinian houses and sieges villages by Israeli authority. Similarly, Menachem Froman, the rabbi of the West Bank, is active in interfaith dialogue for many years (Rosen 2012:449). Shalom Hartman Institute, founded by Rabbi David Hartman, has hosted theological conferences including all three Abrahamic religions. In the last two decades, many interfaith dialogue groups, like Peace Now, Seeds of Peace, PeaceXPeace, and Israeli Interfaith Encounter Association (IEA) have been formed to interconnect different religious communities and to facilitate the peace process.

Yvonne Margaretha Wang has studied eight such religious organisations from three Abrahamic religions working for peace in the Holy Land. According to Wang, while

Israelis see interfaith dialogue as a method to understand each other, Palestinian see it as a way to fight political injustice (Wang 2014:71). It is due to fear of Palestinians that the cooperation and talk without addressing injustice will normalise and preserve the unjust status quo.

Similarly, Sabeel is a Christian organisation founded by Naim Ateek in 1990 based on the Palestinian version of Liberation Theology. According to Sabeel's Liberation Theology, Jesus lived under occupation; thus following the footstep of Jesus Sabeel works to empower Palestinians, especially Christians, to stand against the occupation. Naim Ateek emphasises the significance of developing a new Liberation Theology since Western Zionists supported settlers (Wang 2014:75). So, Sabeel counters both Jewish and Christian Zionism. While Sabeel promotes interfaith dialogue and cooperation among Christians and Jews, it opposes dialogue with Jews unless the occupation ends. However, Aziz Abu Sarah, a Palestinian peace activist, has questioned the emphasis on justice arguing that such an anti-normalization attitude would lead to rejection of any cooperation and continuation of occupation and injustice (Wang 2014:72). According to Shomaly (2020), although there were some religious peace groups in Israel, like Rabbis for Peace, now they are not influential.

3.6.2.2 High-Level Peace Processes

The Alexandria summit of religious leaders, which held on 21 and 22 in January 2002 in Alexandria, Egypt, is an example of peace negotiation of religious leaders at the elite level. It was first-ever such high-level meeting of leaders of all faiths of the Holy Land (Rosen 2012:451). It was hosted by Sheikh Mohammed Sayyed El Tantawi, the head of Al-Azhar, and convened by Dr George Carey, the then Archbishop of Canterbury. It was held with the support of political leaders like President Mubarak, Prime Minister Sharon and Chairman Arafat. Seventeen religious dignitaries, representing Christianity, Islam and Judaism, participated in the meeting.

Muslim delegation included leaders like Sheikh Mohammed Sayyed al-Tantawi, Sheikh Talal al-Sidr, the Minister of Religious Affairs of the Palestinian Authority, Sheikh Abdulsalem Abu-Shkedem, *Mufti* of the Palestinian Armed Forces, Sheikh Taisir al-Tamimi, Chief Justice of the Palestinian *Shari'a* courts and Sheikh Taweel, *Mufti* of Bethlehem. Sheikh Sidr was of the opinion that "we people of religion cannot wait for the politicians—it is our duty to do all we can to end the bloodshed" (Landau 2003:16). Jewish delegation included Rabbi Yitzchak Ralbag, Chief Rabbi of Maalot

Daphna and Rabbi David Brodman, Chief Rabbi of Savyon. Rabbi David Rosen, former Chief Rabbi of Ireland and an active person in the interfaith dialogue around the world including the Middle East, also took part in it. Surprisingly, Rabbi Menachem Froman, the founder Gush Emunim, the radical settler movement, also signed the Alexandria Declaration (Rosen 2012:453). Representing different denominations in the Holy Land, the Christian delegation included His Beatitude Michel Sabbah, the Latin Patriarch, Archbishop Aristarchos, Secretary-General of the Greek Orthodox Patriarchate, Archbishop Chinchinian, of the Armenian Patriarch, Archbishop Boutros Mualem, the Melkite Archbishop, and the Rt. Rev. Riah Abu El-Assal, the Anglican Bishop of Jerusalem (Rosen 2012:453).

Rosen identifies four lessons of the Alexandria meeting:

> First, its feasibility was dependent on the help of an outside third party, the Archbishop of Canterbury and his team, who worked intensively to build bridges of trust through his authority and sensitivity. Second, a prominent external Muslim presence, the Sheikh Al-Azhar, was needed to provide a wider Muslim imprimatur and a canopy of peace under which the Palestinian Muslims could feel comfortable. Third, it was essential that the wider political echelons involved demonstrated a willingness to engage in, and provide continued backing for, the process. Finally, the main players needed to be supported and sustained with empathy and firmness when they succumbed to the human condition by faltering in the face of a harsh reality (Rosen 2012:458).

The leaders issued a joint declaration, the First Alexandria Declaration of the Religious Leaders of the Holy Land, denouncing violence and expressing the commitment to work for the peace in the region (refer the Appendix-IV for the full text of the Alexandria Declaration). It condemned the violent abuse of religion and the killing of innocent people. It underlined the holiness of Jerusalem and acknowledged the rights of all three faiths to worship there. It mentioned that "The Holy Land is holy to all three of our faiths". For advancing the initiative of the meeting, it established the Permanent Committee for the Implementation of the Alexandria Declaration (PCIAD).

Since it was in the context of violent Al-Aqsa/Second Intifada, the time of the meeting and Declaration was very important. However, due to the violent political atmosphere, the meeting could not result in significant achievements. Abu-Nimer (2020) observed that although the Alexandria summit was a significant development during the second intifada, a similar effort has not been continued after that. Nevertheless, it paved a base for many interreligious meetings in the following years. For example, the World Congress of Imams and Rabbis for Peace took place in Brussels, Seville and Paris in

2005, 2006 and 2008 respectively. The First Congress also created the Permanent Committee for Jewish-Muslim Dialogue.

Rabbi Ron Kronish wrote that,

> We can only hope that the Alexandria Declaration will be the new beginning of an era in which religions—and religious leaders—will play a much more constructive role in peacebuilding than in the past in the Middle East, and that it will send positive signals about the role of religion in promoting peace throughout the respective societies in the region (Cited in Landau 2003:19).

Similarly, the Council of Religious Institutions of the Holy Land (CRIHL), consisting of religious institutions, was created by religious leaders of Israel and Palestine. Various institutions like that of the Palestinian Ministry of *Waqf*, *Shari'a* court of Palestine, Chief Rabbinate of Israel, and the heads of Churches in the Holy Land were part of it. It declared its objective as,

> As religious leaders of different faiths, who share the conviction in the one Creator, Lord of the Universe; we believe that the essence of religion is to worship God and respect the life and dignity of all human beings, regardless of religion, nationality and gender.
>
> We accordingly commit ourselves to use our positions and good offices, to advance these sacred values, to prevent religion from being used as a source of conflict, and to promote mutual respect, a just and comprehensive peace and reconciliation between people of all faiths in the Holy Land and worldwide (Cited in Wang 2014:77).

CRIHL's mission is to help political dialogue between Israel and Palestine, providing religious perspectives on issues related to religion.

Similarly, the Holy Sites Initiative (HSI) was set up to facilitate cooperation among Christian, Jews and Muslim communities in holy sites, especially in Jerusalem. The Draft Declaration of HSI begins,

> We, religious leaders from the Jewish, Christian and Muslim communities in the Middle East and beyond, have come together in mutual respect to declare our commitment to seek peace and pursue it, in accordance with the call of our respective faith traditions, and to prevent religion from being used as a source of conflict. We express our fervent desire to see peace prevail in the Holy Land and particularly in the city of Jerusalem, to which our respective Traditions are bound, each in its own unique way. Jerusalem is a city of special significance for each of the Abrahamic monotheistic religions, containing within it holy sites of sacred religious attachment, dedicated to prayer and worship (Cited in Rosen 2012:470).

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3.6.2.3   Indigenous Methods of Conflict Resolution and Hudna

Mneesha Gellman and Mandi Vuinovich (2008) have emphasised the need for utilising indigenous conflict resolution methods like s*ulha* in the context of Israeli-Palestine conflict (refer Second Chapter for detail of *Sulha*). It is a ritualised process of peace-making and restorative justice regaining dignity and honour of both parties. This method has been already practised by different groups, like Muslims, Christians and Druze Arabs to resolve their conflicts (Gellman and Vuinovich 2008:130). Acknowledging the significance of the political dialogue, Gellman and Vuinovich state that "We do not advocate an unrealistic project of s*ulha* being used instead of Camp David negotiations, but we do look to indigenous Arab conflict resolution processes such as *sulha* to rehumanise the dialogue. *Sulha* is capable of restoring honour and pride in communities too fearful and oppressed to negotiate as equals" (Gellman and Vuinovich 2008:143).   According to Landau (2003:36), many grassroots level peacemakers, like Gabi Mayer, a Jew, and Elias Jabbour, a Christian Arab, use the method of *sulha* to resolve Israelites and Palestinians. Jabbour envisions a National *Sulha* Day and promotes engagements and relationships at the grassroots level between Jews and Arabs to bring peace from bottom to up.

Hamas has been publicly offering *Hudna* (truce) between Israel and Palestine since when Sheikh Ahmed Yassin proposed it in 1994 (refer Second Chapter for detail of *Hudna*). However, according to Tuastad, *Hudna* was part of Hamas's ideas from its formation itself (Tuastad 2010b: 12). Supporting this argument Tuastad refers to a secret meeting in 1988 between Mahmod Zahar, a founder of Hamas and Shimon Peres, the Israeli leader. However, Israel was rejecting Hamas's offer.

Hudna is a temporary and partial solution for a limited period, usually up to ten years, and not a final peace agreement. So, it is a means to attain goal that is to have *sulh*, not the goal in itself. So, *Hudna* searches for a solution for issues where agreement is possible and postpone those issues where agreement seems unlikely in the current situation (Tuastad 2010: 2). For example, Hamas is ready to accept to postpone the issue of refugees though it emphasises to accept, in principle, the rights of refugees to return in future. The omission of the right of return, without demanding or giving up, makes *Hudna* different from a permanent peace agreement. Without solving the refugee issue, Hamas cannot recognise the state of Israel, but it can offer ceasefire. According to Abudagga (2020), *Hudna* can only manage the conflicts, not to settle it. According

to him, the conflict settlement should be based on international humanitarian laws. At the same time, Abubadawia (2020) opined that the Israel-Palestine conflicts need conflict management, rather than conflict resolution. In his opinion, Islam has a big role in conflict management.

As Tuastad stated,

> Hamas's ideas of a *Hudna* are not very complicated. They basically comprise a suggestion of having a Palestinian state in exchange for an extended ceasefire. After the ceasefire, if there is trust and people are happy, then there will be peace. If not, there will not be peace. According to Hamas, this would be up to the next generation to decide (Tuastad 2010b: 5).

Osama Hamdan, the spokesperson for Hamas in Damascus, also states that "in ten years, if there is trust and people are happy, then there will be peace. If not, there will not be peace. It will be up to the next generation to decide" (cited in Tuastad 2010b: 42). According to Tuastad, Hamas' idea of *Hudna* has similarities with Israel's Likud party's position on peace agreement as Benyamin Netanyahu called for "an economic peace". Both emphasise to focus on areas where agreement is possible and to avoid intention to end the conflict with quick-fix (Tuastad 2010: 3).

There are two competing interpretations over the purpose of Hamas's *Hudna*. While some consider Hamas's offer as a tactic to get time for future military attack and conquer all land of Palestine, others see it as an Islamic way of conflict resolution to achieve permanent/long term peace in the future (Tuastad 2010b: 5). These competing interpretations were reflected even in the interviews for this research. On the one side, according to Shihade (2020), since Hamas is not ready for a two-state solution, *Hudna* is just a tactic to deal with the current situation. According to Shomaly (2020), the *Hudna* offer of Hamas is, in a way, a tactic. According to him, Islamist movement will never give up the dream of establishing Palestinians state and wiping out Israel. So, Israel does not believe Hamas's offer. Hamas is ready to sign a peace treaty, but not to recognise Israel. On the other side, Kadayifci-Orellana (2020) observed that since most of the people on both sides want peace, the demand for *Hudna* seems to be a genuine demand for peace. Khanfar (2020) claimed that "since Palestinian government work in international condition and norms, it will not go for war against Israel even if it becomes powerful. So, *Hudna* is not a tactic to prepare for future war". Abahra (2020) also stated that since the condition of Gaza is worse, Hamas's offer of *Hudna* is a genuine demand for peace in the region. According to her, Hamas will not take *Hudna* as a tactic for military preparation unless they can assure the support of its supporters within Palestine

and support of major powers at the international level. Tuastad also opined that "A *Hudna* has the potential of being something more than simply a tool to reach a goal. In Arab and Islamic tradition, a *Hudna* constitute a phase: first the ceasefire, *Hudna*, then the *sulh*, reconciliation. The most common outcome of the *Hudna* phase is a final peace agreement" (Tuastad 2010b: 41).

The claim that the Islamic side can violate *Hudna* when it becomes strong enough to wage war is not supported by most of the Islamic jurists (Refer the Second Chapter for more details about it). It is religious duty to abide by *Hudna* until the end of the specified period or the opposite side violates the treaty first. For Hamas, *Hudna* is a binding treaty since the violation of its agreement is prohibited by the Qur'an, *hadith*, and Islamic jurisprudence. Ahmed Yousef of Hamas, for example, describes *Hudna* as "recognised in Islamic jurisprudence as a binding and legitimate contract" (Tuastad 2010b: 11).

In his entry in *Encyclopaedia of Islam*, Khadduri states that

> *Hudna* in Islamic law is thus equivalent to 'international treaty' in modern terminology. Its object is to suspend the legal effects of hostilities and to provide the prerequisite conditions for peace between Muslims and non-Muslims, without the latter's territory becoming part of the *Dar al-Islam*. The Qur'an provided for the Muslims not only the possibility of entering into a peace agreement with the enemy, but also the obligation to observe the terms of the agreement to the end of its specified period (cited in Tuastad 2010b: 11)

Tuastad (2010) has suggested discussing *Hudna* with Hamas to strengthen the position of doves within Hamas and to treat Hamas as a part of the solution, rather than the problem.

3.7 Conclusion

Although the fundamental causes of the Israel-Palestine conflict are nationalism, territory and sovereignty, religion also has a significant role in legitimising conflict and conflict resolution. For example, Zionism, which started as a secular movement, used biblical texts to legitimise its cause and mobilise people to support it. Since Palestinian land holds significant status in all Abrahamic religions, they refer to holy texts to establish their claim on the land. However, the biblical verses indicate that the Palestinian territory was land of Canaanites, and Abraham and Israelites were foreigners to it. Palestine contains many places with religious significance for all Abrahamic religions. Since there is a clash of interest over these territories, it has been easier for religious, political parties to mobilise people. Such a link between religion

and politics has been stronger in Israel than Palestine. Religious right-wing groups were powerful in Israeli politics long before Palestine. Nevertheless, both Israel and Palestine have witnessed the rise of religious groups in the last three decades.

Although the role of religion in politics and society has been increasing, the religious perspective of conflict resolution has been overlooked in academic literature. The high-level peace talks also ignore the role of religion and religious groups in the reconciliation. However, there are some grassroots religiously-motivated organisations which work to build peace between Israel and Palestine. Since the Islamic perspective of conflict resolution is significant in getting legitimacy for a peace treaty among religious Palestinian people, it is vital to know the perspectives of Islamic scholars on the conflict and conflict resolution. So, the next chapter will analyse the *fatwas* of Islamic scholars on reconciliation with Israel.

4   Chapter IV

ISLAMIC THEOLOGICAL DEBATES ON CONFLICT RESOLUTION AND PEACE TREATIES WITH ISRAEL

Islamic scholars and groups within and outside of Palestine possess diverse opinions about the conflict resolution with Israel. The difference is visible in their approaches to puzzles like whether conflict resolution with Israel is necessary, allowed or prohibited by Islam; If it is allowed, then what are the conditions for it? What should be the time limit for it? What is the meaning of justice and peace in the context of this conflict? What are the challenges for implementing the ideal mode of peace and justice? While some scholars considered the peace treaty as a surrender to Zionism and giving up the Palestinian land forever, some others are of the view that it as a significant step towards bringing peace in the region. This chapter will analyse different Islamic perspectives, from both within and outside Palestine, on the conflict resolution with Israel.

4.1   Theological Debates after the Camp David Agreement

The Camp David Agreement, which was signed between Egypt and Israel on 26th March 1979 at the White House, provoked huge debates in both political and religious circles. The treaty was criticised by many Arab leaders who argued that it was a treaty whereby nothing was gained from the side of Israel. The then crown prince of Saudi Arabia Fahd bin Abd al-Aziz, for example, observed that the Egyptian President Sadat was satisfied with the less than the minimum requirement for a just peace (Reiter, 2011:95). The take of Fahd, however, was indicative of that his opposition to the treaty was not due to an unwillingness to recognise the state of Israel or a two-state solution; instead he was also ready for a peace treaty if it was a just one. This readiness was also reflected in the eight-point plan which Saudi Arabia had presented for a comprehensive peace between Israel and Arab and which was later known as the 'Arab Peace Initiative'.

The Ba'athist regime of Syria also had criticised Sadat. Though a secular Arab nationalist regime, it used religious language to oppose the treaty. *Tishreen,* the government newspaper, republished a *fatwa* of 1970 by the heads of Al-Azhar institution in Egypt opposing any reconciliation with Israel (Reiter 2011: 96). Al-Azhar had issued *fatwas* in 1956 and 1970 opposing the peace treaty with Israel since it

allowed the usurping force to continue its act of stealing and recognised its rights on the stolen property (Al-Azhar 1956: 683).

Hasan Ma'mun, the Grand Mufti of Egypt, had given a *fatwa* in 1956, leaving the door open for a reconciliation with Israel. According to him, Israel had conquered the Islamic land. If the agreement with Israel legitimised its occupation on Muslims' land, then such a treaty was not allowed by Islam. For Ma'mun, the reason for not allowing the reconciliation with Israel was that such a treaty would only benefit Israel, nothing for Muslims. At the same time, he allowed an agreement if it was useful to restore the stolen land. So, the validity of the agreement depended upon whether or not it benefited the Muslim community. He recognised the Rhodes agreements between Arab states and Israel in 1949 as a valid truce, although they were signed under the pressure of superpowers. Nevertheless, since Israel had violated the truce through its continuing aggression against neighbours, according to him, that truce was no longer valid. In short, Ma'mun permitted an agreement only if it could benefit Muslims and get back their occupied territory.

The government of Egypt on its part tried to get political support and religious legitimacy for its action. Its newspapers published a series of supportive articles by political and religious experts. On 13th April 1979, the same day in which *Tishreen* published the *fatwa* of Al-Azhar, *Al-Ahram*, an Egyptian newspaper, published an article of Mohammad Hassan al-Touhami, who was the Secretary-General of the Organization of the Islamic Conference during 1974 to 1975 (Reiter, 2011: 96). According to Touhami, Egypt's treaty with Israel was a just-peace, not a surrender. Because, through the treaty, Jerusalem, which was captured by Israel in 1967, will be returned to Arab's hands. So, Egypt preferred a non-military way to restore Jerusalem. He referred to the Qur'anic text to argue that if the enemy inclined to peace, Muslims also should have accepted it and trusted in Allah. After Egypt got suspended from the Islamic Conference in Fez, Touhami condemned the decision in an interview with *Al-Ahram* and argued that the participants of the Conference were blind to the truth (Reiter 2011: 98). The religious narration was very useful for both the supporters and critics of the peace treaty with Israel. So, while the Syrian newspaper published religious *fatwa* to criticise the Egyptian government, the Egyptian newspaper published religious justification for the treaty. The position of Touhami as the head of OIC, which is a Pan-Islamic movement representing 57 Muslim states, was influential in getting legitimacy in the Islamic world.

A series of articles was published in *Al-Ahram* by the heads of Al-Azhar and the minister of religious endowments, justifying the peace treaty from the perspective of Shari'a. The heads of Al-Azhar issued a public statement on 10th May 1979, in response to the suspension of Egypt from the Conference of Muslim Foreign Ministers. The statement of Al-Azhar argued that the treaty did not violate Sharia and that it was from the position of strength rather than a surrender as it was concluded after the victory in the 1973 war. By justifying the treaty from the position of strength, Al-Azhar also negated the argument that a peace treaty was allowed only when Muslims were weak. According to Al-Azhar, the Hudaybiyya treaty also was signed when Muslims were at the position of strength. The allegation of Reiter (2011: 97) that this claim was a fallacy and that the "state of the Prophet's army was inferior to that of the people of Mecca" appears to be invalid because the Prophet and his companions had already gained victory over the people of Makkah in the direct wars before this treaty. For example, in the first war at Badar, the Prophet along with his 313 companions had got clear victory over the Quraysh who were around one thousand people. In this war, while 14 Muslims died, 70 people died from Quraysh side. Additionally, the strength of Muslims was increasing year by year since more people had been converting to Islam.

According to the statement of Al-Azhar in 1979, the peace treaty would be allowed only if it was benefiting the Muslim community. The *fatwa* of 1970, though it opposed the peace agreement, too had stressed that a peace treaty was allowed only when it was beneficial to the Muslim community. However, the public statement of 1979 added that since Egypt was a Muslim country and stronghold of Islam, the head of the state was authorised to analyse and decide whether or not a particular treaty was beneficial to Islam. The benefit in Camp David Agreements was the return of the Islamic lands to its owners. The public statement called the rulers of Muslim states to join hands with Egypt in this treaty. It also compared the treaty with the treaty of Hudaybiyya by the Prophet Muhammad.

On 18th May 1979, Sheikh Abd al-Mun'im al-Nimr, the then minister of religious endowment in Egypt, published an article in *Al-Ahram.* It argued that the basic relationship between Muslims and non-Muslim countries was peace. Additionally, the Prophet Muhammad had respected the provisions of the Hudaybiyya until the other side violated it. *Al-Ahram* published another statement by Jad al-Haq Ali Jad al-Haq, the Mufti of Egypt and head of Al-Azar, on 14th June 1979 supporting the peace treaty. Jad al-Haq also published long *fatwas* countering extremists' argument against the peace

treaty. For example, Abd al-Salam Faraj had published a booklet entitled "The neglected Duty", criticising the government of Egypt and comparing it with Tartars (Mongols). Jad al-Haq, in his *fatwas*, countered the arguments of Faraj. According to Reiter, *fatwas* of religious scholars have a significant role in getting mass legitimacy for a peace treaty. In his words,

> Formal backing though a *fatwa* by Islamic sage was not required from a constitutional perspective. Nonetheless, as it turns out, precisely because of attacks from radical Islamic circles, an Islamic ruling in support of the ruler's actions has great importance. Islamic law is an accepted cultural code in Muslim Arab societies. Therefore, in order to contend with radical entities, the ruler needs to 'speak in their language'- the language of religious law (Reiter 2011: 172).

The *fatwa* of Jad al-Haq (Refer Appendix-V for the full text of fatwa of Jad al-Haq) provided an alternative religious view based on Islamic texts, the Qur'an and *hadith*, countering the prominent religious narration of that time which opposed any peace agreement with or recognition of Israel. In his fatwa, Jad al-Haq stated that Islam was a religion of peace and that war was not allowed unless there was a necessary condition. According to him, the treaty was valid in the views of Sharia. He pointed out that the Qur'anic chapter al-Fath (chapter 48), which was revealed soon after the Hudaybiyya treaty, presented the agreement as a clear victory. He also quoted the Qur'anic verses, "So if they refrain from fighting you and offer you peace, then Allah does not permit you to harm them" (Qur'an 4:90) and "If the enemy inclines to peace, make peace with them" (Qur'an 8: 61). In support of his argument, he also referred to Qurtubi "if a peace treaty can serve the interest of Muslims or can prevent harm on them, Muslims can initiate a peace treaty" (Qurtubi in his interpretation of the Qur'anic verse 8:61). In the explanation of the Qur'anic verses 4:89 and 90, Qurtubi says that it is a proof for a peace treaty with enemies if there are benefits to Muslims. Jad al-Haq also quoted *Fath al-Bari* of Ibn-Hajar Asqlani, which is a renowned commentary on hadith text *Sahih al-Bukhari*. He cited *hadith* collection and commentary of Shaukani to argue that the reconciliation with enemies was allowed even with some harm on Muslims if there was a need or necessity of it to prevent bigger harm on them. Additionally, Jad al-Haq stated that the Prophet Muhammad and his companions had made peace treaties with enemies, and that they did not violate them until the other side violated. Despite the concern of many companions, the Prophet Muhammad signed the Hudaybiyya Treaty for the sake of community interest. Caliph Umar had made an agreement with the people of Ilia (Jerusalem).

According to Jad ul-Haqq, Islamic jurists had consensus that a country's leader could make a peace agreement with enemies if it served community interest. The reconciliation was also a form of jihad because it was helpful to prevent harm of enemies. Supporting his argument, Jad al-Haq referred to the texts of four Sunni schools of jurisprudence and to Shia jurisprudence. He permitted the treaty for both definite and indefinite periods. But for the time-specified treaty, it was compulsory to respect it until the end of the specified period unless enemies breached it. At the same time, for the indefinite treaty, the leader of the country could act based on community interest. However, Jad al-Haq put forward the following conditions for the legitimacy of a treaty. First, there should not be any provision that violated the fundamental principles of Islam. Second, the treaty should be clear in its provisions to avoid cheating. Third, since Islam emphasised the significance of the satisfaction, the treaty should not be an outcome of threat. If a treaty was signed fulfilling these conditions, it was mandatory for Muslims to abide by it.

According to Jad al-Haq, the treaty facilitated economic cooperation among parties as it happened after the Prophet's agreement with the Jews of Madeena. Jad al-Haq pointed out that, according to Islam, the people to people relationship should also be peaceful unless a war became necessary for the self-defence. The war also should be limited to reduce harm. The Qur'an has taught ways for cooperation with others and for safeguarding life, property and dignity of Muslims. So, the leader of the Muslim state had a religious duty to protect its citizens. Accordingly, Egypt's ruler realised that the goal and security of people could be achieved only by a peace treaty, not by war, and thus he made an agreement with Israel. By this agreement, he was fulfilling his responsibility to protect the citizens. In Islam, war is not a goal, but only a mean to achieve a goal. If the goal can be achieved in a peaceful way, that should be preferred.

Responding to the allegation that Egypt disrupted the unity of Arab states, Jad al-Haq said that the reality was different. Since international environment had changed, the Arab states had agreed for a peaceful solution. However, since other Arab countries were not ready to initiate the peace process, Egypt was doing it. So, Jad al-Haq stated that it was the duty of other Arab countries to support Sadat for his initiative which he did for the betterment of entire Muslim and Arab community. He cited hadiths like "A believer to another believer is like a building, one part supports the other" to request other Muslim leaders to support Sadat and to refrain from accusing him. Here, he used the Islamic principle of *ummah* to get the support of the entire Muslim community in

the reconciliation with Israel. According to him, religious scholars also had the duty to give *fatwas* according to the teaching of the Qur'an and hadith. He warned against those who gave religious opinions without reflecting the teaching of Allah and the Prophet for appeasing political leaders. Jad al-Haq requested Islamic scholars to advice their rulers to not hate other Muslims. By this, he was responding to other Islamic countries' decision to expel Egypt from OIC. He ended his *fatwa* with an optimistic statement similar to the Qur'anic verse 48:1 saying that "the treaty with Israel will be a victory through which will regain our land and honour, and the sacred Quds will return to the Muslim camp and peace" (Al-Haq, 1979: 3633).

The *fatwa* of Jad al-Haq emphasised many principles: 1) Islam is a religion of peace, and the basic relation between Muslims and non-Muslims is that of peace, not war; 2) War is not a goal of Islam and it is allowed only when it is inevitable for self-defence. Even in that case, it should be limited to preventing harm; 3) the Qur'an, hadith and practice of the Prophet and his companions, and jurisprudential texts legitimise the peace treaty with enemies if it serves the interests of Muslims; 4) The Hudaybiyya treaty and the agreement with Jews of Madeena are precedents of the treaty with enemies; 5) It is the religious duty of rulers to ensure the safety of citizens. If it is possible through a peace treaty, that must be preferred; 6) Since Egypt made an agreement with Israel after getting the territory captured in the 1967 war back, it did not disturb honour of the country nor of Muslims; 7) The peace treaty was the better way to achieve the goal from Israel; 8) If a treaty is signed, it is mandatory to abide by it until the enemy violates it.

Reiter (2011: 112-117) points out some significant arguments of Jad al-Haq. First, it is the obligation of Muslim leaders to respond positively to an enemy's peace offer, even if Muslims have military superiority. Second, a pact of non-belligerence with non-Muslims is permissible if it is beneficial for Muslims. Third, Hudaybiyya is a precedent to justify such a peace treaty with non-believers. Fourth, there is an obligation of Muslim rulers to restore the Muslims territory and its residents if it is conquered by the enemy. Through the treaty with Israel, Egypt could restore its Sinai Peninsula. According to Jad al-Haq, the treaty did not legitimise the control of Israel on other territories which were conquered in the 1967-war. The return of the territory to Egypt was the first step in getting all territories back. Other states also could follow Egypt's way to restore their territories. Fifth, the existence of Israel is an established fact, and even the previous agreements between Arab states and Israel had recognised it. For example, the Rhodes Agreement of 1949 was a *Hudna* between these two entities.

Sixth, being part of the 'people of the book', Jews have a special status in Islam. Seventh, the agreement with Israel was signed from the position of the strength.

Despite the *fatwa* of Jad al-Haq, the dominant opinion during that period was against such a treaty with Israel. One reason for this opposition was the occupation of the Islamic land by Israel. According to Wahab al-Zuhayli, the Syrian scholar, Sharia did not allow to recognise Israel as a political entity because it had stolen the Islamic land (Al-Zuhayli 1981: 16). Similarly, Zafer al-Qasimi (1982: 230-231) also said that the Muslim world should be in the state of war with Israel and its allies due to its occupation. In 1989, many scholars from different countries, who were mainly affiliated with the political Islam, issued a joint statement prohibiting the concession of any part of Palestine to Zionists (forums.way2allah, n.d). Ihsan al-Hindi (1994) opined that it was forbidden to sign a peace treaty with Israel since it had robbed Islamic land, violated the honour of Muslim women and defied Islamic holy places. Al-Hindi reasoned that the Qur'an (60:8-9) had prohibited befriending with someone who had banished them from their home. Additionally, signing the argument with Israel would legitimise Israel's control over the occupied land.

4.2   Debates after the Oslo Accords

Similarly, the Oslo accords between Israel and the Palestine Liberation Organization triggered theological debates on Islamic perspectives on such a treaty. For example, while Sheikh Abd al-Aziz Ibn-Baz, the Grand Mufti of Saudi Arabia, supported the accord, Yusuf al-Qaradawi, who was a member of the Muslim Brotherhood based in Qatar, opposed it.

Responding to a query of Abdullah al-Rifa'i, the Editor-in-Chief of Jeddah-based newspaper *al-Muslimun,* Ibn-Baz stated that the treaty was both permissible and a matter of necessity (Al-Muslimun, 1994 as cited in Khalil 2011: 136). Ibn-Baz was Mufti of Saudi Arabia with the rank of a minister from 1975 to his death in 1999. He ruled that Islam allowed both indefinite (*mutlaqa*) and definite (*mu'aqqata*) peace agreements if rulers saw benefit in them (Refer Appendix-VI for the full text of this fatwa of Ibn-Baz). Ibn-Baz also referred to the Qur'anic verse (8:61) to state that an agreement could be accepted if the enemy offered it. He also pointed to the Prophet Muhammad's agreement with Makkah. The Prophet had concluded a treaty for ten years with the people of Makkah and permanent treaties with many other Arab tribes. However, according to Ibn-Baz, since the necessity and the benefit for the community

are the base for the legitimacy of the indefinite treaty, such a treaty for an unfixed period could be broken when rulers saw them as no longer serving the community interest. Ibn-Baz cited Ibn-Qayyim and Ibn-Taymiyyah to support his argument. Ibn-Baz (1996: 8) advised Palestinians to cooperate supporting the treaty to avoid blood-shedding.

After seventeen days of Ibn-Baz's fatwa, Qaradawi published his response in the Kuwait-based *al-Mujtama* on 10th January 1995 (Refer Appendix-VII for this fatwa of Qaradawi). Qaradawi agreed that if the enemy inclined towards peace, the call for peace should not be rejected, even if there was the possibility of cheating. However, according to him, the negotiation, after stealing the land by the sword, for legitimising the control over the captured territory is not an inclination towards peace (Qaradawi 1995). According to him, inclination towards peace should appear in the action of the enemy. Accordingly, since Israel continued its occupation, it did not really incline towards peace. So, the Qur'anic verse (8:61) was not applicable to it.

After one and half month of Qaradawi's response, Ibn-Baz published his counter-arguments in *al-Mujtama* on 28th February 1995 (Refer Appendix-VIII for this fatwa of Ibn-Baz). In this response, Ibn-Baz (1995) argued that the Prophet Muhammad made the Hudaybiyya peace treaty though he and his followers had been expelled from their home and land. He reasoned that to be expelled from the home was not a barrier for reaching a peace treaty if it benefited the Muslims. According to Ibn-Baz, there was no objection to have a peace treaty with Israel if it could serve the interest of Palestinians for getting security in their land and for practising religion. Negating the argument of Qaradawi, Ibn-Baz said that Quraysh had seized the property of *Muhajirs*, who migrated from Makkah to Madeena. These *Muhajirs* were expelled from their home. Despite this, the Prophet reconciled with the Quraysh in Hudaybiyya considering the interest of the Muslims. Opposing the argument of Qaradawi, who was of the view that one could not reconcile with another person who occupied his house and continued the occupation, Ibn-Baz said that it was not wrong to have an agreement to restore at least the part of the house. Ibn-Baz reasoned that even if one could not get back everything, he should not forsake everything. If a robbed person can settle for one or two rooms, that is better than being remaining homeless. However, according to Ibn-Baz, this settlement with part of the land was allowed only if the Muslim side was inferior in the military power. If the robbed was stronger than the thief, all theft property should be restored.

According to Ibn-Baz (1996), reconciliation did not necessitate friendship with Israel. Similarly, the diplomatic and trade relationship was also not a necessary outcome of the reconciliation. At the same time, if rulers of the Muslim states considered the trade relationship with Israel as beneficial to Muslims, they were allowed to make such agreements. In another fatwa, Ibn-Baz said that the agreement between PLO and Israel did not compel other states to follow the same. According to him, every state should make policy based on their own interest. If making a treaty with Israel was beneficial to the Muslims of a particular country, that country could do it by exchanging ambassadors, trade and other transactions. This statement legitimises the nation-state system and division of the Islamic community into different political units.

According to Ibn-Baz, the peace treaties did not surrender the Palestinian land forever. Because, if the treaty was for a specified period, the terms of the agreement were valid only for that period unless they were renewed later. If the agreement was for an unspecified period, according to Ibn-Baz, the Muslim rulers could withdraw from it when they become stronger enough to recapture the occupied land. Ibn-Baz (1995) connected the legitimacy of a peace treaty with the military superiority or inferiority of Muslims. He allowed peace treaty when Muslims were weak and insisted on fighting for justice if they were powerful. Since Palestinians were militarily weak, the better option for them was to sign the peace treaty. This argument of Ibn-Baz contradicts with the arguments of Jad al-Haq and Qaradawi, who allowed a peace treaty when the Muslim side was superior and considered the Hudaybiyya treaty as from the position of the strength.

For Ibn-Baz, the fundamental principle for allowing peace treaty was to be in the interest of the Muslim community of the state and to be in accordance with Sharia. The problem in the argument of Ibn-Baz is that he allowed such reconciliation when the Muslim side was weak. It contradicts with the Qur'anic verse, which commands to accept the offer of enemies if they are ready for peace, and the practice of the Prophet Muhammad, who reconciled with both powerful and weaker parties. Ibn-Baz's justification of the peace treaty was different from that of Jad al-Haq. Because, for Jad al-Haq war was to be waged only when it was necessary, and reconciliation was allowed at any time, irrespective of whether Muslim side was superior or inferior, if it served the interest of Muslims. On the other hand, Ibn-Baz allowed reconciliation with the enemy only when the Muslim side was militarily weak. Reiter (2011: 134) states that Ibn-Baz had given contradictory *fatwas*: one allowing normalisation of relations with

Israel, and the other allowing only temporary agreement until the Muslim side became military powerful. Reiter (2011) identifies three approaches of Ibn-Baz to Israel: prior to the Oslo accords, at the time of the Oslo process and at the time of its collapse. Prior to the Oslo process, during the first Intifada, he ruled that Palestinians were obliged to wage war against Israel. In 1989, he called Muslims all over the world to help Palestinians in their struggle against Israel. However, after signing the Oslo agreement, Ibn-Baz became a prominent supporter of the treaty. According to Reiter, this difference in the *fatwa* was the outcome of different political circumstances. Khalil (2011: 136) observes this shift in the approach as an outcome of the acquiring of the greater sense of pragmatism in the new position as the Grand Mufti.

Qaradawi published a lengthy response to the argument of Ibn-Baz in the next issue of *al-Mujtama* on 14th March 1995. He requested Ibn-Baz to consult with the political experts to know the true intention of Israel before issuing a fatwa. Pointing to the Israeli plans to establish new settlements, Qaradawi restated that Israel had not inclined towards peace. Qaradawi was of the opinion that the positions of Muslims and Arabs on the issues of Jerusalem and Palestine were very fragile. He also warned the possible loss of the city (Khaleel 2019: 14).

Qaradawi pointed out that the opinion Ibn-Baz to fight when Muslims were militarily superior and make treaty when they were inferior would make Muslims morally bankrupt opportunists. At the same time, what Qaradawi proposed was a defensive war against the oppressor. For him, fight against the peaceful state was not justifiable, no matter whether Muslims were powerful or weak (Khalil 2011: 38). So, Khalil opines that the position of Ibn-Baz was more aggressive than Qaradawi.

In another *fatwa* broadcasted on Al-Jazeera, Qaradawi stated that the agreement with Israel was not mere *Hudna*, because the agreement implied the recognition of Israel as a state. It is a recognition of the religious and constitutional authority of Israel over the occupied territory. Then, Muslims will not have the right to ask the territory back. According to Qaradawi, giving up the claim over the Palestinian territory was not permitted in Islam. However, it shows his readiness for a truce without officially recognising the State of Israel. Nevertheless, in his request to Arab leaders before Arab League summit of 2007 in Riyad, Qaradawi asked them to not recognise the State of Israel until a real Palestinian state was established (Reiter, 2011: 124). It indicates his readiness for a two-state solution and for recognising Israel.

Even when scholars like Qaradawi criticised the conflict resolution and peace treaties with Israel, their reason was not the religious difference or Jewishness of Israel, but its occupation of Palestinian land. So, according to them, a treaty that allowed the continuation of the occupation could not be seen as a peace treaty. They criticised the willingness of some Palestinian leaders and scholars to agree for a treaty that was based on the 1967 border. The proposed 1967 border allowed Israel to continue control over more than 77 per cent of the total Palestinian land.

Additionally, the major reason for the difference between Ibn-Baz and Qaradawi was their different interpretation of whether Israel had really inclined towards peace. Both Ibn-Baz and Qaradawi, just like many other supporters and opponents of the peace treaty, were not ready to accept the control of Israel over the occupied territory for a permanent period. Although Ibn-Baz allowed indefinite (*mutlaqa*) treaties, it does not mean that he was ready to surrender the claim for the Palestine land while Muslim leaders were obliged to respect the time specified treaties until end of the fixed time, Ibn-Baz allowed to withdraw from indefinite treaties when the rulers viewed them as not beneficial to Muslims.

Most of the Islamic scholars, be they supporter of a peace treaty or opponents of it, agreed on that the occupation of Israel was an injustice to Palestinians and so must be prevented according to Islamic Sharia. The difference among these scholars is about the tactics and strategies for achieving justice to Palestinians and peace in the region. On the one hand, the critics of the conflict resolution oppose any treaty that normalises and legitimises the control of Israel on the occupied territories. On the other hand, the supporters consider the peace treaty as a necessary and only available option to achieve peace in the region, considering the weakness of Palestinians and Arabs to recapture the occupied territory.

4.3   The Hudaybiyya Treaty and Israel-Palestine Conflict Resolution

The supporters of the reconciliation with Israel pointed into the Hudaybiyya agreement of the Prophet Muhammad as a precedent for it. The Hudaybiyya was a primary reference of the *fatwas* of Jad al-Haq and Ibn-Baz. Similarly, Yasser Arafat and PLO also often pointed to the similarity between the Oslo accords with Israel and the Hudaybiyya Treaty. Yasser Arafat, in his speech at a mosque in Johannesburg in May 1994, compared the Oslo accords with the Hudaybiyya treaty. It was during his visit to

South Africa as a guest of Nelson Mandela shortly after signing the Cairo agreement. The comparison with the Hudaybiyya treat was to justify his position in the Oslo accord.

The supporters of the reconciliation with Israel referred to the Hudaybiyya treaty to argue that 1) a treaty with an enemy is permissible; 2) It is allowed for Muslim leaders to offer some relaxation to enemies if it serves the interest of Muslims by preventing bigger harm; 3) the Prophet signed the Hudaybiyya for bringing peace in the region although complete justice was not achieved; a treaty with Israel also can create similar outcome; 4) If a treaty is signed, it must be respected until enemies violate it; 5) Similar to Israel-Palestine case, the Quraysh, with whom the Prophet Muhammad signed the Hudaybiyya agreement, had expelled Muslims from their home and captured their property. Yet, the Prophet had signed the treaty considering it as the best way for reconciliation and peace; 6) As it happened after the Hudaybiyya treaty, it is expected that if Muslims are ready for some concession and reconciliation, they will get the support of Allah in future. The Qur'an and hadith promote forgiveness and reconciliation with others and offer a reward of Allah. The interaction after the Hudaybiyya treaty was helpful to have better communication between Muslims and Quraysh and finally resulted in the conversion of Quraysh to Islam. Similarly, it is expected that an agreement with Israel can lead to better communication and understanding between Israelites and Palestinians.

While those who support peace, treaty refers to the Hudaybiyya treaty as a precedent, the critics of the peace treaty differentiate between the Hudaybiyya treaty and the agreement with Israel on several grounds. Many critics, like the pamphlet of the al-Jamia al-Islamiyah, pointed out that the authority of who signed the agreement, and the purpose and duration of the agreement distinguished the Hudaybiyya from agreements like Oslo (Bartal 2016: 211-212). First, the treaty with Israel was signed by Yasser Arafat or Mahmoud Abbas, whereas the Hudaybiyya treaty was signed by the Prophet, who acted with the guidance of Allah. Second, the purpose of the Hudaybiyya Treaty and Madrid Conference was different. While the Hudaybiyya Agreement was to enable the Prophet to come to Makkah and pray there in the following year, the purpose of the Madrid Conference is to legitimise the authority of Jews on the stolen land. Third, the duration of the agreement was also different. While the Hudaybiyya Agreement was for a temporary period, the treaty with Israel was for an unlimited period. The critics argued that a treaty with the unjust condition or external pressure could not be signed for an unlimited period.

Similarly, Nawaf Ha'il Takuri, a senior member of Hamas, identified at least ten differences between the two agreements. According to him, while Makkah during the time of the Hudaybiyya was a part of *Dar al-Harb*, not *Dar al-Islam*, Palestine was part of *Dar al-Islam*. Quraysh of Makkah did not enter there as thieves or aggressors whereas Jews came to Palestine from outside and occupied it. Additionally, while the Hudaybiyya treaty was a temporary ten-year treaty, the treaty signed with Israel was a permanent one. In the Hudaybiyya treaty, Quraysh had recognised the state of the Prophet and permitted him to return to Kaaba. On the other hand, through the Oslo accords, the Jews got what the Prophet achieved: recognition by Islamic countries and opening of their market. At the same time, the state of Palestine was not recognised, and the right of refugees to return was not accepted by Israel. Similarly, after the Hudaybiyya, many tribes who had allied with the Prophet Muhamad could make free trade that had been restricted to them by Quraysh before the treaty due to their alliance with the Prophet. After the Oslo accords, Israel got this benefit. Israel could open the market in the Arab world that was restricted before it. Above all, the Hudaybiyya treaty was signed by the Prophet Muhammad, who had a mandate from Allah. On the other hand, the agreement with Jews was signed by a group of people who lacked legitimacy as an authority (Takuri, 2000; Reiter 2011:74).

Sheikh Ahmad Kuftaro, the former mufti of Syria, also rejected the comparison between the Hudaybiyya agreement and the treaty with Israel for two reasons. First, the Hudaybiyya treaty was a *Hudna* (truce) for a temporary period while the treaty with Israel was a permanent normalisation of the Israeli occupation. Such a normalisation of the occupation was prohibited by Islam, whereas the *Hudna* was permitted. Second, while the Hudaybiyya treaty was signed by the leader of the *ummah* and had strengthened their unity, the individual agreement of Arab states with Israel weakened their power and strengthened the Zionists (cited in Reiter 2011: 77).

Some radical thinkers like Muhammad Kheir Heikal, Muhammad Afifi and Iyad Hilal consider the Hudaybiyya treaty as a farsighted strategy of the Prophet Muhammad to focus his force on another front and postpone the conflict with Quraysh until Muslims became more powerful (Reiter 2011: 68-69). Heikal (1996: 1708) is a proposer of the single Islamic state for the entire world through *jihad*. His radical ideas were later practised by al-Qaida (Reiter 2011: 55). Afifi (1988: 251) also considered the political borders as against the principle of Islam. Hilal (1991: 15) also considered the political rule of Islam on the entire world as an Islamic goal. According to Hilal, Muslims should

act according to Sharia, not international laws (Hilal 1991: 23). Surprisingly, Reiter considers the opinions of these radicals, rather than the religious scholars, as a significant reference to check if the precedence of the Hudaybiyya treaty was sincere support for a peace treaty with Israel. According to Reiter, Arafat's reference to the Hudaybiyya was "deliberately ambiguous". At the same time, the reference to it by Jad al-Haq was "as a precedent that mandates peace, conciliation and a commitment to honour agreement" (Reiter 2011: 73-74). However, as Reiter stated, "this is a minority opinion among contemporary commenters. The overwhelming majority of Muslim thinkers who address this question regard the Hudaybiyya agreement as expressing a sincere desire for peace" (Reiter 2011: 69). Due to this radical interpretation, some sees the comparison between the Hudaybiyya treaty and the agreement with Israel with pessimism. For example, after listening to Arafat's speech at Johannesburg, Likud members of Knesset pressurised Rabin to cancel the Oslo Accords. It was seen as the strategy of Arafat to get time for preparing for a war to liberate Jerusalem. Nevertheless, most of the Islamic scholars viewed the Hudaybiyya agreement as a genuine attempt to bring peace in the region.

4.4   "Incline to peace"

The Qur'anic command "If the enemy inclines to peace, make peace with them" (Qur'an 8: 61) is another key aspect of the debate. Those who supported the peace treaty, like Touhami, Jad al-Haq and Ibn-Baz, pointed out that it was the duty of Muslim rulers to accept the enemy's offer for a peace treaty if it served Muslims' interest, and trust in Allah. The critic of the treaty, like Qaradawi, opined that although it was mandatory to make peace agreement if the enemy inclined to it, such an inclination should be reflected in action. According to Qaradawi, since Israel continued and expanded its occupation, it had not inclined to peace yet. He opined that negotiation for legitimising the control over the captured territory, which was stolen by the sword, was not an inclination towards peace (Qaradawi 1995). Muhammad Sayyid Tantawi, who was Sheikh of Al-Azhar from 1996 till his death in 2010, also wrote to prepare a terrifying force to fight against those enemies who breach their agreements with Muslims. At the same time, if enemies inclined towards peace, Muslims should acquiesce if it served the interest of Muslims (Cited in Polka 2018: 12).

The Arab Peace Initiative of 2002, which was ratified by the Arab League in March 2007, also emphasised the term "incline to peace". It requested Israel "to re-examine

her policy and incline towards peace". The peace initiative and two-state solution got the legitimacy of Arab League when the summit of Arab foreign ministers approved the 'Arab Peace Initiative' on 28th March 2002. It proposed to end the conflict and to normalise the relationship with Israel if Israel withdrew to 1967 border, agreed to establish a Palestinian state with East Jerusalem as the capital and agreed for a solution to the refugee issue based on UN Resolution 194. Analysing the language of Arab Peace Initiative, Ilai Alon (2007) points out that the phrase "incline towards peace" plays a significant role in the Islamic perspectives of war and peace.

It was during the last months of this research that Bahrain and United Arab Emirates (UAE) signed agreement of full diplomatic relationship with Israel on 15th September 2020. Forum for Promoting Peace in Muslim Societies (FPPMS) and its president Abdullah Bin-Bayyah, who is also the Chairman of the UAE Fatwa Council, issued statement supporting the agreement. Praising the agreement, Ibn-Bayyah stated that it was another milestone in the track record of the UAE government to support Arab and Islamic causes. According to him, it is part of the UAE's support to the Palestinians' cause. He views the agreement as a step to prevent the Israeli expansion to the Palestinian territory. According to it, the peace agreement is a significant step in bringing peace in the region. The Fatwa Council added that international treaties and relations are the rightful authority of sovereign ruler (Emirates News Agency 2020). At the same time, opposing the position of the FPPMS on reconciliation with Israel, American Muslim activist Aisha Al-Adawiya has resigned from it. Similarly, Hamza Yusuf, who is the Vice President of the FPPMS and the head of Zaytuna College in California, also has not endorsed the statement of the FPPMS supporting the agreement (Middle East Monitor 2020). The reconciliation of Bahrain and UAE can be a significant turning point in the approach of Gulf countries to Israel.

4.5 Religious Discourse within Palestine

Historically, before the formation of Israel, Al-Hajj Amin al-Husaini, the Mufti of Jerusalem, had issued a *fatwa* prohibiting the selling of the Palestinian land to Jews. It was due to both strategical and religious reasons. Strategically, the Mufti considered that selling out the Palestinian land to outsiders would weaken the Muslims' power and lead to Zionists' dominance in the region. Religiously, some scholars considered the entire Palestinian land as the *waqf,* in which people have no authority to sell it to outsiders. Article 11 of Hamas Charter (1988) also has claimed the *waqf* status of the

entire Palestine land. Accordingly, the Palestinian land "was entrusted to them by God as an endowment and for this reason was non-negotiable. The sale of land to Jews was both sin and high treason, illegitimate in terms of both religion and politics" (Kramer 2008: 250-251). The Islamic World Congress in 1931, the Conference of Arab Youth in 1932 and a decree signed by 249 Islamic scholars from 1935 also termed the selling of any part of Palestine as treason. The religious decree of 1935 shared the concern over the possibility of the demolition of mosques and other Islamic institutions if the land came under the Zionist control. In a similar line, Grand Mufti of Jerusalem Sheikh Mohammed Hussein has issued a *fatwa* prohibiting selling the Palestinian land to Jerusalem (Tawil, 2018). In 2000, Ikrima Sabri, the Palestinian Mufti, wrote that there was no room for compromise in the rights of Palestinians on Jerusalem (cited in Reiter 2010: 248). Sabri prohibits accepting compensation in exchange for the occupied Palestinian territories (Reiter 2010:243). If the selling of the land to Zionists is prohibited, allowing them to rule over the land will be necessary prohibited. Abahra (2020) pointed out that all religious groups within Palestine agree on the creation of a Palestinian state with Jerusalem as its capital and the return of refugees.

Nevertheless, in the modern period, there are diverse opinions among Palestinian scholars about reconciliation with Israel with 1967 border or any other border. The religious debates outside Palestine often echoed within Palestine as well. Without recognising these diverse perspectives, Shaul Bartal (2016) presents a pamphlet of the al-Jamia al-Islamiyah, which was published in the context of the Madrid Conference, as the sole Islamic perspective on the peace treaty with Israel. It must be noted that those who opposed a peace treaty during that time, like Hamas, has changed their approach later. When the Madrid Conference started in October 1991, the Hamas and Islamic Jihad have also issued proclamations and pamphlets calling the Conference as "the land sale conference". Ahmed Yassin, who later offered *Hudna*, had expressed his anger over the Conference. For Sheikh Kamal Khatib, the Madrid Conference was a repetition of the Granada Conference of 1491, which surrendered the city to Christians (Stendel 1992: 414). Ra'ed Salah also considered the Madrid Conference as the selling of the motherland (Stendel 1992: 414).

4.5.1   Religious influence in Palestine

Regarding the influence of the religious groups in the Palestinian society and in the conflict resolution with Israel, the interviewees shared different perspectives.

Describing the religious perspectives of Palestinians, Abudagga (2020) stated that about all of the Palestinian Muslims were *Ahlu Sunna* (Sunnis). Although some small religious groups like Shia emerged in the last few years, they are still a minority. In the opinion of Khanfar (2020), although there are many Sufi scholars, they are not active in politics. Since the Aqsa is under control of Jordan, Mufti of Aqsa is assigned by Palestinian and Jordan governments. So, according to Khanfar, Muftis of Aqsa do not have much say about politics.

Exaggerating the role of the Mufti of Jerusalem, Tawil (2018) compares him with the Supreme Court judge of the USA. In Tawil's opinion, the legal opinion or religious decree of the Mufti on a peace treaty with Israel has a binding effect on President Abbas. However, unlike the Supreme Leader of Iran, the Mufti of Jerusalem has no such constitutional power in Palestine. According to Abubadawia (2020), religious leaders do not have a big influence in Palestine. Because, according to him, unlike Gulf states, Palestinians don't need a religious guide to take political action. Because they do not see any difference between Islamic politics and man-made politics except few issues like respecting treaties. So, in the opinion of Abubadawia, there are no big religious actors or institutions in Palestine, and very few people care about religious authority. Abahra (2020) noted that major religious institutions do not get involved in political issues like conflict resolution. Nevertheless, religious *fatwas* have an influential role in the society.

According to Shomaly (2020), the main religious institute in Palestine is the Ministry of Awqaf. Its position on the conflict resolution with Israel is based on the decision of the Palestinian Authority. Muslims Scholars Council is another institute. According to Shomaly (2020), their position is also similar to the Palestinian Authority. Nevertheless, Shomaly noted that Hamas is more influential than the Scholars' council (Shomaly 2020). Most of the interviewees of this research observed Hamas as the most powerful group in Palestine to shape the religious perspectives of Palestinians. According to Khanfar (2020), the scholars of Hamas are the most politically influential religious groups in Palestine. Sosebee (2020) also pointed into Hamas as only a religious group within Palestine. At the same time, according to Abu-Nimer (2020), 16), Hamas is a political movement, not a religious movement. Nevertheless, they use religion for their political purpose. For example, in the past, they argued Palestine as *waqf* for their political purpose.

4.5.2 Hamas

Since Hamas is an off-shoot of the Muslim Brotherhood, its theological position goes with the same tune of Qaradawi. It can be either due to the influence of Qaradawi on Hamas, or vice versa, or of each on the other. Both Hamas and Qaradawi support each other in different ways. While Qaradawi provides philosophical support to Hamas and supports its ideology and activities at the international level, Hamas defends criticism made by Palestinian Authority against Qaradawi (Bartal 2015: 586). Bartal (2015: 586) pointed out that both Hamas and Qaradawi have tried to cut down the popularity and stance of Palestinian Authority.

Qaradawi's *fatwas* sometimes create controversy and debates between Hamas and the Palestinian Authority. His *fatwa* prohibiting the visit of outsiders to the Jerusalem and Al-Aqsa mosque was such a controversial fatwa. After Ali Jumua, the Egyptian Grand Mufti, and Sheikh Habib Ali Jifri, a renowned Yemeni scholar, visited Jerusalem in 2012, Qaradawi declared that visiting Jerusalem by outsiders harms the Palestinians' struggle for Al-Aqsa mosque. According to Qaradawi, the visit of Jerusalem by outsiders is prohibited as long as it is under the control of Israel, and the visitor needs a visa issued by Israel. While Hamas supported the fatwa, the Palestinian Authority, Muhammad Ahmad Hussain, the Palestinian Grand Mufti, and Mahmud al-Habash, the Palestinian Authority Religious Endowments Minister, opposed the Qaradawi ruling (Bartal 2015: 588-589). Mahmud al-Habash accused Qaradawi of helping Israel to make Jerusalem only for Jews.

Although the media often illustrate Hamas as a fundamentalist group similar to the Taliban, Hamas is different from the Taliban and Al-Qaida in many ways (Kadayifci-Orellana, 2007: 216). While the Taliban denies merit of western ideas and development, Hamas accepts the western political values. Hamas has accepted democracy as a way of choosing the political leader. According to Hamas, democracy is not a western idea, but an Islamic way of governance. On the other hand, "the will of the people" and democracy have been rejected by Sayyid Qutub because he considered all sovereignty belongs to God (Nusse 1998: 57). Hamas also keeps a more tolerant attitude towards non-Muslims within Palestine than the fundamentalist groups. Additionally, although it perceives the international organisations as a tool of the USA for serving its and Israel's interests, Hamas does not deny the significance of international dialogue and organisations. In its introductory memorandum, Hamas declares that it will respect the

resolutions of the international organisations unless they contradict the legitimate right of Palestinians to their homeland (Kadayifci-Orellana, 2007: 231). It has also called for a new international organisation to protect the oppressed and to work for justice. Nevertheless, according to Kadayifci-Orellana (2007: 215), Hamas, just like Islamic Jihad, considers jihad as a form of self-defence. Accordingly, the war of liberation is the only way to emancipate Palestine from the occupation. Additionally, Hamas combines the anti-secular and anti-colonial perspectives of the Islamists of other countries with the anti-Zionist perspective.

The status of Hamas's members as the people of religion is a source of its legitimacy among Palestinians. The leaders of Hamas, even before its formation, were active in building religious institutions and mosques and in promoting people to be more pious in their individual life. Hamas believed that performing prayers at mosques and increasing rituals can enhance the moral and spiritual power to fight against the Israeli occupation. Hamas considered the liberation of Palestine as a religious problem, rather than a nationalist one. However, the activities of the Hamas were for the Palestinian cause, rather than for entire Muslim *ummah*. Until the Second Intifada, the popular support to Hamas was very weak compared to the Fatah. Although Hamas became popular after the Intifada and got elected in 2006, it moderated its approach to Israel.

Most of the interviewees from Palestine for this research opined that the conflict resolution with Israel is allowed by Islam. Shomaly (2020) noted that there is no provision in Islam to prohibit a peace treaty with the enemy. Abu-Nimer (2020) also stated that there is nothing in Islam to prohibit coexistence with Israel. Mohsen, although he identified himself as a secular activist, opined that a peace treaty with Israel is allowed by Islam. Moreover, he noted that the Islamic political groups, including Hamas, always speak about the treaty of Hudaybiyya that Prophet Mohamed made with his enemy (Mohsen 2020). Abahra (2020) also opined that Islam allows peace treaty with enemies. Personally, Abahra shared her willingness to accept any just peace treaty with Israel. She is also ready for the 1967 border. However, according to her, since Trump gives Jerusalem to Israel, his proposal cannot be seen as just. Abahra acknowledged that the concept of a just peace treaty had become just a dream. Similarly, Abudagga (2020) stated that, as Muslims, Palestinians did not have a problem in resolving conflict with Israel. According to him, Palestinians are ready to accept the resolution with the 1967 border. Although it is only 22% of the total land, Palestinians are ready to accept it. Because, as per contemporary political reality, there

is no chance to get more than that. Nevertheless, many interviewees put some conditions for a just peace. For example, according to Khanfar (2020), since Israel continues the occupation, its inclination towards peace is not real.

4.5.3   Change in perspectives on conflict resolution

The position of Hamas has changed from its declared policy in its charter. Its concept of the enemy has changed over the years. In its charter, Hamas defines the enemy in a general way. By making a sophisticated conceptualisation of the enemy, Hamas later distinguished between Jews and Zionists. In its initial years, Hamas insisted military *jihad* as the only option to achieve justice. It considered justice as a necessary condition for achieving peace. Later, Hamas moderated its position and became open for negotiation. After his release from the Israeli prison, Sheikh Yassin of Hamas offered ten years' *Hudna* (truce) with Israel. This offer of Yassin was supported by the majority of Hamas leaders. For example, Abdul Aziz al-Rantizi considered the offer as consistent with the Islamic laws (cited in Hroub 2000: 82). According to Hroub (2000: 50-52), the change in the approach of Hamas was the result of the increasing engagement of Hamas with the outside world.

According to Abahra, the shift of Hamas from its early position to more compromise was not a total shift in the Islamic ideology. Because, according to Islamic jurisprudence, necessities allow the prohibited (Abahra 2020). Abubadawia (2020) stated that even if Hamas made a treaty with Israel, it would not affect the religious importance of the place. Because, since three million Palestinians are under siege and poverty in Gaza now, Hamas has been under pressure to make an agreement with Israel. Abubadawia pointed out that even religion or God does not want to make people miserable. Abubadawia (2020) observed that Hamas preferred *Hudna* than permanent treaty due to religious duty to respect agreements. According to him, everyone in the international community follows the same way: they sign a treaty when it serves their national interest, and if they do not need after some years, they will break it. The only difference is about name: *Hudna*. He stated, "one principle in international law is that treaties may not ever last since the circumstance change" (Abubadawia 2020). Sosebee (2020) observed, "Islamic movements and scholars within Palestine are changing slowly to become more pragmatic, although there are more extreme elements which do not accept any treaty at all, regardless of what accommodations or compromises may be offered". According to Abahra (2020), the change in the balance of power between

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Israel and Arab states has influenced the perspectives of religious groups and leaders on conflict resolution.

The PLO and Fatah, which led the liberation movement of Palestine through military way, also have changed their approach by the Madrid Conference. The majority of Fatah leaders supported the participation of Palestinians in the Madrid Conference. Bartal (2016: 210-211) identifies the main points of those who support peace treaties with Israel. First, the existence of Israel is an accomplished fact which needs to be acknowledged. Second, the Prophet Muhammad had signed the Hudaybiyya treaty with the people of Makkah. Third, the agreement with Israel does not bind the future generation to respect it. Fourth, peace with Israel has international support. Fifth, the peace treaty can bring an easement in the situation of the occupation. Sixth, the armed struggle could continue for a long period. Seventh, many people in Israel also want peaceful coexistence. Eight, Palestinians are now weak, and so, a compromise solution is needed.

4.5.4   Nature of the conflict: national or religious

In interviews for this research, most of the interviewees from Palestine observed the conflict as a nationalist, rather than religious, conflict. For example, Schenker viewed the conflict as an essentially nationalist conflict between Arab and Israeli nationalism. Harhash also considered the conflict as a nationalist conflict and stated that the attempt to divert it as a religious conflict was a way to allude reality. According to Harhash, the conflict is about a land where Arab Palestinians—Christians, Moslems and Jews—were sabotaged into a new world order between the two world wars. The creation of Israel had nothing to do with Judaism. It was an alibi to justify a new form of imperialism and colonialism (Harhash 2020). Mohamed Khanfar (2020) also sees the conflict as a nationalist conflict, though it has religious roots. Sosebee also shared similar opinion saying, "it is a conflict over land and human/political rights of an occupied population who are both Christian and Moslem. This is not a religious conflict, although it has a religious component to it" (Sosebee 2020). Abu-Nimer (2020) also noted that the conflict is about land and self-determination, not about religion. At the same time, Abu-Nimer pointed to the use of religion by Israel to justify their occupation.

Abahra (2020) also viewed the conflict as fundamentally a nationalist conflict (Abahra 2020). At the same time, she accuses Israeli groups like Likud for using religion to justify the occupation and oppression. Shihade (2020) also called the conflict as a

nationalist, rather than religious, conflict. In his opinion, Israel, which came and occupied the Palestinian land without any historical rights, tries to present it as a religious problem (Shihade 2020). According to Shihade, "it is not even a conflict, but a colonial settlement that is different from colonialism". According to Shomaly, the conflict between Israel and Palestine had started as a nationalist conflict. According to him, some Islamists and rights groups in Israel want to make it a religious conflict. In his opinion, most Palestinians consider it as a nationalist one (Shomaly 2020). Shomaly (2020) noted that there are many Christians in Palestine, and Bethlehem is mainly populated by Christians. Shomaly is also a Christian from Bethlehem.

Abudagga has this to say,

> We don't have problem with Jews people, but only with the policies of Israeli states. Arafat was a Muslim; his wife was a Christian. There are many other organisations in Palestine led by Christians. Two main parties after Fatah are led by Christians. Hamas also elected Christian members to Parliament in 2016. Many Christians voted Hamas for a political reason (Abudagga 2020).

According to Mohsen (2020), the conflict is not a religious conflict; instead, it is a conflict between colonisers and natives. So, the solution is only by spreading justice and accepting one secular state (Palestine or Israel or whatever the name is), in which religion is an individual belief and not a state constitution. These interviews showed that despite the attempt of some groups like Hamas to present the conflict as a religious conflict between Muslims and Jews, most of the Palestinians still view the conflict as nationalist and against Israeli occupation.

4.6   Factors Shaping the Religious Interpretation

The above discussion about the theological debates illustrated that most of the contemporary Islamic scholars consider the legitimacy of the peace agreement with the other Muslim and non-Muslim states. Although the reconciliation with Israel was opposed by many scholars since its formation, the main reason for their criticism was the occupation of Israel in an Islamic land. So, their criticism was largely against the Zionist political movement, rather than due to the religious difference of Jews. So, most of the contemporary Islamic scholars approve the peaceful coexistence of states with different religious background and pluralist society of different religious groups within one state.

However, the case of Israel-Palestine becomes a matter of debates due to different reasons. First, Palestine was an Islamic territory that has been occupied by Israel.

According to many scholars, as it was discussed in the second chapter, *Dar al-Islam* will not become *Dar al-Harb* even if it is occupied by enemies. So, the Occupied Palestine Territory is still a part of *Dar al-Islam*. So, many scholars view that it is the duty of Muslim rulers to recapture it. Second, unlike many other Islamic countries, Palestine enjoys a special status since it includes Jerusalem and Al-Aqsa mosque. So, recapturing the territory becomes a matter of belief and proud. Third, after the formation of Israel, many Palestinians were expelled and became refugees. Their right to return to their hometown is a human right issue. So, the religious debates over reconciliation treat their rights as a matter of justice. Fourth, the religious nature of the State of Israel is another issue of concern. Since Israel is a Jewish state, the country's Muslims, just like Christians, face discrimination. Since a peace treaty with Israel needs to recognise this Jewish nature of the state, many scholars oppose it. Fifth, even when most of the scholars agree on the necessity of the establishment of the Palestinian state and return of refugees, many scholars recognise the power difference between Israel and Arab states. Since the military capability and support of the USA give Israel superiority over Arab states, many scholars realise that a complete justice with Israel is difficult. So, they support a treaty to ensure peace in the region and freedom for people and to pave a base to work for justice in future. Sixth, the social and political contexts of the scholars also influence their positions. The worldview of the scholars, just like others, are shaped by their social and political situations. So, this difference in worldviews leads to a difference in the interpretation of religion.

4.7 Principles of peace, justice and forgiveness

The preference among principles like peace, justice and forgiveness impacts the perspectives on reconciliation with Israel. As it was explained in the second chapter, forgiving is a necessary aspect of the Islamic ways of conflict resolution. Nevertheless, regarding the necessity of forgiving in the reconciliation with Israel, the interviewees expressed diverse perspectives. According to Khan (2020), the religious principle like forgiveness is very important in international conflict resolution. He referred to the practice of Saladin who left Jews and Christians without taking revenge when he got control over Jerusalem, although Christians had committed genocide against Muslims and Jews in the previous crusade. Khan also pointed out that Muslims had not made a catastrophe as Mongolians had done against Muslims. At the same time, Khan acknowledges the presence of people like Nadir Shah, who used religion to justify looting (Khan 2020). Substantiating the significance of forgiveness, Khan pointed out

that the Second World War was an outcome of the harsh punishment and absence of forgiveness after the First World War (Khan 2020). Khan (2020) pointed out that there are many examples in the Qur'an that promote to forgive enemies. According to the Qur'anic teaching, forgiving to enemies can make them friends. Based on this logic and evidence, Khan supported forgiving to Israel. Nevertheless, Khan stated that the issue of forgiveness would come only after the establishment of a Palestinian state. According to Abu-Nimer (2020), forgiveness is necessary if both parties want a long-lasting solution for the conflict. On the other hand, a temporary agreement is possible even without forgiving each other. Abu-Nimer (2020) also opined that forgiveness is possible between Israel and Palestine. At the same time, he noted that there was not yet any such opportunity for each party because peace talks, including the Oslo accords, were dominated by Israel.

According to Abudagga (2020), the religious principle of forgiveness is very significant value in conflict resolution, even in the context of Israel-Palestine context. At the same time, he warned that the principle of forgiveness should not allow Israel to continue their crime and occupation. Forgiveness cannot ignore the right of self-determination and right of freedom. Freedom, justice and self-determination are higher values. Similarly, regarding forgiveness in the context of Israel-Palestine conflict, Daffern opined that although forgiveness is important, an apology is more important. In his opinion, peace treaties can be made after apology even without forgiveness (Daffern 2020). According to Abubadawia, although forgiveness is important, "You cannot sacrifice the rights of people for forgiveness". For example, refugees should get their right to return to Palestine. In his opinion, forgiveness is accepted as long as it does not affect the rights of the individual. In Islam, God forgives everything, but not rights of other people. For national interest, state leaders can forgive, but that should not be at the cost of rights of individuals (Abubadawia 2020). According to Mohsen (2020), since the power distribution was always in favour of Israel, ensuring justice to Palestinians is more important than forgiving to Israel.

As far as the principles of peace and justice are concerned, Abudagga (2020) opined that peace and justice are not clashing principles. Justice is a necessary condition for lasting peace. According to him, although to have 22% of the land is not justice, to have self-determination is a justice. Giving refugees the right to return is also part of justice. Without that, there will be no peace. According to Khan (2020), just peace can be done with Israel but not complete justice. Abu-Nimer (2020) observed that any peace treaty

that is not just could be rejected by Palestinians, because non-violent resistance is allowed by Islam. In the opinion of Sosebee (2020), "peace will only come through justice for the Palestinians. The issue is how to define justice. An end to the occupation and equal rights for all citizens of Palestine and Israel and justice for the refugees is the only path to peace". According to Kadayifci-Orellana (2020), the peace treaty with Israel is legitimised in Islam, but that should consider the aspects of justice. According to her, justice should be part of the process, not an end nor a condition which has to be fulfilled before starting peace talks. According to Abubadawia (2020), real peace cannot be achieved without justice. So, they are not clashing each other. In the short term, a peace treaty without justice may be possible, but that will not be sustainable. Abahra (2020) also pointed out the justice as an essential condition for lasting peace. According to her, peace cannot be enforced without justice and vice versa. According to Shomaly (2020), there is no contradiction between peace and justice. At the same time, Shomaly noted that the Israeli perspective of peace is by dominating over Palestinians whereas Palestinian perspective is just and lasting peace.

According to Abubadawia (2020), the preference of Islam between peace and justice depends on the context. Sometimes the Prophet had made agreements which many of his followers considered as injustice. He cited the Hudaybiyya's provision for sending back new Muslims as an example. Here the Prophet preferred community interest and sacrificed the interest of few individuals. But, according to Abubadawia, it cannot be a general rule. If there is a big collective benefit, sometimes, sacrificing a few individuals' justice may be needed. To protect the interest of the community, sometimes one individual may have to sacrifice. Nevertheless, that is an exception, rather than a rule (Abubadawia 2020). At the same time, Abubadawia considers justice as more important than peace. Because, according to him, justice automatically will bring peace.

In contrast to previous opinions, Daffern (2020) opined that in the Qur'an peace is more important than justice, because peace is justice plus wisdom. So, Daffern (2020) suggested that Palestinians should not give up peace for justice. According to him, looking for everything will be giving up everything. In the opinion of Daffern (2020), Palestinians anyway will not get the entire land. So, the best option is to have a peace treaty that ensures a minimum level of justice. Daffern also argued that if the Prophet was alive, he would have gone for a peace treaty. Khanfar (2020) suggested that although justice is the best option for Palestinians, if justice is not attainable, then Palestinians must go for peace.

The preference of people between peace and justice is influenced by their living condition and political context. When life becomes very terrible, people may go for peace at the cost of justice. At the same time, when peace talks are used to legitimise the occupation, the demand for justice will be strengthened. Kadayifci-Orellana (2007: 225) states that during her research in Palestine in 2000, the most appealing narrative in the Palestinians territories was for self-defence, rather than peace. Because, according to this narrative, though Islam promotes peace, justice is an inevitable aspect of it. So, when there is injustice, self-defence is allowed. So, most of her interviewees connected Islamic concept of peace with justice. The fight against Israel was seen as self-defence against occupation and injustice. The protest against Israeli occupation and frustration over the failure of the peace process of secular parties made many Palestinians attracted towards Hamas's interpretation of *jihad* as a self-defence mechanism. They were convinced to the position of Sheikh Yassin, the leader of Hamas, that the language of force is the only language Israel understands.

4.8   Politics and *fatwas* of religious scholars

The political context of the scholars often plays an influential role in their interpretation of Islamic laws. The political leaders and rulers also pressurise the scholars to give *fatwas* according to their interests. Shihade (2020) opined that religious institutions like Al-Azhar are not independent of political authorities. So, they issue *fatwas* according to the political situation. So, according to him, one of the major reasons for the difference in the *fatwas* of Al-Azhar scholars, Ibn-Baz and Qaradawi is the difference in the political situation. According to Khanfar (2020), the *fatwas* of many scholars in Muslim countries have been politicised. According to him, the justification of the Camp David treaty by Jad al-Haq also was influenced by the government. According to Abubadawia, Muftis often give *fatwas* according to the interest of rulers. For example, Ibn-Baz supports the position of the Saudi government (Abubadawia 2020). Abubadawia (2020) observed the participants of the Alexandria Summit as associated with the PLO. According to him, they might have gone according to the interest of Arafat. In the opinion of Abu-Nimer (2020), both Israeli and Arab political leaders go to religious scholars to give *fatwa* according to their political policies. According to Abu-Nimer, the scholars, both those who support and oppose the government policies, refer to Islamic texts with their own social and political limitations. Khan (2020) observed that since religious scholars became tools of governments, the Muslim world has been suffering from a crisis of legitimacy. Although many interviewees accused the

Jad al-Haq and Ibn-Baz of giving *fatwas* according to interests of the rulers, interestingly both Jad al-Haq and Ibn-Baz request Islamic scholars to give *fatwas* based on Islamic teachings, rather than appeasing the rulers. According to ibn-Baz and Jad al-Haq, a *fatwa* based on Islamic teachings will support the reconciliation with Israel.

Analysing the *fatwas* of Qaradawi, Abubadawia (2020) observed that it is necessary to distinguish between his religious and political speeches. Qaradawi's statement about Palestine is political. So, he speaks according to the interest and position of Hamas. According to Abubadawia, Qaradawi talks about politics in a religious way. According to Kadayifci-Orellana (2020), although the *fatwas* of Qaradawi influence the policies of Hamas, this influence is not one-sided. Just like Qaradawi influences Hamas, the political interpretation of Hamas influences the *fatwas* of Qaradawi. Shomaly (2020) too pointed to a reciprocal relationship between Hamas and Qaradawi. He reasoned that Hamas is part of the Muslim Brotherhood and that Qaradawi is its head. According to him, just like the *fatwas* of Qaradawi influence Hamas, the pragmatic position of Hamas can influence Qaradawi as well. In the opinion of Abudagga, it is not fair to compare Qaradawi with Al-Azhar. Because Al-Azhar is a prestigious religious institution and Qaradawi is just a Sheikh funded by some states and organisations. Qaradawi had influence in the past through Al-Jazeera in Palestine, but, now he or Al-Jazeera does not have any influence. According to Abudagga, "You cannot deal with Qaradawi without Al-Jazeera" (Abudagga 2020).

In the opinion of Abubadawia, even some Hamas members do not agree with Qaradawi. In the opinion of Abubadawia (2020), all issues Qaradawi deals with regarding Palestine are not the fundamentals of Islam; they are supplementals (*furooiyy*). So, they can be understood by reasons without any need to follow these Muftis. The *fatwas* on supplemental issues depend upon the reasoning of muftis and the interpretation of the contemporary context. In the opinion of Abubadawia (2020), Islam has not prevented politicians from doing whatever they think as good for people. So, in his opinion, there is no need to look for religious institutions for *fatwas*. According to Abubadawia, the only main issue that has relation with Islam is that pacts must be respected (*Al-Wasaq al-Uhood*). In Islam, the treaty must be respected even if it no longer serves the national interest. At the same time, in his opinion, international laws respect agreements only up to serving the interest of the nation.

Nevertheless, the variation in *fatwas* of scholars in the different political contexts does not necessarily mean that they are giving *fatwa* for appeasing the rulers. Because, when

scholars give *fatwas* on supplemental issues, their interpretation of the social and political context is also taken into consideration. The consideration of the contemporary political situation is not necessarily a limitation, but it can also be an added advantage in the *fatwas*. So, Qaradawi in his reply to Ibn-Baz requests him to discuss with the political experts and understand the real intention of Israel before justifying the peace treaty. On the other hand, according to the political interpretation of Ibn-Baz, the balance of power in the Middle East is in favour of Israel, and there is no hope to get full justice to Palestinians in the near future. So, a treaty is the better option to bring peace in the region. An analysis of the different *fatwas* by Qaradawi in the last three decades illustrates that he also has been gradually losing hope for a complete justice to Palestinians, thereby getting ready to agree for a two-state solution. According to Kadayifci-Orellana (2020), religious scholars take opinions based on several factors like their interpretation of religious texts, worldview, political and social condition. So, their interpretation may change from time to time, as any of these factors change. According to her, society and politics have an effect on religious interpretation, just like religion affects society and politics (Kadayifci-Orellana 2020). Explaining the different perspectives of Islamic scholars, Abahra (2020) noted, "it is the nature of democratic religion like Islam. Islam is a democratic religion and allows a different perspective. We can take what is best for the situation for Palestinians. Not just because of it is issued by Al-Azhar". Similarly, Daffern (2020) stated that the views of intellectuals were shaped within the cultural and political contexts. So, they could change, according to changes in the context. Additionally, affiliation of the religious scholars with a political movement can be both cause and outcome of their religious views.

4.9   Conclusion

There are has not been a consensus among Islamic scholars and groups on the legitimacy of the peace treaty with Israel. While scholars like Jad al-Haq and Ibn-Baz allow reconciliation, scholars like Qaradawi oppose peace treaty as long as Israel continues its occupation. While supporters of reconciliation refer to the Hudaybiyya treaty as a model, the critics differentiate between Hudaybiyya and Oslo agreements. Similarly, the supporters point into the Quranic command to "incline towards peace", whereas the critics argue that Israel has not inclined to peace yet.

An analysis of the theological debates illustrates that most of the contemporary Islamic scholars permit the coexistence of states with different religious backgrounds.

Therefore, rather than Jewishness, the occupation of Israel in Islamic land is the fundamental reason for the critics of reconciliation. The Islamic discourse on reconciliation with Israel emphasises the principles like justice, forgiveness, human dignity, *Ummah,* patience and mercy. At the same time, scholars keep different perspectives in preferring one principle over the other when they clash each other. This different interpretation leads to different perspectives on reconciliation wit Israel. Nevertheless, the social and political contexts have a decisive role in shaping these preferences. So, the discourse on reconciliation change with variation of social and political contexts.

5 Chapter-V

CONCLUSION

This study explored the Islamic perspectives of international conflict resolution and analysed diverse views on reconciliation with Israel. After examining the Islamic principles of the conflict resolution, this study finds that these principles are relevant even in the international conflict resolution. At the same time, the realist framework of scholars and policymakers limit the application of these normative principles. Religion is often treated as a source of conflict and often ignored from the policies and analyses of conflict resolution. Even though the religious narration is very much involved in the Israel-Palestine conflict and conflict resolution, the dominant trend in the peace talks was to marginalise religious leaders and institutions from the peace talks. Due to the dominance of the secular framework of the conflict resolution, the religious perspectives of the conflict have been ignored. The process of the conflict resolution also has not given enough attention to the religious institutions, even in the form of track-II diplomacy. Many scholars have pointed out that since political agreements do not integrate the religious dimension, a large segment of both Israeli and Palestinian population has been alienated from the peace process. Although the Alexandria process of religious leaders was a good initiative, there have not been similar efforts after that. Although such talks among religious scholars and indigenous methods like *sulha* cannot be an alternative to the diplomatic talks, they can rehumanise the dialogue and restore honour and pride in communities. The restriction of the role of religion in the churches, mosques and synagogues and keeping them away from the conflict resolution procedure miss the opportunity to inject the spiritual dimension for reconciling the Israelis and Palestinians.

Israel-Palestine conflict is fundamentally a secular conflict between two nationalisms. Arab leaders like Gamal Abdul Nasser and Palestinian leaders like Yasser Arafat led the fight against Israel for the cause of Arab and Palestinian nationalism, rather than religious reasons. The Zionist movement also started as a secular nationalist movement, although it used religious narration to mobilise support. Nevertheless, religion plays a crucial role in the narration of history, mobilisation of people and claim for Jerusalem. In ancient history, the region of Palestine/Israel was known as the land of Canaan. Palestinians claim themselves as the children of Canaan, who were indigenous to the

land. Throughout history, the land was occupied by different external powers including Egyptians, Israelites, Greeks and Romans. Despite these conquests, a large number of Canaanites continued there.

According to biblical narration, since Abraham came from Ur, he was not indigenous to Palestine. Similarly, Joshua, who attacked Palestine, and David, who established the Israelite kingdom in Jerusalem, also were foreigners to the land. In short, biblical narration proves that Israelites are foreigners and invaders to the land. According to the Bible, before the Israeli invasion, Palestine was a flourishing land and "flowing with milk and honey" under Canaanites. Since the significant incidents in the life of Moses, from his birth to death, were in Egypt and outside of Palestine, the holiness of Palestine for Jews was constructed based on a divine promise. Consequently, even after being diaspora in the different parts of the world, lived 'turning to the land' and built their synagogues oriented towards Jerusalem. Jerusalem is one of the most significant places for all Abrahamic religions. So, it remains a focal point of the Israel-Palestine conflict. In addition to Jerusalem, other parts of Palestine and Israel also hold a religious significance for Christians, Muslims, and Jews alike.

Since the beginning itself, religion was one of many motivations of the resistance against the Zionist movement. The resistance of Arabs against the Zionist movement and settlers became influential from the 1920s onwards. It was seen as a part of the fight against colonial powers in the different parts of the world. In contrast to other colonial powers, the Zionist movement was a form of settler colonialism. Since it aimed at replacement of the existing society, rather than just exploitation, the Zionist movement was a more significant threat than other colonial powers. Just like the anti-colonial movements were inspired by religion in many countries, the resistance against the Zionist movement also was inspired by religion. Nevertheless, since a few Jews had been living in Palestine even before the start of Jewish immigration in 1882, the resistance was against politics and occupation of Zionism, rather than anti-Semitism or anti-Judaism. So, rather than racial or religious, the Arab resistance was due to political and economic reasons.

Recently, the role of religion has increased in the politics and society of both Israel and Palestine. A comparison between the religious influence in both countries indicates a disparity between politics and society. While Palestinian society is more religious than Israel, the political influence of religious groups more substantial in Israel than Palestine. Although Hamas had been formed in 1987, the Palestinian politics was

dominated by PLO and Fatah until Second Intifada. Unlike Hamas, Fatah viewed the conflict with Israel as a nationalist, rather than religious, conflict. However, after the Second Intifada, the popularity of religious groups, like Hamas, increased in Palestine also. The disappointment of people for getting statehood even after the Oslo accords, unemployment and corruption were the reasons that shifted popular support from Fatah to Hamas. At the same time, the approach of Hamas to Israel and conflict has been softened. In its initial years, Hamas had criticised negotiation as a "child play" and considered *jihad* as the only way to get Palestinian statehood. Later, Hamas offered *Hudna* and seemed to agree on the two-state solution. On the other side, right-wing religious parties were powerful in Israel since the early 1970s itself.

5.1 Theological debates on the peace process with Israel

As far as the conflict resolution with Israel is concerned, Islamic scholars and groups within and outside of Palestine possess diverse opinion. Whiles some scholars considered the peace treaty as a surrender to Zionism and giving up the Palestinian land forever, some other scholars considered it as a significant step to bring peace in the region.

Since the formation of Israel, most of the Islamic scholars and groups opposed its existence and reconciliation with it. There were many causes for this opposition in this Islamic discourse. First, Palestine was part of the Adobe of Islam (*Dar al-Islam*). So, a Jewish state in the region was considered anathema. Second, since Jerusalem was the third holiest place for Muslims, the control over the city had religious significance. Third, Palestine was under Islamic rule for about fourteen centuries except for 90 years of Crusaders' rule. Forth, the formation of Israel had created a massive human right crisis and refugee issues. So, it was necessary to ensure justice to these affected people. Fifth, although the UN General Assembly resolution allotted Israel 56.5% of the total land, it occupied more Palestinian territories. According to the 1967 border, Israel kept control over 78% of the total land. Hence, treaties like the Oslo accords which sanctions the control of Israel over 78% of the land were considered as a legitimisation of its expansionist policy. Sixth, although the Qur'an commands to make peace agreement if the enemy inclined to peace, the critics of the peace treaties argue that Israel has not inclined to peace yet. They refer to the continues occupation and expansion of the settlement as evidence for it. The criticism of scholars like Qaradawi against the peace treaties was not due to the religious difference or Jewishness of Israel, but it was due to

the occupation of Palestinian land. According to them, the occupation of the land is the main barrier for the peace treaty.

The breakthrough in the Islamic discourse over reconciliation with Israel happened after the Camp David Treaty. The *fatwa* of Jad al-Haq legitimising the agreement between Egypt and Israel marked a deviation from the dominant Islamic approach during that time. According to Jad al-Haq, the trade and people to people relationship are permissible and peaceful unless a war becomes necessary for the self-defence. Ibn-Baz also permits the normalisation of the relationship with Israel if the rulers consider them as beneficial for the Muslim community. The supporters of the treaty argued that since the leaders of the Muslim states have a religious duty to protect citizens, they can get it through peace treaties. One significant difference between Jad al-Haq and Ibn-Baz, though both support the reconciliation, is that while Jad al-Haq permits peace treaty even when Muslims have military superiority, Ibn-Baz allows it only when Muslim side is weak.

The religious discourse within Palestine was similar to the theological debates outside of it. Since Hamas and Qaradawi were affiliated with the Muslim Brotherhood, the position of Hamas was in the same line of Qaradawi. Although initially both Hamas and Qaradawi opposed negotiation with Palestine and promoted military struggle against it, later they moved into accepting a pragmatic approach of accepting the two-state solution. The Palestinian scholars who are associated with the Palestinian Authority have supported reconciliation with Israel after the Oslo accords. Just like Jad al-Haq and Ibn-Baz, they referred to the Qur'anic command to "incline to peace" and the Hudaybiyya agreement to justify their position.

The supporters of the reconciliation highlight the Hudaybiyya agreement of the Prophet Muhammad as a precedent. According to them, the Hudaybiyya agreement illustrates the practice of the Prophet Muhammad to make a peace agreement with those who expelled him and his followers from their hometown. Additionally, the Prophet agreed for a peace treaty, although its provisions denied justice to Muslims. Because, according to the supporters, the Prophet Muhammad preferred peace in the region without waiting for complete justice. Nevertheless, the critics of the peace treaty differentiate between the Hudaybiyya agreement and Israel-Palestine reconciliation. They view the difference in the authority of the leader, duration of the treaty and the outcome of it.

Both supporters and critics of the reconciliation with Israel agree that a peace treaty is permitted it is beneficial to the Muslim community. For example, although Hasan Ma'mun, the former Grand Mufti of Egypt, criticises the reconciliation, he supports the peace treaty if it is useful to get the occupied territory back. Similarly, Qaradawi also supports reconciliation if Israel inclines to it in its action by withdrawing from the occupied territory. The *fatwas* of Al-Azhar in 1970 opposing the peace treaty and in 1979 supporting the peace treaty have noted that peace treaty would be allowed if it is benefiting to the Muslim community. Similarly, the supporters and critics of the peace treaty, for example Ibn-Baz and Qaradawi, agree that Muslim rulers must accept the peace-offer if Israel inclined to it although they keep different views on whether Israel had inclined to peace. So, the difference among the supporters and critics of the reconciliation is due to their different interpretations of the political context. While some scholars consider the reconciliation with Israel as the beneficial to Palestinian and Muslim community, some others consider it as not beneficial. The supporters of the treaty, like Jad al-Haq and Ibn-Baz, authorise the state leaders to determine whether a particular treaty is beneficial or not.

Most of the Islamic scholars, be they supporter of a peace treaty or opponents of it, agree on that the occupation of Israel is an injustice to Palestinians and so must be prevented according to Islamic Sharia. So, they are not ready to accept the control of Israel over the occupied territory for a permanent period. The difference among these scholars is about the tactics and strategies for achieving justice to Palestinians and peace in the region. While the critics of the conflict resolution oppose any treaty that normalises and legitimises the control of Israel on the occupied territories, the supporters consider the peace treaty as a necessary and only available option to achieve peace in the region considering the weakness of Palestinians and Arabs to recapture the occupied territory. The supporters of the reconciliation consider the peace in the region as the first step to achieve justice to Palestinians.

The theological debates on reconciliation with Israel illustrates that about all of the contemporary Islamic scholars accept the peaceful coexistence of states with different religious background and pluralist society of different religious groups within one state. They also legitimise the peace agreement with the other Muslim and non-Muslim states. Nevertheless, they possess diverse opinion on the issue of the reconciliation with Israel due to many reasons. They include Palestine's attribute as the abode of Islam,

significance of Jerusalem, and human right violation and injustice against Palestinians during the time of the creation of Israel.

Just like the secular discourse, religious discourse also changes according to variation in the political context. In addition to the classical Islamic texts, the political and social conditions are also referent points for Islamic scholars for giving *fatwas* supplemental issues. So, their *fatwas* on supplemental issues can change according to changes in the social and political contexts. Affiliation of the religious scholars with the political parties and pressure of the rulers on them also influence their *fatwas* on the supplemental issues. Nevertheless, the association of religious scholars with the political parties be either cause or outcome their religious interpretation. Because, their particular interpretation of the religious texts and political context can motivate them to associate with a particular political ideology, just like their political association can shape their political views and religious interpretation.

5.2 Application of Islamic principles in the conflict resolution with Israel

Compared to the western way, the Islamic/Middle Eastern way of the conflict resolution is different in many aspects. It includes the emphasis on values like justice and forgiveness, a focus on communal solidarity, an aim to restore the broken relationship, the centrality of Islamic values and rituals, social norms, binding nature of agreements and preference of insider-expert for mediation and arbitration.

The Islamic principles of the conflict resolution such as justice, forgiveness, protection of human life and dignity, pluralism, the concept of *ummah*, patience and mercy are relevant in the context of the international conflict resolution also. Justice is a necessary condition for long-lasting peace, although a short-term peace can be achieved even without it. The experience of two world wars illustrates that if the post-war negotiation is an imposition of the winner over loser, it will not be long-lasting as the loser will try to increase its capability and to revenge whenever it can. In the context of Israel-Palestine, many scholars and most of my interviewees emphasised the significance of justice in the conflict resolution. Although most of the interviewees support the peace treaty with Israel and the two-state solution, they warned that unless it is a just-peace, it will not be long-lasting. Their response illustrated that both supporters and critics of the peace treaty define peace in its positive meaning. So, even many supporters of the peace treaty do not prefer peace over justice, instead view both are interconnected and demand just peace. Since the achievement of complete justice is difficult, supporters of

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the peace treaty are ready to compromise some aspects of justice. The difference in the degree of compromise creates different theological positions on reconciliation.

Since Islam emphasises the presence of justice and an atmosphere for the good life (*hayat tayyiba*) as necessary aspects of the peace, its idea of peace goes beyond negative peace, which is defined as the absence of physical violence. The emphasis on justice influences the Islamic discourse over reconciliation with Israel. Most of the interviewees for this research emphasised that the peace treaty with Israel should bring a just peace in the region. Although there is near consensus among Islamic scholars on the necessity of justice in the peace treaty with Israel, there are different opinions on the degree and conditions for justice. Many scholars and interviewees pointed out that complete justice in the reconciliation with Israel is difficult to achieve. Some consider the formation of Israel in the region itself as an injustice to Palestinians. Accordingly, justice can be achieved only by undoing the partition of Palestine and forming a single state. Those who agree with the two-state solutions also keep the diverse interpretation of justice. While some demands the 1947 border, which was decided by the United Nations, some others consider the formation of Palestine with the 1967 border also as a just solution, though it includes only 22% of the total land. Similarly, the right of refugees to return to their homeland is also seen as a necessary part of the just peace. In this issue also, there are diverse opinions on whether they should be allowed to their home, which may be within the territory of Israel, or is it enough to allow in the to the territory of a Palestinian state if two-state solution achieved. Although there is near consensus on that the right of the refugees should not be revoked in peace treaties, there are different opinions about whether it can be postponed to future to achieve a temporary peace situation in the region.

Similarly, forgiving the offence done by another nation helps restore the relationship with it. Without forgiving the offence done by Israelis, it would not be easy to achieve reconciliation and people to people relationship between Israel and Palestine. Nevertheless, in interviews, it is pointed out that 1) formation of the Palestinian state is necessary a condition for forgiving to Israel, and 2) since the right of refugees to return to Palestine is connected with the rights of other individuals, the Palestinian Authority has no power to give up this right and forgive Israel on that.

The concept of *ummah* has been used by both supporters and critics of the peace treaty. The supporters used the term to denote both *ummathul ijaaba* (Muslim community) and *ummathu daawa* (the entire humankind). With the meaning of *ummathul ijaaba*, Jad al-

Haq requests the rulers of all Muslim countries to support the initiative of Egypt to bring peace in the region. Some supporters of the reconciliation use the concept of *ummah al-daawa* to argue that entire humankind, irrespective of their religious identity, constitutes a single community. So, a coexistence of Christians, Jews and Muslims is possible. The critics of the peace treaty, like Qaradawi, uses the term *ummah al-ijaaba* to request the Muslim community to stand together against the Israeli occupation.

The different perspectives on conflict resolution with Israel reflect the internal pluralism within Islam. Islam allows the qualified scholars to issues religious decrees on contemporary issues based on Islamic texts and their interpretation of the issues. Although Muslims have the choice to follow the opinion of any qualified scholar, the acceptance and popularity of *fatwas* depend upon the power and popularity of *muftis*. The support of the political leaders can help popularise the opinion of one scholar more than another. So, the interest of rulers plays a crucial role in popularising the *fatwa* of a particular scholar. In the examples of the theological debates on reconciliation with Israel, while the support of Egyptian and Saudi regimes popularised the *fatwas* of Jad al-Haq and Ibn-Baz, the support Qatar and Al-Jazeera Channel popularised the *fatwas* of Qaradawi. In Palestine, the support of PLO and Hamas can make the religious decrees of scholars more popular.

If five paradigms in the Islamic discourse of peace, which was proposed by Funk and Said (discussed in the second chapter of this thesis), are applied in the context of the theological debates on Israel-Palestine conflict resolution, preferring one paradigm over another can be seen as the reason for the presence of diverse opinions. For example, Hamas in its initial years and Qaradawi preferred the paradigm of the peace through coercion. Accordingly, they portray not only Israel but also the PLO as the enemy of Islam. They justify the wars against Israel using the religious language for justification. This approach is similar to the western approach of political realism. Nevertheless, in contrast to what Funk and Said described for the paradigm of the peace through coercion, Hamas and Qaradawi do not subscribe to a negative concept of peace as the absence of war. They emphasise the significance of justice in the conflict resolution. In that aspect, Hamas and Qaradawi prefer the paradigm of peace through equity. Jad al-Haq and Ibn-Baz prefer the paradigm of peace through conciliation. So, they stress the Qur'anic command to "incline towards peace". They see the life of Prophet Muhammad and the Hudaybiyya treaty as the best models for peace-making. The message of the Alexandria process of religious leaders and many grassroots organisations indicate their

preference for paradigms of peace through non-violence and peace through universalism.

The theological debate on conflict resolution with Israel illustrates that most of the contemporary Islamic scholars accept the modern nation-state system and international relations. Instead of binary division into *Dar al-Islam* and *Dar al-Harb*, the Islamic scholars use terminologies like *Dar al-Ahd* to describe modern states who signed the non-aggression treaty of the United Nations. Although some claims the abrogation of the Islamic teachings of peace by its command for war, most of the scholars do not subscribe to this view in the Islamic discourse over reconciliation with Israel. Even those who oppose the reconciliation on religious ground criticise it due to occupation of Israel in Palestinian land. Since their criticism is not due to religious difference, even critics of the reconciliation support the international treaties and relationship of Muslim countries with other non-Muslim countries. There is near consensus among Islamic scholars about the legitimacy of the peace treaty with other countries. Nevertheless, many scholars put a condition that the provision of the treaty should not contradict with the explicit teachings of Islam. Since some scholars consider the recognition of the Israeli occupation as against the explicit teaching of Islam, they oppose such treaties.

Islam commands to honour the treaty until end of the specified period or until it violated by the adversary. Breaching of the treaty is considered as a sin. Due to this religious prohibition of breaching the treaty, Hamas refrains from making a permanent agreement with Israel. Since the balance of power in the region is in favour of Israel, Hamas recognises that a peace treaty with Israel cannot ensure the justice to Palestinians. So, instead of agreeing for an unjust situation for an unlimited period, Hamas prefers *Hudna* for a fixed period. Additionally, most of the Islamic jurists suggest specifying a time in the international peace treaties. At the same time, some scholars, like Ibn-Taymiyyah, have allowed peace treaties for an unspecified duration. According to Ibn-Taymiyyah, while it is mandatory to respect the time specified treaties until the end of the fixed period, Muslim rulers can withdraw from the unspecified treaty when they view it as no longer serve the national and community interest. Following the perspective of Ibn-Taymiyyah, Ibn-Baz also allows reconciliation with Israel for both specified and unspecified period. He also permits to withdraw from the unspecified period when rulers view it as not serving the national interest.

In short, the different perspectives in the theological debate on reconciliation with Israel is an outcome of many factors. The difference in the preference between the peace in

the region and justice to Palestinians is one of the factors. Similarly, the different views on the question of Israel's inclination to peace also affect the theological debate. The variation in the political views and affiliation also affect the theological debate. It shows that the religious perspectives on supplemental issues are influenced by the social and political condition of the scholars.

Based on the findings of the research, this study recommends taking the religious perspectives of the conflict and conflict resolution into consideration especially when it is related to the traditional West Asian society where religion is part of the public sphere. Understanding the religious language and reasoning is necessary to identify the reason behind a particular position of the religious community. Since domestic politics and norms are influential in the foreign policies of the countries, understanding the religious discourse can help to explain the foreign policies of states with religious society. Religion can be not only part of problem, but also a part of solution. Nevertheless, by promoting the latter, the impact of the former can be minimised.

References

(Primary sources are marked with *)

*Abahra, A.N. (2020), personal interview, 19 March 2020.

Abdalla, A. (2001), "Principles of Islamic Interpersonal Conflict Intervention: A Search within Islam and Western Literature", *Journal of Law and Religion,* 15: 151-184.

Abdalla, D.A. et al. (2016), *"Say Peace": Conflict Resolution Training Manual for Muslim Communities,* Leesburg, VA: The Graduate School of Islamic & Social Sciences.

*Abdu-Dawud, I. (n.d.), *Sunan Abu-Dawud.*

*Abubadawia, R. (2020), personal interview, 12 March 2020

*Abudagga, M. (2020), personal interview, 4 April 2020.

Abu-Nimer, M. (1996), "Conflict Resolution Approaches: Western and Middle Eastern Lessons and Possibilities", *The American Journal of Economics and Sociology,* 55(1): 35-52.

Abu-Nimer, M. (1996a), "Conflict Resolution in an Islamic Context: Some Conceptual Questions", *Peace & Change,* 21(1): 22-40.

Abu-Nimer, M. (2001), "A Framework for Nonviolence and Peacebuilding in Islam", *Journal of Law and Religion,* 15(1/2): 217-265.

Abu-Nimer, M. (2003), *Nonviolence and Peace Building in Islam: Theory and Practice,* University Press of Florida.

Abu-Nimer, M. (2004), "Religion, Dialogue, and Non-Violent Actions in Palestinian-Israeli Conflict", *International Journal of Politics,* 17(3): 491-511.

Abu-Nimer, M. (2006), "Framework for Nonviolence and Peacebuilding in Islam", in A. A. Said, M. Abu-Nimer, & M. Sharify-Funk (eds.) *Contemporary Islam: Dynamic, not Static* (pp. 131-172), Oxon and New York: Routledge.

*Abu-Nimer, M. (2020), personal interview, 7 March 2020.

Abu-Nimer, M. and I. Nasser (2013), "Forgiveness in The Arab and Islamic Contexts: Between Theology and Practice", *Journal of Religious Ethics,* 41(3): 474-494.

AbuSulayman, A.A. (2010), *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought,* New Delhi: Al-Ittehad Publication .

Afifi, M.S. (1988), *Al-Alaqathu Dawliyya fil-Islam (International Relations in Islam),* Cairo: Matba'at al-Anglo-Misriyya.

*Ahmed, I. (n.d.), *Musnad Ahmad Ibn-Hanbal.*

Alon, I. (2007), "Idiom of the Arab Peace Initiative", in K. Michael (ed.) *Arab League Peace Initiative - A Historic Opportunity? Background, Meanings, and Possible Avenues of Exploration,* Jerusalem: The Jerusalem Institute for Israel Studies.

Amadu, M.H. (2015), *The Qur'ānic Concept of 'Adl as a Significant Resource to the Qur'anic Concepts of Salām and Ṣulḥ,* PhD Thesis, University of Aberdeen.

Appleby, R.S. (2000), *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation,* Oxford: Rowman & Littlefield.

Aroua, A. (2013), *The Quest for Peace in the Islamic Tradition,* Oslo: Kolofon Press.

Asad, M. (2005), *The Message of the Qur'an,* The Book Foundation.

*Al-Azhar (1956), "Al-Fatawa: Al-sulhu Maal Israeli wa-thaawun wa-thahaaluf maa duwalul isthi'mar" (Fatwa on Reconciliation with Israel and cooperation and alliance with the colonial countries), *Majallathul Azhar,* 27(6): 682-686, [Online: web] Accessed 5 Sept. 2019 URL: https://docs.google.com/viewer?url=https://muslim-library.com/books/ar_majallat_Al_Azhar_volume_27_issue_6.pdf.

Bartal, S. (2015), "Sheikh Qaradawi and the Internal Palestinian Struggle Issues Preventing Reconciliation Between Fatah and Hamas and the Influence of the Qaradawi Era over the Struggle Between the Organizations", *Middle Eastern Studies,* 51(4): 585-599.

Bartal, S. (2016), *Jihad in Palestine: Political Islam and the Israeli–Palestinian Conflict,* Oxon and New York: Routledge.

Beck, U. (2008), *A God of One's Own: Religion's Capacity for Peace and Potential for Violence,* Translated by R. Livingstone, Cambridge: Polity Press.

Bercovitch, J. and S.A. Kadayifci-Orellana, (2009), "Religion and Mediation: The Role of Faith-Based Actors in International Conflict Resolution", *International Negotiation,* 14(1): 175–204.

Bloom, M.M. (2004), "Palestinian Suicide Bombing: Public Support, Market Share, and Outbidding", *Political Science Quarterly,* 19(1): 61-88.

Bouta, T. et al. (2005), *Faith-Based Peace-Building: Mapping and Analysis of Christian, Muslim and Multi-Faith Actors,* The Hague: Netherlands institute of international relations' Clingendael'.

Breger, M.J. et al. (eds.) (2012), *Sacred Space in Israel and Palestine: Religion and politics,* Oxon and New York: Routledge.

*Al-Bukhari, M. (n.d.), *Sahih al-Bukhari.*

Burch-Brown, J. (2012), "Islam and peacebuilding. unpublished manuscript", [Online: web] Accessed 5 February 2019, URL: https://www.academia.edu/1973423/Islam_and_Peacebuilding.

Carter, J. and G.S. Smith (2004), "Religious Peacebuilding: From Potential to Action", in H. Coward, and G. S. Smith (eds.) *Religion and peacebuilding* (pp. 279-302), Albany, New York: State University of New York Press.

Cavanaugh, W.T. (2009), *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict,* Oxford and New York: Oxford University Press.

Crow, K.D. (2011), "Peace and Security: The Islamic Understanding" *Islam and Civilisational Renewal,* 2(4): 708-713.

*Daffern, T. C. (2020), personal interview, 18 March 2020.

Al-Dawoody, A. (2015), "Conflict Resolution in Civil Wars Under Classical Islamic Law", *Peace Review: A Journal of Social Justice,* 27(3): 280–287.

Denny, F.M. (2004), "Islam and Peacebuilding: Continuities and Transitions", in H. Coward, and G.S. Smith (eds.), *Religion and Peacebuilding* (pp. 129-146), Albany: State University of New York Press.

Desch, M.C. (2013), "The Coming Reformation of Religion in International Affairs? The Demise of Secularization Thesis and the Rise of New Thinking About Religion", in *Religion and International Relations: A Primer for Research* (pp. 14-55), Mellon Initiative on Religion Across the Disciplines.

*Deuteronomy. (n.d.)

DIN (Da'wah Institute of Nigeria) (2009), *Jihad and the Spread of the Islam,* Islamic Education Trust.

Dizboni, A.G. (2011), *Islam and War: The Disparity between the Technological-Normative Evolution of Modern War and the Doctrine of Jihad,* New York: The Edwin Mellen Press.

Dogan, R. (2014), "Conflict Resolution Forms in the Life of Prophet Muhammad", *International Journal of Religion & Spirituality in Society,* 4(2): 9-19.

Dragovic, D. (2015), *Religion and Post-Conflict Statebuilding: Roman Catholic and Sunni Islamic Perspective,* Palgrave Macmillan.

Dunning, T. (2015), "Islam and resistance: Hamas, ideology and Islamic values in Palestine", *Critical Studies on Terrorism,* 8(2): 284-305.

Eisheh, A.A. (2012), "The protection of heritage and holy sites in international law: A Palestinian perspective", in M.J. Breger, Y. Reiter, and L. Hammer (eds.) *Sacred Space in Israel and Palestine: Religion and politics* (pp. 127-159), London and New York: Routledge.

El-Affendi, A. (1993), "Knowledge, Justice and Conflict Resolution: The Relevance of Islamic Perspectives and Traditions", *Nordic Journal of African Studies,* 2(2): 42–49.

Emirates News Agency (2020, August 14), "International treaties, relations rightful authority of sovereign ruler: Emirates Fatwa Council", [Online: web] Accessed 20 September 2020, URL: http://wam.ae/en/details/1395302862343.

*Exodus. (n.d.).

Ferry, T.M. (2008), "Ancient History: Canaan–Palestine From the First Foot Falls to Rome", in G. Harms (ed.) *The Palestine–Israel Conflict: A Basic Introduction* (pp. 3-22), London: Pluto Press.

Fox, J. and S. Sandler (2004), *Bringing Religion into International Relations,* New York: Palgrave Macmillan.

Frisch, H. (2005), "Has the Israeli-Palestinian Conflict Become Islamic? Fatah, Islam, and the Al-Aqsa Martyrs' Brigades, Terrorism and Political Violence", *Terrorism and Political Violence,* 17(3): 391-406.

Funk, N.C. and A.A. Said (2004), "Islam and the West: Narratives of Conflict and Conflict Transformation", *International Journal of Peace Studies,* 9(1): 1-28.

Funk, N.C. and A.A. Said (2010), *Islam and Peacemaking in the Middle East,* New Delhi: Viva Book Private Limited.

Funk, N.C., and C.J. Woolner (2011), "Religion and Peace and Conflict Studies", in T. Matyók, J. Senehi, and S. Byrne (eds.), *Critical Issues in Peace and Conflict Studies: Theory, Practice, and Pedagogy* (pp. 349-370), Plymouth: Lexington Books.

Gellman, M. and M. Vuinovich (2008), "From Sulha to Salaam: Connecting Local Knowledge with International Negotiations for Lasting Peace in Palestine/Israel", *Conflict Resolution Quarterly,* 26(2): 127-148.

*Genesis. (n.d.).

Gopin, M. (2002), *Holy War, Holy Peace: How Religion Can Bring Peace to the Middle East,* New York: Oxford University Press.

Guth, J.L. (2013), "Religion and Public Opinion on Security: A Comparative Perspective", in C. Seiple, D. R. Hoover, and P. Otis (eds.), *The Routledge Handbook of Religion and Security* (pp. 171-182), Routledge.

Hacohen, A. (2012), "'How awesome is this place': Holy places in Jewish law", in M. J. Breger, Y. Reiter, and L. Hammer (eds.), *Sacred Space in Israel and Palestine: Religion and politics* (pp. 52-92), London and New York: Routledge.

Hamidullah, M. (1987), *Majmu'at al-Watha'iq al-Siyasiyya fil-'Ahd al-Nabawi wal-Khilafa al-Rashida (The collection of the political treaties in the perod of the Prophet Muhammad and Caliphates),* Beirut: Dar al-Nafais.

*Al-Haq, J. (1979), "Peace Treaty between Egypt and Israel and its implications", in *Al-fatawi al-Islamiyya,* Cairo: Dar al-ifta.

*Harhash, N. (2020), e-mail to the author, 6 May 2020.

Harms, G. (2008), *The Palestine–Israel Conflict: A Basic Introduction* (2nd ed.), London: Pluto Press.

Hayward, J. (2011, April), "Qur'anic Concepts of the Ethics of Warfare: Challenging the Claims of Islamic Aggressiveness", *Occasional Papers Series No. 2,* [Online: web]

Accessed 24 February 2017, URL: http://www.joelhayward.org/Joel-Hayward-Cordoba-Foundation.pdf.

Heikal, M.K. (1996), *Al-Jihad wal-Qital fil-Siyasa al-Shar'iyya (Struggle and War in Sharia Politics),* Damascus: Dar Ibn-Hazm.

Herrington, L.M., and A. Mckay (2015), "Introduction", In L.M. Herrington, A. Mckay, and J. Haynes (Eds.), *Nations under God: The Geopolitics of Faith in the Twenty-First Century* (pp. 1-22), Bristol, England: E-International Relations.

Hilal, I. (1991), *Al-Mu'ahadat al-Dawliyya fil-Shari'a al-Islamiyya (International treaties in the Islamic Sharia),* Beirut: Dar al-Nahda al-Islamiyya.

*Al-Hindi, I. (1994), *Al-Islam wal-Qanun ad-Dawli (Islam and international law)* (2nd ed.), Damascus: Tlas.

Holy Qur'an. (n.d.).

Hroub, K. (2000), *Hamas: Political Thought and Practice,* Washington D.C.: Institute of Palestine Studies.

Huda, Q. (ed.) (2010), *Crescent and Dove: Peace and Conflict Resolution in Islam.* Washington, D.C.: United States Institute of Peace Press.

Huntington, S.P. (1993), "The clash of civilizations", *Foreign Affairs,* 72(3): 22-49.

*Ibn-Baz, A. a.-A. (1995), *Eelaahu wa thaeqeeb ala Maqali faleelathi al-Shaikh Yusuf al-Qaradawi Hawla al-Sulhi Ma'a al-Yahudi.* [Online: web] Accessed 24 February 2017, URL: https://binbaz.org.sa/articles/230/%D8%A7%D9%8A%D8%B6%D8%A7%D8%AD-%D9%88%D8%AA%D8%B9%D9%82%D9%8A%D8%A8-%D8%B9%D9%84%D9%89-%D9%85%D9%82%D8%A7%D9%84-%D9%81%D8%B6%D9%8A%D9%84%D8%A9-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%82%D8%B1%D8%B6%D8%A7%D9%88%D9%.

*Ibn-Baz, A.A. (1996), *Hukmu Sulh Maal Yahood Fee laui Shareeathil Islamiyya (The rule of treaty with Jews in the light of Islamic sharia),* Riyad: The General Presidency of Islamic Research and Ifta.

*Ibn-Majah, M. (n.d.), *Sunan Ibn-Majah.*

Iqbal, A. (1975), *Prophet's Diplomacy: The Art of Negotiation as Conceived and Developed by the Prophet of Islam,* Cape Cod, Massachusetts: Claude Stark.

Irani, G.E. (1999), "Islamic Mediation Techniques for Middle East Conflicts", *Middle East Review of International Affairs,* 3(2): 1-17.

Irani, G.E., and N.C. Funk (1998), "Rituals of Reconciliation: Arab-Islamic Perspectives", *Arab Studies Quarterly,* 20(4): 53-73.

Isaac, J. (2011), "A Palestinian Perspective on the Israeli-Palestinian Conflict on Settlements, Territory and Boarders", in E.G. Matthews (ed.), *The Israel–Palestine conflict: parallel discourses* (pp. 67-90), Oxon and New York: Routledge.

Ishaq, A.H. (2018), "Bazlu al-Silm li al-Alam: Ruiyyathu Fiqihiyyathi Maqasidiyyah" (Making peace with the World: Jurisprudential perspective), *Al-silm*, 83-118.

Ishay, M. (2011), "Globalization, Religion, and Nationalism in Israel and Palestine", in T.D. Sisk (ed.), *Between Terror and Tolerance: Religious Leaders, Conflict, and Peacemaking* (pp. 69-84), Washington: Georgetown University Press.

Islam, M.Z. (2012), "Provision of Alternative Dispute Resolution Process in Islam", *IOSR Journal of Business and Management (IOSR-JBM),* 6(3): 31-36.

Istanbuli, Y. (2001), *Diplomacy and Diplomatic Practice in the Early Islamic Era,* USA: Oxford University Press.

Jirsa, J. (2004), "Forgiveness and Revenge: Where Is Justice?", *Thinking Together. Proceedings of the IWM Junior Fellows' Conference, Winter 2003, 16,* Vienna: IWM Junior Visiting Fellows' Conferences.

Johnston, D., and C. Sampson (eds.), (1994), *Religion: The Missing Dimension of Statecraft,* New York: Oxford University Press.

Jones, G.L. (2014), "God's Mapmakers: A Theology of Dispossession", in N. Masalha, and L. Isherwood (eds.) *Theologies of Liberation in Palestine-Israel: Indigenous, Contextual, and Postcolonial Perspectives* (pp. 115-126), Cambridge: The Lutterworth Press.

*Judges. (n.d.),

Kadayifci-Orellana, A. et al. (2013), *Understanding an Islamic Framework for Peacebuilding.* Birmingham, UK: Islamic Relief Worldwide, [Online: web] Accessed

24 February 2017, URL: http://policy.islamic-relief.com/storage/2014/05/Understanding-an-Islamic-Framework-for-Peacebuilding_IRWP_2013-02.pdf.

Kadayifci-Orellana, S.A. (2003), "Religion, Violence and the Islamic Tradition of Non-Violence", *The Turkish Yearbook of International Relations,* 34, 23-62.

Kadayifci-Orellana, S.A. (2007), *Standing on an Isthmus: Islamic Approaches to War and Peace in Palestine,* Lanham, MD: Lexington Books.

Kadayifci-Orellana, S.A. (2015), "Peacebuilding in the Muslim World", in A. Omer, R.S. Appleby, and D. Little (eds.) *The Oxford Handbook of Religion, Conflict and Peacebuilding* (pp. 430-469), New York: Oxford University Press.

*Kadayifci-Orellana, S.A. (2020), personal interview, 31 January 2020.

Kalin, I. (2005), "Islam and Peace: A Survey of the Sources of Peace in the Islamic Tradition", *Islamic Studies,* 44(3): 327-362.

Kalin, I. (2012), *Islam and Peace,* Amman: The Royal Aal Al-Bayt Institute for Islamic Thought.

Kaminsky, H. (2018), *Fundamentals of Jewish Conflict Resolution: Traditional Jewish Perspectives on Resolving Interpersonal Conflicts,* Brighton, MA: Academic Studies Press.

Kelsay, J. (2006), "Islamic Tradition and the Justice of War", in T. Brekke (ed.), *The Ethics of War in Asian Civilizations* (pp. 81-110), New York: Routledge.

Khadduri, M. (1956), "Islam and the Modern Law of Nations", *The American Journal of International Law,* 50(2): 358-372.

Khaleel, N.M. (2019), "Reading the Position of Al-Qaradawi on the Palestinian Cause", *International Journal of History and Cultural Studies,* 5(4): 13-20.

Khalil, M. H. (2011), "War or Peace in Israel? The Bin Baz–Qaradawi Debate", *Journal of Islamic Law and Culture,* 13(2-3): 133-139.

*Khan, M. (2020), personal interview, 7 March 2020

*Khanfar, M. (2020), personal interview, 7 March 2020.

Kibble, D.G. (2003), "Religion and Peacemaking in Palestine", *Peace Review,* 15(3): 331-337.

Kramer, G. (2008), *A History of Palestine: From the Ottoman Conquest to the Founding of the State of Israel,* Translated by G. Harman, and G. Kramer, New Jersey: Princeton University Press.

Landau, Y. (2003), *Healing the Holy Land: Interreligious Peacebuilding in Israel/Palestine* Vol. Peaceworks No. 51, United States Institute of Peace.

Landau, Y. (2010), "The Religious Dimension of Israeli-Palestinian Peacemaking", in M.F. Salinas, and H.A. Rabi (eds.) *Resolving the Israeli-Palestinian Conflict Perspectives on the Peace Process* (pp. 263-286), New York: Cambria Press.

*Leviticus. (n.d.).

Little, D. (Ed.) (2007), *Peacemakers in Action: Profiles of Religion in Conflict Resolution,* Cambridge and New York: Cambridge University Press.

Little, D., and S. Appleby (2004), "A Moment of Opportunity? The Promise of Religious Peacebuilding in an Era of Religious and Ethnic Conflict", in H. Coward, and G.S. Smith (eds.), *Religion and peacebuilding* (pp. 1-25), Albany, New York: State University of New York Press.

Litvak, M. (1998), "The Islamization of the Palestinian-Israeli Conflict: The Case of Hamas", *Middle Eastern Studies,* 34(1): 148-163.

Loskota, B. and R. Flory (2013), "Why Religion Still Matters in the World", in P. Seib (ed.) *Religion and Public Diplomacy* (pp. 9-26), Palgrave: New York.

*Malik, I. (n.d.), *Muwatta.*

Marsden, L. (ed.) (2012), *The Ashgate Research Companion to Religion and Conflict Resolution,* Surrey GU: Ashgate Publishing Limited.

Masalha, N. (2014), "Reading the Bible with the Eyes of the Philistines, Canaanites and Amalekites: Messianic Zionism, Zealotocracy, the Militarist Traditions of the Tanakh and the Palestinians (1967 to Gaza 2013)", in N. Masalha, and L. Isherwood (eds.) *Theologies of Liberation in Palestine-Israel: Indigenous, Contextual, and Postcolonial Perspectives* (pp. 57-115), Cambridge: The Lutterworth Press.

Matthews, E.G. (ed.) (2011), *The Israel–Palestine conflict : parallel discourses,* Oxon and New York: Routledge.

Middle East Monitor (2020, August 25), "Prominent Muslim Figures Resign from UAE Peace Forum over Deal with Israel, [Online: web] Accessed 20 September 2020, URL: https://www.middleeastmonitor.com/20200825-prominent-muslim-figures-resign-from-uae-peace-forum-over-deal-with-israel.

Milton-Edwards, B. (1996), "Political Islam in Palestine in an environment of peace?", *Third World Quarterly,* 17(2): 199-225.

*Al-Misri, K.U.K. (2014), *Al-Muahadathu Silmiyya fee Zauil Waqii al-Muasir (Peace treaty: In the light of contemporary issues),* The Islamic University, Gaza, College of Sharia and Law. Gaza: The Islamic University.

*Mohsen, A. (2020), e-mail to the author, 27 February 2020.

Moix, B. (2006), "Matters of Faith: Religion, Conflict, and Conflict Resolution", in M. Deutsch, P.T. Coleman, and E.C. Marcus, *The Handbook of Conflict Resolution: Theory and Practice* (2nd ed., pp. 582-601), San Francisco: Jossey-Bass.

Mollov, B. (2011), "Interreligious Dialogue and the Israeli-Palestinian Conflict: An Empirical View", in M.M. Laskier, and Y. Lev (eds.), *The Divergence of Judaism and Islam: Interdependence, Modernity, and Political Turmoil* (pp. 288-305), Gainesville: University Press of Florida.

Morkevičius, V. (2018), *Realist ethics: just war traditions as power politics*, Cambridge University Press.

Murad, A.H. (2014), "Forgiveness and Justice: meditations on some hadiths", [Online: web] Accessed 17 September 2017, URL: http://masud.co.uk/ISLAM/ahm/HadithsonJustice.pdf.

*Al-Muslim, A. H. (n.d.), *Sahih al-Muslim.*

Nasiri, M. (2018), Annaskh wa Sharaiyyath al-Sayf (Abrogation and Rule of War), *Al-silm*, 306-336.

*Numbers. (n.d.).

Nusse, A. (1998), *Muslim Palestine: The Ideology of Hamas,* Overseas Publishers Association.

Özçelik, S. (2006-2007), "Islamic/Middle Eastern Conflict Resolution for Inter-personal and Intergroup Conflicts: Wisata, Sulha and Third-Party", *Uluslararası İlişkiler,* 3(12): 3-17.

Philpott, D. (2012), *Just and Unjust Peace: An ethic of Political Reconciliation,* New York: Oxford University Press.

Philpott, D. (2013), "The justice of forgiveness", *Journal of Religious Ethics,* 41(3): 400-416.

Polka, S. (2018), "Centrists Vs Salafists on the Islamic Concept of Peace", *Global Journal of Archeology and Anthropology*, 5(1): 10-24.

Powell, E. J. (2020), *Islamic law and international law: Peaceful resolution of disputes*, New York: Oxford University Press.

Powell, R. (2011), "Forgiveness in Islamic Ethics and Jurisprudence", *Berkeley Journal of Middle Eastern & Islamic Law*, 4(1): 17-34.

*Al-Qaradawi, Y. (1995), *The inclination towards peace when the enemy initiated it*, [Online: web] Accessed 24 February 2017, URL: https://www.al-qaradawi.net/node/2861.

*Al-Qasimi, Z. (1982), *Al-Jihad Wal-Huquq al-Dawliyya al-Amma fil-Islam (Jihad and General International Rights in Islam),* Beirut: Dar al-Ilm lil-Malayin.

Al-Ramahi, A. (2008), "*Sulh*: A Crucial Part of Islamic Arbitration", *LSE Law, Society and Economy Working Papers*, London, [Online: web] Accessed 3 Nov. 2016 URL: http://eprints.lse.ac.uk/24598/1/WPS2008-12_Al-Ramahi.pdf.

Rashid, Q. (2017, July 8), "'Jihad' is not a dirty word", *The Washington Post*, [Online: web] Accessed 3 May 2019, URL: https://www.washingtonpost.com/news/global-opinions/wp/2017/07/08/jihad-is-not-a-dirty-word/?noredirect=on&utm_term=.976cf84acaf6.

Rehman, U. (2011), "Conflict Resolution and Peacemaking in Islam: Toward Reconciliation and Complementarity between Western and Muslim Approaches", *Islamic Studies,* 50(1): 55-69.

Reiter, Y. (2010), "Religion as a Barrier to Compromise in the Israeli-Palestinian", in Y. Bar-Siman-Tov (ed.) *Barriers to Peace in the Israeli-Palestinian Conflict* (pp. 228-263), Jerusalem: Konrad-Adenauer-Stiftung Israel.

Reiter, Y. (2011), *War, Peace and International Relations in Islam: Muslim Scholars on Peace Accords with Israel,* Sussex Academic Press.

Robinson, P.F. (2006), "The Role of Religion and Spirituality in Post-Conflict Reconstruction", in U. Ewald and K. Turkovic (eds.) *Large-Scale Victimisation as a Potential Source of Terrorist Activities* (pp. 278-298), IOS Press.

Rosen, S. (2012), "The Importance of Interfaith Cooperation for the Protection of Jerusalem's Holy Sites", in M.J. Breger, Y. Reiter, and L. Hammer (eds.) *Sacred Space in Israel and Palestine: Religion and politics* (pp. 436-490), Oxon and New York: Routledge.

Said, A.A., and N.C. Funk (2002), "The Role of Faith in Cross-Cultural Conflict Resolution", *Peace and Conflict Studies,* 9(1): 37-50.

Said, A.A. et al. (2006), *Contemporary Islam Dynamic, not Static,* New York: Routledge.

Said, A.A. et al. (eds.) (2001), *Peace and Conflict Resolution in Islam: Precept and Practice,* University Press of America.

Salek, L.V. (2014), *Working in Conflict: A Faith Based Toolkit for Islamic Relief,* Birmingham, UK: Islamic Relief Worldwide.

Salem, P. (ed.) (1997), *Conflict Resolution in the Arab World: Selected Essays,* American University of Beirut.

Salem, P.E. (1993), "A Critique of Western Conflict Resolution from a Non-Western Perspective", *Negotiation Journal,* 9(4): 361-369.

Saud, A.A. (2015), "Political Religion: From the Global and the Regional to Jerusalem and Back", *Palestine-Israel Journal of Politics, Economics, and Culture,* 20(4/1): 95-100.

Scham, P. and O. Abu-Irshaid (2009), *Hamas: Ideological Rigidity and Political Flexibility,* Washington: United States Institute of Peace.

Schellenberg, J.A. (1996), *Conflict Resolution: Theory, Research, and Practice,* Albany, New York: State University of New York Press.

*Schenker, H. (2020), e-mail to the author, 23 August 2020.

Seiple, R.A., and D.R. Hoover (eds.) (2004), *Religion and Security: The New Nexus in International Relations,* Rowman & Littlefield.

Shafir, G. (2017), *A Half Century of Occupation: Israel, Palestine, and the World's Most Intractable Conflict,* California: University of California Press.

Sheikh, N.S. (2015), "Reclaiming Jihad as a Strategy of Conflict Transformation", *Peace Review: A Journal of Social Justice,* 27(3): 288–295.

*Shihade, M. (2020), personal interview, 5 March 2020

*Shomaly, S. (2020), personal interview, 11 March 2020.

Silvestri, S., and J. Mayall (2015), *The Role of Religion in Conflict and Peacebuilding.* London: The British Academy.

Smock, D. (2008), *Religion in World Affairs: Its Role in Conflict and Peace,* Washington, DC: United States Institute of Peace.

Smock, D.R. (ed.) (2002), *Interfaith Dialogue and Peacebuilding,* Washington, DC: United States Institute of Peace.

Smock, D.R. (ed.) (2006), *Religious Contributions to Peacemaking: When Religion Brings Peace, Not War,* Washington, DC: United States Institute of Peace.

*Sosebee, S. (2020), e-mail to the author, 12 March 2020.

Steele, D. (2008), "An introductory Overview to Faith-based Peacebuilding", In M.M. Rogers, T. Bamat, and J. Ideh (eds.) *Pursuing Just Peace: An Overview and Case Studies for Faith-Based Peacebuilders* (pp. 5-42), Baltimore: Catholic Relief Services.

Stempel, J.D. (2000), "Faith and Diplomacy in the International System", [Online: web] Accessed 1 November 2016, URL: http://www.uky.edu/~stempel/pdf/FaithDip&Int_syst_2_00.pdf.

Stendel, O. (1992), *The Arabs in Israel: Between Hammer and Anvil,* Jerusalem: Academon.

Sway, M.A. (2006), "The Concept of Hudna (Truce) in Islamic Sources", *Palestine-Israel Journal,* 13(3): 20-27.

Takuri, N.H. (2000, April), Hukum al-Shara'a fi al-Mu'ahadat Allati Abramatha Ba'd al-Bilad al-Arabiyya ma'al-Yahud. *Filastine al-Muslima*.

Taub, E., and A.Y. Hollander (2012), "The Place of Religious Aspirations for Sovereignty over the Temple Mount in Religious-Zionist Rulings", in M. J. Breger, Y. Reiter, and L. Hammer (eds.) *Sacred Space in Israel and Palestine: Religion and Politics* (pp. 254-299), Oxon and New York: Routledge.

Tawil, B. (2018, July 17), "Palestinians' Latest 'Apartheid Fatwa', [Online: web] Accessed 19 September 2019, URL: https://www.gatestoneinstitute.org/12716/palestinians-apartheid-fatwa.

Tessler, M., and J. Nachtwey (1998), "Islam and Attitudes toward International Conflict: Evidence from Survey Research in the Arab World", *The Journal of Conflict Resolution,* 42(5): 619-636.

Thistlethwaite, S. and G. Stassen (2008), *Abrahamic Alternatives to War: Jewish, Christian, and Muslim Perspectives on Just Peacemaking,* United States Institute of Peace.

Tibi, B. (1996), "War and Peace in Islam", in T. Nardin (ed.) *The Ethics of War and Peace: Religious and Secular Perspectives* (pp. 175-193), Princeton: Princeton University Press.

*Al-Tirmidhi, M. (n.d.), *Jaamiu Tirmidhi.*

Tuastad, D. (2010), *The Hudna: Hamas's Concept of a Long-Term Ceasefire,* Oslo: Peace Research Institute Oslo (PRIO).

Tuastad, D. (2010b, November), *Hamas's Concept of a Long-term Ceasefire:Ceasefire: A Viable Alternative to Full Peace?*, Oslo: Peace Research Institute Oslo (PRIO).

Vehapi, F. (2013), *Conflict Resolution in Islam: Document Review of the Early Sources,* Dissertations and Theses, Portland State University.

Wang, Y.M. (2014), "Strategic Engagement and Religious Peace-building: A case study of religious peace work in Jerusalem", *Approaching Religion,* 4(2): 71-82.

White, C.A. (2006), "Bringing Religious Leaders Together in Israel/Palestine", in D.R. Smock (Ed.), *Religious Contributions to Peacemaking: When Religion Brings Peace, Not War* (pp. 13-16), Washington, DC: United States Institute of Peace.

Yadlin, R. (2006), "Inter-Faith Strife: The Al-Azhar Discourse on Israel", *Israel Affairs,* 12(1): 52-64.

Yarden, O. (2011), "No Dialogue without Religion, without Dialogue no Peace: A Jewish Perspective on the Israeli-Palestine Context", *New Routes,* 16(1): 21-23.

Yassine-Hamdan, N., and F.S. Pearson (2014), *Arab Approaches to Conflict Resolution: Mediation, Negotiation and Settlement of Political Disputes,* London and New York: Routledge.

Zilberman, I. (2012), "The Renewal of the Pilgrimage to Nabi Musa". In M. J. Breger, Y. Reiter, and L. Hammer (eds.) *Sacred Space in Israel and Palestine: Religion and politics* (pp. 197-220), London and New York: Routledge.

*AL-Zuhayli, W. (1962), *Athr al-Harb fi al-Fiqh al-Islami,* Damascus: Dar al-Fikr.

*Al-Zuhayli, W. (1981), *Al-Alaqat al-Dawliyya fil-Islam Muqarana bil -Qanun al-Dawli al-Hadith,* Beirut: Al-Risala.

Appendices

Appendix-I

Full text of *Saheefath al-Madeena*

Source: http://hrlibrary.umn.edu/arab/IS-1.html

صحيفة المدينة (1 هجرية)

كتابه (صلى الله عليه وسلم) بين المهاجرين والأنصار واليهود

بسم الله الرحمن الرحيم

هذا كتاب من محمد النبي (رسول الله) بين المؤمنين والمسلمين من قريش وأهل يثرب ومن اتبعهم فلحق بهم وجاهد معهم.

إنهم أمة واحدة من دون الناس.

المهاجرون من قريش على ربعتهم يتعاقلون بينهم وهم يفدون عانيها بالمعروف والقسط بين المؤمنين.

وبنو عوف على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو الحارس (من الخزرج) على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو سعادة على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو جشم على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو النجار على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو عمرو بن عوف على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وبنو النبيت على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين وبني الأوس على ربعتهم يتعاقلون معاقلهم الأولى، وكل طائفة تفدى عانيها بالمعروف والقسط بين المؤمنين.

وأن المؤمنين لا يتركون مفرحاً بينهم أن يعطوه بالمعروف في فداء أو عقل.

وأن لا يخالف مؤمن مولى مؤمن دونه.

وأن المؤمنين المتقين أيديهم على كل من بغى منهم أو ابتغى دسيعة ظلم أو إثماً أو عدواناً أو فساداً بين المؤمنين، وأن أيديهم عليه جميعاً ولو كان ولد أحدهم.

ولا يقتل مؤمن مؤمناً في كافر ولا ينصر كافراً على مؤمن.

وأن ذمة الله واحدة يجير عليهم أدناهم، وأن المؤمنين بعضهم موالي بعض دون الناس.

وأنه من تبعنا من يهود فإن له النصر والأسوة غير مظلومين ولا متناصر عليهم.

وأن سلم المؤمنين واحدة لا يسالم مؤمن دون مؤمن في قتال في سبيل الله إلا على سواء وعدل بينهم.

وأن كل غازية غزت معنا يعقب بعضهم بعضاً.

وأن المؤمنين يبيئ بعضهم عن بعض بما نال دماؤهم في سبيل الله.

وأن المؤمنين المتقين على أحسن هدى وأقومه.

وأنه لا يجير مشرك مالاً لقريش ولا نفساً ولا يحول دونه على مؤمن.

وأنه من اعتبط مؤمناً قتلاَ۟ عن بينة فإنه قود به إلا أن يرضى ولى المقتول (بالعقل)، وأن المؤمنين عليه كافة لا يحل لهم إلا قيام عليه.

وأنه لا يحل لمؤمن أقر بما في هذه الصحيفة وآمن بالله واليوم الآخر أن ينصر محدثاً أو يؤويه، وأنه من نصره أو آراه فإن عليه لعنة الله وغضبه يوم القيامة ولا يؤخذ منه صرف ولا عدل.

وأنكم مهما اختلفتم فيه من شئ فإن مرده إلى الله وإلى محمد.

* * *

وأن اليهود ينفقون مع المؤمنين ما داموا محاربين.

وأن يهود بني عوف أمة مع المؤمنين لليهود دينهم وللمسلمين دينهم مواليهم وأنفسهم إلا من ظلم أو أثم فإنه لا يوتغ إلا نفسه وأهل بيته.

وأن ليهود بني النجار مثل ما ليهود بني عوف.

وأن ليهود بن الحارث مثل ما ليهود بني عوف.

وأن ليهود بني ساعدة مثل ما ليهود بني عوف.

وأن ليهود بني جشم مثل ما ليهود بني عوف.

وأن ليهود بني الأوس مثل ليهود بني عوف.

وأن ليهود بني ثعلبة مثل ما ليهود بني عوف إلا من ظلم وأثم فإنه لا يوتغ إلا نفسه وأهل بيته.

وأن جفته بطن من ثعلبة كأنفسهم.

وأن لبنى الشطبية مثل ما ليهود بني عوف وأن البر دون الإثم.

وأن موالى ثعلبة كأنفسهم.

وأن بطانة يهود كأنفسهم.

وأنه لا يخرج منهم أحد إلا بإذن محمد.

وأنه لا ينحجز على ثأر جرح، وأنه من فتك فبنفسه وأهل بيته إلا من ظلم وأن الله على أبر على هذا.

وأن على اليهود نفقتهم وعلى المسلمين نفقتهم، وأن بينهم النصر على من حارب أهل هذه الصحيفة، وأن بينهم النصح والنصيحة والبر دون الإثم.

وأنه لا يأثم أمرؤ بحليفه وأن النصر للمظلوم.

وأن اليهود ينفقون مع المؤمنين ما داموا محاربين.

وأن يثرب حرام جوفها لأهل هذه الصحيفة.

وأن الجار كالنفس غير مضار ولا آثم.

وأن لا تجار حرمة إلا بإذن أهلها.

وأنه ما كان بين أهل هذه الصحيفة من حدث أو اشتجار يخاف فساده فإن مرده إلى الله وإلى محمد رسول الله (صلى الله عليه وسلم)، وأن الله على أتقى ما في هذه الصحيفة وأبره.

وأن لا تجار قريش ولا من نصرها.

وأن بينهم النصر على من دهم يثرب.

وإذا دعوا إلى صلح يصالحونه ويلبسونه فإنهم يصالحونه ويلبسونه، وأنهم إذا دعوا إلى مثل ذلك فإنه لهم على المؤمنين إلا من حارب في الدين.

على كل أناس حصتهم من جانبهم الذي قبلهم.

وأن يهود الأوس مواليهم وأنفسهم لأهل هذه الصحيفة مع البر المحض من أهل هذه الصحيفة، وأن البر دون الإثم لا يكسب كاسب إلا على نفسه وأن الله على أصدق ما في هذه الصحيفة وأبره.

وأنه لا يحول هذا الكتاب دون ظالم أو آثم، وأنه من خرج آمن ومن قعد آمن بالمدينة إلا من ظلم أو آثم، وأن الله جار لمن بر واتقى، ومحمد رسول الله (صلى الله عليه وسلم).

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In the name of God, the Beneficent and the Merciful.

(1) This is a prescript of Muhammad, the Prophet and Messenger of God (to operate) between the faithful and the followers of Islam from among the Quraish and the people of Madeena and those who may be under them, may join them and take part in wars in their company.

(2) They shall constitute a separate political unit (Ummah) as distinguished from all the people (of the world).

(3) The emigrants from the Quraish shall be (responsible) for their own ward; and shall pay their blood-money in mutual collaboration and shall secure the release of their own prisoners by paying their ransom from themselves, so that the mutual dealings between the believers be in accordance with the principles of goodness and justice.

(4) And Banu 'Awf shall be responsible for their own ward and shall pay their blood-money in mutual collaboration, and every group shall secure the release of its own prisoners by paying their ransom from themselves so that the dealings between the believers be in accordance with the principles of goodness and justice.

(5) And Banu Al-Harith-ibn-Khazraj shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom from themselves, so that the dealings between the believers be in accordance with the principles of goodness and justice.

(6) And Banu Sa'ida shall be responsible for their own ward, and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom from themselves, so that the dealings between the believers be in accordance with the principles of goodness and justice.

(7) And Banu Jusham shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom so that the dealings between the believers be in accordance with the principles of goodness and justice.

(8) And Banu an-Najjar shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its

own prisoners by paying their ransom so that the dealings between the believers be in accordance with the principles of goodness and justice.

(9) And Banu 'Amr-ibn-Awf shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom, so that the dealings between the believers be in accordance with the principles of goodness and justice.

(10) And Banu-al-Nabit shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom so that the dealings between the believers be in accordance with the principles of goodness and justice.

(11) And Banu-al-Aws shall be responsible for their own ward and shall pay their blood-money in mutual collaboration and every group shall secure the release of its own prisoners by paying their ransom, so that the dealings between the believers be in accordance with the principles of goodness and justice.

(12) (a) And the believers shall not leave any one, hard-pressed with debts, without affording him some relief, in order that the dealings between the believers be in accordance with the principles of goodness and justice. (b) Also no believer shall enter into a contract of clientage with one who is already in such a contract with another believer.

(13) And the hands of pious believers shall be raised against every such person as rises in rebellion or attempts to acquire anything by force or is guilty of any sin or excess or attempts to spread mischief among the believers; their hands shall be raised all together against such a person, even if he be a son to any one of them.

(14) And no believer shall kill another believer in retaliation for an unbeliever, nor shall he help an unbeliever against a believer.

(15) And the protection of God is one. The humblest of them (believers) can, by extending his protection to any one, put the obligation on all; and the believers are brothers to one another as against all the people (of the world).

(16) And that those who will obey us among the Jews, will have help and equality. Neither shall they be oppressed nor will any help be given against them.

(17) And the peace of the believers shall be one. If there be any war in the way of God, no believer shall be under any peace (with the enemy) apart from other believers, unless it (this peace) be the same and equally binding on all.

(18) And all those detachments that will fight on our side will be relieved by turns.

(19) And the believers as a body shall take blood vengeance in the way of God.

(20) (a) And undoubtedly pious believers are the best and in the rightest course. (b) And that no associator (non-Muslim subject) shall give any protection to the life and property of a Quraishite, nor shall he come in the way of any believer in this matter.

(21) And if any one intentionally murders a believer, and it is proved, he shall be killed in retaliation, unless the heir of the murdered person be satisfied with blood-money. And all believers shall actually stand for this ordinance and nothing else shall be proper for them to do.

(22) And it shall not be lawful for any one, who has agreed to carry out the provisions laid down in this code and has affixed his faith in God and the Day of Judgment, to give help or protection to any murderer, and if he gives any help or protection to such a person, God's curse and wrath shall be on him on the Day of Resurrection, and no money or compensation shall be accepted from such a person.

(23) And that whenever you differ about anything, refer it to God and to Muhammad.

(24) And the Jews shall share with the believers the expenses of war so long as they fight in conjunction, (25) And the Jews of Banu 'Awf shall be considered as one political community (Ummat) along with the believers—for the Jews their religion, and for the Muslims theirs, be one client or patron. He, however, who is guilty of oppression or breach of treaty, shall suffer the resultant trouble as also his family, but no one besides.

(26) And the Jews of Banu-an-Najjar shall have the same rights as the Jews of Banu 'Awf.

 (27) And the Jews of Banu-al-Harith shall have the same rights as the Jews of Banu 'Awf.

(28) And the Jews of Banu Sa'ida shall have the same rights as the Jews of Banu 'Awf.

(29) And the Jews of Banu Jusham shall have the same rights as the Jews of Banu 'Awf.

(30) And the Jews of Banu al-Aws shall have the same rights as the Jews of Banu 'Awf.

(31) And the Jews of Banu Tha'laba shall have the same rights as the Jews of Banu 'Awf. Of course, whoever is found guilty of oppression or violation of treaty, shall himself suffer the consequent trouble as also his family, but no one besides.

(32) And Jafna, who are a branch of the Tha'laba tribe, shall have the same rights as the mother tribes.

(33) And Banu-ash-Shutaiba shall have the same rights as the Jews of Banu 'Awf; and they shall be faithful to, and not violators of, treaty.

(34) And the mawlas (clients) of Tha'laba shall have the same rights as those of the original members of it.

(35) And the sub-branches of the Jewish tribes shall have the same rights as the mother tribes.

(36) (a) And that none of them shall go out to fight as a soldier of the Muslim army, without the per-mission of Muhammad.

b) And no obstruction shall be placed in the way of any one's retaliation for beating or injuries; and whoever sheds blood shall be personally responsible for it as well as his family; or else (i.e., any step beyond this) will be of oppression; and God will be with him who will most faithfully follow this code (sahifath) in action.

(37) (a) And the Jews shall bear the burden of their expenses and the Muslims theirs. (b) And if any one fights against the people of this code, their) i.e., of the Jews and Muslims) mutual help shall come into operation, and there shall be friendly counsel and sincere behaviour between them; and faithfulness and no breach of covenant.

(38) And the Jews shall be bearing their own expenses so long as they shall be fighting in conjunction with the believers.

(39) And the Valley of Yathrib (Madeena) shall be a Haram (sacred place) for the people of this code.

(40) The clients (mawla) shall have the same treatment as the original persons (i.e., persons accepting clientage). He shall neither be harmed nor shall he himself break the covenant.

(41) And no refuge shall be given to any one without the permission of the people of the place (i.e., the refugee shall have no right of giving refuge to others).

(42) And that if any murder or quarrel takes place among the people of this code, from which any trouble may be feared, it shall be referred to God and God's Messenger, Muhammad, and God will be with him who will be most particular about what is written in this code and act on it most faithfully.

(43) The Quraish shall be given no protection nor shall they who help them.

(44) And they (i.e., Jews and Muslims) shall have each other's help in the event of any one invading Yathrib.

(45) (a) And if they (i.e., the Jews) are invited to any peace, they also shall offer peace and shall be a party to it; and if they invite the believers to some such affairs, it shall be their (Muslims) duty as well to reciprocate the dealings, excepting that any one makes a religious war. (b) On every group shall rest the responsibility of (repulsing) the enemy from the place which faces its part of the city.

(46) And the Jews of the tribe of al-Aws, clients as well as original members, shall have the same rights as the people of this code: and shall behave sincerely and faithfully towards the latter, not perpetrating any breach of covenant. As one shall sow so shall he reap. And God is with him who will most sincerely and faithfully carry out the provisions of this code.

(47) And this prescript shall not be of any avail to any oppressor or breaker of covenant. And one shall have security whether one goes out to a campaign or remains in Madeena, or else it will be an oppression and breach of covenant. And God is the Protector of him who performs the obligations with faithfulness and care, as also His Messenger Muhammad.

Appendix-II

The text of *Sulh Hudaybiyya*

Source: http://hrlibrary.umn.edu/arab/IS-2.html

باسمك اللهم
هذا ما صالح عليه محمد بن عبد الله سهيل بن عمرو
واصطلحا على وضع الحرب بين الناس عشر سنين يأمن فيهم الناس ويكف بعضهم عن بعض.
(على أنه من قدم مكة من أصحاب محمد حاجاً أو معتمراً، أو يبتغى من فضل الله فهو آمن على دمه وماله،
ومن قدم المدينة من قريش مجتازاً إلى مصر أو إلى الشام يبتغي من فضل الله فهو آمن على دمه وماله).
على أنه من آتى محمداً من قريش بغير إذن وليه رده عليهم ومن جاء قريش ممن مع محمد لم يردوه عليه.
أن بيننا عيبة مكفوفة، وأنه لا إسلال ولا إغلال.
أنه من أحب أن يدخل في عقد محمد وعهده دخله، ومن أحب أن يدخل في عقد قريش وعهدهم دخل فيه.
وأنك ترجع عنا عامك هذا، فلا تدخل علينا مكة، وأنه إذا كان عام قابل خرجنا عنك فدخلتها بأصحابك فأقمت
بها ثلاثاً، معك سلاح الراكب السيوف في القرب ولا تدخلها بغيرها.
وعلى أن الهدى حيث ما جئناه ومحله فلا تقدمه علينا.
أشهد على الصلح رجال من المسلمين ورجال من المشركين.

***Sulh Hudaybiyya* English Translation**

(translated by Sway, 2006).

In the name of Allah.

These are the conditions of peace between Muhammad, son of Abdullah, and Suhail, son of 'Amr [the envoy of Mecca]. There will be no fighting for 10 years in which people will be safe and stop from attacking one another. And amongst us what is vice should be prevented, and there shall be no theft or treachery. He who goes to Muhammad from those of Quraysh without permission from his guardian will be returned to them [i.e., Quraysh]. But if anyone from amongst those with Muhammad goes to Quraysh, he will not be returned [to the Muslims]. Anyone who wishes to join Muhammad and to enter into any agreement [and become an ally] with him is free to do so. Anyone who wishes to join Quraysh and to enter into any agreement [and become an ally] with them is free to do so. This year, you [i.e., Muhammad] will go back without entering Mecca. But next year, we [i.e., Quraysh] will evacuate Mecca so that you [Muhammad] and your companions can enter and stay for three days [to perform the minor pilgrimage]. [The Muslims] will be unarmed except for sheathed swords which wayfarers have with them.

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Appendix-III

Agreement between Caliph Umar and the Christians of Jerusalem

Source: Hamidullah (1987: 487-488)

بسم الله الرحمن الرحيم .

هذا ما أعطى عبد الله عمر أمير المؤمنين أهل أيليا من الأمان :

أعطاهم أماناً لأنفسهم وأموالهم ، ولكنائسهم وصلبانهم ، وسقيمها وبريئها وسائر ملتها . إنه لا تُسكَن كنائسهم ولا تهدَم ، ولا ينتقص منها ولا من حيزها ، ولا من صليبهم ولا من شيء من أموالهم ، ولا يُكرَهون على دِينهم ولا يضارّ أحد منهم ، ولا يَسكن بأيليا معهم أحد من اليهود .

وعلى أهل أيليا أن يعطوا الجِزية كما يُعطي أهل المدائن . وعليهم أن يُخرجوا منها الروم واللُّصوتَ . فمن خرج منهم فإنه آمنٌ على نفسه وماله حتى يبلغوا مأمنهم . ومن أقام منهم فهو آمنٌ . وعليه مثل ما على أهل أيليا من الجِزية . ومن أحب من أهل أيليا أن يسير بنفسه وماله مع الروم ، ويخلي بِيعهم وصلبهم ، فإنهم آمنون على أنفسهم وعلى بِيعهم ، وصلبهم، حتى يبلغوا مأمنهم . ومن كان بها من أهل الأرض قبل مقتل فلان، فمن شاء منهم قعد ، وعليه مثل ما على أهل أيليا من الجِزية؛ ومن شاء سار مع الروم ، ومن شاء رجع إلى أهله . فإنه لا يؤخذ منهم شيء حتى يحصد حصادهم .

وعلى ما في هذا الكتاب عهد الله وذِمّة رسوله، وذِمّة الخلفاء وذِمّة المؤمنين، إذا أعطوا الذي عليهم من الجِزية .

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English Translation of the Agreement between Caliph Umar and the Christians of Jerusalem

In the name of God, the Merciful, the Compassionate. This is the assurance of safety which the servant of God, Umar, the Commander of the Faithful, has given to the people of Jerusalem. He has given them an assurance of safety for themselves for their property, their churches, their crosses, the sick and healthy of the city and for all the rituals which belong to their religion. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted. No Jew will live with them in Jerusalem.

The people of Jerusalem must pay the taxes like the people of other cities and must expel the Byzantines and the robbers. Those of the people of Jerusalem who want to leave with the Byzantines, take their property and abandon their churches and crosses will be safe until they reach their place of refuge. The villagers may remain in the city if they wish but must pay taxes like the citizens. Those who wish may go with the Byzantines and those who wish may return to their families. Nothing is to be taken from them before their harvest is reaped.

If they pay their taxes according to their obligations, then the conditions laid out in this letter are under the covenant of God, are the responsibility of His Prophet, of the caliphs and of the faithful.

Alexandria Summit Declaration

January 21, 2002

Source: Rosen (2012: 475).

"In the name of God who is Almighty, Merciful and Compassionate, we, who have gathered as religious leaders from the Muslim, Christian and Jewish communities, pray for true peace in Jerusalem and the Holy Land, and declare our commitment to ending the violence and bloodshed that denies the right of life and dignity.

According to our faith traditions, killing innocent in the name of God is a desecration of His Holy Name, and defames religion in the world. The violence in the Holy Land is an evil which must be opposed by all people of good faith. We seek to live together as neighbors respecting the integrity of each other's historical and religious inheritance. We call upon all to oppose incitement, hatred and misrepresentation of the other.

1. The Holy Land is holy to all three of our faiths. Therefore, followers of the divine religions must respect its sanctity, and bloodshed must not be allowed to pollute it. The sanctity and integrity of the holy places must be preserved, and freedom of religious worship must be ensured for all.

2. Palestinians and Israelis must respect the divinely ordained purposes of the Creator by whose grace they live in the same land that is called holy.

3. We call on the political leaders of both peoples to work for a just, secure and durable solution in the spirit of the words of the Almighty and the Prophets.

4. As a first step now, we call for a religiously sanctioned cease-fire, respected and observed on all sides, and for the implementation of the Mitchell and Tenet recommendations, including the lifting of restrictions and return to negotiations.

5. We seek to help create an atmosphere where present and future generations will co-exist with mutual respect and trust in the other. We call on all to refrain from incitement and demonization, and to educate our future generations accordingly.

6. As religious leaders, we pledge ourselves to continue a joint quest for a just peace that leads to reconciliation in Jerusalem and the Holy Land, for the common good of all our peoples.

7.   We announce the establishment of a permanent joint committee to carry out the recommendations of this declaration, and to engage with our respective political leadership accordingly."

Delegates:

His Grace the Archbishop of Canterbury, Dr. George Carey

His Eminence Sheikh Mohamed Sayed Tantawi, Cairo, Egypt

Sephardi Chief Rabbi Bakshi-Doron

Deputy Foreign Minister of Israel, Rabbi Michael Melchior

Rabbi of Tekoa, Rabbi Menachem Froman

International Director of Interreligious Affairs, American Jewish Committee, Rabbi David Rosen

Rabbi of Savyon, Rabbi David Brodman

Rabbi of Maalot Dafna, Rabbi Yitzak Ralbag

Chief Justice of the Sharia Courts, Sheikh Taisir Tamimi

Minister of State for the PA, Sheikh Tal El Sider

Mufti of the Armed Forces, Sheikh Abdelsalam Abu Schkedem

Mufti of Bethlehm, Sheikh Mohammed Taweel

Representative of the Greek Patriarch, Archibishop Aristichos

Latin Patriarch, His Beatitude Michel Sabbah

Melkite Archbishop, Archbishop Boutrous Mu'alem

Representative of the Armenian Patriarch, Archbishop Chinchinian

Bishop of Jerusalem, The Rt. Rev. Riah Abu El Assal.

Fatwa of Jad ul-Haq

الموضوع ـ اتفاقية السلام بين مصر وإسرائيل وأثرها.

المفتى : فضيلة الشيخ جاد الحق علي جاد الحق. 6 محرم 1400

هجرية ـ 26 نوفمبر 1979

سئل : عن حكم اتفاقية السلام بين مصر وإسرائيل وأثرها

أجاب:

كان الإسلام ولا زال دين الأمن والأمان والسلام والسكينة والصفاء والمودة والإخاء وليس دين حرب أو شحناء أو بغضاء، لم يستخدم السيف للتحكم والتسلط إنما كانت حروبه وسيلة لتأمين دعوته، وقد أمر القرآن الكريم المؤمنين بالامتناع عن القتال إذا لم تكن هناك ضرورة، ففي كتاب الله قوله سبحانه: "فإن اعتزلوكم فلم يقاتلوكم وألقوا إليكم السلم فما جعل الله لكم عليهم سبيلا" (النساء: 90). وقوله تعالى: "وإن جنحوا للسلم فاجنح لها وتوكل على الله"، (الأنفال: 61).

ومن تعاليم الإسلام للمسلمين أن يردوا كل ما يختلفون في معرفة أحكامه إلى الله ورسوله. قال تعالى: "فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم تؤمنون بالله واليوم الآخر"، (النساء: 59).

وأكد الله سبحانه هذا المبدأ بوجوب الإذعان لحكمه وحكم رسوله في قوله في القرآن الكريم: "إنما كان قول المؤمنين إذا دعوا إلى الله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا"، (النور: 51).

وها نحن العرب قد اختلفنا مع اليهود، وقامت الحرب بيننا سنوات ثم قامت لهم دولة اعترف بها المجتمع الدولي، وظاهرتها أقوى دول العالم وعقدنا معها اتفاقية الهدنة بعد الحرب الأولى بيننا سنة 1948 ثم وقعت حرب سنة 1956 مع مصر   وقامت هدنة أخرى ثم حرب سنة 1967 حيث احتلت إسرائيل جميع أراضي فلسطينوزادت فاحتلت سيناء من أرض مصر والجولان من سوريا، ولم ترض مصر بهذه الهزيمة وما استكانت، بل استعدت وجندت أبناءها وعبأت مواردها ثم ضربت ضربة رمضان المنتصرة فاستردت بها هيبة العرب واضطرت معها إسرائيل أن تستغيث بنظرائها، وفى أوج النصر العسكرى عرض رئيس مصر السلام أملا في أن يسود هذه المنطقة الأمن وأن يسترد العرب أنفاسهم من حرب طالت استطالت دون أن يبدو في أفقها نهاية، واستطاع رئيس مصر أن يسترد أجزاء كبيرة من سيناء سلما، فوق ما استرده بالحرب، ثم كانت مبادرته ونداؤه بالسلام في القدس، وفى حضور الخصوم، ليشهد عليهم العالم إن أبوا الدخول فيه، وصبر وجادلهم بالحجة والمنطق كما جادلهم بقوة السلاح وعزم الرجال، حتى جنحوا للسلم وارتضوه عهدا تنحل به هذه الأزمة وقبلوا بحرب رمضان ـ أن يرحلوا عن الأرض التى احتلوها فوق العشر سنوات ورضوا من الغنيمة بالإياب والمسالمة فما حكم الله ورسوله في هذا الصلح الذي تم بين مصر وإسرائيل بعد تلك الحروب وإنما كان قول المؤمنين إذا دعوا إلى الله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا.

إننا إذا نظرنا في كتاب الله قرآنه الكريم نجد أنه قد قرر أن العلاقة الأساسية بين الناس جميعا هي السلم. نجد هذا واضحا في قوله تعالى: "يا أيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم" (الحجرات: 13). وقوله سبحانه: "يا أيها الناس اتقوا ربكم الذي خلقكم من نفس واحدة وخلق منها زوجها وبث منهما رجالا كثيرا ونساء واتقوا الله الذي تساءلون به والأرحام"، (النساء: 1)

وبهذا النداء للناس، بوصفهم بني الإنسان، كان السلم هو الحالة الأصلية التي تشيع المودة والتعاون الخير بين الناس، وكانت الدعوة إلى غير المسلمين بأنهم إذا سالموا سواء كانوا سالمين مع المسلمين في نظر أحكام الإسلام لأنهم جميعا بنو الإنسان، ولم يجز الإسلام الحرب إلا لعلاج حالة طارئة ضرورية، وإذا كانت هذه هي منزلة الحرب في الإسلام فإنه يقرر بأنها إذا وقعت، وجنح أحد الطرفين المتحاربين إلى السلم، وجب حقن الدماء. نرى هذا واضحا وجليا في قوله تعالى: "وإن جنحوا للسلم فاجنح لها وتوكل على الله إنه هو السميع العليم". وإن يريدوا أن يخدعوك فإن حسبك الله" (الأنفال: 61 ، 62).

هذا حكم الله أنزله إلينا، وهو يجيز لنا أن نتعاهد ونقيم المعاهدات مع غير المسلمين إبقاء على السلم أصلا، أو رجوعا إليه بوقف الحرب وقفا مؤقتا بمدة أو وقفا دائما، كما يجيز أن تتضمن المعاهدة مع غير المسلمين تحالفا حربيا وتعاونا على رد عدو مشترك.

قال القرطبي: إن كان للمسلمين مصلحة في الصلح لنفع يجتلبونه أو ضرر يدفعونه، فلا بأس أن يبتدىء المسلمون إذا احتاجوا غليه، وقد صالح رسول الله صلى الله عليه وسلم أهل خيبر على شروط نقضوها فنقض صلحهم، وهادن قريشا عشرة أعوام حتى نقضوا عهده، ثم قال ومازالت الخلفاء والصحابة على هذه السبيل التي شرعناها سالكة وبالوجوه التي شرحناها عاملة. ثم نقل قول الإمام مالك رضى الله عنه فقال: تجوز مهادنة المشركين السنة والسنتين والثلاث وإلى غير مدة. (الجامع لأحكام القرآن ج: 8 ، ص: 41 - 39 ، في تفسير سورة الأنفال).

وفى التعقيب على تفسير الآيتين 89 ، 90 من سورة النساء، حيث انتهت الأخيرة بقوله تعالى: "فإن اعتزلوكم فلم يقاتلوكم وألقوا إليكم السلم فما جعل الله لكم عليهم سبيلا"، قال القرطبي (ص: 309 :ج 5) في هذه الآية دليل على إثبات الموادعة بين أهل الحرب وأهل السلام إذا كان في الموادعة مصلحة للمسلمين.

وفي فتح الباري، لابن حجر العسقلاني، بشرح صحيح البخاري، في باب الموادعة والمصالحة مع المشركين، تعليقا على الآية الكريمة "وإن جنحوا للسلم"، أن هذه الآية دالة على مشروعية المصالحة مع المشركين.

وفى منتقى الأخبار من أحاديث سيد الأخيار وشرحه نيل الأوطار للشوكاني (ج: 8، ص: 39) في غزوة الحديبية، بعد أن نقل الأحاديث في شأنها أن مصالحة العدو ببعض ما فيه ضيم على المسلمين جائزة للحاجة والضرورة دفعا لمحظور أعظم منه

وإذا تتبعنا سيرة الرسول، صلى الله عليه وسلم، وأصحابه من بعده، نجد أنهم قد تعاهدوا مع غير المسلمين ولم ينقضوا عهدا عقدوه إلا أن ينقض من الغير، ولعل فاتحة عهود الرسول ومعاهداته كان العهد مع يهود المدينة وتحالفه معهم، ثم تعامله وصحبه اقتصاديا، ولقد ظل وفيا بهذا الوعد والعهد حتى نقضه اليهود فانتقض، وصلح الحديبية وشروطه مشهور واعتراض الصحابة عليه، كل ذلك فعله رسول الله، ولنا فيه القدوة ولأنه فعل ما فيه المصلحة للمسلمين، ولقد عاهد خالد بن الوليد أهل الحيرة وصالحهم، وصالح عمر بن الخطاب أهل إيلياء وكان

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يستدعي الزعماء غير المسلمين ويشاورهم آراءهم، كما فعل عندما أراد تنظيم الطرق بعد فتحها، وكما استشار المقوقس عظيم القبط في مصر، بعد الفتح.

وقد عقد الفقهاء المسلمون، على اختلاف مذاهبهم الفقهية، أبوابا في كتبهم أبانوا فيها أحكام المهادنة والمصالحة مع غير المسلمين، واتفقت كلمتهم على أن لرئيس الدولة المسلمة أن يهادن ويصالح محاربيه من غير المسلمين بوقف الحرب معهم مادام في هذا مصلحة للسلمين، واستندوا في هذا إلى قول الله سبحانه: "وإن جنحوا للسلم فاجنح لها"، (الأنفال: 61) وإلى صلح الرسول صلى الله عليه وسلم مع أهل مكة عام الحديبية، وأضاف الفقهاء قولهم: ولأن الموادعة جهاد معنى إذا كان خيرا للمسلمين، لأن المقصود هو دفع الشر الحاصل بالحرب. (كتاب "البحر الرائق شرح كنز الدقائق"، لابن نجيم الحنفي، ص: 87 ، وما بعدها، ج: 5، وكتاب "بدائع الصنائع للكاساني الحنفي، ص: 108 ، وما بعدها، ج: 7، وكتاب "مجمع الأنهر شرح ملتقى الأبحر" - فقه حنفي، ج: 1، ص: 645 ، وما بعدها، وكتاب "المغني"، لابن قدامة الحنبلي، ج: 10 ، ص: 517 ، وما بعدها، وكتاب "حاشية الدسوقي على الشرح الكبير فقه مالكي ج: 2، ص: 232 ، وحواشي "تحفة المحتاج بشرح المنهاج"، ج: 9، ص: 304 ، وما بعدها، وكتاب "قواعد الأحكام في مصالح الأنام، للسلطان العز بن عبد السلام الشافعي، ج: 1، ص: 103).

بل إن فقهاء الشيعة الإمامية صرحوا بهذا في كتبهم. ففي "كتاب المختصر النافع في فقه هذا المذهب"، ج: 1، ص: 11 ، في كتاب الجهاد: وإن اقتضت المصلحة المهادنة جاز لكن يتولاها الإمام ومن يأذن له.

ويقول الفقيه ابن القيم في كتابه "زاد المعاد"، ج: 2، ص: 184 : ولما قدم النبى صلى الله عليه وسلم المدينة صار الكفار معه ثلاثة أقسام قسم صالحهم ووادعهم على ألا يحاربوه ولا يظاهروا عليه ولا يوالوا عليه عدوه وهم على كفرهم آمنون على دمائهم وأموالهم وقسم حاربوه ونصبوا له العداوة. وقسم تاركوه فلم يصالحوه ولم يحاربوه بل انتظروا ما يؤول إليه أمره وأمر أعدائه فقابل كل طائفة من هذه الطوائف بما أمره به ربه تبارك وتعالى ثم قال، في ص 200 في "فقه صلح خيبر": وفى القصة دليل على جواز عقد الهدنة مطلقا من غير توقيت بل ما شاء الإمام، ولم يجىء ما ينسخ هذا الحكم البتة، فالصواب جوازه وصحته. وقد نص عليه الشافعي في رواية المزني، ونص عليه غيره من الأئمة.

ويقول العلامة ابن تيمية في كتابه "الاختبارات"، ص 188 ، في باب الهدنة: ويجوز عقدها مطلقا ومؤقتا، والمؤقت لازم من الطرفين يجب الوفاء به ما لم ينقضه العدو، ولا ينقض بمجرد خوف الخيانة في أظهر قول العلماء، وأما المطلق فهو عقد جائز يعمل الإمام فيه بالمصلحة أسس المعاهدات في الإسلام.

وحينما نطالع أقوال علمائنا في تفسير آيات القرآن وأحاديث رسول الله صلى الله عليه وسلم، في شأن الحرب والصلح، ونطلع كذلك على ما نقله الفقهاء في هذا الشأن، نرى أنهم قد استوجبوا توافر الأسس التالية لقيام المعاهدات مع غير المسلمين شرعا.

الأول: ما دل عليه قول الرسول عليه الصلاة والسلام (كل شرط ليس في كتاب الله فهو باطل) وهذا مفاده أنه يتعين على ولي أمر المسلمين، الذى يتعاهد مع غير المسلمين، ألا يقبل شرطا يتعارض صراحة أو دلالة مع نصوص القرآن الكريم، محافظة على سمة الشريعة العامة واحتفاظا بعزة الإسلام والمسلمين قال تعالى: "ولله

العزة ولرسوله وللمؤمنين"، (المنافقون: 8). ومثال الشروط الباطله أن تتضمن المعاهدة التحالف مع غير المسلمين ضد المسلمين، أو التعهد بمقتضاها بالقعود عن نجدة المسلمين عند الاعتداء على ديارهم وأموالهم.

الثاني: تحديد الشروط في المعاهدات بينة واضحة على مثال المصالحات التى عقدها الرسول عليه الصلاة والسلام، فقد كانت محددة في الحقوق والالتزامات المتبادلة بين المتعاقدين وذلك حتى لا تكون وسيلة للغش والخداع واستلاب الحقوق.

الثالث: أن تعقد المعاهدة في نطاق التكافؤ بين طرفيها، فلا يجوز لولي أمر المسلمين أن يعاهد ويصالح تحت التهديد، لأن مبدأ الإسلام التراضي في كل العقود.

ومسالمة المسلمين لمخالفيهم في الدين أمر يقره الإسلام ، فمن المبادئ العامة التى قررتها الشريعة في معاملة أهل الكتاب تركهم وما يدينون، والمنع من التعرض لهم متى سالموا، بل والتسوية بينهم وبين المسلمين في الحقوق والواجبات العامة، وأجازت مواساتهم وإعانة المنكوبين، وأباحت الاختلاط بهم ومصاهرتهم، وما أباحت قتالهم إلا ردّا لعدوان، قال تعالى: "فما استقاموا لكم فاستقيموا لهم" (التوبة:7)، وقال سبحانه: "وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم والمحصنات من المؤمنات والمحصنات من الذين أوتوا الكتاب من قبلكم إذا آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان"، (المائدة: 5).

وكان من أوامر الإسلام الوفاء بهذه المعاهدات إذا انعقدت بشروطها داخلة في نطاقه غير خارجة على أحكامه وحافظ عليها الطرف الآخر ولم تنفذ ظروف انعقادها، وها هو القرآن الكريم يقول: "إلا الذين عاهدتم من المشركين ثم لم ينقصوكم شيئا ولم يظاهروا عليكم أحدا فأتموا إليهم عهدهم إلى مدتهم"، (التوبة: 4).

ويقول في شأن توقع الخيانة من المعاهدة دعوة إلى اليقظة والحذر "وإما تخافن من قوم خيانة فانبذ إليهم على سواء إن الله لا يحب الخائنين"، (الأنفال: 58).

ذلك هو حكم الإسلام في التعاهد والمصالحة، بل والمحالفة مع غير المسلمين، يقر المعاهدات التى تضمن السلام المستقر وتحفظ الحقوق، وهو في ذات الوقت ينهى عن خيانة العهد ويأمر بالوفاء بالوعد، فالعلاقة بين الناس في دستور الإسلام علاقة سلم حتى يضطروا إلى الحرب للدفاع عن النفس أو للوقاية منها، ومع هذا يأمر الإسلام بأن يكتفى من الحرب بالقدر الذى يكفل دفع الأذى، ويأمر كذلك بتأخيرها ما بقيت وسيلة إلى الصبر والمسالمة، ولم يجعل الإسلام الوفاء بالعقود والعهود من أعمال السياسة التى تجوز فيها المراوغة عند القدرة عليها، بل جعله أمانة من الأمانات واجبة الأداء يكاد الخارج عنها أن يخرج عن الإسلام، بل ويخرج عن آدميته ويصبح بهذا في عداد السائمة، قال تعالى: "وأوفوا بعهد الله إذاعاهدتم ولا تنقضوا الأيمان بعد توكيدها وقد جعلتم الله عليكم كفيلا إن الله يعلم ما تفعلون. ولا تكونوا كالتى نقضت غزلها من بعد قوة أنكاثا تتخذون أيمانكم دخلا بينكم أن تكون أمة هى أربى من أمة إنما يبلوكم الله به وليبينن لكم يوم القيامة ما كنتم فيه تختلفون"، (النحل: 91).

وبعد، فإن الإسلام صاغ الحياة البشرية من خلال قوله تعالى: "ولقد كرمنا بنى آدم وحملناهم في البر والبحر ورزقناهم من الطيبات وفضلناهم على كثير ممن خلقنا تفضيلا"،(الإسراء: 70) . هذا التكريم للإنسان، أي إنسان، بغض النظر عن لونه أو دينه أو جنسه أو وطنه، أعاد إلى فكر الإنسان وقلبه أن الناس جميعا بنو آدم وحواء جعلهم الله شعوبا وقبائل ليتعارفوا، وأرسل إليهم الرسل لهدايتهم من الضلال، حتى كان الإسلام خاتما

لجميع الرسالات، يحوي كتابه ما حملته الكتب السابقة عليه منقيا عقيدته وعبادته وتشريعه مما لم يعد ملائما لدين الله الخالد إلى يوم الدين.

ثم حث الإسلام على الدعوة إلى الله بالمنطق والعقل، فجعل توحيد الله أساسا تتعاون في ظله كل الديانات قال تعالى: "قل يا أهل الكتاب تعالوا إلى كلمة سواء بيننا وبينكم ألا نعبد إلا الله ولا نشرك به شيئا ولا يتخذ بعضنا بعضا أربابا من دون الله"، (آل عمران: 64)

ووجه القرآن الكريم رسول الله صلى الله عليه وسلم لنمط الدعوة المطلوب فقال: "ادع إلى سبيل ربك بالحكمة والموعظة الحسنة وجادلهم بالتى هى أحسن"،(النحل: 125).

وفى نطاق هذا الاتجاه والتوجيه، عقد الرسول، حين قدم المدينة مهاجرا، معاهدة بين المسلمين واليهود وباقى الأقليات التى كانت تسكن في المدينة وما حولها، رسم بها خريطة دولة الإسلام في التعاون المشترك مع مواطنيها وجبرتها من أهل الأديان الأخرى، وهذه المعاهدة التى قد نسميها بأسلوبنا المعاصر (معاهدة دفاع مشترك) يرشدنا فقهها إلى أن نسلك هذا السبيل ونقتدي بها ما دام في مثلها مصلحة للمسلمين.

ولقد كان من آثار هذه المعاهدة، كما سبق، التعاون المالي والاقتصادي بين جميع القاطنين في المدينة وما حولها، دون نظر إلى الاختلاف في العقيدة والدين.

والإسلام يضع بذلك إطارا للتعايش بين بني الإنسان على اختلاف مللهم ونحلهم بهذا الوصف الإنساني، ويخاطبهم به داعيا إياهم للتراحم والتعاطف والتساند في الشدائد والملمات.

ثم يخص المسلمين بتوجيه أوفى وتوصيف أوسع وأسمى، فيجعل أخوتهم الدينية أعلى نسبا وأقوى لحمة من كل الأنساب والأحساب التي يتفاخرون بها، ويضع لهم نماذج نقية لما يجب أن يأخذوا أنفسهم به فقال تعالى: "وتعاونوا على البر والتقوى ولا تعاونوا على الإثم والعدوان"، (المائدة: 2)، وقال جل شأنه: "والمؤمنون والمؤمنات بعضهم أولياء بعض يأمرون بالمعروف وينهون عن المنكر، (التوبة: 71)، وقال أيضا: "ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر (آل عمران: 104).

بهذا المنطق كان توجيه القرآن الكريم للمسلمين إلى أحسن السبل للتعاون وتنقية المجتمع والحفاظ على مصالح المسلمين.

وبنفس المنطق يحدد الرسول، صلى الله عليه وسلم، المسئولية ويضعها على عاتق أولياء الأمور كل في موقعه فيقول: "كلكم راع ومسئول عن رعيته، الإمام راع ومسئول عن رعيته" (رواه البخاري)، ويقول: ما من أمتي أحد ولي من أمر الناس شيئا لم يحفظهم بما يحفظ به نفسه إلا لم يجد رائحة الجنة..، (رواه الطبرانى عن ابن عباس في الصغير والأوسط)

ومن هنا يتبين مدى مسئولية رئيس الدولة في الإسلام، وأن عليه أن يحفظ الرعية مما يحفظ به نفسه، لأنه قد التزم العمل لمصلحتها، وفى نطاق هذه المسئولية، وفى خضم نزاع العرب وإسرائيل، وفى ظلال هزيمة سنة 1967 ، التى لحقت بالعرب، كل العرب، فنكست رؤوسهم، خطط رئيس مصر لرفع هذا العار وحاربت مصر في رمضان، وكان النصر من عند الله للمؤمنين الذين رابطوا وجاهدوا حتى محوا خزي العار ووضعوا أكاليل الغار.

ثم كانت تلك النظرة الثاقبة الفاحصة للمجتمع الدولي وموقفه من النزاع، هذه النظرة التي تمثلت في مبادرة السلام في تشرين الثاني 1977، السلام المطلوب سلام العزة ومن موضع القوة لا من موقع الضعف والهزيمة، وجاهد رئيس مصر وفاوض وكافح حتى سلم الخصم أو استسلم بعد إذ رأى مفاوضا قوي الحجة، ثابت الجنان، مستمسكا بأرض العرب كل العرب ومقدسات المسلمين، لم يفرط في حق ولم تلن عزيمته، بل كان صابرا ومثابرا للوصول إلى غاية الطريق بعد أن بدأ بخطوات رشيدة شديدة، ومازال يهدف إلى الغاية ويحث الخطى حتى يصل الحق إلى أصحابه بعون من الله وتأييده.

قال تعالى: "إن تنصروا الله ينصركم ويثبت أقدامكم" (محمد: 7).

إذا عرضنا اتفاقية السلام بين مصر وإسرائيل على قواعد الإسلام التي أصلها القرآن وفصلتها السنة، وبينها فقهاء المذاهب جميعا على نحو ما أجملنا الإشارة إليه، نجد أنها قد انطوت تحت لواء أحكام الإسلام، فهي قد استخلصت قسما كبيرا من الأرض التي احتلتها إسرائيل في هزيمة سنة 1967 ، بما فيها وعليها من مواطنين عادت إليهم حريتهم وثروات نستفيد بها بدلا من أن يستنزفها الخصوم، فهل استرداد الأرض والثروة مما يأمر به الإسلام، أو مما ينهى عنه، وهل في هذا مصلحة محققة للمسلمين أو شر ماحق لاحق بهم، وهل في عودة المواطنين الذين تحررت أرضهم إلى دولتهم ترعى شئونهم من تعليم وصحة ودعوة وتجارة وكل مسئوليات الدولة نحوهم، هل هذا مما أمر به الإسلام أو مما نهى عنه؟

حين نعرض هذه الاتفاقية في ضوء مسئوليات الحاكم المسلم نجد أن رئيس مصر قد نصح الأمة وقام بالمسئولية، فحافظ على الرعية حفاظه على نفسه، حارب حين وجد ألا مندوحة من الحرب بعد أن استعد وأعد، وفاوض وسالم حين ظهر ألا مفر من السلم وأنه يستطيع الوصول إلى الحق والحصول عليه سلما لا حربا، والإسلام يقرر أن الحرب ليست حرفة ولا غاية، وإنما هي ضرورة دفاع أو وقاية، وكما قال الرسول الأكرم: "إن الله يحب الرفق في الأمر كله"، (رواه البخاري ومسلم)، أي أن الله سبحانه يحب لين الجانب في الفعل والقول، كما يحب الأخذ بالأيسر الأسهل في أمور الدين والدنيا ومعاشرة الناس فإذا استعصت الحرب كوسيلة لاسترداد الحق، وتيسر السلم أفلا يكون هو الأول والأولى؟

اللهم إن السلام تحية الإسلام وخلق الإسلام وصمام أمنه وأمانه يتمثل هذا في قول رسول الله عليه الصلاة والسلام: "إن الله جعل السلام تحية لأمتنا وأمانا لأهل ذمتنا"، (رواه الطبراني والبيهقي). وإنما كانت تحية المسلمين بهذا اللفظ للإشعار بأن دينهم السلام والأمان، وأنهم أهل السلم محبون للسلام.

بقي أنه قد يقال: إن مصر انفردت بالصلح مع إسرائيل وخرجت بذلك عن تعاهد العرب على حل جماعة، ولكن هذا القول لا يلتقي مع الواقع، واقع الاتفاق الذي تم والخطوات المترتبة عليه، فالعرب متفقون على الحل السلمي بعد أن استحالت الحرب للظروف الدولية التي لا يمكن الإغضاء عنها، فإذا تقاعس بعض العرب عن السعي إلى الحل السلمي دون سبب ولا سند، كان على من يستطيع كسب الموقف السباق إليه وصولا للغاية المرجوة، والأمر موكول إلى القدرة على الحركة، فمن استطاع تقدير الأمور وارتباطاتها الدولية، ووجد من نفسه القدرة على استخلاص الحق، كان له، بل كان عليه، أن يسعى إليه، لأن هذه مسئولية ولي أمر المسلمين يعمل لصالح الجماعة ويحافظ عليها.

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وإذا كانت نصرة المسلم للمسلم واجبة، "انصر أخاك ظالما أو مظلوما"، (متفق عليه من حديث أنس)، فقد كان واجب الحكام العرب، بل المسلمين، أن ينصروا رئيس مصر وهو يكافح وينافح في سبيل استرداد الأرض والمقدسات، لا أن يخذلوه ويقيموا العراقيل في سبيله بينما هو يعمل لصالح الجميع. "المسلمون يد على من سواهم ويسعى بذمتهم أدناهم).

حين نستعرض نصوص اتفاقية السلام وملحقاتها ونعرضها على القرآن والسنة، ولا نجد فيها ما ينأى بها عن أحكامهما إذ لم تضيع حقا وما أقرت احتلال أرض وإنما حررت واستردت وما دامت هذه الاتفاقية قد أفادت المسلمين ووافقت مصلحتهم فإنه لا يليق بمسلم أن يبخسها حقها من التقدير.

قال تعالى: "ولا تبخسوا الناس أشياءهم ولا تفسدوا في الأرض بعد إصلاحها ذلكم خير لكم إن كنتم مؤمنين"، (الأعراف: 85).

بل إن الغض من شأنها والغش في بيان أهدافها وآثارها لا يليق بمسلم، لأن من واجبه، بحكم القرآن والسنة، أن يشد من أزر من ثابر وبذل الجهد بل غاية الوسع في سبيل استخلاص الحقوق التي لولا حرب مصر في رمضان لصارت نسيا منسيا، ولصارت سياسة الأمر الواقع واللاسلم واللاحرب قانونا يقضى به على رقاب العرب، وتضيع في ظلاله حقوقهم ولكن الله قيض خير أجناد الأرض، وشد من عزمهم، فكانت رمية الله هي رمايتهم، فصعق العدو من بأسهم بعد أن أخذوا بتلابيبه وسر الصديق بنصر الله ولعلنا نذكر الإخوة المسلمين بوصايا الرسول صلى الله عليه وسلم بمثل قوله: "المؤمن للمؤمن كالبنيان يشد بعضه بعضا"، (متفق عليه).

ولا إيذاء بين المسلمين بقول أو فعل، "المسلم من سلم المسلمون من لسانه ويده"، (متفق عليه من حديث عبد الله بن عمرو)

ويقول في ختام حديث طويل يأمر فيه بالفضائل: "فإن لم تقدر فدع الناس من الشر فإنها صدقة تصدقت بها على نفسك". (متفق عليه من حديث أبي ذر)

وبعد، فإنه لا بد من كلمة وجيزة أوجهها لعلماء المسلمين في كافة أنحاء الأرض على اختلاف جنسياتهم السياسية، هي أن الله وكل إليهم الأمر بالمعروف والنهي عن المنكر، قال جل شأنه ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر"، (آل عمران: 104). وقال: "فلولا نفر من كل فرقة منهم طائفة ليتفقهوا في الدين ولينذروا قومهم إذا رجعوا إليهم، (التوبة: 122) هذا هو واجب العلماء الذين سماهم فقهاء الإسلام أهل الحل والعقد أهل العلم والبصر بأمور الدين والدنيا، كل ذي خبرة في ناحية من نواحى الحياة، علماء المسلمين قد فاه بعضهم بما ليس حكما لله تعالى ولا لرسوله، بما ليس نصحا لله ولا لرسوله ولا لأئمة المسلمين وعامتهم. إرضاء للساسة الذين لا يحتكمون إلى الله ورسوله قال تعالى: "والله ورسوله أحق أن يرضوه إن كانوا مؤمنين"، (التوبة: 62)، وما كان لبعض من رمى مصر والمصريين بالخروج بهذه الاتفاقية عن الإسلام. ما كان لهؤلاء أن يسارعوا إلى حكم لا يملكون إصداره قال تعالى: "يا أيها الذين آمنوا إذا ضربتم في سبيل الله فتبينوا ولا تقولوا لمن ألقى إليكم السلام لست مؤمنا تبتغون عرض الحياة الدنيا"، (النساء: 94) ، ما كان لهذه القلة من العلماء الذين انساقوا أو سيقوا إلى الحكم بغير ما أنزل الله، ثم انزلقوا إلى السباب دون أن يراجعوا أحكام شريعة الله، ومن غير أن يتثبتوا وزعوا الكفر على المسلمين دون رؤية أو استظهار لحكم الإسلام، مع أن القرآن علمنا ألا نتقدم على حكم الله فقال تعالى: "يا أيها الذين آمنوا لا تقدموا بين يدى الله ورسوله واتقوا الله إن الله سميع

عليم"، (الحجرات: 1). لهؤلاء الذين تسرعوا في الحكم دون علم أو عن غرض نتلو قول الله تعالى: "بل كذبوا بما لم يحيطوا بعلمه ولما يأتهم تأويله كذلك كذب الذين من قبلهم فانظر كيف كان عاقبة الظالمين"،(يونس: 39).

إن كل مسلم بلغه حكم الله في أي أمر من الأمور، يجب عليه أن يتبعه ولا يحل له أن يتخطاه، بل وعليه أن يعلنه ويعلمه الناس، سيما إذا كان من العلماء الذين وكل الله إليهم علم دينه وبيان أحكام شريعته

إن ربنا سبحانه يقول: "ولو ردوه إلى الرسول وإلى أولي الأمر منهم لعلمه الذين يستنبطونه منهم"، (النساء: 83).

ويقول: "لقد كان لكم في رسول الله أسوة حسنة"، (الأحزاب: 21). ولقد رددنا أمر اتفاقية السلام بين مصر وإسرائيل وعرضناها على القرآن والسنة فوسعتها أحكامهما. قال تعالى: "إن الحكم إلا لله يقص الحق وهو خير الفاصلين"، (الأنعام: 57).

وبعد، فإن الإسلام دين الوحدة، وحدة المعبود ووحدة العبادة ووحدة القبلة، ومن أجل هذا دعا الله سبحانه إلى الاعتصام بحبله، قال تعالى: "واعتصموا بحبل الله جميعا ولا تفرقوا"، (آل عمران 103). ، فكونوا أيها العلماء دعاة وحدة وإخاء كما أمر الله، وبصروا الحكام بأوامر الله حتى تجتمع الأمة على كلمة الله لا تفرقها الأهواء، واستمعوا لقول رسول الإسلام "لا تدابروا ولا تباغضوا ولا تحاسدوا ولا تقاطعوا وكونوا عباد الله إخوانا، المسلم أخ المسلم لا يظلمه ولا يحرمه ولا يخذله، بحسب المرء من الشر أن يحقر أخاه المسلم، (متفق عليه من حديث أبى هريرة)

وهذا أمر الله سبحانه للمسلمين حكاما وعلماء ومحكومين قال تعالى: "فاتقوا الله وأصلحوا ذات بينكم وأطيعوا الله ورسوله إن كنتم مؤمنين"، (الأنفال: 1)، وقال سبحانه: "إن أريد إلا الإصلاح ما استطعت وما توفيقى إلا بالله عليه توكلت وإليه أنيب"،(هود:88). وقال جل شأنه: "ذلكم حكم الله يحكم بينكم والله عليم حكيم، (الممتحنة: 10) وبعد، فإن صلح الحديبية كان خيرا وبركة على الإسلام والمسلمين، فتح الله به قلوبا غلفا آمنت بالله وبرسوله وانضوت تحت لواء القرآن على بصيرة من الله، وفي طريق عودة الرسول صلى الله عليه وسلم من الحديبية أنزل الله عليه أكرم بشرى (سورة الفتح)

قال تعالى: "إنا فتحنا لك فتحا مبينا"،(الفتح: 1)، فانظروا أيها العرب والمسلمون كيف كان هذا الصلح فتحا ونصرا لدين الله ولرسوله، وكيف مهد الأرض لانتشار الإسلام، مع أن أصحاب الرسول كانوا له من الرافضين وعن تنفيذه من القاعدين، حتى علموا خيره فانصاعوا لأمر الله ورسوله.

ونحن وفى صلحنا المعاصر مع إسرائيل نتفاءل، ونأمل أن يكون فتحا نسترد به الأرض، ونسترد به العرض، وتعود به القدس مقدسة عزيزة إلى رحاب الإسلام وفى ظل السلام.

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English Translation of Fatwa of Jad al-Haq

Question: About the ruling on the peace agreement between Egypt and Israel and its impact

He replied:

Islam was and still is a religion of security, safety, peace, tranquillity, serenity, affection and brotherhood. It is not a religion of war, misery or hatred.

It did not use the sword to control and dominate, but its wars were a means to secure its propagation. The Holy Qur'an instructed believers to refrain from fighting if there is no necessity. In the Book of God, His Almighty said: "if they refrain from fighting you and offer you peace, then Allah does not permit you to harm them" (An-Nisa ': 90). And the Almighty said: "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah" (Al-Anfal: 61).

One of the teachings of Islam for Muslims is to refer all their disagreements over Islamic rulings to God and His Messenger. The Almighty said: " If you differ in anything among yourselves refer it to Allah and His Messenger if you do believe in Allah and the Last Day" (An-Nisa ': 59).

God, glory be to Him, affirmed this principle to obey His judgment and the judgment of His Messenger in saying in the Holy Qur'an: "The only response of the true believers, when they are called to Allah and His Messenger to judge between them, is to say, 'We hear and obey'" (An-Nur: 51).

We, the Arabs, disagreed with the Jews, and the war erupted between us for years, then a state was established for them that was recognized by the international community, and it got the support of the most powerful country in the world, and we concluded the armistice agreement with it after the first war between us in 1948, then the war with Egypt occurred in 1956. Then, there was another truce, and then another war in 1967, in which Israel occupied all the lands of Palestine and increased, and occupied Sinai from Egypt and the Golan from Syria. Egypt was not satisfied with this defeat. It prepared and recruited its sons and mobilized its resources for another war. Then struck the victorious blow of Ramadan and restored the prestige of the Arabs with it. Israel was forced with it to seek help from its supporters. At the height of the military victory, the President of Egypt offered peace in the hope that security would prevail in this region and that the Arabs would recover their breath from a long war that dragged on without an end in sight. The President of Egypt was able to recover a large part of Sinai

peacefully, in addition to what he had recovered in the war. Then, he initiated and called for peace in Jerusalem. He preferred the presence of world leaders to make the world witness if Israel refused to enter into it. He was patient and argued with the evidence and logic as he flogged them with the power of arms and the determination of men. Finally, they moved towards peace and accepted it in a covenant in which this crisis would dissolve and accept the war of Ramadan: to leave the land they occupied over ten years and to satisfy with the spoils of return and peace. So, what took place between Egypt and Israel after those wars was the ruling of God and His Messenger regarding the reconciliation.

If we look at the Book of God, His Holy Qur'an, we find that it has decided that the basic relationship between all people is peace. We find this clear in the Almighty's saying: "O humanity! Indeed, We created you from a male and a female and made you into peoples and tribes so that you may get to know one another. Surely the most noble of you in the sight of Allah is the most righteous among you" (Al-Hujurat: 13). The Almighty also said, "O humanity! Be mindful of your Lord Who created you from a single soul, and from it He created its mate, and through both He spread countless men and women. nd be mindful of Allah—in Whose Name you appeal to one another—and honour family ties. Surely Allah is ever Watchful over you" (An-Nisa: 1).

With this call to people, as human beings, peace was the original state that spread friendship and benevolent cooperation among people, and the call to non-Muslims was that if they make peace, they would be equal with Muslims in the view of the rulings of Islam because they are all sons of mankind. Islam does not permit war except to treat a necessary emergency situation.

Since it is the Islamic perception of war, if a war takes place, and one of the warring parties inclines into peace, bloodshed must be injected. We see this clearly and clearly in the words of the Almighty: "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah. Indeed, He ˹alone˺ is the All-Hearing, All-Knowing. If their intention is only to deceive you, then Allah is certainly sufficient for you" (Al-Anfal: 61, 62).

This is the judgment of God that God has revealed to us, and it permits us to make a commitment and establish treaties with non-Muslims to maintain peace in the first place or to return to it by stopping the war for a period of time or a permanent cessation. It also permits that the treaty with non-Muslims includes a war alliance and cooperation in response to a common enemy.

Qurtubi said: if the Muslims have a benefit in reconciliation for bringing a benefit or preventing harm, then there is nothing wrong for Muslims to initiate reconciliation. The Messenger of God, may God's prayers and peace be upon him, reconciled the people of Khaybar with conditions, which they violated and broke the treaty. He also made a truce for ten years until they violated its provisions. Then he said, and the caliphs and the Companions also followed the same path that we have embarked on, and with the provisions that we explained. Then he quoted Imam Malik, may God be pleased with him, saying that: it is permissible to reconcile with the polytheists, for one year, two years and the three years, and for an unspecified period (Al-Jami 'Ahkam Al-Qur'an J: 8, pp. 41-39, in the interpretation of Surat Al-Anfal).

Commenting on the interpretation of verses 89 and 90 of Surat Al-Nisa ', where the last one ended with the Almighty saying: "if they refrain from fighting you and offer you peace, then Allah does not permit you to harm them", Qurtubi said that, in this verse there is evidence for agreement between people of war and people of peace if the agreement is in the interest of Muslims.

Ibn Hajar al-Asqalani in his Fath al-Bari with the explanation of Sahih al-Bukhari, in the chapter on Al-Muadata'a and reconciliation with the polytheists, commenting on the noble verse "And if they tend for peace", says that this verse indicates the legitimacy of reconciliation with the polytheists.

Shawkani, in his *Munthaq al-Akhbar*, says that reconciling the enemy with some difficulty to the Muslims is permissible for need and necessity in order to ward off greater harm than it.

If we follow the biography of the Messenger, may God's prayers and peace be upon him, and his companions after him, we find that they made a treaty with non-Muslims and did not break a covenant that they made unless it was revoked by others. Perhaps the beginning of the Prophet's covenants and his treaties was the covenant with the Jews of Medina and his alliance with them. Then he and his companions engaged with them in the economic relationship, and he remained loyal to this promise and the covenant until the Jews broke it, and it was revoked. The Hudaybiyya treaty, its conditions and the disagreement his companions over its provisions are also famous. All this was done by the Messenger of God, and we have an example in it and because he did what is in the interest of the Muslims. Khalid bin Al-Walid made a commitment to the people of Al-Hirah and reconciled them. Umar ibn al-Khattab reconciled with the people of Iliya (Jerusalem). He used to summon non-Muslim leaders and consult

them with their views, as he did when he wanted to organize the roads after the conquest. Similarly, he consulted al-Muqawqis, the great Copt in Egypt, after the conquest.

Muslim jurists, regardless of their jurisprudential schools of thought, kept chapters in their books in which they stated the provisions for truce and reconciliation with non-Muslims. They agree that the leaders of the Muslim state have the right to compromise and reconcile with his non-Muslim fighters to stop the war with them as long as this is in the interest of Muslims. For evidence, they referred to the saying of God Almighty: "If the enemy is inclined towards peace, make peace with them". They also referred to the reconciliation of the Messenger, may God's prayers and peace be upon him, with the people of Makkah in the year of Al-Hudaybiyah. The jurists added that since the purpose of *Jihad* is to prevent harm on Muslims, the reconciliation is also a form of *Jihad*.

Indeed, the Shiite Imami jurists stated this in their books. *Kitab al-Mukhtasar al-Nafi* (vol.1, p. 11) says that if the reconciliation is required for the benefits of Muslims, it is permissible. But, only Imam and whoever authorized by him have this authority.

The jurist Ibn al-Qayyim says in his book *Zad al-Ma`ad*, (vol. 2, p. 184), when the Prophet, may God's prayers and peace be upon him, came to Medina, the infidels became three categories. One group is those with whom he agreed to do not wage war and to do not support their enemy over them. They secure their blood and money while maintaining their disbelief. Another group is those who swore to fight against the Prophet and keep hostility towards him. Another group left the Prophet without reconciliation and war. Rather, they waited what would happen to the Prophet and his enemies in future. The Prophet faced all these groups what God commanded. Ibn al-Qayyim said, there was evidence in the story that it was permissible to conclude a truce at all without a time limit, rather what the Imam wants. Nothing abrogates this ruling has ever come, so it is correct and valid. It was stated by al-Shafi'i in the narration of al-Muzni, and by other imams.

The scholar Ibn Taymiyyah says in the chapter on a truce that it is permissible to make an agreement for both specified and unspecified period. The agreement for the specified period should be abiding by both parties unless it is preached by the opponent. And a mere fear of betrayal is not enough to invalidate it. The treaty for an unspecified period is a permissible contract, and the Imam has to act on it based on the benefits of Muslims.

And when we read the sayings of our scholars regarding the interpretation of the verses of the Qur'an and the hadiths of the Messenger of God, may God bless him and grant him peace, regarding war and reconciliation, and we also look at what the jurists have reported in this regard, we see that they have required the following foundations for the establishment of treaties with non-Muslims legally. The first: What is indicated by the words of the Messenger, may blessings and peace be upon him (every condition that is not in the Book of God is invalid), and this is that the guardian of Muslims who makes a commitment to non-Muslims must not accept a condition that explicitly or implicitly contradicts the texts of the Noble Qur'an. It is for preserving the characteristic General Sharia and preserving the honour of Islam and Muslims. The Almighty said: "Glory be to God, His Messenger and the believers." (Al-Munafiqun: 8). An example of false conditions is for the treaty to include an alliance with non-Muslims against Muslims, or an undertaking to stay away from helping Muslims when their homes and property are attacked. Second: The conditions in the treaties should be clear, as it was in the reconciliations that the Messenger, may blessings and peace be upon him. They were explicit in the rights and obligations of the contracting parties. So, there was no means for deceit, deception and the dispossession of rights. Third: That the treaty be concluded within the scope of parity between the two parties, so it is not permissible for a Muslim guardian to make a treaty and reconcile under threat, because the principle of Islam is mutual consent in all contracts.

The peace agreement of Muslims with those who disagree with their religion is a matter recognized by Islam. Among the general principles stipulated by the Sharia regarding the treatment of the People of the Book is to leave them and what they owe, and to prevent them from being attacked when they are peaceful, and even to settle between them and Muslims in terms of public rights and duties. The condolences and assistance to the afflicted are permitted. Mixing and mutual relations are also permitted. Fight against them was not permitted except as a response to aggression. The Almighty said: "As long as they are true to you, be true to them" (At-Tawbah: 7). And the Almighty said: "similarly, the food of the People of the Book is permissible for you and yours is permissible for them. And ˈpermissible for you in marriageˈ are chaste believing women as well as chaste women of those given the Scripture before you—as long as you pay them their dowries in wedlock, neither fornicating nor taking them as mistresses" ((Al-Ma'idah: 5).

It was one of the orders of Islam that to fulfil these treaties if they concluded with their conditions within its scope and not outside its provisions, and the other party preserved them. Here noble Quran says, "Except (this proclamation does not apply to) those Mushrikin who honoured their treaties with you in every detail and aided none against you. So fulfil your treaties with them to the end of their term" (At-Tawbah: 4).

Regarding expecting betrayal from the treaty, Allah says with an invitation to vigilance and caution that " If you fear treachery from any of your allies, you may fairly retaliate by breaking off the treaty with them (through properly notifying them to that effect), for Allah does not love the treacherous" (Al-Anfal: 58).

This is the rule of Islam in covenant and reconciliation and even alliance with non-Muslims. Islam endorses treaties that guarantee stable peace and preserve rights while forbidding breach of the covenant and ordering the fulfilment of the promise. The relationship between people in the constitution of Islam is a relationship of peace until they are forced to fight for self-defence or to prevent it. So, Islam orders that war should be limited to prevent harm, and it also orders to delay war as long as it remains a means to patience and peace. And Islam did not make fulfilling contracts and covenants a political act in which it is permissible to circumvent it when able to it. Rather, Islam made treaty an obligation which should be fulfilled and the one who breaks it is almost out of Islam, and even out of its humanity and thus becomes one of the most toxic. Allah says, "Honour Allah's covenant when you make a pledge and do not break your oaths after confirming them, having made Allah your guarantor. Surely Allah knows all you do. Do not be like the woman who ˹foolishly˺ unravels her yarn after it is firmly spun, by taking your oaths as a means of deceiving one another in favour of a stronger group. Surely Allah tests you through this. And on the Day of Judgment, He will certainly make your differences clear to you" (an-Nahl: 91).

Islam shaped human life through the Almighty saying, "Indeed, We have honoured the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures" (Al-Israa: 70). This honour is to human, any person, regardless of his colour, religion, gender, or homeland. Islam brought back to the mind of man and his heart that all people are sons of Adam and Eve. God made them peoples and tribes to know each other and sent messengers to them to guide them from error until Islam was the seal of all messages. The Quran contains what the previous books carried to human, purifying his belief, worship and legislation, as the eternal religion of God until the Day of Judgment.

Then Islam urged the call to God with logic and reason, making the monotheism of God a basis for all religions to cooperate under him. Allah says, "Say, ˹O Prophet,˺ "O People of the Book! Let us come to common terms: that we will worship none but Allah, associate none with Him, nor take one another as lords instead of Allah" (Al-i'Imran: 64).

The Holy Qur'an directed the Messenger of God, may God bless him and grant him peace, to the required type of invitation, and it said "invite to the path of your Lord with wisdom and good advice, and argue with them for what is better" (An-Nahl: 125). Within the scope of this direction, the reconciliation of Prophet, when he reached Medina as an emigrant, between Muslims, Jews and the rest of the minorities who lived in Madeena and its surroundings. With it, he drew the map of the Islamic State in joint cooperation with the people of other religions. The jurisprudence of this treaty, which we might call in our contemporary style (a joint defence treaty), guides us to follow this path and follow it as long as it is in the interest of Muslims.

One of the outcomes of this treaty, as stated above, was the financial and economic cooperation between all residents of the city and its neighbourhoods, irrespective of the difference in belief and religion.

Islam thus sets a framework for coexistence between human beings regardless of their differences. We solve them with this humanitarian attribute and address them calling to be compassionate, sympathetic, and supportive in the time of difficulties and distress.

Then, Islam focuses on Muslims with a complete direction and a broader description. It made their religious brotherhood superior kin stronger than all forms of family ties and affiliation with which they proud themselves. Islam sets clear examples for them as to how should they conduct themselves. So the Almighty said: "Collaborate in righteousness and piety, and do not cooperate in sin and transgression." (Al-Ma'idah: 2). Allah says "The believers, both men and women, are guardians of one another. They encourage good and forbid evil" (al-Tawbah: 71). And he also said: "Let there be a group among you who call ˹others˺ to goodness, encourage what is good, and forbid what is evil" (Al-Imran: 104).

With this, the Holy Qur'an directed Muslims to the best ways to cooperate, purify society, and preserve the interests of Muslims. By the same logic, the Messenger, may God's prayers and peace be upon him, defines the responsibility and places it on the guardians, each in his position, saying: "All of you is a shepherd and responsible for

his flock. The Imam is a shepherd and is responsible for his flock." (Narrated by Al-Bukhari). The Prophet also says: there is no guardian of the people in my ummah who he did not preserve people with what he preserves himself. Otherwise, he shall not find the scent of paradise" ((Al-Tabarani narrated it from Ibn Abbas in Al-Sagheer and Al-Wasat).

From here, it becomes evident the extent of the responsibility of the head of state in Islam. He must protect the people from what he preserves himself because he has committed himself to work for their interest. Within the scope of this responsibility, and in the midst of the Arab-Israeli conflict, and in the shadows of the 1967 defeat that befell the Arabs and turned their heads down, the President of Egypt planned to lift this shame and fought Israel in Ramadan. The victory came from God for the believers who bound and strived until they wiped out the shame.

Then this was the insightful view of the international community and its position on the conflict, which resulted in the peace initiative of 1977. This was required and proud peace from a position of strength, not from a position of weakness and defeat. And the President of Egypt struggled and negotiated until the opponent surrendered after seeing a negotiator with a strong argument. He did not neglect any right and did not weaken his position, but was patient and perseverant to reach the end of the road after he started with rational steps. He still aims to the goal and steps towards it until his companions get their rights with the help and support of God. The Almighty said: "If you help the cause of Allah, He will help you and establish your feet firmly" (Muhammad: 7).

If we analyze the peace agreement between Egypt and Israel based on the rules of Islam which has a fundamental source of Quran and explained by the Sunnah and jurists of all schools of thought in a way that we have beautifully referred to it, we find that the treaty is according to the provisions of Islam. Egypt has rescued a large part of the land that Israel occupied in the 1967 war, including the citizens to whom their freedom and wealth were returned. We got all these benefits for ending the dispute. Is the restoration of land and wealth among what Islam enjoins, or is it among what Islam forbids? Is there a real interest in this for the Muslims, or is it evil on them? Is the return of citizens, whose land was freed to their country, taking care of them in terms of education, health, propagation, trade and all the state's responsibilities towards them? Is this something that Islam enjoins or forbids it?

When we evaluate this agreement in light of the responsibilities of the Muslim ruler, we find that the president of Egypt has fulfilled the responsibility. He preserved the

ruled people with what he preserves himself. When he viewed war as inevitable, he fought after preparation. And when he perceived that he could achieve rights through reconciliation, he preferred peace treaty instead of war. Islam states that war is not an end, but rather a necessity for defence or fulfilment. The Noble Messenger said: "God loves softness in all matters" (Narrated by Bukhari and Muslim). That is, God Almighty loves the soft side in deeds and words, as he likes to take the easier in matters of religion and the world and the cohabitation of people. If war is difficult as a means to restore the right and facilitate peace, will it not be the reconciliation the preferred way?

O God, peace is the greeting of Islam and the conduct of Islam, and the valve of his safety and security. This is demonstrated by the saying of the Messenger of God, peace and blessings be upon him: "God made peace as a greeting to our community and a safety to people of our faith" (Narrated by al-Tabarani and al-Bayhaqi). The Muslims greet with this expression to notice that their religion is peace and safety and that they are peace-loving people.

It is said that by making peace with Israel, Egypt deviated from Arab groups. But this saying does not coincide with reality, the reality of the agreement that was made and the steps that follow from it. The Arabs have agreed on a peaceful solution after the war became impossible due to international conditions that cannot be ignored. If some Arabs failed to strive for a peaceful solution without cause or support, then those who can win the position must race towards it to reach the desired goal, and the matter is dependent on the ability to move. Whoever is able to complete the matters and to get international connections and view themselves as able get it back the rights, he can, or he should seek it. Because this is the responsibility of the Muslim guardian who works in the interest of the group and looks after them. And if the Muslim's support for the Muslim is obligatory, it was the duty of the Arab rulers, indeed the Muslims, to support the President of Egypt while he was struggling and striving for the sake of restoring the land and sanctities. They should not let him down and set up obstacles in his way while he works for everyone. Muslims are hand in hand against those who wrong them.

When we review the texts of the peace agreement and its appendices and evaluate them based on the Qur'an and the Sunnah, we do not find anything that diverts them from their rulings, since it has not lost a right, and it did not approve the occupation of land, but it was liberated and recovered. It has benefited the Muslims and suited with their

interests, as it is not appropriate for a Muslim to underestimate their right. Allah said: "Do not defraud people of their property, nor spread corruption in the land after it has been set in order. This is for your own good, if you are ˹truly˺ believers" (Al-A'raf: 85).

Rather, turning a blind eye to it and deceiving in explaining its goals and effects is not befitting for a Muslim. Because it is his duty, according to the provisions of the Qur'an and Sunnah, to strengthen those who make efforts in order to extract the rights. If Egypt had not gone for war in Ramadan, these rights would have been forgotten. The policy of "neither war nor peace" became a burden upon Muslims, because of which their rights were violated. But God has set the best soldiers on the earth and strengthened their determination. The enemy was shocked by their power. All righteous people were pleased with the victory of Allah. We may remind the Muslim brothers of the commandments of the Messenger, may God's prayers and peace be upon him, with the example of his saying: "The believer is to the believer as a building pulls together." (Narrated by Buhari and Muslim). And there should not harm among Muslims by words or deeds. "The true Muslim is the one other Muslims rescued from his tongue and hand" (Reported by Bukhari and Muslim from the hadith of Abdullah bin Amr).

At the end of a long hadith in which he enjoins virtues, he says: "If you are not able, leave people from evil, for it is a charity that you give to yourself" (reported by Bukhari and Muslim from the hadith of Abu Dharr).

Moreover, a brief word must be addressed to Muslim scholars in all parts of the earth, regardless of their political nationalities, which is that God has entrusted to them the enactment of good and the forbidding of evil. Allah said: "Let there be a group among you who call ˹others˺ to goodness, encourage what is good, and forbid what is evil" (Al-Israa: 70). "Only a party from each group should march forth, leaving the rest to gain religious knowledge then enlighten their people when they return to them, so that they ˹too˺ may beware ˹of evil˺." (At-Tauba: 122). This is the duty of the scholars who are called as Islamic jurists. They are the people of the solution and the contract, the people of knowledge and sight in matters of religion and the world. Some Muslim scholars have stated with what is not the judgment of God Almighty nor of His Messenger and with what was not advised by Allah nor by His Messenger, not by the imams of Muslims and their common people. They please politicians without referring the God and His Messenger. Almighty said: "it is more fitting that they should please Allah and His Rasool if they are true believers." (At-Tauba: 62). It was not suitable to those who threw Egypt and the Egyptians out of Islam due to this agreement. They

would not have rushed to a judgment that they could not make. Allah said, "O believers! When you struggle in the cause of Allah, be sure of who you fight. And do not say to those who offer you ˹greetings of˺ peace, "You are no believer!"—seeking a fleeting worldly gain" (An-Nisaa: 94).

It was not appropriate for these minority scholars who were driven or arrived at a conclusion other than what Allah has revealed, then slipped into insults without reviewing the rulings of God's law and without providing any proof. They accused innocent Muslims blasphemy without seeing or considering the rule of Islam, even though the Qur'an taught us not to step above the God's judgment. Allah said: "O believers! Do not proceed ˹in any matter˺ before ˹a decree from˺ Allah and His Messenger. And fear Allah. Surely Allah is All-Hearing, All-Knowing" (Al-Hujurat: 1). For those who hastened to judge without knowledge nor a purpose, we recite the words of God Almighty: "In fact, they ˹hastily˺ rejected the Book without comprehending it and before the fulfilment of its warnings. Similarly, those before them were in denial. See then what was the end of the wrongdoers!" (Yunus: 39).

Every Muslim who has reached the rule of God in any matter, he must follow it, and it is not permissible for him to skip it. Moreover, he has to reveal it and teach it to the people, especially if he is one of the scholars to whom God has entrusted the knowledge of his religion and the rulings of his Sharia. Our Lord Almighty says: "Had they referred it to the Messenger or their authorities, those with sound judgment among them would have validated it" (An-Nisaa: 83). And he says: "You have had a good example in the Messenger of God" (Al-Ahzab: 21).

We have evaluated the peace agreement between Egypt and Israel and analysed it based on the Qur'an and Sunnah. We found that the ruling of the Quran and Sunnah sanction the agreement. The Almighty said: "No one has the authority of passing judgement except Allah" (Al-An'am: 57).

Above all, Islam is the religion of unity: the unity of the deity, the unity of worship and the unity of the qiblah. For this reason, God Almighty called to hold his rope; the Almighty said: And hold firmly to the rope of Allah and do not be divided" (Al-i'Imran: 103).

So, O scholars, be advocates of unity and brotherhood, as God has commanded; enlighten the rulers with the commands of God so that the ummah would be united on the word of God and not be separated by the passions; And listen to the saying of the

Messenger of Islam, "Do not fight, do not hate, do not envy, do not boycott, and be the servants of God as brothers. The Muslim is the brother of another Muslim, he does not oppress him, does not banish him, and does not humiliate him, it is too much for a person to insult his Muslim brother (Reported by Bukhari and Muslim from the hadith of Abu Hurairah).

This is the command of God Almighty for Muslims, rulers, scholars, and ruled. The Almighty said: "So be mindful of Allah, settle your affairs, and obey Allah and His Messenger if you are ˹true˺ believers" (Al-Anfal: 1). Allah said: "I desire nothing but to reform so far as I can manage. My success in this task depends entirely on the help of Allah; in Him do I trust and to Him do I turn for everything" (Hud: 88). Allah also said, "That is the judgment of Allah—He judges between you. And Allah is All-Knowing, All-Wise" (Al-Mumtahana: 10). Moreover, the Hudaybiyah peace was good and blessing for Islam and Muslims. By it, God opened enveloping hearts that believed in God and His Messenger and joined under the banner of the Qur'an with insight from God. On the way to the return of the Messenger, may God bless him and grant him peace, from Al-Hudaybiyah, God revealed to him the happy news (Surat Al-Fath). The Almighty said: "We have opened a clear opening for you." (Al-Fath: 1).

So, Arabs and Muslims, see how this peace treaty became a conquest and victory for the religion of God and His Messenger; And how did the earth paved the way for the spread of Islam, even though the Prophet's companions were among those who rejected it and those who did not implement it until they knew of its goodness and obeyed the command of God and His Messenger.

And we, in our contemporary peace with Israel, are optimistic, and we hope that it will be a conquest by which we recover the land, restore the honour, and bring back Jerusalem, holy and dear, to the vastness of Islam and in the shadow of peace.

Appendix-VI

Fatwa of Ibn Baz on Legitimacy of Hudna with Enemies

سماحة الوالد: المنطقة تعيش اليوم مرحلة السلام واتفاقياته، الأمر الذي آذى كثيرين من المسلمين مما حدا

ببعضهم إلى معارضته

والسعي لمواجهة الحكومات التي تدعمه عن طريق الاغتيالات، أو

ضرب الأهداف المدنية للأعداء، ومنطقهم يقوم على الآتي:

أ- أن الإسلام يرفض مبدأ المهادنة.

ب- أن الإسلام يدعو لمواجهة الأعداء بغض النظر عن حال الأمة المسلمين من ضعف أو قوة

نرجو بيان الحق، وكيف نتعامل مع هذا الواقع بما يكفل سلامة الدين وأهله؟

الجواب:

تجوز الهدنة مع الأعداء، مطلقة ومؤقتة، إذا رأى ولي الأمر المصلحة في ذلك؛ لقول الله سبحانه: "وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى الله إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ"، (سورة الأنفال: 61) ولأن النبي صلى الله عليه وسلم فعلهما جميعا، كما صالح أهل مكة على ترك الحرب عشر سنين، يأمن فيها الناس، ويكف بعضهم عن بعض، وصالح كثيرا من قبائل العرب صلحا مطلقا، فلما فتح الله عليه مكة نبذ إليهم عهودهم، وأجل من لا عهد له أربعة أشهر، كما في قول الله سبحانه: "بَرَاءَةٌ مِنَ الله وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ فَسِيحُوا فِي الأرض أَرْبَعَةَ أَشْهُر"، (سورة التوبة: 1-2). وبعث صلى الله عليه وسلم المنادين بذلك عام تسع من الهجرة بعد الفتح مع الصديق لما حج رضي الله عنه؛ ولأن الحاجة والمصلحة الإسلامية قد تدعو إلى الهدنة المطلقة، ثم قطعها عند زوال الحاجة، كما فعل ذلك النبي صلى الله عليه وسلم، وقد بسط العلامة ابن القيم- رحمه الله- القول في ذلك في كتابه (أحكام أهل الذمة)، واختار ذلك شيخه شيخ الإسلام ابن تيمية وجماعة من أهل العلم. والله ولي التوفيق

English Translation of Fatwa of Ibn-Baz

Question:

The region is currently experiencing a phase of peace and its agreements, which has hurt many Muslims, which led some of them to oppose it. They seek to confront the governments that support it through assassinations, or hitting enemy civilian targets. Their logic is based on the following: 1) Islam rejects the principle of appeasement. 2) Islam calls for confronting the enemies, regardless of the state of the Ummah: whether Muslims have weakness or strength. We hope to clarify the truth, and how to deal with this reality in a way that guarantees the integrity of the religion and its people?

Answer

A truce with the enemies is permissible, both specified and unspecified periods, if the guardian perceives benefit in that. For God Almighty says: "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah. Indeed, He ˹alone˺ is the All-Hearing, All-Knowing" (Al-Anfal: 61). And because the Prophet, may God's prayers and peace be upon him, did them all. For example, he made agreement with the people of Makkah to avoid the war for ten years, in which the people would be safe and some of the would prevent others. He made agreements with many Arab tribes for indefinite period. And when God opened Makkah to the Prophet, he renounced their vows to them and gave a four-month extension those who had no an agreement. It was said in the words of God Almighty: This is˺ a discharge from all obligations, by Allah and His Messenger, to the polytheists you ˹believers˺ have entered into treaties with; You ˹polytheists˺ may travel freely through the land for four months (At-Tauba: 1-2).

And the Prophet, may God's prayers and peace be upon him, sent heralds with this message in the ninth year of the migration after the conquest with Abubacker al-Sidheeq, when he did Hajj. It was because of the Islamic need and benefits for the unspecified treaty. Then its finishing was when the need for it ceases to exist as the Prophet, may God bless him and grant him peace, did it. And the scholar Ibn al-Qayyim - may God have mercy on him - explained this in his book (Ahkam Ahl al-Dhimma), and this was chosen by his sheikh, Sheikh of Islam Ibn Taymiyyah and a group of scholars.

Fatwa of Qaradawi on Inclining Towards Peace

https://www.al-qaradawi.net/node/2861.

ومع هذا كله، يأمر القرآن المسلمين أن يستجيبوا لدعوة السلم إذا دُعُوا لها، ولو بعد وقوع الحرب، واشتعال وقودها، يقول تعالى: وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى الله إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ وَإِنْ يُرِيدُوا أَنْ يَخْدَعُوكَ فَإِنَّ حَسْبَكَ الله هُوَ الَّذِي أَيَّدَكَ بِنَصْرِهِ وَبِالْمُؤْمِنِينَ (الأنفال 61-62).

حتى مع احتمال إرادة الخداع منهم، لا ينبغي أن تُرفض دعوة السلم بإطلاق، وإنما يجب أن نجنح لها كما جنحوا. على أن يتم ذلك بشروطه وضوابطه الشرعية.

ليس من الجنوح للسلم بحال: أن تغتصب أرضي بالسيف، ثم تفاوضني على أن أترك لك بالصلح ما أخذته مني بالسيف، وتسمِّي ذلك جنوحا للسلم، فهذا أبعد ما يكون عن الجنوح للسلم، كما يفعل ذلك الصهاينة اليوم! والشرط أن يتوافر من العدو الجنوح للسلم، وأن تظهر دلائل ذلك في مواقفه.

وهذا ما طبقه الرسول (صلعم) بالفعل، حين جنحت قريش إلى السلم يوم الحديبية، ولم يكن ذلك عن ضعف منه، ولا تقاعس من أصحابه، فقد بايعوه على الموت، ولكنه جنح للسلم، حين لمس من خصومه الجنوح إليها، فكان الصلح الشهير، والصلح خير.

Despite all this, the Qur'an instructs Muslims to respond to the call for peace if they are called upon to it, even after the outbreak of war and igniting of its fire. Allah says "If the enemy is inclined towards peace, make peace with them. And put your trust in Allah. Indeed, He ˹alone˺ is the All-Hearing, All-Knowing. But if their intention is only to deceive you, then Allah is certainly sufficient for you. He is the One Who has supported you with His help and with the believers" (Al-Anfal: 61, 62).

Even with the possibility of the intention of the enemy to cheat, the call for peace should not be rejected. Rather, we should incline to peace as the enemy inclined. This must be done according to conditions and legal controls of Sharia.

However, under any circumstance, the inclination to peace does not include to usurp my land with the sword, then negotiate with me to leave you what you took from me by the sword and you call that negotiation as an inclination to peace. Indeed, it is far from the inclination for peace, as the Zionists do today!. ! The condition is that the enemy should be willing to accept peace, and evidence for that should appear in his positions.

This is what the Messenger actually did when Quraysh drifted towards peace on the day of Al-Hudaybiyah. The treaty was not due to his weakness nor due to hesitation from a companion, who had pledged allegiance to him to death. Rather, he inclined to peace when he felt his opponents also incline to it. It resulted in the famous pact, which was a good reconciliation.

Response of Ibn-Baz to Qaradawi

إيضاح وتعقيب على مقال فضيلة الشيخ يوسف القرضاوي حول الصلح مع اليهود

الحمد لله رب العالمين، والصلاة والسلام على نبينا محمد الصادق الأمين، وعلى آله وصحبه أجمعين، ومن تبعهم بإحسان إلى يوم الدين، أما بعد:

فهذا إيضاح وتعقيب على مقال فضيلة الشيخ: يوسف القرضاوي المنشور في مجلة (المجتمع) العدد (1133) الصادرة يوم 9 شعبان 1415 هـ الموافق 10 \ 1\1995 م، حول الصلح مع اليهود، وما صدر مني في ذلك المقال المنشور في صحيفة (المسلمون) الصادرة في يوم 21 رجب 1415 هـ جوابا لأسئلة موجهة إلي من بعض أبناء فلسطين. وقد أوضحت أنه لا مانع من الصلح معهم إذا اقتضت المصلحة ذلك، ليأمن الفلسطينيون في بلادهم، ويتمكنوا من إقامة دينهم.

وقد رأى فضيلة الشيخ يوسف أن ما قلته في ذلك مخالف للصواب؛ لأن اليهود غاصبون فلا يجوز الصلح معهم... إلى آخر ما ذكره فضيلته. وإنني أشكر فضيلته على اهتمامه بهذا الموضوع ورغبته في إيضاح الحق الذي يعتقده. ولا شك أن الأمر في هذا الموضوع وأشباهه هو كما قال فضيلته: يرجع فيه للدليل، وكل أحد يؤخذ من قوله ويترك إلا رسول الله صلى الله عليه وسلم. وهذا هو الحق في جميع مسائل الخلاف؛ لقول الله عز وجل (فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا) وقال سبحانه (وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ). وهذه قاعدة مجمع عليها بين أهل السنة والجماعة.

ولكن ما ذكرناه في الصلح مع اليهود قد أوضحنا أدلته، وأجبنا عن أسئلة وردت إلينا في ذلك من بعض الطلبة بكلية الشريعة في جامعة الكويت، وقد نشرت هذه الأجوبة في صحيفة (المسلمون) الصادرة في يوم الجمعة 19\ 8\ 1415 هـ الموافق 20 \ 1\1995 م، وفيها إيضاح لبعض ما أشكل على بعض الإخوان في ذلك.

ونقول للشيخ يوسف وفقه الله وغيره من أهل العلم: إن قريشا قد أخذت أموال المهاجرين ودورهم، كما قال الله سبحانه في سورة الحشر (لِلْفُقَرَاءِ الْمُهَاجِرِينَ الَّذِينَ أُخْرِجُوا مِنْ دِيارِهِمْ وَأَمْوَالِهِمْ يَبْتَغُونَ فَضْلًا مِنَ اللَّهِ وَرِضْوَانًا وَيَنْصُرُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ هُمُ الصَّادِقُونَ). ومع ذلك صالح النبي صلى الله عليه وسلم قريشا يوم الحديبية سنة ست من الهجرة، ولم يمنع هذا الصلح ما فعلته قريش من ظلم المهاجرين في دورهم وأموالهم؛ مراعاة للمصلحة العامة التي رآها النبي صلى الله عليه وسلم لجميع المسلمين من المهاجرين وغيرهم، ولمن يرغب في الدخول في الإسلام.

ونقول أيضا جوابا لفضيلة الشيخ يوسف عن المثال الذي مثل به في مقاله وهو: لو أن إنسانا غصب دار إنسان وأخرجه إلى العراء ثم صالحه على بعضها. أجاب الشيخ يوسف: أن هذا الصلح لا يصح. وهذا غريب جدا، بل هو خطأ محض، ولا شك أن المظلوم إذا رضي ببعض حقه، واصطلح مع الظالم في ذلك فلا حرج؛ لعجزه عن أخذ حقه كله، وما لا يدرك كله لا يترك كله، وقد قال الله عز وجل (فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ) ، وقال سبحانه(وَالصُّلْحُ خَيْرٌ) ، ولا شك أن رضا المظلوم بحجرة من داره أو حجرتين أو أكثر يسكن فيها هو وأهله خير من بقائه في العراء

أما قوله عز وجل فَلَا تَهِنُوا (وَتَدْعُوا إِلَى السَّلْمِ وَأَنْتُمُ الْأَعْلَوْنَ وَاللَّهُ مَعَكُمْ وَلَنْ يَتِرَكُمْ أَعْمَالَكُمْ) فهذه الآية فيما إذا كان المظلوم أقوى من الظالم وأقدر على أخذ حقه، فإنه لا يجوز له الضعف، والدعوة إلى السلم، وهو أعلى من الظالم وأقدر على أخذ حقه، أما إذا كان ليس هو الأعلى في القوة الحسية فلا بأس أن يدعو إلى السلم، كما صرح بذلك الحافظ ابن كثير رحمه الله في تفسيره هذه الآية، وقد دعا النبي صلى الله عليه وسلم إلى السلم يوم الحديبية؛ لما رأى أن ذلك هو الأصلح للمسلمين والأنفع لهم، وأنه أولى من القتال، وهو عليه الصلاة والسلام القدوة الحسنة في كل ما يأتي ويذر؛ لقول الله عز وجل (لَقَدْ كَانَ لَكُمْ فِيهِمْ أُسْوَةٌ حَسَنَةٌ)

ولما نقضوا العهد وقدر على مقاتلتهم يوم الفتح غزاهم في عقر دارهم، وفتح الله عليه البلاد، ومكنه من رقاب أهلها حتى عفا عنهم، وتم له الفتح والنصر ولله الحمد والمنة.

فأرجو من فضيلة الشيخ يوسف وغيره من إخواني أهل العلم إعادة النظر في هذا الأمر بناء على الأدلة الشرعية، لا على العاطفة والاستحسان، مع الاطلاع على ما كتبته أخيرا من الأجوبة الصادرة في صحيفة (المسلمون) في 1415\8\19 هـ، الموافق 20 \ 1 \ 1995 م. وقد أوضحت فيها: أن الواجب جهاد المشركين من اليهود وغيرهم مع القدرة حتى يسلموا أو يؤدوا الجزية، إن كانوا من أهلها، كما دلت على ذلك الآيات القرآنية والأحاديث النبوية، وعند العجز عن ذلك لا حرج في الصلح على وجه ينفع المسلمين ولا يضرهم تأسيا بالنبي صلى الله عليه وسلم في حربه وصلحه، وتمسكا بالأدلة الشرعية العامة والخاصة، ووقوفا عندها، فهذا هو طريق النجاة وطريق السعادة والسلامة في الدنيا والآخرة.

والله المسئول أن يوفقنا وجميع المسلمين- قادة وشعوبا- لكل ما فيه رضاه، وأن يمنحهم الفقه في دينه، والاستقامة عليه،-وأن ينصر دينه ويعلي كلمته، وأن يصلح قادة المسلمين ويوفقهم للحكم بشريعته والتحاكم إليها، والحذر مما يخالفها، إنه ولي ذلك والقادر عليه.

وصلى الله وسلم على نبينا محمد، وآله وأصحابه، وأتباعه بإحسان.

Response of Ibn-Baz to Qaradawi

(as translated by Reiter 2011: 129-131)

This is a clarification and response to the article of His Eminence Sheikh Yusuf al-Qaradawi on the subject of reconciliation with the Jews, as well as a clarification of what I have published on the same subject as a response to questions from some of the people of Palestine. I clarified that there is nothing to prevent reconciliation with them if that is demanded in the interest (of the Muslims), so that the Palestinians (will) be secure in their country and be able to practice their religion. His Eminence Sheikh Yusuf viewed my statements on this matter as being incorrect because (in Qaradawi's words) the Jews are thieves, and there is no way to reconcile with them, etc. I wish to thank His Eminence for showing interest in this subject and for his desire to clarify the truth as be perceived it. There is no doubt that the decision in such and similar subject demands evidence (from the Quran or the Prophetic Hadith) as His Eminence stated because it is possible to embrace or abandon any saying except those of Allah's Messenger, peace and prayer upon him. This is the truth in all matters of this disagreement, as Allah, may He be glorified, said (4:59), "O ye who believe! Obey Allah, and obey the messengers and those charged with authority among you. If ye differ in anything among yourselves, refer to Allah and His Messenger, if you believe in Allah and the Last Day: that is best and most suitable for final determination".

And He, may He be praised, said (42:10), "whatever it be wherein ye differ, the decision thereof is with Allah". This is a principle agreed upon by the entire community of Sunni Muslims (Ahl al-Sunna wal-Jama'a)

We already clarified the proof of our statements with regard to reconciliation with the Jews, and we replied to questions on this subject from some students of the Shari'a College at the University of Kuwait. I have already published these answers in *al-Muslimun*, which included a classification of matters that disturbed some of the brethren.

We tell Sheik Yusuf, may he succeed by Allah, and others among the learned, that the Quraysh seized the properties and homes of the *Muhajirun*, as Allah, may He be praised, said (59:8), "(some part is due) to the indigent *Muhajirs*, those who were expelled from their homes and their property while seeking Grace from Allah and (His) good pleasure, and aiding Allah and His Messenger. Such are indeed the sincere ones." Despite that fact, the Prophet, peace and prayer upon him, reconciled with the Quraysh

on the day of Hudaybiyya on the sixth year to the Hijra (628 CE). This reconciliation was not prevented by the fact that *Muhajirun* were mistreated by the Quraysh by seizure of their homes and properties. The reason for that was the consideration of the public interest of the Muslims- *muhajiruns* and others- as the Prophet, peace and prayer upon him, perceived it and for the sake of those who desired to enter Islam.

In addition, we would like to respond to the example His Eminence Sheikh Yusuf gave in his article, describing a situation in which a person who stole the home of another person and made him homeless. Later he reconciled with the thief in exchange for a part of the estate. Sheikh Yusuf said that this kind of reconciliation is wrong.

This is highly peculiar and definitely a pure error. Doubtless, there is no shame in reconciling with the usurper if the robbed person settled for a part of what he is entitled by right because he could not retrieve his full right. In such a case, even if he cannot have everything, he should not forfeit everything. Allah, may He be glorified, said (64:16), "So fear Allah as much as you can" and He said (4:128 addressing peace between spouses), "and such settlement is best". There is no doubt that, if the robbed person settles for one or two rooms of his house so that he and his family have a place to live, that is better than his remaining homeless.

I would like to examine His saying, may He be glorified (47:35): "Be not weary and faint-hearted, crying for peace when you should be uppermost: for Allah is with you and will never make you lost an account of your (good) deeds". This verse applies if they robbed one was stronger than the thief and more able to assert his rights. In this case, weakness is forbidden, as is calling for peace since he is higher than the thief and more able to assert his right. If his apparent strength is less, however, there is no problem with his calling for peace as stressed by Al Hafiz Ibn-Kathir (an Alim known for his strong memory of Hadith), Allah's mercy upon him, in his commentary on this verse. The Prophet, peace and prayer upon him, called for peace on the Day of Hudaibiya, when he understood what was in the best interest of the Muslims and to their best advantage, and that this was better than fighting. He, peace and prayer upon him, is an example of goodness in all of his action, as Allah said (33:21), "you have indeed in the Messenger of Allah a beautiful model (of conduct) for anyone whose hope is in Allah and the final day and who engages in the praise of Allah". When they (Quraysh) broke the treaty, and he was able to fight them on the Day of the Conquest (of Makkah), he attacked them and their homes, and Allah conquered the land for him

and enabled Muhammad to hold its people hostage until he pardoned them. He achieved conquest and victory, and Allah deserves praise and gratitude.

I ask His Eminence Shiekh Yusuf and the rest of my learned brothers to reconsider this matter on the basis of Sharia evidence, not on the basis of emotions and attempts to seek favour. Please do so while reading my latest responses published in the *Al-Muslimun* newspaper. There I clarified that when the ability exists, one must wage jihad against the infidels among the Jews or others until they convert to Islam or pay the *Jizya* (poll tax) if they are from that kind of people (the People of the Book). This was implied by the Quranic verses and the Prophetic traditions. If there is no way of doing so (waging jihad), there is no shame in reconciliation in a manner that will benefit the Muslims and not harm them. This is based on the practice of the Prophet, peace and prayers upon him, in cases of war and reconciliation and general and specific Shari'a evidence that should be followed. This is the way of salvation and the way of joy any security in this world and the world to come.