



THE ARABS IN ISRAEL

Editors: Elie Rekhess and Arik Rudnitzky

Muslim Minorities in Non-Muslim Majority Countries: The Islamic Movement in Israel as a Test Case

العرب في إسرائيل



Tel Aviv University



The Moshe Dayan Center
for Middle Eastern and African Studies



Konrad
Adenauer
Stiftung

Konrad-Adenauer-Stiftung in Israel
The Konrad Adenauer Program for
Jewish-Arab Cooperation

**Muslim Minorities in Non-Muslim Majority Countries:
The Islamic Movement in Israel as a Test Case**

Editors:
Elie Rekhess and Arik Rudnitzky

The Arabs in Israel

Editor: Elie Rekhess and Arik Rudnitzky

Muslim Minorities in Non-Muslim Majority Countries: The Islamic Movement in Israel as a Test Case



Tel Aviv University
The Moshe Dayan Center
for Middle Eastern and African Studies



Konrad
Adenauer
Stiftung

Konrad-Adenauer-Stiftung in Israel
The Konrad Adenauer Program for
Jewish-Arab Cooperation

The Konrad Adenauer Program for Jewish-Arab Cooperation

The Konrad Adenauer Program for Jewish-Arab Cooperation (KAP) was established in 2004 by the German Konrad-Adenauer-Stiftung and Tel Aviv University as part of the Moshe Dayan Center for Middle Eastern and African Studies. The Program is an expansion of the Program on Arab Politics in Israel established by the Konrad-Adenauer-Stiftung and Tel Aviv University in 1995. The purpose of KAP is to deepen the knowledge and understanding of Jewish-Arab relations in Israel through conferences, public lectures and workshops, as well as research studies, publications and documentation.

The Konrad Adenauer Program for Jewish-Arab Cooperation
Tel Aviv University
Ramat Aviv, Tel Aviv 6997801
Tel: 03-6409991
Fax: 03-6406046
E-mail: arabpol@post.tau.ac.il

ISBN: 978-965-7438-09-1

© All rights reserved
Tel Aviv University, 2013
The Konrad Adenauer Program for Jewish-Arab Cooperation

The contributions reflect the opinions of their authors alone and do not necessarily reflect the position of the Konrad Adenauer Program for Jewish-Arab Cooperation or the editors.

Graphic Design: Michal Semo, Yael Bieber, TAU Graphic Design Studio
English translation: Renee Hochman
English language editor: Merav Datan
Cover Photos: Avi Ohayon, Amos Ben Gershom and Moshe Milner – Government Press Office
Cover Design: Yael Kfir, TAU Graphic Design Studio
Printing: ART

Table of Contents

Foreword / 7

Introduction / 9

Part I: Muslim Minorities in Non-Muslim Majority Countries: The Comparative Aspect

Uriya Shavit

Muslim Identity in Europe and Israel: Outline for a Comparative Discussion / 23

Sagi Polka

Constructing Muslim Identity in Western Society: The Rulings (*Fatawa*)
of Shaykh Yusuf Al-Qaradawi for Muslims in the West / 31

Part II: The Islamic Movement in Israel as a Test Case: History, Religion, and Politics

Elie Rekhess

Islamization of Arab Identity in Israel: The Islamic Movement, 1972-1996 / 53

Nimrod Luz

The Islamic Movement and the Seduction of Sanctified Landscapes:
Using Sacred Places to Conduct the Struggle for Land / 67

Iyad Zahalka

The Arab Public's View on the Status of the Shari'ah Courts / 79

Mohanad Mustafa

Political Participation of the Islamic Movement in Israel / 95

Mordechai Kedar

The Future Vision of the Islamic Movement / 115

List of Contributors / 125

Foreword

Jewish-Arab cooperation has always been among the priorities of the Konrad-Adenauer-Stiftung (KAS) in Israel. For more than a decade the Konrad Adenauer Program for Jewish-Arab Cooperation (KAP) at Tel Aviv University's Moshe Dayan Center for Middle Eastern and African Studies has been our most important academic partner in that field.

Active for over 30 years in Israel, KAS is a German non-governmental, albeit state-funded, organization that combines civic education at home, exchange of ideas abroad, and dialogue among societies, cultures, and religions, as well as think-tank work at the national and international levels.

Globally, KAS has been committed to international cooperation for more than half a century. We are present all over the world, with some 80 offices reaching out to more than 120 countries. In the greater region of North Africa and the Middle East, KAS is represented in capital cities from Rabat to Ankara, and our offices in Jerusalem, Ramallah, and Amman work in close teamwork.

We are delighted that KAP's very topical publication on Muslim minorities in non-Muslim majority countries is now also available in English. This subject deserves recognition in order to facilitate a stronger exchange of experience and ideas between European and Middle Eastern countries. We sincerely believe that the new publication will make an important contribution to that dialogue.

Michael Mertes
Director, KAS Israel

Introduction

In recent years, the status of Muslim minorities in western non-Muslim majority countries (especially in Europe, where Muslim communities of considerable size now exist) has been discussed with ever-growing frequency. According to 2010 statistics, the Muslim population of Europe is estimated at 43.8 million, or 5.9% of the continent's population.¹ In several non-Muslim majority countries in Europe, the Muslim community accounts for over 5% of the population, and in Russia, 10% of the country's population are Muslims.²

The presence of Muslim communities is most strongly felt in Europe's major urban centers. In cities such as Brussels, Amsterdam, Moscow, Copenhagen, Stockholm, London, Vienna, Berlin, Oslo, and Athens, Muslims account for between 7% and 25% of the city's population, a significantly greater share than their proportion in the national populations of the respective countries.³ This new situation has stimulated public awareness of issues concerning the maintenance of an Islamic lifestyle in compliance with the principles of Islamic law (*shari'ah*) under non-Islamic rule and secular state laws.

- 1 Notably, there is no single authoritative source for up-to-date statistics on the size of the Muslim population in European countries. One major uncertainty stems from the question of whether to count only observant Muslims or all people of Muslim descent. Furthermore, official data sometimes do not include a breakdown by religion or ethnic origin, and only classify the population as either citizens or non-citizens. These fundamental constraints impede the calculation of authoritative statistics.
- 2 Pew Research Center's Forum on Religion and Public Life, *The Global Religious Landscape: A Report on the Size and Distribution of the World's Major Religious Groups as of 2010* (Washington DC, December 2012), pp. 45-50.
- 3 The data are based on assessments published in western media and various research reports. One of the more striking examples is the "At Home in Europe Project," conducted on behalf of the Open Society Foundations, which includes reviews of major European cities (such as Amsterdam, Berlin, Leicester, Copenhagen, and others) with large Muslim communities. See <http://www.opensocietyfoundations.org/projects/home-europe>

Table 1. The Muslim minority in Israel (2011) and various European countries (2010)⁴

Country	Total population (in thousands)	Total Muslim population (in thousands)	Muslim population (%)
Israel	7,836	1,354	17.3%
Russia	142,960	14,296	10.0%
France	62,790	4,709	7.5%
The Netherlands	16,610	997	6.0%
Belgium	10,710	632	5.9%
Germany	82,300	4,773	5.8%
Switzerland	7,660	421	5.5%
Austria	8,390	453	5.4%
Greece	11,360	602	5.3%
Sweden	9,380	431	4.6%
UK	62,040	2,730	4.4%
Denmark	5,550	228	4.1%
Norway	4,880	181	3.7%
Spain	46,080	968	2.1%

Such dilemmas are also germane to the lifestyle and civic status of **Muslims in Israel** – who accounted for almost 17% of the country’s population in late 2011 – especially in view of the entrenchment of the Islamic Movement and the growing significance of religion as a component of the social and political identities of Arabs in Israel during the past three decades. Statistics published in November 2010 by the Central Bureau of Statistics of Israel show evidence of an accelerated process of increasing religious observance among Muslims in Israel: 9% of all Muslims (age 20 or older) defined themselves as very religious, 51% defined themselves as religious, 88% noted that they are careful or very careful in observing religious traditions, 41% stated that they are

4 Data on Israel were taken from the Central Bureau of Statistics, *Statistical Abstract of Israel 2012* – No. 63, Table 2.2. The data on European countries are current as of the end of 2010 (the most updated data available) and were taken from the report of the Pew Center; see footnote 2 above.

now more observant than in the past, 86% said they believe it is very important for their children to continue to meticulously observe religious traditions; and 64% stated that they pray every day.⁵

An impressive surge in the study of the status of Muslim minorities in non-Muslim majority countries has been evident over the past two decades. This development is manifest in both a growing body of academic research and in public discourse on a broad range of issues concerning the social, political, and religious integration of Muslim minorities in non-Muslim majority societies, especially in Europe (see: Appendix I). Special attention is devoted to the study of religious edicts pertaining to the observance of an Islamic lifestyle in non-Islamic countries. Use of the term *fiqh al-aqalliyat* (the jurisprudence of Muslim minorities) has become increasingly widespread and now features prominently in academic and public discourse. The term was first coined in 1994 by Dr. Taha Jabir al-Alwani⁶ and was discussed extensively several years later by Dr. Yusuf al-Qaradawi.⁷ The development of this new branch of Muslim jurisprudence (*fiqh*) demonstrates the importance that Muslim legal scholars attribute to this issue and the great interest that it has stimulated within academia as well as the general public.⁸

The Institute of Muslim Minority Affairs located in London is credited as the pioneer in addressing the status of Muslim minorities. Since 1979, the Institute has published the *Journal of Muslim Minority Affairs*, which offers discussions on various aspects of the lifestyle of Muslim minorities in non-Muslim countries around the world. In recent years this journal has focused on the cultural, social, and political status of Muslim minorities in Europe (see: Appendix I).

Concurrently there has been an impressive swell in the study of the specific case of the Muslim minority in Israel. Early research includes studies by Thomas Mayer on the

5 The Central Bureau of Statistics, *The Moslem Population in Israel* (Jerusalem, November 15, 2010). See http://www.cbs.gov.il/hodaot2010n/11_10_270e.pdf

6 Shammai Fishman, *Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities* (Washington: Hudson Institute, October 2006), p. 1.

7 See Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah: Hayat al-Muslimin wasat al-Mujtama'at al-'Ukhra* (Cairo: Dar El-Shuruk, 2001). [in Arabic]

8 See additional studies on *Fiqh al-Aqalliyat* (in Arabic): Khalid Muhammad 'Abd al-Qadir, *Min Fiqh al-Aqalliyat al-Muslimah* (Doha: Ministry of Religious Endowments and Islamic Affairs, 1997); 'Abd al-Majid al-Najjar, *Ma'alat al-Afaal wa-Atharha fi Fiqh al-Aqalliyat* (Paris: The European Council for Fatwa and Research, July 2002); Jamal al-Din 'Atiyyah Muhammad, *Nahwa Fiqh Jadid lil-Aqalliyat* (Cairo: Dar al-Salam, 2003); Ashraf 'Abd al-'Aati, *Fiqh al-Aqalliyat al-Muslimah bayna al-Nathariyyah wal-Tatbiq* (Dar al-Kilmah, 2008).

Islamist stream in Israel, which were published in 1988 and 1989.⁹ Also notable is the 1995 paper by David Wasserstein, which was an initial attempt to outline a framework for a comparative analysis of the status of Muslim minorities in non-Muslim majority countries and the status of Muslims in Israel.¹⁰ Since then, the research corpus on this topic has expanded steadily. Interest in the study of the Islamic Movement as a political and social phenomenon within Israel's Arab society has increased in step with the Movement's growing role in the municipal sphere (a process that began in the late 1980s) and in response to the division of the Movement's ranks in 1996 prior to the 14th Knesset elections. The Movement's growing power continues to provide the impetus for new research efforts (see: Appendix II).

This collected volume represents a renewed attempt to construct a contemporary analytical framework for comparing the status of Muslim minority communities in western countries with the status of Israel's Muslim minority, through a discussion of the development of the Islamic Movement in Israel as a case study. This volume focuses on issues relevant to both the general and the specific case: the construction and formation of Islamic identity; the unique components of identity of Muslim minorities in general, and of members of Israel's Muslim community in particular; the similarities in attempts by Muslim minority communities to bridge between Islamic jurisprudence and the challenges of modern life in Europe and in Israel; the impact of the *fiqh al-aqalliyat* doctrine on the Islamic Movement in Israel; the search for a common denominator in political Islamic agenda-setting in non-Muslim majority societies; and finally, the unique elements of the political and national platform of the Islamic Movement in Israel.

The seven articles in this volume address various aspects of the social, religious, and political world of Muslims in Israel and in western countries. The articles are based on lectures delivered at a conference that was held at Tel Aviv University in March

9 Thomas Mayer, *The Awakening of Muslims in Israel* (Giv'at Haviva: The Institute for Arabic Studies, 1988) [in Hebrew]; Thomas Mayer, "The 'Muslim Youth' in Israel." *Hamizrah Hehadash (The New East)*, Vol. 32 (1989), pp. 10-20 [in Hebrew].

10 Wasserstein concludes that in contrast to the medieval era, during the modern period Muslim minorities residing in non-Islamic countries (including Israel) have a new alternative – namely, active participation in political life – and such participation may serve the interests of the Muslim community as a whole. He states that this option could receive religious legitimacy if two conditions are satisfied: the majority ensures the rights of the minority, and the minority is free to administer its religious rituals as it deems fit. See: David J. Wasserstein, "Muslims in States with a Non-Muslim Majority: A Doctrinal and Comparative Approach," in Elie Rekhess and Tamar Yegnes (editors), *Arab Politics in Israel: At a Crossroad* (Tel Aviv University: The Moshe Dayan Center for Middle Eastern and Africa Studies, 1996), pp. 69-78.

2010, organized by the Konrad Adenauer Program for Jewish-Arab Cooperation. Two preliminary editorial notes are in order. First, several speakers elected to expand the text of their original lecture and include scientific citations, while other contributors preferred to publish their lecture verbatim. Second, those articles that have been expanded to comply with an academic format do not follow a uniform system of source citation. Some authors have added footnotes that include full citations of the sources on which they relied, while other authors have used the parenthetical author-date system of citation, which includes a short reference in the body of the text and a complete bibliography at the end of the article.

* * *

The first section of this volume offers a comparative perspective on **Muslim minorities in non-Muslim majority countries**. **Dr. Uriah Shavit's** contribution is the first attempt of its kind to compare Muslim citizens of Israel and Muslims in Europe. Shavit identifies four key differences that distinguish Muslim identity in Israel from Muslim identity in Europe: (a) the Islamic Movement in Israel, which functions as the indisputable representative of political Islam, is a key driving force behind the resurgence of Muslim identity in Arab society. In contrast, a negligible share of European Muslims identify with the concepts of political Islam, and the institutional manifestation of these ideas in Europe is similarly marginal; (b) The Muslim minority in Israel is a homogenous group, while Muslims in Europe differ considerably from each other despite their shared faith and common challenges; (c) The groups vary in terms of proportion of the general population: In Israel, the Muslim minority comprises one-sixth of the country's population, while Muslims account for no more than 4% of the total population of the European Union (EU); (d) The two groups derive their status from two distinct legal starting points: The minority in Israel considers itself to be an indigenous community compelled to live under a regime of *kuffar*, or unbelievers, whereas the Muslims in Europe voluntarily emigrated from their Muslim homelands to live in non-Muslim countries. Despite these differences, Shavit contends that the two groups share several commonalities: Both groups experience a sense of "double marginality" that reinforces their religious identity. Moreover, both minority groups face two legal-religious challenges: (a) Muslim residence in a non-Muslim majority country; and (b) observance of Islamic law in non-Islamic countries.

Dr. Sagi Polka discusses *fiqh al-aqalliyyat*, a legal doctrine that asserts that a new legal method is required to address the unique religious needs of Muslim minorities, especially those living in the West. Polka reviews Shaykh Yusuf al-Qaradawi's approach in issuing legal rulings (*fatwas*). Al-Qaradawi heads a stream of

Islam known as *wasatiyyah*, or the Centrist school of Islamic thought, which aspires to reconcile apparently contradictory polar extremes (for example, through a merger of the tenets of Islam’s founding fathers and the religious innovations that derive from modern life). Al-Qaradawi contends that the *shari’ah* embodies a pragmatic approach that accommodates the experiences and the concerns of Muslims living in a non-Muslim environment. To address the legal questions of Muslim migrants, in 1997 al-Qaradawi founded the European Council for Fatwa and Research, located in London, which publishes *fatwas* based on *shari’ah* laws and legal interpretations. Polka lists the principles underlying the *wasatiyyah* rulings adopted by the Council. More than any other religious scholar, al-Qaradawi is identified with *wasatiyyah*: he believes that Muslims, as members of a nation with a global mission, have a duty to live in and influence western countries because these countries currently rule the world. For this reason, al-Qaradawi permits Muslims to live in non-Muslim countries and even accept their citizenship, as this helps disseminate Islam. The prescription he proposes for these Muslims is to “maintain a Muslim identity without withdrawing into it; integrate into society without dissolving into it.” Polka explains that when a contradiction emerges between a state law and the *shari’ah*, al-Qaradawi advocates a compromise: Muslims should preach Islam benevolently; otherwise they will spark confrontation with western regimes. Polka believes that al-Qaradawi is driven by a desire to achieve the following goal: the renewal of Islam’s past glory and the conquest of Europe, but this time through peaceful means and persuasion.

The second part of the volume focuses on the **case study of the Islamic Movement in Israel – its history, religion, and politics**. Dr. Elie Rekhess reviews the history of the Islamic Movement, from its establishment in 1972 until 1996, when the Movement split into two factions. During this period, the fundamentally secular Arab society in Israel became increasingly religious in character, adopting a religious lifestyle and Islamic identity. Rekhess finds that the Islamic Movement in Israel triggered a fundamental change in the worldviews and lifestyles of Arabs in Israel and structured their Islamic identity by infiltrating most spheres of life. Unlike the Hamas movement in the West Bank and the Gaza Strip, the Islamic Movement did not propound an exclusive Islamic identity, but rather embraced additional coinciding components of identity (Arab, Palestinian, Israeli, and global). Rekhess illuminates the method used by the Movement to reconcile the three essential components of identity of Muslims in Israel: (a) the Islamic element, reflected in dedication to the goal of establishing an Islamic state; (b) the national-Palestinian element, expressed in support of the PLO’s demand for self-determination and a Palestinian state; and (c) the Israeli element, acknowledged as the need to recognize Israel and abide by its laws or else suffer the consequences. Since

its establishment, the Movement has been forced to respond to contradictory positions on the issue of establishing an Islamic state: At one extreme are Movement spokesmen who support the idea of an Islamic state over the entire territory of historic Palestine but refrain from expressing their opinion in public for political considerations. At the other extreme are Movement members who urge Muslims in Israel to accept reality and treat the establishment of an Islamic state as a “long-term goal.” During the period from 1972 to 1996, the Islamic Movement in Israel was dominated by pragmatists who opposed the establishment of any Islamic government in Israel. Rekhess reminds us that these opposing views eventually led to the split within the Movement that was triggered by a dispute over participation in Knesset elections.

The article by **Dr. Nimrod Luz** addresses the Arab-Muslim community in Israel’s struggle for land rights, which involves both factions of the Islamic Movement and is expressed in attempts to renew Muslim presence in, and retain a hold over, Muslim holy sites. Luz contends that holy places are used by members of the Islamic Movement as sites where new supporters of the Movement’s goals are recruited and where the Muslim minority can celebrate its religious and national identity. In recent years the Movement has increased its activities surrounding the holy sites, having realized that a focus on these sites might be instrumental in achieving political, religious, and other goals. According to Luz, the Islamic Movement assumes that considerable gains in this sphere are attainable, in view of the state’s concerns about violating what is perceived to be a sensitive, religious right. Luz demonstrates that since the Muslim Brotherhood became active in Palestine in the 1930s, attempts have been made to link Palestine and Islam by conceptualizing Palestine as Muslim *waqf* (religious endowment). The primary figures in these attempts were Mufti Hajj Amin al-Husayni, in the past, and Shaykh Ra’id Salah, leader of the Northern Faction of the Islamic Movement, in the present. According to Luz, Salah, who has become a major force in designing the Movement’s “land policy,” has adopted a militant approach that exploits the political, social, and cultural sensitivities evoked by the holy sites, and calls for Palestine in its entirety to be designated a holy site and Islamic *waqf*, whose use by Jews is prohibited.

Qadi Iyad Zahalka discusses the views of Israel’s Arab population regarding the status of the *shari’ah* courts. Although these courts are officially authorized to adjudicate personal status matters and matters relating to Muslim endowments in Israel, a debate over their status has emerged in recent years. The *shari’ah* courts are recognized as part of the universal *shari’ah* judicial system, but because the government in Israel is non-Islamic, it is not clear that the Qadis who serve in this court enjoy legitimate status under the laws of Islam. On the basis of his analysis of the appointment process in Israel, Zahalka concludes that these Qadis enjoy full legitimacy as official *shari’ah* jurists in

accordance with the procedures that allow for the appointment of individuals who are knowledgeable and qualified in law and meet the minimum standards defined by the Hanafi School. Furthermore, Islamic law permits the appointment of Muslims to judicial positions by non-Muslim rulers, especially if the ruler does not intervene in the legal proceedings and allows the Qadis to uphold legal justice. In his discussion of the views of the Arab society in Israel regarding the status, roles, and future of the *shari'ah* courts, Zahalka distinguishes among three groups: (a) both factions of the Islamic Movement view the *shari'ah* courts in Israel as religious Muslim institutions that uphold the faith and its teachings, and therefore both factions identify fully with these courts; (b) non-religious Arab groups and political parties, which typically lack a coherent worldview regarding the relationship between religion and the state; and (c) women's movements and the Israeli Communist Party. The latter seeks to reduce religious influence on society through a civil agenda that supports women's organizations' opposition to institutionalized religion and to its impact on society. Zahalka concludes by stating that the *shari'ah* courts in Israel enjoy public trust, whether based on religious faith, on the courts' influence on the collective identity of Israel's Arab minority, or on their favorable treatment of the rights of women and children.

Dr. Mohanad Mustafa reviews the development of political Islam in Israel. He believes that the distinct features of political Islam in Israel are a function of the circumstances of the Arab-Muslim minority living in Israel. In this Jewish state, the Muslims are a religious and national minority living alongside a Jewish majority, under Jewish political and cultural hegemony. Unlike the Muslim minorities in Europe and the United States, Arab-Muslims in Israel are the only Muslim minority living on what has traditionally been considered Arab-Muslim land. Political Islam in Israel is strongly influenced by these special circumstances, but has also been influenced by general Islamic religious and cultural texts and discourse. Mustafa argues that many scholars are unaware of the differences among the various schools or approaches within political Islam, and as a result they tend to highlight the commonalities between political Islam in Israel and Palestinian political Islam. Mustafa proposes an alternative explanation for the development of political Islam in general and of Palestinian political Islam in particular by focusing on the distinct orientations of the two factions of the Islamic Movement in Israel – the parliamentary faction and the extra-parliamentary faction. He believes that these two trends differ in their political practices and in their views on participation in Knesset elections, on the future of the Muslim minority in Israel, and on other social and political issues.

Concluding the volume is an article by **Dr. Mordechai Kedar**, who explores the question of whether the Islamic Movement is a religious or political organization.

Kedar seeks to understand the true goal of the Islamic Movement on the basis of the Movement's texts and his discussions with Movement leaders. He finds allusions to the Movement's goals in two volumes by the Movement's founder, Shaykh 'Abdallah Nimr Darwish, entitled "Islam is the Solution" (*Al-Islam Huwa al-Hall*). According to Darwish, the contemporary political Islamic Movement is grounded in three elements: (a) abolition of the foreign occupation of Palestine; (b) eradication of the foreign occupier's culture and foreign culture in general from the world of Islam; and (c) the aspiration to implement Islam by establishing *shari'ah* law and applying Islamic doctrines in the political, economic, and cultural spheres of life. The Movement also contends that Islam is relevant at all times and in all places, whether believers live in an Islamic state or a non-Islamic state, or in a country such as Israel, where "the European Jews conquered the land," and according to Kedar, turned the original population into an indigenous minority. Kedar prefers the term "anti-establishment Islam" to the term "political Islam" because contemporary Islamic movements worldwide operate in opposition to the established governments of Arab states. Drawing on the Movement's publications, Kedar concludes that Israel is considered a "foreign occupier" and as such is not a legitimate state. Kedar believes that the true goal of the Movement is to replace Israel with an Islamic caliphate whose capital is Jerusalem.

* * *

We would like to express our gratitude to the Konrad Adenauer Stiftung for its continued support and encouragement of the Konrad Adenauer Program for Jewish-Arab Cooperation, without which this volume could not be published.

Elie Rekhess and Arik Rudnitzky

Appendix I: Studies on Muslim minorities in non-Muslim majority countries

- Anwar, Muhammed. "Muslims in Western States: The British Experience and the Way Forward." *Journal of Muslim Minority Affairs*, vol. 28, no. 1 (April 2008), pp. 125-137.
- Bowen, John R. *Why the French Don't like Headscarves: Islam, the State and Public Space*. Princeton: Princeton University Press, 2007.
- Brubaker, Rogers. "The Return of Assimilation? Changing Perspectives on Immigration and its Sequels in France, Germany, and the United States." In: Christian Joppke and Ewa Morawska (editors), *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*. Basingstoke and New York: Palgrave, 2003, pp. 39-58.
- Bunt, Gary R. *Islam in The Digital Age: E-jihad, Online Fatwas and Cyber Islamic Environment*. London, Sterling, Virginia: Pluto Press, 2003.
- Ciciora, Alice C. "Integrating Ireland's Muslims: Attitudes of Muslim and Irish Elites towards Value Compatibility and the Mainstreaming of Islam." *Journal of Muslim Minority Affairs*, vol. 30, no. 2 (June 2010), pp. 199-216.
- De Raedt, Thérèse. "Muslims in Belgium: A Case Study of Emerging Identities." *Journal of Muslim Minority Affairs*, vol. 24, no. 1 (April 2004), pp. 9-30.
- Fishman, Shammai. *Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities*. Washington, D.C.: Hudson Institute, 2006.
- Fuess, Albrecht. "Islamic Religious Education in Western Europe: Models of Integration and the German Approach." *Journal of Muslim Minority Affairs*, vol. 27, no. 2 (August 2007), pp. 215-239.
- Gerges, Fawaz A. *America and Political Islam: Clash of Cultures or Clash of Interests?* New York: Cambridge University Press, 1999.
- Helfant, Samuel. *Yusuf Al-Qaradawi: Islam and Modernity*. Tel Aviv University: The Moshe Dayan Center for Middle Eastern and African Studies, 2009. Chapter 4, "Relations with Non-Muslims", pp. 89-104.
- Israeli, Raphael. *Muslim Minorities in Modern States: The Challenge of Assimilation*. New Jersey: Transaction Publishers, 2009.
- Jonker, Gerdien. "From 'Foreign Workers' to 'Sleepers': The Churches, the State and Germany's 'Discovery' of its Muslim Population." In: Joceylne Cesari and Sean McLoughlin (editors), *European Muslims and the Secular State*. Ashgate: The Network of the Comparative Research on Islam and Muslims in Europe, 2005, pp. 113-126.
- Kepel, Gilles. *Allah in the West: Islamic movements in America and Europe*. Stanford, Cal.: Stanford University Press, 1997.
- Küçükcan, Talip. "The Making of Turkish-Muslim Diaspora in Britain: Religious Collective Identity in a Multicultural Public Sphere." *Journal of Muslim Minority Affairs*, vol. 24, no. 2 (October 2004), pp. 243-258.
- Malik, Iftikhar H. *Islam and Modernity: Muslims in Europe and the United States*. London: Pluto Press, 2004.
- Nachami, Amikam. *Europe and its Muslims Minorities: Aspects of Conflict, Attempts at Accord*. Brighton: Sussex Academic Press, 2009.

- Ramadan, Tariq. "Europeanization of Islam or Islamization of Europe?" In: Shireen T. Hunter (editor), *Islam, Europe's Second Religion*. Westport, CT and London: Praeger, 2002, pp. 207-219;
- Sahin, Bican and Altuntas, Nezahat. "Between Enlightened Exclusion and Conscientious Inclusion: Tolerating the Muslims in Germany." *Journal of Muslim Minority Affairs*, vol. 29, no. 1 (March 2009), pp. 27-41.
- Schmidt, Garbi. "Islamic Identity Formation among Young Muslims: The Case of Denmark, Sweden and the United States." *Journal of Muslim Minority Affairs*, vol. 24, no. 1 (April 2004), pp. 31-45.
- Shavit, Uriya. "Should Muslims Integrate into the West?" *Middle East Quarterly*, vol. 14, no. 4 (Fall 2007), pp. 13-21.
- Yilmaz, Ihsan. "Muslim Law in Britain: Reflections in the Socio-Legal Sphere and Differential Legal Treatment." *Journal of Muslim Minority Affairs*, vol. 20, no. 2 (October 2000), pp. 353-360.

Appendix II: Studies on the Islamic Movement in Israel

- Abu Raya, Issam. "Concrete Religiosity versus Abstract Religiosity: The Case of the Division of the Islamic Movement in Israel." *Megamot*, vol. 43, no. 4 (March 2005), pp. 682-698. [in Hebrew]
- Aburaiya, Issam. "The 1996 Split of the Islamic Movement in Israel: Between the Holy Text and Israeli-Palestinian Context." *International Journal of Politics, Culture, and Society*, vol. 17, no. 3 (2004), pp. 439-455.
- Ali, Nohad. "Changes in the Identity and Attitudes of the Supporters and Opponents of the Islamic Movement in Israel" In: Rassem Khamaisi (editor), *Arab Society in Israel (3): Population, Society, Economy*. Jerusalem: The Van Leer Institute and Hakibbutz Hameuchad, 2009, pp. 304-324. [in Hebrew]
- Ali, Nohad. "Religious Fundamentalism as Ideology and Practice: A Comparative Perspective on the Islamic Movement in Israel." PhD Dissertation, University of Haifa, 2006. [in Hebrew]
- Ali, Nohad. "Political Islam in an Ethnic Jewish State: Its Historical Evolution, Contemporary Challenges and Future Prospects." *Holy Land Studies*, vol. 3, no. 1 (May 2004), pp. 69-92.
- Amara, Muhammad Hasan. "The Nature of Islamic Fundamentalism in Israel." *Terrorism and Political Violence*, vol. 8, no. 2 (June 1996), pp. 155-170.
- Israeli, Raphael. *Islamic Radicalism and Political Violence: The Templars of Islam and Sheikh Ra'id Salah*. Portland, OR: Valentine Mitchell, 2008.
- Israeli, Raphael. *Green Crescent over Nazareth: The Displacement of Christians by Muslims in the Holy Land*. London: Frank Cass, 2002.
- Kedar, Mordechai. "Our Sons are in Danger: Education from the Perspective of the Islamic Movement in Israel", In: Ami Ayalon and David J. Wasserstein (editors), *Madrassa: Education, Religion and State in the Middle East*. Tel Aviv University: The Moshe Dayan Center for Middle Eastern and African Studies, 2004, pp. 353-381. [in Hebrew]
- Malik, Ibrahim. *The Islamic Movement in Israel: Between Fundamentalism and Pragmatism*. Givat Haviva: Institute of Arab Studies, 1990. [in Hebrew]
- Rekhess, Elie. "The Islamic Movement in the aftermath of the Municipal Elections: Rising Political Power?" In: Elie Rekhess and Sarah Ozacky-Lazar (editors), *The Municipal Elections in the Arab*

- and Druze Sector (2003): Clans, Sectarianism and Political Parties*. Tel Aviv University: The Konrad Adenauer Program for Jewish-Arab Cooperation, 2005, pp. 33-39. [in Hebrew]
- Rekhes, Elie. "The Islamic Movement in Israel and its affiliation to the Political Islam in the Palestinian Territories." *In: Ruth Gavison and Dafna Hacker (editors), The Jewish-Arab Rift in Israel: A Reader*. Jerusalem: Israel Democracy Institute, 2000, pp. 271-296. [in Hebrew]
- Rekhes, Elie. *Islamism Across the Green Line: Relations Among Islamist Movements in Israel, the West Bank and Gaza*. Research Memorandum 33, The Washington Institute, Policy Focus, August 1997.
- Rekhes, Elie. "Resurgent Islam in Israel." *Journal of Asian and African Studies*, vol. 27, nos. 1-2 (March-July, 1993), pp. 189-206.
- Rubin-Peled, Alisa. "Shari'a under Challenge: The Political History of Islamic Legal Institutions in Israel." *The Middle East Journal*, vol. 63, no. 2 (Spring 2009), pp. 241-259.
- Rubin Peled, Alisa. "Towards Autonomy? The Islamist Movement's Quest for Control of Islamic Institutions in Israel." *The Middle East Journal*, vol. 55, no. 3 (Summer 2001), pp. 378-398.
- Rubin-Peled, Alisa. "The Islamic Movement in Israel." *In: Hussin Mutalib and Taj ul-Islam Hashmi (editors), Islam, Muslims and the Modern State*. London: Macmillan, 1994, pp. 278-297.

Part I

Muslim Minorities in Non-Muslim Majority Countries: The Comparative Aspect

Muslim Identity in Europe and Israel: Outline for a Comparative Discussion

Uriya Shavit

The spontaneous remarks that Israelis often hear in the course of conversations with European Muslims tend to draw a connection between the Jewish past and the Muslim present on that continent. This analogy relies on the presence of Muslim minorities in non-Muslim majority communities as well as the feelings of many European Muslims that they are being persecuted for their faith. Occasionally, this analogy conceals a protest against privileges that Jews in contemporary Europe allegedly enjoy because of past crimes committed against them, whereas their Muslim neighbors apparently suffer discrimination. Occasionally, the protest is an implicit expression of envy because many Jews have reached – and continue to reach – positions of influence in Europe without masking their religious identity, while most Muslims fail in similar endeavors. Despite the substantial differences between the “situation of the Jews” and the “situation of the Muslims,” a comparison of these two minorities is not completely indefensible: it highlights important social and legal-religious issues. Indeed, in recent years this comparison has attracted the attention of scholars and promoted productive discussions.

The comparison this collection wishes to make – between Muslim identity in Europe and Muslim identity in Israel – has not yet been the subject of academic study, and therein lies its novelty. A comparison between Muslim citizens of Israel and Muslim citizens and residents of Europe is likely to expand our understanding of the development of those identity perceptions and religious practices that are unique to Muslims residing in non-Muslim majority countries. This discussion could beneficially contribute to the analysis of three phenomena in particular: the reasons underpinning the trend towards increased religious identification among Muslims in Israel and in Europe; the causes of the difficulties that Muslim minorities encounter in translating this stronger sense of religious identity into domestic and international political achievements; and the

unique legal-religious adaptation continually required of Muslims who live in non-Muslim majority environments.

European Islam, Israeli Islam

Analogies inevitably reduce or distort human phenomena. The analogy we use here demands that we tread with extra caution and discern the substantial differences between Muslim identity in Europe and Muslim identity in Israel.

There is a tendency to confuse three concepts that are not identical: Islam, Muslim identity, and political Islam (also known as Islamism, or fundamentalist Islam). A Muslim is an individual whose religion is Islam – either someone who was born into the religion and never left the fold or someone who joined Islam. Muslim identity is a person's sense of belonging to his or her religion. This feeling covers an extremely broad range of forms: Islam may be perceived as a technical label, a culture-specific reference, or a comprehensive mandatory legal framework. Political Islam is a specific type of Muslim identity. It is a perception that entails three basic assumptions about the world: first, the sole legitimate political framework in the long term is the united Islamic *ummah*, which binds all believers without ethnic or linguistic discrimination; second, Islam is the compulsory framework that applies to all areas of life including politics; third, the deleterious influence of the West must be eradicated from Muslim societies. One may believe wholeheartedly in Islam without being a supporter of political Islam. This is the first difference between Muslim identity in Israel and Muslim identity in Europe: the Islamic Movement in Israel, the quintessential representative of political Islam, is the main driver behind the trend towards increased Muslim identification in Israel. Meanwhile, the proportion of European Muslims who identify with the ideas of political Islam is negligible, and the institutionalized expression of these ideas is marginal.

The second difference that requires attention before embarking on a comparative discussion between Muslim identity in Israel and in Europe is related to the homogeneity of the Muslim minority within Israel. The majority of Muslims in Israel are Arabic-speaking Sunni Muslims who consider themselves Palestinians with Israeli citizenship. Their Muslim identity is inseparable from their Palestinian identity and from that identity's connection to the Israeli-Palestinian conflict. In contrast, Muslim identity in Europe is so diverse and fragmented in nature that one may legitimately question whether a discussion of "European Muslims" is even possible. German-Turks, Moroccan-French, British-Afghani, and Indo-Dutch Muslims share common beliefs and challenges, but they are separated by a universe of linguistic, social, cultural, and theological differences.

The third difference between Israeli Muslims and European Muslims is their relative population size. The homogeneous Muslim minority in Israel accounts for one-sixth of the country's population; the Muslim minority in Europe is much smaller and does not exceed five percent of the population of the European Union. In Israeli and international consciousness, Muslims appear to account for a larger share of Europe's population; the reason for this misconception is that the majority of Muslim immigrants in Europe reside in major industrial cities, where they appear to be a very large segment of the population.

The fourth significant difference between Israeli and European Muslims is related to their religious-legal standing. From an Islamist perspective, the minority in Israel is considered to be living under infidel occupation. Such a situation creates problems for Muslims but is regarded as an unavoidable situation that Islamic law addressed as early as the tenth century, when lands conquered by Muslims were, for the first time, reconquered by Christians. The Muslim minority in Europe, in contrast, presents a challenge of a different kind: millions of Muslims left their Muslim homelands by choice, of their own free will, in order to reside in infidel countries.

From Christmas to Premier League Matches

Despite these considerable differences, which must serve as caveats to any analogy between the Muslim minorities in Israel and in Europe, there are factors that justify comparison of the two groups and make it a fruitful exercise. One is the role of perceived "dual marginality" in strengthening the religious identity of both Israeli and European Muslims. Dual marginality, a term used extensively in sociological studies of Arabs in Israel,¹ describes the marginalization experienced by individuals whose progress and growth within their civic (Israeli) affiliation group is obstructed by an invisible (or visible) glass ceiling, while simultaneously being considered contemptible by their own national (Palestinian) majority group because of their Israeli identity. Israeli Arabs who suffer from "dual marginality" have no sense of belonging to either group: they do not feel that they are an integral part of Israeli society, which identifies them as members of the rival Arab collective, nor do they feel a sense of belonging to the Palestinian nation beyond Israel's 1948 borders, which views Israeli Arabs as collaborators with the rival Israeli collective. This sense of "belonging neither here nor there" encourages their identification with the Islamic *ummah*, especially its political conception as a universal,

1 Editors' note: For further inquiry into the meaning of the term "dual marginality," see Majid al-Haj, "Whither the Green Line? Trends in the Orientation of the Palestinians in Israel and the Territories." *Israel Affairs*, vol. 11, no. 1 (January 2005), pp.183-206.

supra-national global community, blind to ethnic and geographic affiliation, in which all Muslims are equal.

The concept of dual marginality can also inform our understanding of the growing intensity of young Muslims' religious identity in Europe. Young Muslims born on the European continent – whose native language is the language of their country of birth, who know only the culture of their country of birth, and who are raised without a strong affinity (or without any affinity) to Islam – occasionally discover as they grow older, whether through direct or indirect signals, that their host country persistently views them as “aliens.” Yet when they visit their parents' homelands, they find that they are considered “strangers” there, too. Their name might be Arabic, Turkish, or Afghani, but their attire, language, and demeanor are not. The inevitable result is an identity crisis: if the world does not consider a person to be 100% French or 100% Moroccan, nor 100% German or 100% Turkish, then what is he? His encounter with the concept of the Islamic *ummah* and its political implications offers a possible solution: the adolescent enters a mosque as a person who belongs to no nation and exits as a member of a universal nation with a global mission that is indifferent to a person's ethnic or geographic affiliations.

Another factor worthy of comparative analysis requires that we reverse common beliefs that both the Islamic Movement in Israel and the Muslims in Europe are steadily gaining political strength. In both cases the belief is groundless. From a political perspective, the story of the Islamic Movement in Israel is a story of relative failure. Despite its extensive activity, it has failed to become the dominant political force for Arabs in Israel. Suffice it to say that in the current (19th) Knesset, the Islamic Movement has three Knesset members, who represent a faction comprising three separate movements. This situation is indicative of the Movement's electoral power ever since the Movement's parliamentary faction began to participate in national elections in 1996. No less significantly, however, neither faction of the Islamic Movement has succeeded in attracting educated young Arabs or appealing to Israel's Jewish population. In effect, the Islamic Movement has remained an organization whose main influence is limited to the municipal arena, and its significance for the dynamics of the Israeli-Palestinian conflict or majority-minority relations in Israel falls below that of its two main rivals: the National Democratic Alliance (*Balad*) and the Democratic Front for Peace and Equality (*Hadash*).

Muslim political power in Europe is in an even more dismal state. In fact, no movement identified with Islam – even Islam's apolitical aspects – has made any considerable public gains in Europe. For example, the French legislation that banned religious symbols in schools, including head scarves for girls, and the Swiss decision to

ban construction of minarets were not met with demonstrations, petitions, or significant political organization, and no genuine pressure was brought to bear in order to change these laws.

Numerous reasons can be offered for the failure of political campaigns undertaken in the name of Islam by Muslim groups in non-Muslim countries. Some failures are related to unique local circumstances, but they were all beset by one common obstacle: the inherent contradiction between movements that speak in the name of Islam and its laws, on the one hand, and the liberal, democratic, and secular political systems in which they seek to act, on the other. This contradiction restricts the reach of Islamic movements in the non-Muslim arena while simultaneously undermining any attempt at unified action on the part of the Islamic movements themselves.

The legal-religious challenges facing the Muslim minority in Israel and in Europe are yet another factor that might provide exceptionally fruitful grounds for a comparative discussion of these two groups. These challenges divide into two secondary issues: the question of whether residence by Muslims in non-Muslim majority countries is legitimate, and the observance of Islamic law in non-Muslim countries.

On the issue of the legitimacy of Muslim residence in non-Muslim countries, Israeli Arabs have an answer that is almost obvious: because the existence of the State of Israel is regarded as a situation that was imposed on Muslims, the ethos of the Muslim Arabs of Israel sanctifies loyalty to the conquered territory and renounces any exodus. This issue is more complicated for Muslims living in Europe, who immigrated of their own free will. Sunni and Shiite legal rulings issued during the past three decades uniformly view such emigration as legitimate, provided that the following five conditions are met: the Muslim emigrant considers himself part of the global Islamic *ummah*; emigration is necessary for reasons of livelihood, education, political asylum, or a desire to propagate Islam; the immigrant takes action to reinforce his Muslim identity by establishing local Islamic institutions and uniting with his co-believers, among other things; the immigrant loyally promotes the political interests of the Islamic *ummah* in both the international and local arenas; and the immigrant spreads Islam among non-believers.

In addition to the question of legitimacy of residence in non-Muslim majority countries – which is essentially a theoretical and general issue – concrete issues of Islamic law emerge as a result of the daily challenges of Muslim minorities. On this level, life in Israel presents interesting similarities to life in Europe.

Muslim jurists offer two types of solutions to the legal challenges facing Muslim minorities in western societies: the first, stringent solution rejects any adjustment by Muslims to life in non-Muslim societies; the second, lenient solution proposes such accommodation. For example, while proponents of the stringent school prohibit

Muslims from greeting non-Muslims on their religious holidays because such a greeting implies recognition of the validity of the holiday, supporters of the lenient school demand that Muslims conscientiously greet non-Muslims in order to avoid creating the impression that Muslims are not neighborly. The proponents of the stringent school allow no compromise on the prohibition against borrowing money with interest, whereas the proponents of the lenient school believe that Muslims living in non-Muslim countries should be allowed to assume mortgages because such loans are considered a necessity that overrides the prohibition. While the corpus of *fatwas* that address the unique conditions faced by Muslims in the West has received some scholarly attention, *fatwa* pronouncements among Arab Israelis have yet to be studied. Inflexible religious-legal solutions to such issues encourage Muslim minorities to withdraw into effectively exclusive enclaves, whereas lenient solutions allow for some degree of integration into the society of the non-Muslim majority, albeit this integration is subject to Islamic prohibitions. Numerous examples of integration and segregation are evident from the lives of Muslim minorities in Israel and in Europe. For example, in recent decades there has been an increase in the number of Israeli Arabs – including those for whom religion plays an important role in their lives – who compete in Premier League soccer matches. This is true even though since 1986 the Islamic Movement has operated an alternative soccer league, in which players are required to wear long pants, matches begin and end with a cry of “Allah Akbar!” and unsportsmanlike conduct is penalized by a reduction of points on the scoreboard. For several years Muslims in Europe have operated Islamic sports clubs that practice strict segregation between men and women and strict observance of other Islamic laws. Nonetheless, many Muslims in Europe, including Muslims for whom religion plays an important role in their lives, participate in the amateur and professional sports events of the majority group. A comparative study could enhance our understanding of the social and religious-legal contexts that promote segregation or integration in Israel and in Europe.

Potential Implications

The topic before us touches upon issues whose explosiveness is apparent to all. It is intertwined with challenges related to several of the most sensitive issues of our time – the identity of minority groups in nation states, the role of religious laws in liberal democracies, and the tension between the concept of ummah in Islam and the concept of the state in the West. Does this discussion have any political or social implications?

I will summarize by noting two potential implications. From a European perspective, the analogy to Israel may demonstrate that a large Muslim minority can practice their religious beliefs in a society that is democratic, and in many ways liberal, without

necessarily undermining its foundations. There are significant differences between the role of religion in Israel and its role in the majority of European states, as well as significant differences between the status of the Arab minority in Israeli society and the status of the Muslim minority in European societies. Nonetheless, the Israeli experience could serve to alleviate European apprehensions about the construction of mosques and minarets within their countries and mitigate their fear that compromise with religious Muslim laws constitutes a threat to their European identity.

From an Israeli perspective, regarding the Muslim minority in Israel as affiliated with other Muslim minorities worldwide might offer a rich source of inspiration for the construction of a more pacific and holistic Israeli-Arab sense of identity. These sources of inspiration may, perhaps only in the long term, become interlaced with new definitions that encompass all elements of the identity of Arabs in Israel: civic, national, and religious.

For further reading:

Sami A. Aldeeb Abu-Salieh, "The Islamic Conception of Migration", *International Migration Review*, 30 (1), March 1996, 37–57.

José Brunner and Shai Lavi (eds.), *Juden und Muslime in Deutschland*, Göttingen, 2009.

European Monitoring Centre on Racism and Xenophobia, *Muslims in the European Union Discrimination and Islamophobia*, 2006.

Iftikhar H. Malik, *Islam and Modernity: Muslims in Europe and the United States*, London, 2004.

Amikam Nachmani, *Europe and its Muslim Minorities: Aspects of Conflict, Attempts at Accord*, Brighton and Portland, 2009.

Uriya Shavit, *The New Imagined Community: Global Media and the Construction of National and Muslim Identities of Migrants*, Brighton and Portland, 2009.

Constructing Muslim Identity in Western Society: The Rulings (*Fatawa*) of Shaykh Yusuf Al-Qaradawi for Muslims in the West

Sagi Polka

A. Yusuf Al-Qaradawi: Biographic Details

Shaykh ‘Abdallah Yusuf al-Qaradawi was born in Egypt in 1926 and has been a member of the Muslim Brotherhood movement since early adolescence. He was educated at al-Azhar University and there, in the 1970s, he completed his doctorate on the subject of obligatory charity (*zakat*) and its influence on the resolution of social problems. In the 1960s, al-Qaradawi also moved to Qatar and since then has operated from that base. He moved from Egypt to Qatar after having served three prison sentences in Egypt because of his activity in the Muslim Brotherhood. His experience in prison affected him deeply, as reflected in his autobiography and the poems he wrote in prison.

Al-Qaradawi heads an ideological stream he calls “the Middle (or Centrist) Stream” (*wasatiyyah*), inspired by a verse from the Quran (Surat al-Baqarah [2], verse 143). According to al-Qaradawi’s worldview, this stream aims to create a merger of what appear to be contradictory concepts, for example integrating the paths of Islam’s forefathers (*salafiyyah*) and religious renewal (*tajdid*), or in other words, a fusing of genuineness (*asalah*) and modernism (*mu‘asarah*). In 2004, to anchor his status as a representative Sunni cleric, al-Qaradawi established the International Union of Muslim Scholars (*al-ittihad al-‘alami li-‘ulama’ al-muslimin*, hereinafter “IUMS” or “the Union”). One of the official objectives of this organization is to employ all available means to address the destructive currents, the forces hostile to Islam, and the cultural threats that lurk from within and from without by spreading the Islamic notion of *wasatiyyah*.¹

1 On this organization and its aims, see www.iumsonline.net.

B. Al-Qaradawi's Activity in the European Arena

Al-Qaradawi inaugurated a new field of Muslim jurisprudence (*fiqh*) in response to religious legal issues facing Muslims living outside of Islamic countries. This field of law is called the “Jurisprudence of Muslim Minorities” (*fiqh al-aqalliyat*). Al-Qaradawi was joined in this field by Shaykh Taha Jabir al-‘Alwani (b. 1935), a United States (US) resident, who serves as the President of the Graduate School of Islamic and Social Sciences.² To respond to the religious legal questions of Muslims in Europe, al-Qaradawi established the European Council for Fatwa and Research (*al-majlis al-urubi lil-iftaa’ wal-buhuth*, hereinafter “ECFR”) in 1997. One of the official objectives of this organization is to publish religious rulings (*fatawa*) that meet the needs of Muslims in Europe, in order to address their concerns, allowing them to base their relations with European societies upon the rulings and intentions of *shari‘ah* (*maqasid al-shari‘ah*).³ The Council adopted the principles of *wasatiyyah*, and al-Qaradawi presented the Council’s fundamental guiding principles at its twelfth session (held in December 2003):

1. Harmonization of the immutable components of *shari‘ah* (*thawabit*) and the changing reality;
2. Understanding the texts of the Quran and Sunnah in light of their general intentions;
3. Facilitation of the religious rulings (*fatawa*) and fostering Islam’s appeal to people through benevolent preaching (*da‘wah*);
4. Maintaining strictness with respect to the roots of religion while facilitating its branches;
5. Stability of goals and flexibility of means;
6. Observance of essence before form, of the intrinsic before the outwardly visible, and of the acts of the heart before acts of the limbs;
7. Inclusive and comprehensive understanding of Islam (*shumul al-Islam*) as principles of faith and *shari‘ah*, religion and the temporal world, preaching and state;⁴

2 For biographic details on Taha Jabir al-Alwani, see Shammai Fishman, “The Fiqh al-Aqalliyat Doctrine According to the Writings of Taha Jabir al-‘Alwani and Yusuf al-Qaradawi” (MA Thesis, Hebrew University of Jerusalem, 2006), pp. 21-22 [in Hebrew]. See also al-‘Alwani’s Internet site: www.alwani.net.

3 On the aims of the European Council for Fatwa and Research, see www.e-cfr.org.

4 Regarding this principle of *Shumul al-Islam*, which is one of the twenty roots presented by Hasan al-Banna, see Yusuf al-Qaradawi, *Nahwa Wahda Fikriyyah lil-‘Aamilin lil-Islam: Al-Asl al-Awal: Shumul al-Islam* (Maktabat Wahabah, 2003).

8. Preaching to Muslims through wisdom and conducting a pleasant dialogue with non-Muslims (according to Surat al-Nahl [16], verse 125);
9. Integrating loyalty to believers with tolerance towards disputants;
10. Fighting (*jihad*) those who attack Islam, and maintaining peaceful relations with those who are inclined towards peace (Surat al-Anfal [8], verse 61);
11. Cooperation among Islamic groups in regard to issues of consensus, and displays of tolerance when dealing with disputed issues;
12. Consideration for the changes in religious rulings, preaching, teaching, and adjudication in accordance with time and place;
13. Adoption of a prudent, gradual approach to preaching, education, ruling, and implementation of change;
14. Integration of knowledge and faith, materiality and spirituality, economic power and moral fortitude;
15. Focusing on humane social principles and values, such as justice, consultation (*shura*), liberty, and human rights;
16. Liberation of women from the vestiges of periods of backwardness and the impact of the Western cultural invasion;
17. Calling for renewal of the faith from within, and renewing the obligation of those who are qualified to apply independent reasoning in religious rulings (*ijtihad*);⁵
18. Focusing on building rather than destroying, uniting rather than dividing;
19. Benefitting from the best aspects of Muslim tradition: the rationality of the theologians, the spirituality of mystics, and the model behavior of traditionalists; and
20. Seeking inspiration from the past, living in the present, and looking towards the future.

C. “The Jurisprudence of Muslim Minorities”: Fundamental Principles

The “Jurisprudence of Muslim Minorities” is, as noted above, a legal doctrine introduced in the 1990s by Shaykh Taha Jabir al-‘Alwani of Virginia and Shaykh Yusuf al-Qaradawi of Qatar. The doctrine argues that Muslim minorities, especially those residing in the West, deserve to have a new legal course of action outlined for them, capable of addressing their religious needs, which are unique and differ from those of Muslims residing in Muslim countries. In his pioneering study on the “Jurisprudence of Muslim Minorities,” Shammai Fishman noted that al-‘Alwani coined the term and first used it in 1994, when the Islamic Law Council of North America, which he

5 On *ijtihad*, see Fishman (*supra*, note 2), pp. 66-78.

headed, published a ruling permitting Muslims in the US to vote. This field in Islamic jurisprudence is based on two basic assumptions: (a) the territorial principle, according to which Islam is a global religion (*'alamiyat al-islam*), and; (b) the legal principle of the intentions of *shari'ah* (*maqasid al-shari'ah*), the goals that the Islamic texts in the Quran and Sunnah aspire to achieve through decrees, prohibitions, and allowances.⁶ The first principle provides the rationale for the existence of Muslim communities in non-Muslim lands, while the second principle allows Muslim jurists to adapt Muslim law to the needs of these Muslim communities in the West and grant them concessions so that they might flourish.⁷

Al-Qaradawi identifies several fundamental principles of the “Jurisprudence of Muslim Minorities (*fiqh al-aqalliyat*)”:

1. There is no Islamic jurisprudence without *ijtihad*;⁸
2. The rules of Islamic jurisprudence (*al-qawa'id al-fiqhiyyah*)⁹ must be observed when religious rulings are made;
3. Efforts should be made to understand the reality (*fiqh al-waqi'*) in which religious ruling are made;
4. When religious rulings are made, the focus must be on the group and the collective, not on the individual alone;
5. One should facilitate (*taysir*) rather than impose strictness;¹⁰
6. The rule that calls for rulings to change in accordance with time, place, and circumstances should be implemented;¹¹

6 For a definition of the term *maqasid al-shari'ah* (intentions of *shari'ah*), see Yusuf al-Qaradawi, *Dirasah fi Fiqh Maqasid al-Shari'ah – Bayna al-Maqasid al-Kulliyah wal-Nusus al-Juz'iyyah* (Dar al-Shuruq, 2006), pp. 20-22.

7 Shammai Fishman, *Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities*, Research Monographs on the Muslim World, Series No. 1, Paper No. 2 (October 2006), pp. 1-3. Regarding the importance of the intentions of *shari'ah* for the perspective of the *wasatiyyah* current, see Yusuf al-Qaradawi, *Dirasah fi Fiqh Maqasid al-Shari'ah* (note 6, *supra*), p. 155ff.

8 Regarding the meaning of the term *ijtihad*, see Yusuf al-Qaradawi, *Al-Ijtihad fi al-Shari'ah al-Islamiyyah ma'a Natharat Tahliliyyah fi al-Ijtihad al-Mu'asir* (Dar al-Qalam, 1999), pp. 11-13.

9 Regarding the rules of religious law that must be followed in the “Jurisprudence of Muslim Minorities,” see Yusuf al-Qaradawi, *Fiqh al-Aqalliyat al-Muslimah: Hayat al-Muslimin Wasat al-Mujtama'at al-Ukhra* (Dar al-Shuruq, 2001), pp. 42-44. Regarding the meaning of the term “rule of religious law,” see 'Abd al-'Aziz Muhammad 'Azzam, *Al-Qawa'id al-Fiqhiyyah* (Dar al-Hadith, 2005), pp. 11-78.

10 Regarding the meaning of facilitation (*taysir*), see Yusuf al-Qaradawi, *Taysir al-Fiqh lil-Muslim al-Mu'asir fi Daw' al-Quran wal-Sunnah* (Maktabat Wahabah, 1999), pp. 24-37.

11 Regarding the change in *fatwa* and the causes that require it, see Yusuf al-Qaradawi, *Mujibat Taghayyur al-Fatwa fi 'Asrina* (Dar al-Shuruq, 2008), p. 39ff; Yusuf al-Qaradawi, *'Awamil al-*

7. Rulings must follow the principle of gradualism;
8. Human “necessity” (*darurah*) and “need” (*hajah*) should be acknowledged.¹² If a “need” is not satisfied, the Muslim will be in distress, but he will continue living. If a “necessity” is not satisfied, the Muslim cannot continue living;¹³ and
9. Rulings should not be bound by adherence to any specific religious school of jurisprudence and should refrain from displaying zeal on behalf of any school.¹⁴

Al-Qaradawi’s approach to rulings for Muslims in the West reflects his general perception of legal rulings in Islam, a view that was significantly influenced by the approach of Ibn Taymiyya (d. 1328) and his disciple Ibn Qayyim al-Jawziyyah (d. 1350). Al-Qaradawi adopted the “facilitation of jurisprudence” approach (*taysir al-fiqh*). One of the implications of this approach, in his view, is a call to write rulings in plain, comprehensible language and avoid terms that are unclear to the lay reader. Furthermore, the exposition of a ruling should not be brief, but should also not be excessively long. The contemporary individual should be addressed in comprehensible language; that is, ordinary people should be addressed using appropriate language, and the elite should be addressed using appropriate language. The mentality of the individual seeking an answer, as well as the current era, should be taken into consideration. Al-Qaradawi has sought to establish principles for religious legal rulings, and one of the most important of these is the consideration of extenuating circumstances and causes, accompanied by application of the religious rule that states, “necessities permit or allow religious prohibition” (*al-darurat tubih al-mahzurat*).¹⁵

Sa’ah wal-Murunah fi al-Shari’ah al-Islamiyyah (Maktabat Wahabah, 1999), pp. 70-109; Ibn Qayyim al-Jawziyyah, *I’lam al-Muwaqifin ‘an Rabb al-‘Alamin* (Dar al-Kutub al-‘Ilmiyyah, 1993), Part C, pp. 11-12.

- 12 Regarding the religious law term *darurah*, see Y. Linant De Bellefonds, “Darurah”, *Encyclopedia of Islam*, 2nd ed., Vol. 2, pp.163-164.
- 13 Regarding the terms *darurah* and *hajah* as used by al-Qaradawi, see Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), p. 176; Yusuf al-Qaradawi, *Madkhal li-Dirasat al-Shari’ah al-Islamiyyah* (Maktabat Wahabah, 2001), pp. 194-199.
- 14 Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), pp. 40-60. Regarding the reasons that necessitate modification of the religious ruling, see Yusuf al-Qaradawi, *Mujibat Taghayyur al-Fatwafi ‘Asrina* (note 11, *supra*); regarding al-Qaradawi’s perspective on adherence to a certain school of religious law, see al-Qaradawi, *Taysir al-Fiqh* (note 10, *supra*), pp. 30-36.
- 15 Yusuf al-Qaradawi, *Taysir al-Fiqh* (note 10, *supra*), pp. 16-31. Regarding this rule of religious law, see al-Qaradawi, *‘Awamil al-Sa’ah wal-Murunah* (note 11, *supra*), pp. 63-69; ‘Abd al-‘Aziz Muhammad ‘Azzam (note 9, *supra*), pp. 123-125.

D. The Importance of the Muslim Minority in the West

Al-Qaradawi holds that Muslims, as members of a nation with a global mission, are obligated to reside in Western countries and influence them because these countries lead the world. The West should not be left to the exclusive influence of Jews, as Islam is a mission for all mankind; this is written in the Quran (Al-Anbiya' [21], verse 107), "we sent thee not, but as a mercy for all creatures." Thus, al-Qaradawi holds that it is irrelevant to ask whether a Muslim is permitted to reside in a non-Muslim country or "house of infidelity" (*dar al-kufr*), a term used by Muslim scholars. If the presence of Muslims outside the "house of Islam" (*dar al-Islam*) were prevented, then preaching and proselytism for Islam would not be possible. Al-Qaradawi infers from Muslim history that Islam spread in countries known today as "the Arab world" and "the Muslim world" mainly through the influence of Muslims, primarily traders and Sufi shaykhs, who emigrated from their countries to Asia and Africa and assimilated into the population of the target countries. The local population showed an interest in Islam, which was viewed as the source of Muslims' virtuous conduct, and they therefore sought to convert to Islam. In countries conquered by Islam through military force, the role of the military was merely to remove the physical barriers that stood before Islam. The military conquest was followed by Muslim preaching, and then the nations of those countries voluntarily became Muslim.¹⁶

Notably, one of the signs heralding Islam's Day of Judgment and its triumph is Islam's return to Europe and its conquest of Rome. According to one tradition (*hadith*), the Prophet was asked, "Which shall be conquered first by Islam, Constantinople [Istanbul] or Rome?" The Prophet responded that Istanbul would be conquered first, and indeed it was conquered in 1453 by the Ottoman Sultan Muhammad II (or Mehmet II) (d. 1481). As to Rome, al-Qaradawi holds that it will be conquered through the pen and the tongue, not through the sword. He calls this "peaceful conquest" (*al-fath al-silmi*).¹⁷

E. Religious Legal Challenges for Muslims in the West

Muslims everywhere, whether in countries ruled by Islam or countries ruled by secularism, are commanded to act in accordance with the *shari'ah* and adopt it as their way of life to the extent possible. The basis for the aforesaid claim is Surat al-Baqarah [2], verse 115: "To Allah belong the East and the West: Whithersoever ye turn, there

16 Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), pp. 33-34.

17 Yusuf al-Qaradawi, *Al-Mubashshirat bi-Intisar al-Islam* (Maktabat Wahabah, 1999), pp. 28-31.

is the presence of Allah.” Al-Qaradawi contends that the *shari‘ah* in Islam typically represents a realistic approach that takes into account the circumstances in which Muslims live and the difficulties for Muslims of living in non-Muslim environments.¹⁸ Muslim minorities who live in the West face many problems of a political, economic, and cultural nature. Many of these problems involve religious legal issues and result from Muslims’ desire to retain their religious identity, observe the principles of their faith, and act in accordance with the laws of *shari‘ah* in family matters and in matters pertaining to “the prohibited and the lawful” (*al-halal wal-haram*); the final category includes foods, beverages, dress, and other issues relating to human interactions and financial matters, and particularly to matters involving Muslims’ treatment of non-Muslims. The problems that Muslim minorities face are distinct from problems faced by Muslims in Muslim societies. This, of course, results from the fact that the minorities live under the rule of positive law (*qanun wad’i*), that is, laws made by man rather than by God. Furthermore, Muslim minorities are forced to live in a non-Muslim social and cultural order, which they are unable to change and in which they have no say. For example, the first question that Muslim immigrants encounter is whether they are permitted to reside in the lands of nonbelievers or outside “the House of Islam” (*dar al-Islam*), and under which conditions.¹⁹

F. Granting Permission to Muslims to Reside in Countries outside *Dar al-Islam*

Although Muslim minorities have lived under non-Muslim rule throughout history, the immigration of Muslims to Europe and the US during the past century, especially during the second half of the twentieth century, created the unprecedented situation of large Muslim communities living under Western rule and culture.²⁰ Ever since the 9th century, Muslim jurists have viewed Muslim residence in non-Muslim societies as a threat. Not only does such residence weaken Muslim faith and practice, immigration

18 Regarding the characteristics of Muslim *shari‘ah*, see Yusuf al-Qaradawi, *Madkhal li-Dirasat al-Shari‘ah al-Islamiyyah* (note 13, *supra*), pp. 87-146.

19 Regarding the definition of territory under Muslim perception and the distinction between *dar al-Islam* and *dar al-harb*, see Fishman (note 2, *supra*), pp. 44-56. See also Ashraf Abu-Zarkah, *Territories, Immigration and the Muslims under Non-Muslim Rule* (Ph.D. Dissertation, Haifa University, 2008).

20 Regarding the numbers of Muslim immigrants, see Amikam Nachmani, “On the Verge of an Open Clash? On Muslim Immigration to Europe”, In Nimrod Goren and Amikam Nachmani (Eds.), *The Importance of Being European: Turkey, the EU and the Middle East* (Jerusalem, 2007), pp. 222-236.

to non-Muslim territories can in fact galvanize non-Muslims in their wars against Islam. Nevertheless, the religious rulings on residence outside *dar al-Islam* were not unequivocal. Certain jurists allowed Muslims to reside among infidels if they had no option of residing elsewhere and if their immigration assisted the Islamic cause, provided that they were able to perform their religious obligations.²¹

A ruling issued by the European Council for Fatwa and Research in June 2008 determined that Muslims are unquestionably forbidden to live among non-Muslims without identifying themselves as Muslims, unless they have no other choice. This is subject to the Muslim's ability to preserve or protect his own sense of security, his religion, and the members of his household. If a Muslim lives in an environment where he fears for his religion, himself, and his children, then he is obligated to emigrate to an environment where no such concerns exist. In this ruling, the Council relies on the Quran (Surat al-Nisa' [4], verses 97-100). These verses pertain to Muslims who remained in Mecca after Prophet Muhammad's migration to Medina and who concealed their faith because they were living among infidels. Such Muslims were commanded to emigrate from the land of infidels to the "land of faith"; according to the verse, all persons remaining in the land of infidels were doomed to hell. Emigration is therefore acceptable under *shari'ah* if the Muslim gains an advantage in practicing the commandments of his religion in his new environment. The migration to Abyssinia at the time of the Prophet Muhammad (there were two mass migrations to Abyssinia during the period of the Prophet Muhammad, both commenced in the year 615) serve as a precedent. Some Muslims emigrated from Mecca, which was a land of heresy and oppression at the time, to Christian Abyssinia, whose Christian residents provided shelter to the Muslims and protected them, and thus the Muslims immigrants succeeded in protecting their religion, themselves, and their families. Al-Qaradawi emphasizes that the continuing residence of Muslims in Abyssinia during several years after the Prophet had established the State of Islam at Medina indicates that Muslim residence in non-Muslim states was sanctioned. A key figure in the emigration to Abyssinia was Ja'far ibn Abi Talib, the Prophet's cousin, who left Abyssinia for Medina a full seven years after the general migration to Medina.²²

21 Uriya Shavit, "Should Muslims Integrate into the West?" *Middle East Quarterly* (Fall 2007), pp. 13-21.

22 Regarding the immigration to Abyssinia (present day Ethiopia) and its importance for immigration of Muslims to Europe, see Taha Jabir al-'Alwani, *Nazarat Ta'sisiyyah fi Fiqh al-Aqalliyat*, www.islamonline.net/arabic/contemporary/politic/2001/article_1-1.shtml; Fishman (*supra*, note 2), p. 44 (note 99); Yusuf al-Qaradawi, "Al-watan wal-muwatanah fi daw' al-usul al-'aqdiyyah wal-maqasid al-shar'iyyah", available on the ECFR website, www.e-cfr.org, p. 77.

In the framework of this ruling, the Council discussed the tradition quoted by those who forbid Muslim residence in “the land of infidels.” According to this tradition, “The Prophet sent a military force to the Khath‘am tribe. Several tribe members [as a means of protection] bowed [in order to show to the Muslims they were also Muslims], but [the Muslims] hurried to kill them. The Prophet [who knew they were Muslims] learned of the matter, and he commanded to give one-half ransom [since the Muslims were to blame for their own deaths because they resided among the infidels].” The Prophet added, “I dissociate myself from any Muslim staying amongst those who commit *shirk* [polytheism].” The Prophet was asked why, and he answered: “[It is improper for Muslims to reside adjacent to infidels] since if one of them lights a fire, the other one sees it.” In its ruling, the Council determined that this tradition is not a sound tradition (*sahih*). Even if its chain of transmitters (*isnad*) is correct, one must take into account the context in which the Prophet’s statements were made: people who had converted to Islam lived with their families among the infidels rather than immigrating to the House of Islam. During the conflict between the Muslims and these infidels, the Muslim force failed to recognize the converts and thus killed them. In the Council’s view, when – according to tradition – the Prophet says, “I disassociate myself from responsibility for any Muslim staying amongst those who commit *shirk* (polytheism),” this implies that if they are killed by Muslims, those who carried out the killing are not held responsible. In its ruling, the Council emphasizes that this meaning is irrelevant today and this tradition should not be applied. Moreover, the incomplete citation of this tradition and reference to the tradition out of its context undermine its comprehensibility.

G. Al-Qaradawi’s Approach to Integration of Muslims in the West

One of the objectives of the “Jurisprudence of Muslim Minorities,” according to al-Qaradawi, is to allow Muslim minorities worldwide, especially in the West, to demonstrate controlled flexibility and openness so that they do not become segregated and isolated from Western society, but rather engage in a reciprocal relationship with it. Al-Qaradawi proposes the following formula: “Maintain a Muslim identity without withdrawing into it; integrate into society without dissolving into it” (*muhafazah bila inghilaq wa-indimaj bila dhawaban*).²³ Muslims who understand their religion will not find it difficult to adapt to Western society and are not negligent in fulfilling their religious obligations and observing the religious prohibitions.

The Council, which is headed by al-Qaradawi, adopted his approach on this issue, as reflected by the resolutions adopted at the conclusion of its seventeenth session, which

23 Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), pp. 35-36.

was devoted to the topic of Muslim integration in Western societies. It determined that there was no contradiction between the term “citizenship” (*muwatanah*) and “loyalty to religion” (*wala'*)²⁴ under the *shari'ah*. The Council defined several actions that Muslims are obligated to perform in order to integrate into Western society and emphasized that these actions do not contradict Islam. On the contrary, they are encouraged by Islam:

1. Know the language, customs, and procedures of European society, and abide by its laws, as stated in the Quran (Surat al-Ma'idah [5], verse 1): “O ye who believe! Fulfill (all) obligations.”
2. Become involved in societal issues and promote the public interest, as the Quran guides (Al-Hajj [22], verse 77): “... and do good; that ye may prosper.”
3. Take steps to avoid unemployment; Muslims must be productive, earn their own livelihood, and benefit others, according to the guidance of the Prophet Muhammad: “The upper hand is better than the lower hand, since the upper hand gives [charity] and the lower one requests [charity].”

In order to promote the integration of Muslims in society, the Council made several demands of Western society, including the following:

1. Take steps to establish justice and equality among all citizens as far as rights and obligations are concerned, and specifically protect freedom of speech and freedom of religious ritual, and guarantee social rights, primarily the right to employment and equal opportunity.
2. Oppose manifestations of racism and eradicate elements that cause fear (Islamophobia) or are hostile to Islam, particularly in the media.
3. Encourage initiatives that promote greater mutual understanding between Muslims and members of Western society in the areas of religion and culture.²⁵

H. Al-Qaradawi's Ruling on Receiving European Citizenship

Al-Qaradawi's ruling on the issue of receiving European citizenship conflicts with the ruling of Hasan al-Banna. Al-Banna holds that Muslims who adopt the citizenship of a non-Muslim state commit a grave sin that warrants divine punishment.²⁶ Al-Qaradawi, however, distinguishes between two situations:

24 Regarding the meaning of the term *wala'*, see 'Abdallah bin Bayyah, “Al-Wala' bayna al-Din wa-bayna al-Muwatanah”, pp. 101-107, www.e-cfr.org/ar/.

25 Regarding decisions of the 17th session of “Al-Majlis al-Urubi lil-Ifta' wal-Buhuth” (held in Sarajevo between 15 and 19 May 2007), see www.qaradawi.net.

26 Yusuf al-Qaradawi, “Al-watan wal-muwatanah fi daw' al-usul al-'aqdiyyah wal-maqasid al-shar'iyah”, available on the ECFR website www.e-cfr.org.

1. A Muslim receives the citizenship of a non-Muslim state while war prevails between Muslims and this state: in this case, citizenship is considered a betrayal of Allah, his messenger, and his believers. Therefore, during France's occupation of Tunis, Tunisian jurists ruled that acquisition of French citizenship constitutes apostasy (*riddah*). Their ruling is based on the rationale that by receiving citizenship from an occupying state, a Muslim is selling his loyalty to his homeland and buying his loyalty to the imperialist state. Al-Qaradawi states that this ruling is one of the means of resistance (*muqawamah*) to foreign occupation and constitutes an instrument of *jihad*.
2. Under circumstances in which no war is taking place, citizenship bestows power and protection to Muslims required to travel to non-Muslim states. Citizenship also grants Muslims the right to vote in elections and prevents Muslim from being deported by local authorities. Thus, support for citizenship from a non-Muslim state is conditional upon the extent of the interests or harm that such citizenship conveys.

Al-Qaradawi detects a change in the attitude towards Muslims in Western states since the Islamic awakening in the 1970s, and especially since the events of 11 September 2001, and he finds that Muslims are treated with scorn merely for being Muslims. Yet Muslims have nonetheless become part of European reality: several are members of parliament and members of the ruling or opposition parties, and others are even government ministers. Therefore, according to al-Qaradawi, it is impossible and even counterproductive to envision the elimination of the Muslim presence in Europe or America, especially as some of these Muslims are not immigrants to Europe but native-born residents whose roots are planted firmly in these countries. Al-Qaradawi emphasizes that the entire universe is based on diversity and pluralism, as mentioned in the Quran (Al-Rum [30], verse 22). Therefore, the phase that commenced in the wake of the events of September 11 was extraordinary and cannot be seen as negating history in its entirety. Muslims in Europe and the US must endure this period with forbearance. Western societies are currently secular societies that maintain separation of religion and state; liberal secularism is indifferent towards religion – it does not support religion but neither is it hostile towards it. This means that Muslims can live in these societies in accordance with their faith and enjoy freedom of worship. Some secular societies, however, are not indifferent to religion and in fact intervene in religious issues, thereby infringing on religious and personal liberties.²⁷

27 *Ibid.*, pp. 96-97.

I. The Tension between State Law and *Shari'ah*: Selected Rulings

1. *Service by Muslim Soldiers in the US Military*

A ruling issued by al-Qaradawi under the “Jurisprudence of Muslim Minorities” (*fiqh al-aqalliyat*) holds that “Muslims, by virtue of their commitment to the rules of *shari'ah*, must respect the laws of the state that permits their entry as visitors or residents; because they entered the state under this condition, they must therefore respect state law and not violate it.” The ruling is anchored in a tradition by the Prophet according to which “Muslims [fulfill] their obligations [literally, stipulations].” In this ruling, al-Qaradawi emphasizes that a Muslim who gives his word, makes a promise, makes a commitment, or gives an oath must fulfill that obligation, as stated in numerous verses of the Quran (including Al-Mu'minun [23], verse 8; Al-Nahl [16], verse 91; and Al-Isra' [17], verse 34). A Muslim who fails to abide by this teaching of the Quran and the Sunnah is classified with the “hypocrites” (*munafiqun*).²⁸

Yusuf al-Qaradawi and several other Muslim thinkers issued a very interesting ruling in regard to the participation of Muslim soldiers of the US military during the war on Muslim terrorists in Afghanistan following the events of September 11. Muslim soldiers faced two problems:

1. In this war, it is difficult to distinguish between the real perpetrators, who are the target of the war, and the innocent; and
2. It is forbidden for one Muslim to kill another Muslim. According to a tradition attributed to the Prophet Muhammad, “if two Muslims confront each other with swords, and one of them kills the other, then both shall go to Hell. They asked: why does the person who was killed go to Hell? The Prophet answered: he sought to kill his brethren.”

The ruling holds that this tradition does not apply to the case of a Muslim who is a citizen and soldier in the armed forces of a state and is obligated to obey the state's orders or else his loyalty to the state will be questioned. Thus, the dilemma faced by Muslims under this tradition is resolved by considering the potential public harm to Muslims in the US in general, and in the US military in particular, if their loyalty to the state of their citizenship, the state whose rights they enjoy, becomes suspect. They must therefore fulfill their obligations. As to the difficulty stemming from Muslims' inability to distinguish between terrorists and innocent people during war, Muslims must participate in war with the intention of preventing aggression against innocent people and locating the perpetrators of crimes in order to bring them to justice. However, a

28 Yusuf al-Qaradawi, *Fatawa Mu'asirah* (Dar al-Qalam, 2001), Vol. 3, pp. 642-644.

single Muslim cannot prevent innocent people being killed during a war and therefore he does not bear this sin, as “On no soul doth Allah place a burden greater than it can bear” (Al-Baqarah [2], verse 286).

One of the *shari‘ah* principles on which this ruling is based is “If [an action] entails two damages, perform the lesser damage [the lesser of two evils]”; that is, if Muslims in the US as a whole are harmed by Muslims’ refusal to serve in the US military, yet such service troubles the conscience of individual Muslims, the rule is that “individual damage must be borne in order to prevent harm to the public and the group.” This ruling allows Muslim soldiers to request to assignment to rear units only if their request does not cast doubt on their loyalty and national allegiance.²⁹

Despite this ruling, al-Qaradawi supports the application of the “Balancing Doctrine” (*fiqh al-muwazanat*) and the “Priorities Doctrine” (*fiqh al-awlawiyyat*)³⁰ in the event of a conflict between a Muslim’s civil and religious obligations. According to this approach, religion prevails over citizenship under these circumstances. He rules that a Muslim is allowed to remain in his country of immigration as long as that country’s laws permit but do not compel him to perform actions that are forbidden by his Islamic religion (*muharramat*).

For example, if the inheritance laws of the state do not apply Islamic law in this field but do permit Muslims to follow Islamic laws when drawing up a will, then there is no impediment to Muslim residence in that country. Al-Qaradawi emphasizes that several obligations apply to Muslims who live in Western countries: (a) towards themselves – they must maintain their Muslim identity; (b) towards their family – they must protect the religion of their children in the non-Muslim society; (c) towards their Muslim brethren – because Muslims are a minority in their country of immigration, they must maintain unity; (d) towards the society in which they live – all Muslims must preach and promote the Islamic religion; and (e) towards the Islamic nation – Muslims must consider the problems of the *ummah* their own, even when they reside in non-Muslim host countries.³¹

29 The text of the *fatwa* was published in *Al-Sharq al-Awsat* (October 14, 2001). Regarding the significance of the *fatwa*, see Basheer M. Nafi, “Fatwa and War: On the Allegiance of the American Muslim Soldiers in the Aftermath of September 11”, *Islamic Law and Society*, Vol. 2, No. 1 (2004), pp. 78-116.

30 Regarding this type of *fiqh*, *Fiqh al-Awlawiyyat*, see Yusuf al-Qaradawi, *Fi Fiqh al-Awlawiyyat – Dirasah Jadidah fi daw’ al-Quran wal-Sunnah* (Mu’assasat al-Risalah, 1999), pp. 15-40.

31 Regarding the obligations of Muslims who live in the West, see al-Qaradawi in an episode of the program “Al-Shari‘ah wal-Hayat” (Aljazeera): “Fiqh al-Jaliyat al-Islamiyyah fi al-Gharb” (Part A). The program’s transcript is available at www.qaradawi.net.

2. *The Hijab Affair in France*

The reaction of Muslims to the prohibition imposed on Muslim women against wearing a *hijab* in schools in France – especially the response of al-Qaradawi as head of the ECFR – sheds light on his position regarding respect for state laws in the event of a conflict with *shari'ah*. In his letter to Jacques Chirac, President of France at the time (December, 2003), al-Qaradawi emphasized that the Council supports the integration of Muslims into the societies in which they live, while preserving their Muslim identity. Furthermore, Muslims are obligated to be constructive members of society, who serve the interests of their society, contribute to its growth, preach love and unity, and do not sow seeds of hatred and division.

As a result of the prohibition on *hijabs*, wrote al-Qaradawi, Muslim women are forced to disobey Allah, who commanded in the Quran (Surat Al-Nur [24], verse 31): "... they should draw their veils over their bosoms." The obligation of *hijab* is accepted by Shiite and Sunni schools alike. Al-Qaradawi describes the prohibition against wearing a *hijab* as zealotry (*ta'assub*) against the instructions of Islam and Islamic values; ironically, it was issued by France, the country of liberty and openness. This prohibition violates two basic liberties that are considered human rights: personal liberty and freedom of religion. As al-Qaradawi states in his letter, the argument that the *hijab* is a religious symbol (*ramz dini*) is incorrect because a symbol's role is to express the religious affiliation of the bearer, such as the crucifix on the chest of a Christian man or woman or the yarmulke on the head of a Jewish man. In contrast, the role of the *hijab* is to cover (*satr*) a woman's intimate parts and express modesty.

Al-Qaradawi also wrote that an authentic culture is characterized by tolerance (*tasamuh*) and embraces religious and cultural diversity. People must be taught to accept each other even if they differ in their faith, as stated in the Quran Surat al-Kafirun [109], verse 6: "To you be your religion, and to me mine."³² In his sermon in Qatar on this issue, al-Qaradawi emphasized that Islam demands a benevolent dialogue with its opponents. He also determined that Islam demonstrates extensive tolerance toward non-Muslims. For example, Islam allows "the People of the Book" (*ahl al-kitab*) to observe their own commandments even if strictly prohibited by Islam, such as eating pork and drinking wine. Al-Qaradawi concludes that only Muslims are required to refrain from observing their religious obligations, such as wearing a *hijab*, and this

32 For the text of the letter by al-Qaradawi to the President of France concerning the *hijab*, see al-Qaradawi's website, www.qaradawi.net/site/topics/article.asp?cu_no=2&item_no=3230&version=1&template_id=116&parent_id=114.

reflects an old psychological complex of the West pertaining to Islam and Muslims, a vestige of the era of the Crusades that must be uprooted.³³

3. The Minarets (Ma'adhin) Incident in Switzerland

A Swiss referendum regarding amendment of Article 72 of the Constitution – to include a clause prohibiting Muslims from building minarets – serves as a test case of the relationship between Islam in Europe and the West. The amendment was supported by 57.4% of the country's voters. In light of these results, the announcement by the IUMS, an organization headed by al-Qaradawi, deserves examination. According to the announcement, the outcome of the Swiss referendum reveals a strong contradiction between Switzerland's pride in its democracy and religious freedom, on the one hand, and the racist nature of the referendum results, which reflect a fear of Islam, on the other hand. The announcement states, "Today minarets, tomorrow the mosques themselves." The IUMS emphasized that the minarets are only symbols that attest to places of worship; they are devoid of any political or other significance except as a beautiful architectural symbol attesting to the tolerance of the state that permits their construction and the state's cultural and religious diversity.

According to the IUMS, the extreme right in Switzerland exploited the climate of fear of Muslims that prevails in Europe. The right-wing supporters claimed that Muslims in Switzerland wish to extend their religious demands and implement *shari'ah* law. The Union went on to say that this claim was grounded in the imagination of the political right, as *shari'ah* does not even apply in most Muslim states; therefore, how could any reasonable person aspire to implement it in Europe, with its non-Islamic governments? It is worth noting that the Union called upon the Muslim minority in Switzerland to express its opposition to the referendum results peacefully, using civilized, legal courses of action. Members of the minority were instructed to cooperate with local and international organizations that expressed their objection to the referendum and its results on the grounds that the decision violates the most basic of human rights, including freedom of religion and construction of places of worship. The IUMS called upon the Muslim minority in Switzerland to act as an integral part of society in the state, maintain their loyalty to the state, and act in the state's interests. The Union's announcement also advised Muslims to ignore those who incited hatred, and to preach Islam instead.

33 Yusuf al-Qaradawi, *Khutab Al-Shaykh al-Qaradawi* (Maktabat Wahabah, 1998), Vol. 2, pp. 195-207.

J. Integration, not Assimilation, in Western Society

Al-Qaradawi rules that in the current era marriages between Muslim men and non-Muslim women of the “People of the Book” (*kitabiyat*) should be prevented even though such marriages are permitted by the Quran (Surat al-Ma’idah [5], verse 5), in order to prevent the loss of Muslim identity. Al-Qaradawi rules that the prevention of marriage between Muslim men and women belonging to “People of the Book” is intended “to block pretenses” (*sadd al-dhari’ah*) for damage.³⁴ This prevention is anchored in a religious rule as follows: “averting damage is preferable to generating benefit.”³⁵ Therefore, such marriages are permitted only in cases of necessity or urgency. Al-Qaradawi lists several harmful results that might stem from a marriage between a Muslim man and a non-Muslim woman belonging to “People of the Book”:

1. If such mixed marriages become a prevalent social phenomenon, the marital prospects of Muslim women will be compromised, as they are only permitted to marry Muslim men. This is especially the case when Muslims constitute a small minority, as they do in several countries in Europe and the US; in these communities, if Muslim men marry non-Muslim women, Muslim women will not find Muslim men to marry.
2. There is a concern that some Muslims will not follow the condition specified in the Quran for marriage with a non-Muslim woman; that is, they will not ensure such women maintain modesty. As a result, Muslim men might marry non-Muslim prostitutes.
3. A Muslim who marries a non-Muslim woman creates a home of an American or European character. According to al-Qaradawi, the woman in this household is “in charge” of the husband and not vice versa (in contrast to the provision of the Quran, Surat al-Nisa’ [4], verse 34). Naturally, the mother has greater influence on the children than the father, as they are raised according to the mother’s religion and respect her values and traditions, although they officially retain their father’s religion.

Al-Qaradawi notes that in permitting marriage between Muslim men and non-Muslim women belonging to “People of the Book,” Islam carefully attended to two points:

34 Regarding this rule of religious law, *sadd al-dhara’i’*, see Wahbah al-Zuhayli, *Usul al-Fiqh al-Islami* (Dar al-Fikr, 2009), Part B, pp. 173-175.

35 Regarding the term *dhari’ah*, see *ibid.* Regarding the rule of religious law, “Dar’ al-mafasid awla min jalb al-masalih,” see Muhammad al-Zarkah, *Sharh al-Qawa’id al-Fiqhiyyah* (Dar al-Qalam, 2001), pp. 205-206.

1. Women from the “People of the Book” believe in a divine religion that has much in common with Islam.
2. The non-Muslim woman will live with her Muslim husband in a Muslim society that follows the laws of Islam and would therefore be subject to its influence rather than the reverse. Even if the woman does not convert to Islam, she is expected to adopt Islam, or at least its social customs, and become assimilated into Muslim society as far as her conduct is concerned. Furthermore, changes have occurred in women’s status over time: in the past, the husband’s power was significantly stronger than that of his wife; a husband who took pride in and strictly observed his religion, and was strict with his children’s education and faith, would neutralize his wife’s ability to influence his children in any way that conflicted with Islam. Today, however, the man’s status is reduced when compared to an educated woman, and the woman’s status has grown stronger, especially for Western women. At the same time, there is no genuine Muslim society that embraces Islam as its faith, its ethic, and its culture. Therefore, the family should compensate for the absence of a genuine Muslim society by ensuring that the household conducts itself in the spirit of Islam and by preventing marriages between Muslim men and non-Muslim women.

It is important to note that al-Qaradawi establishes several restrictions on and conditions for marriage between a Muslim man and a non-Muslim woman from the “People of the Book.” One condition is that the woman does not belong to a group that is hostile towards Islam or wages war against Islam. Muslim scholars distinguished between women from “the protected groups,” or *dhimmi* (*ahl al-dhimmah*),³⁶ and women from groups that fight against Muslims. They permitted marriage between a Muslim man and a woman belonging to *ahl al-dhimmah* (that is, a Jew or Christian) and forbade marriage with those women fighting against Islam (*al-harbiyyat*), relying on the Quran (Al-Mujadilah [58], verse 22): “Thou wilt not find any people who believe in Allah and the Last Day loving those who resist Allah and His Apostle.”³⁷

36 The *dhimmi* refers to the status under religious law of Jews and Christians subject to an Islamic regime. By virtue of this status, they enjoy security of life and property and pay per capita tax (*jizyah*).

37 Yusuf al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), pp. 91-104. Regarding marriage with a Jewish woman see *ibid.*, pp. 99-100. Regarding the religious legal issue of marriage between a Muslim man and non-Muslim woman, see Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge, 2003), pp. 160-193, 186-187.

K. Jurisprudence of Muslim Minorities in Israel: Is it applicable according to al-Qaradawi?

In al-Qaradawi's thinking and rulings, the Muslim minority in Israel is not comparable to Muslim minorities in the West. His ruling on two essential issues may support this statement:

1. In his book *Fiqh al-Jihad* (published in 2009), al-Qaradawi discusses the division of today's world according to the distinction in Islamic jurisprudence. He determines that all states currently known as "Muslim states," which contain a Muslim majority, are considered *dar al-Islam*, even if some do not follow *shari'ah* on all issues and some, such as Turkey, declared their secularism openly. It is sufficient for him that these states were originally Muslim, that is, historically Muslim, that most of their residents are Muslim, and that their rulers are officially Muslim. Moreover, they still display unequivocally Muslim signs of identity, such as calls to prayer, recitation of the Quran, construction of new mosques, congregational or communal prayers on Fridays, commemoration of Muslim holidays, and the like. The constitution in the majority of these countries states that Islam is the national religion; some even state that *shari'ah* is one of several sources, or the primary or sole source, of legislation. In al-Qaradawi's view, even countries whose rulers declared them to be secular should not be removed from *dar al-Islam*, as long as their population is Muslim.

All other countries of the world with the exception of Israel should be considered by Muslims as *dar al-'ahd*,³⁸ ("land of the covenant"). The United Nations Charter links Muslims and the rest of the world, and Muslims should therefore uphold this Charter, except for any provisions that contradict their religion and therefore do not obligate them. It is forbidden for Muslim countries to sign an agreement that contradicts the laws of *shari'ah*, especially its social laws. Israel is one country that al-Qaradawi currently considers *dar al-harb* ("land of war") for Muslims. Muslims are obligated to conduct a *jihad* to liberate Palestine, thereby demonstrating their mutual solidarity. The countries that signed separate peace agreements with Israel may possibly be excluded from this obligation because for them Israel is *dar al-hudnah* ("land of the truce").³⁹ Nonetheless, al-Qaradawi believes that separate agreements should not be signed with Israel because such agreements harm the

38 Regarding the term *dar al-'ahd*, see Halil Inalcik, "Dar al-'Ahd", *Encyclopedia of Islam*, 2nd ed., Vol. 2, p. 116.

39 *Dar al-hudnah* refers to a territory with which Muslims have a temporary ceasefire agreement. This ceasefire is meant to benefit Muslims.

nation of Islam, even though the purpose of these agreements is to benefit the *ummah* and remove it from harm.⁴⁰

2. Political participation – al-Qaradawi permits political participation by Muslims in the West. In his opinion, Muslims in the West should decide whether to join existing parties or establish independent parties. Perhaps a lesson can be learned from the Jews, argues al-Qaradawi; they did not establish their own party, but instead developed an influential position of power within existing parties, and their votes affect election results. He argues that in countries outside *dar al-Islam*, parties should not to be required to implement the *shari'ah*. Therefore, Muslims should support a party that advocates justice and distances itself from atheism and licentiousness. Of course, no support should be given to parties that advocate sexual perversions, abortion, or sexual permissiveness, or call upon children to rebel against their parents.⁴¹

An entirely different ruling was issued by al-Qaradawi regarding Muslims' participation in the Israeli Parliament (Knesset). He holds that Muslim participation in the Knesset should be rejected as such participation entails recognizing Israel's right to exist or its right to remain on stolen land. According to al-Qaradawi, participation in the Knesset is not an issue subject to the "Balancing Doctrine," that is, a cost-benefit analysis. He defines Israel as a "foreign entity" (*kiyan dakhil*) in the region, which imposed itself through the power of iron and fire, and is considered a foreign organ in the Arab and Muslim body; as such, it is rejected by the other organs.⁴²

L. Conclusion

Yusuf al-Qaradawi plays a key role in shaping the identity of Muslims in the West. His rulings and those of the ECFR, which he heads, reflect the trend in religious law designed to facilitate Muslims' residence in the West and their integration into non-Muslim societies. For example, the ECFR determined that the classic Islamic legal division of the world into *dar al-islam*, *dar al-harb*, and *dar al-'ahd* resulted from the prevailing state of war during early days of Islam. That period was not an ordinary one, as Islam provides that relations between Muslims and others are to be based on

40 Yusuf al-Qaradawi, *Fiqh al-Jihad – Dirasah Muqarinah li-Ahkamihi wa-Falsafatihi fi daw' al-Quran wal-Sunnah* (Maktabat Wahabah, 2009), Vol. 2, pp. 900-908.

41 Al-Qaradawi was asked about the issue of political participation by Muslims in the West on the program "Al-Shari'ah wal-Hayat" (15 October 2008): "Fiqh al-Jaliyat al-Islamiyyah fi al-Gharb" (Part B). The episode's transcript is available at www.qaradawi.net; 'Abd al-Wahab al-Afendy, *Al-Inkhirat al-Siyasi li-Muslimi Uruba wal-Gharb: Al-Furas wal-Tahaddiyat*: www.e-cfr.org/ar/.

42 Yusuf al-Qaradawi, *Fatawa Mu'asirah* (note 29, *supra*), Vol. 3, pp. 479-481.

peaceful coexistence. All the *shari'ah* rules in Islamic jurisprudence that were derived from this division were based on the circumstances that existed at that time between the Muslim state and the world around it.⁴³

Today, in contrast to the past, Muslims in Europe live in religiously, culturally, and ethnically pluralistic countries. This pluralism is based on a peace that guarantees security and ensures equality of rights. Two types of residents live in these countries: (a) citizens whose citizenship rights, including freedom of religion and worship, are guaranteed by law; citizens are obligated to abide by all the terms of their citizenship contract and to obey all the laws of the state, as endorsed by Surat al-Ma'idah [5], verse 1: "O ye who believe! Fulfill (all) obligations"; and (b) residents who are permitted to inhabit a country according to an entrance visa, which creates a quasi-agreement requiring foreigners to abide by the laws of the state. This obligation is anchored in Surat al-Isra' [17], verse 34: "And fulfill (every) engagement, for (every) engagement will be enquired into (on the Day of Reckoning)."⁴⁴

To help Muslims resolve the potential contradiction between citizenship of the state of immigration and *shari'ah*, the ECFR provides that a Muslim is allowed to buy a house in Western countries through banks that charge interest – even though charging interest is strictly forbidden in Islam – because Muslims are not obligated to follow the laws of *shari'ah* in civil, monetary, and political matters pertaining to public order in non-Islamic societies. The reason is that under the circumstances Muslims cannot follow these laws, and Allah does not impose upon a soul more than it is able to bear (Surat al-Baqarah [2], verse 286). In contrast, Muslims must abide by the laws of *shari'ah* with regard to rituals, food, beverage, attire, and of course, personal status – marriage and divorce. If a Muslim is unable to observe these laws, he may no longer remain in that state and must emigrate to a different destination.⁴⁵

Even when there is contradiction between state laws and *shari'ah*, such as in the case of the *hijab* affair in France, apparently al-Qaradawi's policy is to preach compromise: Muslims must act pleasantly and preach Islam, otherwise they will become embroiled in confrontations with Western governments. His approach is apparently guided by the great importance he attributes to Muslims' presence in the West and their power of influence in these countries. It seems that in this matter, al-Qaradawi is driven by the desire to achieve the following aim: restoring Islam's former glory and conquest of Europe, this time through peace and persuasion, at least for now.

43 Sixteenth session of the ECFR (July 2006), concluding announcement: www.e-cfr.org/ar.

44 *Ibid.*

45 Al-Qaradawi, *Fi Fiqh al-Aqalliyat al-Muslimah* (note 9, *supra*), p. 177. See also the concluding announcement of the fourth session of the ECFR: www.e-cfr.org/ar/index.php?ArticleID=241.

Part II

The Islamic Movement in
Israel as a Test Case: History,
Religion, and Politics

Islamization of Arab Identity in Israel: The Islamic Movement, 1972–1996¹

Elie Rekhess

Introduction

The chronological starting point of the review below is 1972, the year the Islamic Movement was founded, and the review covers the period up to 1996, the year the Movement's ranks became divided. Between these two dates, during a period of 24 years, the Movement caused a fundamental transformation in the worldview and lifestyle of Arabs in Israel. What had been a fundamentally secular society, albeit traditional and conservative for the most part, transformed into a society of an increasingly religious nature, which has adopted a religious lifestyle and Islamic identity. Below, I explore this process of Islamization and discuss its goals, means, and degree of success.

The period from 1972 to 1996 was a formative time in the history of the Islamic Movement. These were its early years, during which the basic patterns of the Islamization process took shape. Since 1996 this process has continued with increasing intensity, propelled by historical momentum. Today, Islam is a salient feature of life, and its prominence did not develop *ex nihilo*.

The discussion that follows also includes a comparison of the Movement's ideology and modes of action with those of other revivalist movements, mainly in the West Bank and Gaza. This comparison offers a perspective that underscores the unique character of the Movement in Israel and perhaps foreshadows the course of future developments.

During the period under review, the Islamic Movement's activities touched upon the following ten areas:

1 This article is based on a manuscript in preparation, which is a study of the history of the Islamic Movement from its foundation until its fragmentation. The author wishes to thank Mr. Aharon Berger for his assistance in the collection of, and preliminary work on, the material.

1. The “Return to Religion” Movement (*Al-Shabab al-Muslim*)
2. The violent phase (*Usrat al-Jihad*)
3. Consolidation of a religious Islamic ideology
4. Development of a national-political platform
5. Implementation of the principles of *da‘wah*
6. Protection of sites sacred to Islam
7. Community activism
8. Infiltration into the municipal arena
9. Development of ties with the West Bank and Gaza
10. Entry into the parliamentary arena

These areas of activity were interdependent and intertwined with one another. Through planning, coordination, and astute timing, the Movement’s operations synthesized ideology and pragmatism in a way that fuelled and informed construction of the Islamic identity of Arabs in Israel, among other things. The review below focuses on the following five selected areas of action that effectively illustrate the evolution of this process: ideology, platform, *da‘wah*, protection of sacred Islamic sites, and community activism.

Islamic Ideology

The Islamic Movement never developed its own independent ideology, in contrast to Hamas for example, and therefore never published an official doctrine. Its philosophy is based on existing ideological sources. An outline of the Islamic Movement’s religious dogma must therefore draw exclusively on the writings of its senior leaders that have been published in various collections (such as the letters of Shaykh ‘Abdallah Nimr Darwish), in articles within the Movement’s newspapers, and in the religious literature that the Movement has used, adopted, or disseminated.

The tenets of the Islamic Movement’s religious-ideological worldview can be summarized in three Arabic words: *Al-Islam huwa al-hall* (“Islam is the solution”). This slogan embodies the Movement’s entire philosophy: there is a crisis that cries out for solution, and the solution may be found in Islam; Islam has the power to alleviate the grievances of the individual, the ills of society, and the problems of mankind.

Islam’s perspective is an all-encompassing one: more than a mere collection of tenets of a spiritual faith involving man and his creator, it is in fact a way of life (*nizam hayat, minhaj hayat*). Islam is a social religion that serves moral and ethical functions and offers a socio-political foundation for the community. Another banner slogan of the Movement was *al-Islam huwa al-badil* (“Islam is the alternative”) – Islam is the alternative to the corrupt and spurious Western culture. Against the backdrop of

the identity crisis of the Arabs in Israel, Islam is considered an authentic, proud, and respectable alternative to what is considered a false and deceptive culture.

The Movement's ideology is based on three philosophical sources:

1. Classical, orthodox Sunni Islam;
2. The modernist-reformist trend; and
3. The tenets of the Muslim Brotherhood.

The influence of the orthodox Sunni approach is reflected in the Movement's exclusive reliance on the *Quran* and the *hadiths* as well as its representation of Islam as the word of God and as the perfect and most progressive way of life. The Movement's publications – books, brochures, and newspaper articles – frequently contain interpretations of Quranic verses and quotes from classical collections of *hadiths*, such as *Bukhari* and *Muslim*.

The spirit of nineteenth and twentieth century modernist, reformist thinkers (Jamal al-Din al-Afghani, Muhammad 'Abduh, and Rashid Rida, among others) is also discernible in the Movement's message. Its spokesmen adopted the elements of the reformist and modernist response to the challenges of the West, incorporating the classic motifs of apologetics and anti-Western discourse. They glorified the Islamic past, which they considered an ideal model for contemporary society. They quoted al-Afghani, 'Abduh, and Rida, who had proclaimed that return to the true Islam would cure society's ailments. Scientific progress, they argued, does not contradict Islamic tradition; rather, it is a part of it.

The Movement's third ideological source is the most important of all. The Islamic Movement is an offshoot of the Muslim Brotherhood. Unlike Hamas, which declares its ideological affiliation to the "Brotherhood" in its charter, the Islamic Movement in Israel has refrained from such explicit association. However, the Movement has – in both theoretical and practical terms – adopted the goal of the Muslim Brotherhood, that is, to build an Islamic society based on *shari'ah* laws, a society whose constitution (*dustur*) is the *Quran*.

In practice, the Islamic Movement applied the Muslim Brotherhood's classic model of action, which calls for a gradual bottom-up reform from the inside, following an extensive phase of preparation. Muslim Brotherhood writings, including the letters of Hasan al-Banna and writings of Hasan al-Hudaybi, Sayyid Qutb, and Brotherhood leaders from other Arab countries, serve as the primary sources of authority for the Islamic Movement in Israel.

The issue of identity is at the core of the current discussion. Much has been written about the complex nature of the national and political identity of Arabs in Israel. No less complex is the issue of their Islamic identity. The 1948 War created a void in the

religious lives of Arabs in Israel. The Supreme Muslim Council, which operated under the British Mandate, was dissolved, most of the spiritual leadership fled the country, and the Muslim community was left without a religious judiciary or administrative system. Ongoing administration of the community's affairs, including the control of *waqf* assets, passed to the Israeli government. From a religious and legal perspective, Muslims in Israel faced a perplexing dilemma when, literally overnight, they became members of a Muslim minority in a non-Muslim state, a condition that was inherently contradictory to the proper machinations of Islamic history. This situation created a local identity crisis that was further exacerbated by the Six-Day War in 1967, when the national and secular ideologies of the Arab world collapsed. To alleviate the sense of "identity loss," the Movement offered an alternative Islamic identity and association. In contrast to Hamas, the Islamic Movement did not elect to promote an exclusively Islamic identity, but rather embraced multiple co-existing circles of identity: Arab, Palestinian, Israeli, and human identity components, alongside the Islamic one.

The Movement skillfully manipulated these contradictory elements of identity. In an effort to accommodate to the Israeli reality, it acrobatically maneuvered itself among three basic constraints: (a) the Islamic element, expressed as loyalty to the goal of establishing a state based on Islamic religious law, (b) the national Palestinian element, that is, support for Palestine Liberation Organization (PLO) demands for self-determination and a Palestinian state, and (c) the Israeli element, namely, the necessity of recognizing Israel and taking care not to violate the law, lest the Movement suffer the consequences.

Unlike Hamas, the Movement did not develop an independent alternative national Islamic vision to compete with the national political trend among Arabs in Israel. Nor did it support the idea of an Islamic alternative to the general Palestinian national movement, at least not at the beginning of the period under discussion.

The depth of the dilemma experienced by the Movement is reflected in their attitudes towards the establishment of an Islamic state. Opinions were ambivalent, noncommittal, and multifaceted: while there was no outright rejection of the idea of establishing Islamic rule over the entire territory of historic Palestine, the Movement realistically designated the notion of an Islamic state as a "strategic long-term goal," which was similar to the approach adopted by Hamas. The Movement's pragmatic and more moderate faction categorically rejected any option of establishing an Islamic state in Israel. The more radical faction of the Movement refrained from explicitly relating to the issue. These opposing views are indicative of the political disputes that emerged within the Movement's ranks in the late 1980s, which subsequently led to a final rupture in 1996 surrounding the issue of participation in Knesset elections. After the Oslo

Accords, the Movement's more moderate faction supported a political compromise that would lead to the establishment of an independent Palestinian state in the West Bank and Gaza, headed by the PLO. The radical faction did not reject the Accords altogether, but did harshly criticize it while flirting with the idea of Islamic rule.

There was a similar duality in the Movement's stance on Israeli identity, reflecting nuanced contentions. On the one hand, the Movement's publications expressed official recognition of Israel and its basic right to exist. In order to remove doubt, Shaykh Darwish, leader of the moderate faction, frequently stressed that "publically and audibly, we recognize the State of Israel [...]; we carry the state symbols, the flag, the Star of David, the Menorah, in our pockets wherever we go" [referring to the Israeli identification card that all citizens are obliged to carry at all times].² On the other hand, others, especially spokespersons identified with the dogmatic faction, treated affiliation with Israel as a default option. Kamal Khatib, for example, stated, "I recognize the fact that we live in the State of Israel, but we will not consent to being assimilated into the Israeli milieu, not ideologically, not politically, and certainly not culturally. In no way does the Israeli milieu represent us."³

Political activity in the municipal arena served as a constructive "escape" for the Movement, allowing both streams to circumvent issues such as recognition of Israel and cultivation of Israeli identity. Municipal-level action did not require recognition of Israel and certainly did not entail recognition of Israel as a Jewish state. Yet it did offer a legitimate opportunity for "contingent participation," and ultimately it became a broad arena of activity in which the Islamic Movement could establish itself as a socially oriented religion whose accomplishments genuinely improve the condition of the Arab population.

Principles of Action

In its attempt to introduce Islamic religious law into the public sphere of Israel's Arab society, the Islamic Movement adopted the modus operandi of the Muslim Brotherhood, and in this specific case adopted Hamas' methods as well. The Islamic Movement aspired to Islamize society – not merely to Islamize individual identity – by drawing on the following principles:

1. Political pragmatism and realism;
2. Proactive policy;
3. Mobilization of individuals to act in the interests of their community;

2 *Al-Hayat*, June 17, 1992 [in Arabic].

3 *Ha'ir*, July 11, 1997 [in Hebrew].

4. Actions within the boundaries of law;
5. The *da'wah* principle;
6. Assumption of the role of defender of sacred Islamic sites;
7. Institutional entrenchment; and
8. Deployment of a network of community-based organizations and institutions.

Institutional Entrenchment

The year 1972 is typically considered the founding year of the Islamic Movement in Israel although no foundational conference or convention was held. The Movement's inception is effectively related to the work of the Movement's founder, Shaykh 'Abdallah Nimr Darwish, who established the first nucleus of activists in Kufr Qasim that year. In 1974 local branches in Kufr Bara, Jaljulyah, and Taybeh were established. The office in Umm al-Fahm opened in 1976, and offices were opened in the Negev and Nazareth in 1979 and 1980 respectively.

The Movement was initially led by charismatic figures who acquired their religious education in the Palestinian territories and who were activists with proven organizational skills. The most prominent among them was Shaykh Darwish, who was born in 1948 and was a resident of Kufr Qasim as well as a former member of the Communist Party. In 1969 Darwish began studying at the Islamic Institute of Nablus. After completing his studies, he returned to his village and began to preach in the mosques.

A few younger figures also distinguished themselves, several of whom had studied in religious institutions in the West Bank, including Shaykh Ra'id Salah, Hashim 'Abd al-Rahman, Khalid Ahmad Muhanna, and Kamal Khatib. When the Islamic Movement entered the municipal arena, these leaders were joined by other figures who were elected to positions of power in local governments as Movement representatives.

During its formative years, the Movement maintained an indistinct organizational structure, and very little is known about the official institutions that operated in the 1970s and 1980s. It was not registered as a political party and therefore it offered no formal membership status. The Movement became institutionalized only in the late 1980s and early 1990s. It then became known that the Movement was headed by a supreme body referred to as the Advisory Council (*majlis shura*), elected by the general conference (*mu'tamar 'aam*), which comprised several dozen members who were representatives of towns where the Movement was active.

Several scholars claim that the Islamic Movement maintained two organizational systems – one covert, the second overt – consistent with the Muslim Brotherhood's traditional division between open and closed *usras*, or cells. Although the Movement

denied this, Nachman Tal, a former senior official in the Israeli General Security Service (GSS), stated that “the Islamic Movement presumably maintains several covert cells.”⁴

As noted above, the Movement followed the principle of acting within the scope of the law. The Islamic Movement’s strength derives primarily from its legitimate, overt actions. It carefully and fully exploited the channels of action available in an open, democratic society without resorting to covert action. Its efforts within overt channels were quite fruitful, as described in greater detail below.

The Da‘wah

The term *da‘wah* originally meant a call or invitation to join Islam, follow its path, and recognize it as the true faith. In the modern era, this term was “politicized” and became code for religious proselytizing and preaching. *Da‘wah* is the keystone of the Muslim Brotherhood’s doctrine as well as that of its offshoots, including Hamas. *Da‘wah* activities include sermons, religious studies, public rallies, educational camps, distribution of religious books, and publication of manifestos, opinion papers, and newsletters. The Islamic Movement in Israel has energetically exploited all these channels of dissemination.

The Movement’s operations were organized and institutionalized. In many Arab towns, local “*da‘wah* committees” developed and led revival campaigns. Methods of operation were perfected over the years. For example, in 1992 the Movement first held a “*da‘wah* week” in Umm al-Fahm, which became a very popular event. Dozens of young people visited the town’s homes and inspired residents with a call to re-embrace the faith and accept the commandments of Islam. Delegations visited residents who were hospitalized, and much effort was invested in preparing and widely disseminating ideological material, including stickers containing *Quran* and *hadith* verses.

The calls of *da‘wah* bore fruit. Since the late 1970s, there has been a steady trend of Arabs in Israel returning to the faith, known as *al-shabab al-muslim* (“the young Muslims”). Societal life gradually changed in character as it figuratively and literally assumed Islamic attire: young people adopted traditional Islamic dress, *al-ziyy al-Islami*, as a symbol of their piety and modesty. Young men started covering their heads with white skullcaps and grew beards, and their consumption of religious literature – the *Quran* and collections of the *hadiths* – soared.

4 Nachman Tal, “The Islamic Movement in Israel,” *Strategic Assessment*, 2(4), February 2000, retrieved from <http://www.inss.org.il/publications.php?cat=21&incat=&read=631>, August 9, 2012.

The most prominent change of all was the transformation of the mosques. The Islamic Movement reinstated the glory of years past: no longer merely places of prayer, mosques once again took on a central role as Islamic community centers within the life of the village, city, or town. The number of congregants rose steadily, as did the number of mosques. In the 26-year period from 1967 to 1993, the number of mosques increased fourfold, from 60 to 240,⁵ and the imposing minaret became a prominent – and defiant – symbol of the old and the new, now fused with other aspects of the Arab-Islamic identity in Israel.

Protecting the Sacred Sites of Islam

The structural and organizational vacuum that emerged in Muslim community life after 1948 was thus filled by the Islamic Movement, albeit selectively: the Movement shunned areas in which its chances of success were small or in which needs were being addressed through governmental agencies, such as the *shari'ah* judicial system. Sites sacred to Islam, in contrast, were marked as targets in dire need of intervention, sparking the Movement's campaign to protect and conserve Islamic sites in Israel.

The Al-Aqsa Association for the Custody of the Awaqf and the Islamic Holy Sites (*Jam'iyyat al-Aqsa li-Ri'ayat al-Awqaf wal-Muqaddasat al-Islamiyyah*) was founded in May 1991, and its operations concentrated on two primary areas of action. The first was the struggle both to liberate *waqf* property from the control of the Custodian of Absentee Property and to reinstate Muslim (that is, the Islamic Movement's) administration of these assets. In the period under discussion, 1972 to 1996, the Movement scored limited gains towards the latter goal. Regarding the former aim, the conservation of Islamic sites, the Movement benefited from the state's longstanding neglect of these sites. The Movement, and later the Al-Aqsa Association, pounced on this cause, industriously identifying and documenting existing Islamic sites and taking measures to protect, clean, and renovate them. These activities were not limited to sites in existing Arab towns: the efforts encompassed sites throughout Israel that contained remnants of mosques or Muslim graveyards.

The state did not view this initiative favorably, and it attempted to prevent Movement leaders from entering sites, claiming that the latter were seeking to seize control of state lands. As confrontations between Muslim believers and the authorities gradually increased in frequency, efforts shifted into the legal arena. Numerous petitions to the High Court of Justice enhanced the Movement's public image as defender of Islam.

5 Yair Ettinger, "The Islamic Movement Won: Operates More Mosques and Imams than the State," *Ha'aretz*, December 4, 2003 [in Hebrew].

The Movement and the Association prudently expanded their base of popular support even further when they involved the Arab public leadership (the Committee of Heads of Arab Local Governments, the Supreme Follow-Up Committee, and Arab members of Knesset) in their campaign to protect Islamic sites. In this manner, the defense of Islamic sites allowed the Movement to rekindle Palestine's pre-1948 Islamic religious heritage, cultivate Islamic symbols of identification related to national memory, and position itself as the main driving force behind this project.

Community Activity

In line with the Muslim Brotherhood's doctrine advocating a gradualist approach in performing the necessary socio-religious transformation, the Movement deployed an efficient network of organizations, institutions, and duly registered volunteer associations whose operations covered numerous spheres of life. These efforts were grounded in the concept of Islam as a social religion with a moral message.

Since the 1980s, the Movement has offered practical solutions to social issues that had been neglected by the government or for which government action had failed. Shaykh Darwish formulated the following guiding principle: "If the state is unwilling to help us, then we will help ourselves."⁶ In this manner, the Movement systematically constructed a symbolic and pragmatic Islamic space that is administered in the religion's original spirit and offers an effective alternative to the alien and secular Israeli cultural environment. It was at this early stage of its history that the Movement planted the first seeds of an autonomist worldview, which continued to evolve over several years and one of whose later manifestations was the aspiration to establish an autonomous community, *al-mujtama' al-'Isami*. Ra'id Salah was one of its first champions.⁷ These initial activities may even be considered the first buds of the "enclave culture" identified by Emmanuel Sivan in his 1991 article.⁸

6 *Ha'aretz*, June 17, 1988, cited in Elie Rekhess, *The Arab Minority in Israel: Between Communism and Arab Nationalism 1965–1991* (Tel Aviv, Hakibbutz Hame'uchad, 1993), p. 154 [in Hebrew].

7 For a review of the concept of *al-Mujtama' al-'Isami*, see Nohad Ali, "The Islamic Movement's Concept of *al-Mujtama' al-'Isami*," in Elie Rekhess (ed.), *The Arab Minority in Israel and the 17th Knesset Elections* (Tel Aviv University: Konrad Adenauer Program for Jewish-Arab Cooperation, 2007), pp. 100–110 [in Hebrew].

8 Emmanuel Sivan, "The Enclave Culture," *Alpayim – Multi-Disciplinary Journal of Theory, Philosophy, and Literature*, 4 (1991), pp. 45–98 [in Hebrew].

Education

The importance that the Islamic Movement attributed to education emanated from two sources. First, it mirrored the central role of education in Muslim Brotherhood ideology as the primary tool for developing the faith of Muslim individuals and shaping their conduct and as a mechanism for recruiting new members. Second, in the field of education the Islamic Movement had an opportunity to fill a void created by government neglect, in terms of both the physical infrastructure for education and the curricula of religious studies.

Pre-school education offered extensive opportunities. The state had failed to establish kindergartens in Arab communities, and in the Movement's view, pre-school was the preferred age for instilling the values of Islam among children. Indeed, like the Jewish Ultra-Orthodox Shas Movement, the Islamic Movement established a network of subsidized kindergartens and daycare centers that provided free meals and organized transportation. The children learned the alphabet from the Quran, just as Jewish children had traditionally learned Hebrew in the *cheder*. The public's response was overwhelming: in 1990, approximately one-half of all children between the ages of 3 to 5 in Umm al-Fahm attended the Movement's seven daycare centers in the city. Summer camps (*mu'askarat tarbawiyyah*) were another popular educational project for children, who were kept busy with activities such as outdoorsmanship, field trips to tourist sites and Islamic sites, prayer studies, lectures, and choir performances.

Higher Education

The Movement's crowning achievement in this field was the College of Da'wah and Islamic Sciences (*Kuliyyat al-Da'wah wal-'Ulum al-Islamiyyah*), which was established in Umm al-Fahm in 1985. This institution, which was not recognized by state authorities, allowed the Movement to train Islamic religious officials and to partially fill the void in advanced religious instruction. The Movement also established a research institute, the Center of Contemporary Studies (*Markaz al-Dirasat al-Mu'aasirah*), which published an Islamic journal and regular scientific publications.

Students

The Islamic Movement initiated prolific activities among students in higher education institutions. The Students Committee awarded scholarships and recruited students for volunteer activities. Students representing the Movement ran successfully in university student committee elections.

Infrastructure Facilities

The infrastructure projects initiated by the Movement were executed by “Islamic Work Camps,” which had been established along the pattern created by the Muslim Brotherhood in Egypt. Initially, the camps were held sporadically, mainly during weekends, but operations quickly shifted to conform to a regular annual schedule of activities. Dozens, sometimes even hundreds, of volunteers from around the country typically staffed these camps; most volunteers were teenagers and young adults, who were nicknamed the *ashbal al-Aqsa* (“Al-Aqsa puppies”).

The Movement’s volunteers participated in projects to improve infrastructure, such as paving internal access roads or widening existing roads, paving sidewalks, school renovations, and construction of classrooms, sports fields, and playgrounds. Other undertakings included the construction of stone fences or security fences surrounding public buildings, the construction of roof-covered bus stops, and maintenance work in Muslim graveyards, which involved both cleaning and the construction of new fences. The “work camps” were very successful and fostered pan-Islamic solidarity and brotherhood. The monetary outlay was minimal (labor and materials were donated), while results were immediately visible on the ground, a fact that enhanced the Movement’s prestige.

Healthcare

In this area the Movement activated an umbrella organization, “the Association of Islamic Clinics” (*Ittihad al-‘Iyadat al-Islamiyyah*), which oversaw a network of local clinics. The Umm al-Fahm clinic, located in the Abu ‘Ubaydah Mosque, for example, offered the following services: 24-hour on-call service, outpatient treatments, internists and family physicians, basic cardiology equipment, an ambulance, and emergency dental treatments. In many towns, the Movement organized a “Health Week,” during which free check-ups, treatments, consultations, and lectures were offered.

Charity and Welfare

In this field, the Movement operated through the National Zakat (Alms Giving) Committee and local *zakat* committees. The committees collected the obligatory charitable donations (*zakat* was obligatory for all Muslims whose earnings exceeded the minimum set by the Movement; at the time, the minimum income was 2,500 New Israeli Shekels) and transferred them to the needy. *Zakat* committees collected Ramadan payments (*fitrah*), tuition payments for kindergarten and daycare, and earnings from the

sale of books. *Zakat* funds and donations from Movement supporters were a primary source of funding for the Movement's operations.

Zakat funds were earmarked for the following charity and welfare projects: charity associations, funds for the needy, nursing services for the elderly, financial assistance for marriage expenses for the needy, home renovations for welfare recipients, and a campaign against drug and alcohol abuse.

Culture and the Arts

The Movement has conducted diverse activities related to music, theater, and literature. The Movement established choirs that performed at weddings and played traditional musical instruments (*dirbakkah*, *daff*, and *tabl*). These groups also appeared at the Movement's rallies, summer camps, and work camp closing ceremonies. Two prominent groups were *al-I'tisam* ("Determination") from Kufr Kana and *al-Nur* ("the Light") from Umm al-Fahm.

The Islamic Theater operated six theater groups in the following locations: Umm al-Fahm, Kufr Kana, Kufr Qasim, Jaffa, Taybeh, and the Negev region. The groups performed plays that contained political themes (such as the British Mandate and the occupation of the West Bank and Gaza Strip) and social issues (societal ailments), and put on plays for children and youth.

The Movement further established the Association of Islamic Libraries (*Ittihad al-Makatib al-Islamiyyah*). In 1992, there were 30 functioning local libraries registered as Islamic non-profit associations. A considerable portion of them operated in Islamic cultural centers. The Movement also operated book stores (registered as non-profit associations) and held Islamic book fairs. In addition, the Movement published a weekly newspaper, *Sawt al-Haqq wal-Huriyyah*.

Sports

One of the Movement's first initiatives was to establish the Islamic Sports Association. The Islamic Soccer League was founded in 1986 with 14 teams. Ten years later, in 1996, the League comprised 60 teams. This soccer league was an independent organization with no organizational ties to the Israel Soccer League.⁹ The Movement also organized martial arts classes (judo and karate) and opened martial arts clubs.

9 For more information on the Islamic Soccer League, see Tamir Sorek, *Identities at Play: Arab Soccer in a Jewish State* (Jerusalem: Magnes Publishing, 2006), pp. 127–149 [in Hebrew].

Summary

The process of Islamization of Israel's Arab population developed through a series of initiatives in numerous social, economic, and cultural spheres, all undertaken by the Islamic Movement. As reviewed above, the Movement's operations took place in a variety of venues, including education, higher education, student life, infrastructure, healthcare, charity, welfare, culture and the arts, and sports. In addition to these areas of activity, extensive activities took place in other areas as well. The integrated outcome of these efforts combined to create a unique Islamic identity for the Arab population of Israel and has significantly transformed the political climate of Arabs in Israel.

At the same time, the Islamic Movement's activities during this period should be viewed within a broad perspective: other forces operated alongside this organization – including political parties, factions, associations, and non-governmental organizations – and they comprise the socio-political leadership of Arabs in Israel. Furthermore, the Islamic Movement operated under restrictive conditions: because constantly faced the threat of impending action against it, its progress was slow. The Movement was in no hurry, however, as has a long-term view of the future and has adopted a gradual, reformist approach. Its key word has been *Sabr* – patience and persistence.

The Islamic Movement and the Seduction of Sanctified Landscapes: Using Sacred Places to Conduct the Struggle for Land

Nimrod Luz

Introduction

This article discusses the two factions of the Islamic movement in Israel and their struggle for land and for the rights of Palestinian-Islamic and Arab communities, as seen through their attempts to reclaim sacred places.

Since the early British Mandate period, groups within the Palestinian national movement have sought to create an association between Islam and the geographic entity of Palestine. Some sought to have Palestine considered sacred land and Muslim *waqf*, with all the implications that such a designation entails. Mufti Hajj Amin al-Husayni was a key figure in these efforts. In the present discussion, I explore various actions of Islamic movements relating to sacred places, within the contextual understanding that these places are but special cases of the concept of *place*, a pivotal term in contemporary cultural geographical theories. Throughout this discussion, *place* is understood as a space created by a human agent (be it a group or individual) as part of the socio-political fabric. *Place* is concurrently a process and a product of human action and is therefore political, a spatial reflection of power systems and power relations. The following discussion is part of a comprehensive study that I am conducting entitled “The politics of sacred places in Palestinian communities in Israel.” In this study, I argue that the Palestinian minority takes action in and through these places because of the national, social, religious, and political sensitivity of these sites, and because of their substantial effectiveness in the national struggle at both the community and individual levels.

My main argument is that sacred places are used by Islamic Movement members to expand the circle of the Movement’s supporters and to visibly demonstrate the national and religious identity of the Muslim minority. The sacred places in Israel carry great

weight and have great significance, as they can be very effective tools in challenging Israeli identity and generating considerable gains in light of the fears of the state and other authorities of offending what may be considered religious principles or sensitive sites. Activities at sacred places have increased in recent years because of what I refer to as “the temptation of the sacred,” or in other words, the intense reactions that sacred places are able to evoke from diverse groups in support of political, religious, and other causes. The following discussion focuses on the two factions of the Islamic Movement in Israel and their struggle over land and over the rights of Arab and Palestinian-Islamic communities through their attachment to sacred places and attempts to reclaim them.

My observations regarding the Islamic Movement in Israel are not intended to serve as a study of Islamic fundamentalism in Israel or as a comparison between it and other Islamic movements. The present study focuses on how these sacred places and their wide-ranging meanings are viewed by the Palestinian communities in Israel. Before discussing the Islamic Movement’s activism with respect to sacred places, I will briefly explain the concept of *place* in its current context – *sacred places*. The discussion is based on theoretical, geographic, cultural, and political approaches.

Place and Sacred Place

The issue of *place* has long concerned scholars from diverse scientific disciplines. Michel Foucault was one of several prominent philosophers who contributed to returning the theoretical discussion of *place* to the forefront of research. In his compelling manner, Foucault argued that *place* is a critical element in any action involving the display or use of power (Foucault, 1980). In other words, *place* is inevitably found in power systems and power relations, which explains its political nature. A place cannot be understood independently of the power relations and network of social ties that it represents. Consequently, *place* should be viewed as a product of social action that is inevitably linked to society. The following definition astutely highlights the association between *place* and society as well as the role of place as a social product and a result of social structuring: “Place is a space to which meaning has been ascribed “ (Carter, Donald, & Squires, 1993, p. xii). In other words, *place* exists as such only with reference to human action. Place is an expression of a complex systems of relationships, control, and subordination, of solidarity and cooperation as well as strife and disputes (Massey, 1993). Struggles, disputes, and conflicts involving places also largely account for changes in how we understand the nature of these places. *Place* is a complex system of signification processes, and as a result the significance and symbols attributed to a place are at the heart of contests over control, over meaning, and over the manner in which a place is understood. This is the reason that contests over ownership of, and

control over, a place play a material role in all cultural struggles for autonomy, control, and self-determination (Escobar, 2001). *Place* provides the concrete, tangible, and symbolic setting in which culture serves to link its members within systems of action and meaning (Agnew & Duncan, 1989).

The meaning attributed to a place can change at any moment, and indeed it changes constantly because of the changing social systems around it. *Place* is constantly in flux and, at least theoretically, is always being recreated and reinterpreted (Pred, 1984).

That being the case, how would one proceed to define a sacred place? Theoretically, there is no essential difference between a place and a sacred place. A sacred place is a geographic location to which sanctity is ascribed. In one of the most fascinating discussions of the experience of sanctity, Rudolf Otto used the concept of numinosity, or the divine: the emotion we experience when we are exposed to the element of sanctity in certain places (Otto, 1999). It is important to emphasize at this point that the manner in which I examine sacred places is devoid of any reference to the spiritual, divine, or serene elements of sacred places. Indeed, in their discussion of pilgrimages and the role of sacred places, Eade and Sallnow (1991) propose that a sacred place is actually a kind of vacuum or empty place into which varying content may be introduced. Their definition validates the perspective according to which social and political elements shape the evolution and establishment of sacred places. This perspective is also consistent with the geographic insights presented above with respect to *place* in general. Indeed, numerous studies on the geography of religion repeatedly refer to the inevitably political and adversarial elements that play a key role in how communities (and specifically minorities) understand and structure their sacred places (Chivallon, 2001; Kong, 1993, 2001; Naylor & Ryan, 2002). Moreover, a sacred place is frequently a space through which stakeholders promote their interests, and as a result, sacred places are at the center of many conflicts over ownership, control, meaning, and the like. The manner in which I understand and examine sacred places contains no elements of divinity, serenity, or tranquility. Over history, sacred places have been places where ideological and political elements are magnified and frequently transformed into points of friction, discord, strife, and violence, as illustrated by a multitude of examples. One of the main contentions of my study is that the Palestinian minority in Israel acts in and through sacred places because of the national, social, religious, and political significance of these places, which makes them extremely effective methods for recruiting support and supporters for their individual, communal, and national struggle.

The growing importance of the motif of sanctity, which has accompanied the transformation of religion into a key element in Palestinian nationalism, is evident from an analysis of the flags of Fatah and Hamas, two Palestinian national movements. The

symbol of Fatah, officially established in 1965, is a figure of two crossed assault rifles against the background of a general outline of the map of Mandatory Palestine. At the center of the symbol of Hamas, which was established in 1987, is an illustration of the Dome of the Rock (*qubbat al-sakhrah*), decorated on two sides by the flag of Palestine and a classic expression of Islamic commitment, “There is none other than Allah” (*la illah illa Allah*). A comparison of these two symbols and the messages they convey clearly indicates the growing centrality of this sacred place (*al-haram al-sharif*) in Palestinian national ideology. The manner in which Hamas, the Palestinian offshoot of the Muslim Brotherhood, uses this most sacred place distinctly illustrates the motif I elected to emphasize in the title of this paper: the seduction of the sacred landscape. My main argument is that the factions of the Islamic Movement in Israel make extensive use of sacred places to expand the circle of supporters for the Movement’s cause and to highlight the religious and national identity of the Muslim minority in a manner that is strikingly similar to the abovementioned strategy of Hamas.

The Islamic Stream and Sacred Places: A Retrospective View

The origin of the Islamic stream in Palestinian Nationalism can be traced to the 1920s, when the trend emerged as a following inspired by the figure of Mufti Hajj Amin al-Husayni, who was chosen by the British to head the Supreme Muslim Council. This body, through which the British sought to establish ties with the Arab population, turned into the principal instrument in the struggle against the British by virtue of the Mufti’s stature and success. The Mufti used the sacred as a key tool to recruit people in support of his national and religious cause, and from the outset, he focused the confrontation with the Zionist movement on sacred places. The persistence of propaganda concerning Jerusalem’s sanctity to Islam is one of his greatest successes.

The Mufti made extensive political use of the import of Jerusalem and its sanctity in Islam, much like many other political leaders who preceded him, including the Umayyad Caliph ‘Abd al-Malik Bin Marwan; the Zangis, who ruled Syria during the 12th century; Salah al-Din al-Ayyubi, who defeated the Crusader Kingdom in the Battle of Hattin (1187); and Ottoman sultans (Elad, 2004; Sivan, 1977). The propaganda campaign initiated by the Mufti was based on the claim that Jerusalem was about to fall into the hands of the Jews, whose sole objective is to build a Third Temple on Al-Aqsa’s ruins. The Mufti visited various countries, sent emissaries, and disseminated photo-collages of the third temple superimposed on images of existing mosques. These images accompanied letters sent to Arab communities (Mattar, 1988; Porath, 1974).

Can the Mufti’s actions be described as a success? Was it an effective move to ascribe a religious character to the national struggle? On the one hand, there is no doubt

that this move contributed to the recruitment of Muslims all over the world in support of the Mufti's actions; on the other hand, his campaign cannot be considered a great success if judged in terms of the results of the armed confrontations that took place with the Zionist movement. Apparently, during the 1930s his supporters also expressed doubts about the effectiveness of the struggle over Jerusalem as an instrument in the fight against the Zionists.

This historical precedent underscores the importance of bearing in mind that the tension between religious and national emotions has characterized the Palestinian national movement from its beginning. The framing of the war over Palestine as a holy war was a principle stringently honored by the Mufti, and this principle was also used by 'Izz al-Din al-Qassam's troops, which operated in the 1930s for only a short time yet left their ideological imprint on the region. 'Abd al-Qadir al-Husayni and his Holy Jihad army, which was active in the Jerusalem region, also made use of this principle (Porath, 1977).

The Islamic stream experienced a period of latency after the establishment of the State of Israel, eventually regaining momentum gradually in the early 1970s. During this relatively dormant period, when power rested with Israeli government and the Military Administration, random activities took place in support of mosques. For example, the mosque in Nazareth became known by the neutral name "Peace Mosque." I consider this name neutral because today names are more symbolically charged and infused with distinctly Islamic meaning, such as 'Umar Bin al-Khattab, Shihab al-Din, and so forth (Landau, 1971).

The encounter with a fully formed Palestinian nationality in the wake of the 1967 War had a great impact on the revival of the national element in the groups that served as the prototypes for today's Islamic Movement (Mayer, 1988). The founder of the Israeli Islamic Movement, 'Abdallah Nimr Darwish, drew upon theoreticians such as al-Banna, al-Afghani, and others; since the 1970s, Darwish has written and preached that the return to pure Islam is the remedy for internal strife and a solution to the national problem (Mayer, 1988). In a study I conducted on the struggle relating to the Hasan Bek Mosque in Jaffa – a struggle that attracted the attention of diverse political powers operating within Jaffa's community, including Christians and other non-Muslims – several Muslim spokespersons referred to Darwish as the ideologue who had spurred them to action by successfully articulating the meaning of the Islamic component of their identity. For example, the current head of the Islamic Movement in Jaffa, Sulayman Satl, passionately described the lectures by Shaykh Darwish that he had heard as a youngster and the latter's enormous formative influence on Islamic identity in Israel. At the time of the struggle over the Hasan Bek Mosque, the Association for Justice

and Charity, established by ‘Abd Badawi Kabbub, protested against amendments to the plan to “renovate” the mosque in order to transform it into a shopping center (Luz, 2005). The success of this campaign, after the modified plan had already been approved by various planning agencies and was promoted by state agencies, is evidence of the import of the sacred and the manner in which a disenfranchised minority is able to affect the hegemonic system.

In 1979, an underground group known as *usrat al-jihad* (“the Jihad Family”) was established. Activist Farid Abu Mokh, who had been influenced by Darwish, formed an underground network to promote a clear political cause: an Islamic and Arab Palestine. The group was active for a brief period, during which its activists set fire to fields, destroyed property, and committed other acts of vandalism. They were arrested in the early 1980s, together with Darwish, although his influence over the group and his ties to it were not sufficiently clear (Mayer, 1988). The group’s slogan was “*filastin lil-filastiniyyin watan, wa-lil-qawmiyyin ‘arabiyah, wa-lil-islam ‘aqidah,*” which means, “For Palestinians, Palestine is the homeland; for nationalists, Palestine is Arab; for Islam it represents the tenets of the faith.” In the years that followed, Darwish toned down his nationalist rhetoric significantly, and while he was in prison he began to formulate a moderate rhetoric that promoted dialogue and compromise, even on sensitive issues such as sacred places. Although Shaykh Darwish was a fervent supporter of the Palestinian Right of Return, he consistently rejected a violent struggle to achieve national goals. To this day, he is involved in religious appeasement and rapprochement initiatives. In an interview that I conducted with him, he even stated that a political compromise in the holy space of Jerusalem was entirely acceptable to him (Luz, 2004).

It is possible to identify another stage in the Islamic Movement’s maturation that took place during the 1980s. A generation of young intellectuals, graduates of Hebron’s religious colleges and younger than the Movement’s leader by a decade, joined the ranks of the Movement’s leadership. Ra’id Salah Mahajnah, a member of this group, became active in Umm al-Fahm, primarily in the social sphere, through what are known as *zakat* (charity) committees (Mayer, 1988). Eventually, Ra’id Salah became one of the main forces in shaping the Movement’s position regarding land (see below).

Another interesting development involving the land of sacred places and the Islamic Movement took place in the 1980s. An association known as the “Al-Aqsa Association for the Preservation of the Holy Sites” was founded by Kamil Rayyan, after he was elected head of Kufr Bara local council, thereby becoming the first head of local government in Israel ever to be elected on behalf of the Islamic Movement. He recalled:

It started with a telephone call. An Arab tractor operator who was assigned to plow the cemetery called Rayyan. “At the time I was the Movement’s only

head of council, and I was considered a kind of Caliph – someone you could turn to on any issue. This person was pained that he was forced to destroy the cemetery.” Rayyan began the process of documentation and conservation of cemeteries and mosques. He became involved in renovation attempts and negotiated with official institutions. Files containing documentation of dozens of mosques and cemeteries in abandoned villages piled up in his office. In his capacity as head of the Association, Rayyan became actively involved in the renovation of cemeteries and abandoned mosques and in the struggle over mosques that were no longer under Muslim control. Among other actions, he initiated a study to collect information on the various *waqf* properties and document them in a methodical, scientific manner. The following passage reflects the manner in which he perceived the State of Israel’s attitude towards the sacred places. We can see how, in addition to the emotional aspects relating to faith and the evident element of opposition, elements of culture and belonging come together to form a fascinating politics of identity for this young Islamic, Palestinian, Arab public leader in Israel:

“I was in Morocco, where all the Jewish synagogues and cemeteries are clean and well-kept. The enlightened State of Israel is unable to take care of our cemeteries? The Be’er Sheva Mosque has turned into a brothel, the mosque in Caesarea has become a restaurant, and the mosque in Ashkelon functions as a discotheque. I don’t understand how they let something like this happen. If they don’t want to give us the buildings, let them renovate them themselves and place them in pure Jewish hands. But why destroy and degrade [them]?” (Cohen, 2004).

The Al-Aqsa Association for the Preservation of the Holy Sites works on cultivating the affiliation of Islamic Movement supporters and Muslims in Israel with Al-Haram al-Sharif.¹ Two noteworthy programs in this context are (a) *shadd al-rihal*, a term that appears in many traditions and whose practical significance is the tying of hooves, or more explicitly, tying the hooves of animals for the purpose of making a pilgrimage. The term is taken from a famous 7th century tradition, according to which Prophet

1 *Al-Haram al-Sharif* (“The Most Noble Sacred Compound”) is a term relating to the entire compound (from an architectural perspective, the compound comprises the open courtyard designed by Herod in the second decade BCE, when he reestablished the Temple Mount compound). The use of this term does not predate the Ayyubid period and their conquest of Jerusalem. In other words, the term appears only after the Ayyubid period and after the defeat of the Crusaders and conquest of Jerusalem by Salah al-Din following the Battle of Hattin in 1187. See also Nimrod Luz, *Al-Haram al-Sharif in Arab-Palestinian Public Discourse in Israel: Identity, Collective Memory, and Social Construction* (Jerusalem: Floersheimer Institute for Policy Studies, 2004), pp. 64–66 [in Hebrew].

Muhammad directs his believers to tie the hooves of their beasts of burden only for the purpose of pilgrimage to three mosques – Mecca, Medina, and Jerusalem. Under this program, the Movement provides assistance to anyone interested in visiting *al-haram al-sharif*. The explicit purpose of the program is to establish a connection between Muslims in Israel and the Al-Aqsa Mosque; and (b) Planting trees in the Al-Aqsa compound, which parallels the Jewish National Fund’s spatial activities among Jews (Luz, 2004).

In 1996, the Islamic Movement in Israel split into two factions, sometimes known in the media as the “Northern Faction” and the “Southern Faction.” Members of the Southern Faction, who live mainly in the southern area of the Triangle, were Darwish supporters, and more recently, supporters of Ibrahim Sarsur. The members of the Northern Faction followed Ra’id Salah and others, including Shaykh Kamal Khatib of Kufr Kana. As noted, Salah makes extensive use of the status of the sacred compound in Jerusalem to bolster his own public standing, and he never misses an opportunity to try to implement the Palestinian agenda, specifically its position on Jerusalem. He took his first steps in this direction in 1996, when he obtained approval to renovate the area known as “Solomon’s Stables,” which he transformed into the largest mosque in the Middle East after crafting a campaign that garnered massive public support (Berkovitz, 2000). From his first days as head of the Islamic Movement, an annual convention entitled “Al-Aqsa in Danger” has been held, and its impressive display of support and fundraising have attracted tens of thousands of attendees. The slogan and activities that accompany the “Al-Aqsa in Danger” project are very effective instruments for recruiting supporters. The significance of the sacred place and its transformation from a religious to a national symbol, have gained unreserved support even from those who are not affiliated with the Islamic Movement, including non-Muslims.

The rhetoric used by Salah at such events is fascinating. The following passage, taken from a special supplement published by the Movement’s journal, *Sawt al-Haqq wal-Huriyyah*, is only one example of his intriguing blend of Islamism, Palestinian nationalism, and denial of Israel’s history, memory, and hegemony. The article was published in 2002, during the Second Intifada:

The Al-Aqsa Mosque is Islamic, Arab, and Palestinian property, and no one else, no matter who he may be, has any right to it. The Jews in particular have no right to it until the end of time. Any person who agrees that they have a right to some stone there, or antiquities, or to anything else, is a traitor. We are obligated to tell such a person: You are a traitor; it is a betrayal of God and Muhammad and the believers, of the Muslim nation, the Arab world, and the Palestinian people. It is a betrayal of the first *qiblah* [a direction of

prayer, the first *qiblah* being Jerusalem], and of the Second Mosque, and of the Prophet Muhammad's ascent to heaven, and it is a betrayal of the Al-Haram mosque in Mecca, and of the mosque in Medina. It is a betrayal of the infant children of martyrs, such as Muhammad al-Durrah and others. We say to anyone who tries to undermine this position: You will not succeed. The Al-Aqsa Mosque is ours alone, and no one in the Jewish public owns any part of it. We still believe that no Palestinian, no Arab, and no Muslim on earth with any drop of pride will allow himself to relinquish any part, stone, wall, path, memorial plaque, dome, or any structure of the blessed Al-Aqsa, either inside or outside, underground, on the ground, or above ground (Ra'id Salah, head of the Northern Faction of the Islamic Movement, *Sawt al-Haqq wal-Huriyyah*, January 25, 2002).

It is evident that the Islamic Movement – at least according to the policy espoused by Ra'id Salah and other leaders of what is known as the “Northern” group – has adopted a militant position that promotes the transformation of Palestine in its entirety into a sacred place and Islamic *waqf*, thereby precluding Jewish ownership. Like the political leaders who preceded them, the leaders of the Islamic Movement in Israel surrender themselves to the “temptation of the sacred” and exploit it as an effective instrument in recruiting supporters among Israel's Palestinian minority – a minority community that is torn between its national Palestinian affiliation and its formal Israeli citizenship. Such are the battles waged in recent years over the Great Mosque of Be'er Sheva, the attempts to reinstate prayers in the closed mosque in Tiberias and in the mosque in the abandoned village of Ijzim on Habonim shore, the attempts to restore the minaret of the destroyed mosque at Hattin, the struggle in Nazareth (now settled) over *maqam*² Shihab al-Din, and the like. Perhaps it is possible to identify a change – albeit minimal – in the Movement supporters' relatively restrained response to Shaykh Ra'id's activities in Jerusalem during Sukkoth (October 2009). Shaykh Ra'id failed at the time in his attempts to recruit supporters for his opposition to what he viewed as displays of Israeli aggression against Al-Aqsa. Perhaps some undercurrents within the Movement are becoming concerned about the dangers inherent in being swept away by the emotional and political significance of the sacred place.

In this discussion I have attempted to present a concise overview of the elements of sacred places and to describe the manner in which the Islamic Movement in Israel, since its inception and certainly at present, makes use of, understands, and structures sacred

2 *Maqam* is an Arabic term indicating a place at which a memorial site has been established (usually a mosque or place of prayer) in order to immortalize a holy person who stayed or lingered at that place.

places on behalf of its community of supporters. This geo-cultural discussion of the Movement's evolving approach to land and to sacred spaces highlights the significance that has been injected into these places in recent years as part of the broader Palestinian national struggle on both sides of the Green Line.

References

- Agnew, J. A., and Duncan, J. S. (1989). *The Power of Place: Bringing Together Geographical and Sociological Imaginations*. Boston: Allen and Unwin.
- Berkovits, S. (2000). *The Battle for the Holy Places: The Struggle over Jerusalem and the Holy Sites in Israel, Judea, Samaria and the Gaza District*. Or Yehuda: Hed Arzi Publishing House. [in Hebrew]
- Carter, E., Donald, J., and Squires, J. (1993). *Space and Place: Theories of Identity and Location*. London: Lawrence and Wishart.
- Chivallon, C. (2001). Religion as Space for the Expression of Caribbean Identity in the United Kingdom. *Environment & Planning D: Society & Space*, 19(4), 461–484.
- Cohen, H. (2004). Arab Images, *Haaretz*, May 23, 2004. [in Hebrew]
- Eade, J., and Sallnow, M. J. (1991). Introduction. In J. Eade and M. J. Sallnow (Eds.), *Contesting the Sacred: The Anthropology of Christian Pilgrimages* (pp. 1–29). London and New York: Routledge.
- Elad, E. (2004). The Status of Jerusalem during the Umayyad Period, *Hamizrah He-hadash*, Vol. 44, 17-68. [in Hebrew]
- Escobar, A. (2001). Culture Sits in Places: Reflections on Globalism and Subaltern Strategies of Localization. *Political Geography*, 20(2), 139–174.
- Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. (C. Gordon, Ed.). New York: Harvester Press.
- Jbara, T. Y. (1985). *Palestinian Leader: Hajj Amin al-Husayni, Mufti of Jerusalem*. Princeton, NJ: Kingston Press.
- Kong, L. (2001). Mapping “New” Geographies of Religion: Politics and Poetics in Modernity. *Progress in Human Geography*, 25(2), 211–233.
- Kong, L. (1993). Ideological Hegemony and the Political Symbolism of Religious Buildings in Singapore. *Southern Asian Journal of Social Sciences*, 20(1), 18–42.
- Kupferschmidt, U. (1987). *The Supreme Muslim Council: Islam under the British Mandate for Palestine*. Leiden, New York, Koln: E. J. Brill.
- Landau, Y. (1971). *Arabs in Israel: Political Studies*. Tel Aviv: Ministry of Defense Publishing. [in Hebrew]
- Luz, N. (2004). *Al-Haram Al-Sharif in the Arab-Palestinian Public Discourse in Israel: Identity, Collective Memory and Social Construction*. Jerusalem: The Floersheimer Institute for Policy Studies. [in Hebrew]
- Luz, N. (2005). *The Arab Community of Jaffa and the Hassan Bey Mosque: Collective Identity and Empowerment of the Arabs in Israel via Holy Places*. Jerusalem: The Floersheimer Institute for Policy Studies. [in Hebrew]

- Massey, D. (1993). Power-Geometry and a Progressive Sense of Place. In J. Bird, B. Curtis, T. Putman, G. Robertson and L. Tickner (Eds.), *Mapping the Futures: Local Cultures, Global Changes* (pp. 59–69). London: Routledge.
- Mattar, P. (1988). *The Mufti of Jerusalem: Al-Hajj Amin al-Husayni and the Palestinian National Movement*. New York: Columbia University Press.
- Mayer, T. (1988). *The Awakening of Muslims in Israel*. (R. Roitfarb-Hankin, Trans.). Givat Haviva: The Institute of Arab Studies. [in Hebrew]
- Naylor, S., and Ryan, J. R. (2002). The Mosque in the Suburbs: Negotiating Religion and Ethnicity in South London. *Social & Cultural Geography*, 3(1), 39–59.
- Otto, R. (1924). *The Holy - On the Irrational in the Idea of the Divine and Its Relation to the Rational* (J. Harvey, Trans.). New York: Oxford University Press. (Original work published 1917).
- Porath, Y. (1974). *The Emergence of the Palestinian Arab National Movement, 1918-1929*. London: Frank Cass and Co. (Original work published 1971).
- Porath, Y. (1977). *The Palestinian Arab National Movement 1929-1939: From Riots to Rebellion*. London: Frank Cass and Co.
- Pred, A. (1984). Places as Historically Contingent Process: Structuration and the Time-Geography of Becoming Places. *Annals of the Association of American Geographers*, 74, 279–297.
- Rotenberg, R. (1993). Introduction. In R. Rotenberg and G. McDonogh (Eds.), *The Cultural Meaning of Urban Space* (pp. xi-xix). Westport, Connecticut and London: Bergin and Garvey.
- Sivan, E. (1977). *Arab Political Myths*. Tel Aviv: Am Oved. [in Hebrew]

The Arab Public's View on the Status of the Shari'ah Courts

Iyad Zahalka

The shari'ah courts are a religious Muslim judiciary institution whose roots in Israel can be traced to the Ottoman Empire. Shari'ah courts were incorporated into the Israeli system of jurisprudence through the legal system adopted from the British Mandate. Shari'ah courts have jurisdiction to decide on matters of personal status and Muslim *waqfs* (endowments) in Israel; over time, this institution has come to wield considerable influence over the lives of Muslims in Israel.

Recent social and political developments have created conflicting opinions on the status, role, and future of the shari'ah courts as the exclusive judiciary institution on matters of personal status for Muslims in Israel. These differences of opinion were highlighted by bills initiated in the mid-1990s by Arab women's organizations, which proposed the revocation of the exclusive jurisdiction of the shari'ah courts to decide on matters of personal status of Muslims in Israel.

According to Central Bureau of Statistics' figures for 2011,¹ Israel's population includes 1.6 million Arabs, who account for close to 20% of the population. Muslims account for 84% of the Arab population, while Christians and Druze account for 7.9% and 8.1%, respectively. The percentage of Muslims within the general population is on the rise in comparison to the populations of other Arab communities. This trend is attributable to Muslims' relatively high birthrates, to citizens of other religions converting to Islam (including foreign citizens who convert to Islam and settle in Israel), and to mixed marriages within Arab society as well as marriages between Muslims and Jews or between Muslims and foreigners.

1 The Central Bureau of Statistics, *Statistical Abstract of Israel 2012* (no. 63), Table 2.1, 2.2.

Within the Arab population in Israel, one can discern three primary groups that are divided on the issue of the character of society, the influence of religion, and the status and future of the shari‘ah courts:

- (1) Religious Muslims, whose mainstay is the Islamic Movement’s two factions;
- (2) Non-religious Arabs, whose mainstay is the Arab national movements and organizations; and
- (3) Secularists, whose mainstay is the Communist Party and women’s organizations.

An analysis of developments within Muslim society, including the Muslim community’s attitudes and rate of self-referral to the shari‘ah courts – both before and after Amendment Number 5 to the Family Court Law of 2001 – reveals several factors that affect the general attitude of all Arab population groups toward the shari‘ah courts:

1. The roots and history of the shari‘ah courts in Israel;
2. The religious legitimacy of the shari‘ah courts in Israel;
3. The freedom and autonomy granted to the shari‘ah courts by Israeli law;
4. The discourse and self-image that the courts shaped for themselves; and
5. The courts’ judicial practice, efficiency, and stance on the rights of women and children.

The history of the shari‘ah courts in Israel

The shari‘ah courts were established by the Ottoman Empire as a religious judicial system that decides on disputes in accordance with Muslim religious law. The British, after conquering and being granted a mandate to rule the land that comprises present-day Israel and the Palestinian territories, elected to preserve the judicial autonomy of the country’s religious groups with respect to matters of personal status. Therefore, the Palestine Order-in-Council (1922–1947)² – a quasi-constitution that defined the judicial systems, their authority, and the applicable laws – adopted the Ottoman legal system, which separated religious and civil courts. The British Mandate authorities also adopted Ottoman legislation and rules of procedure regarding matters of personal status applicable in the shari‘ah courts.

In the matter of the material law that applies in religious courts, Section 46 of the Palestine Order-in-Council adopted all of the Ottoman laws that had been published before November 1914 and included them in the Mandate’s legal system. Ottoman laws enacted after this date were also adopted through legislation that granted them the force of law. These include Ottoman family law and Ottoman procedural shari‘ah law. In fact, the Mandate period created no material change in the nature or powers of the

2 See Laws of the Land of Israel, Volume C, p. 2738.

shari'ah courts in Israel, with the exception of the establishment of the Shari'ah Court of Appeals in Jerusalem in 1918.

In December 1921, the British High Commissioner approved the establishment of the Supreme Muslim Council, which was granted authority over and responsibility for the administration of the Muslim *waqf* assets. The Supreme Muslim Council was also empowered to nominate candidates for the position of *qadi* (judge) of shari'ah courts, subject to approval by the government, which effectively issued their appointment. If the government rejected a nominee, it was obligated to clarify its reasons within 15 days, and the nominee was then disqualified.³ The Supreme Muslim Council served until the eruption of the 1936 riots against the British Mandate in Palestine, which in turn resulted in the delegation of Council's authority to a committee appointed under the Emergency Regulations (Islamic *waqf*) of 1937.⁴

After the State of Israel was established, the Provisional State Council resolved to preserve the Mandatory legal system via Section 11 of the Law and Administration Ordinance 5708-1948. Thus, Mandatory law continued to apply in general, specifically with respect to the shari'ah courts, including Section 52 of the Palestine Order-in-Council of 1922 as amended in 1939 and subject to subsequent amendments, discussed below.

Thus, it appears that the shari'ah courts in Israel are the successors of those shari'ah courts established by the Muslim Ottoman sultan as the Muslim religious judicial system. Moreover, the shari'ah courts in Israel are part of the universal shari'ah legal system: they are obligated to uphold the decisions of all shari'ah courts in the world, which are duly authorized in each state to decide on specific matters, and reciprocally, their decisions bind all shari'ah courts worldwide. According to Section 52 of the Palestine Order-in-Council, the shari'ah courts in Israel are also authorized to hear matters concerning Muslims who are not Israelis if, at the time, they are subject to the jurisdiction of the shari'ah court in their own country concerning the same matters. Therefore, in any country where the local shari'ah courts have jurisdiction over the personal status issues of its Muslim subjects, the Israeli shari'ah courts have jurisdiction to decide on matters involving these Muslims. This is clear evidence that the sovereign granted universal authority to the shari'ah courts in Israel and recognized the validity of the decisions of these courts for Muslims who are not Israelis, as the local courts constitute part of a global shari'ah legal system.

3 See the Official Newspaper of the Government of Palestine (Land of Israel), Issue 135, p. 131.

4 See Amnon Rubinstein, *Constitutional Law in the State of Israel*, 3rd ed. (Jerusalem: Shoken, 1980), pp. 112–113 [in Hebrew].

Religious legitimacy of the courts in Israel: Qadis appointed by a non-Muslim authority

As discussed above, the shari‘ah courts in Israel are part of the universal shari‘ah judicial system. Yet given that the authorities in Israel are non-Muslim, the question arises whether the qadis who serve in these courts are considered legitimate jurists under Muslim religious law, especially as they are personally appointed by the President of Israel.

To examine the religious legitimacy of qadis appointed in Israel, we must first examine the legitimacy of qadis appointed by non-Muslim authorities in general, and thereafter, the religious conditions that qadi candidates must satisfy. Finally, we must examine the appointment procedure of shari‘ah *qadis* in Israel as defined by the Qadi Law and the extent to which this procedure satisfies the aforementioned religious conditions.

Ibn ‘Abadin, a nineteenth century religious legal scholar who lived in Damascus and was considered one of the greatest Hanafi religious sages, determined that qadis may be appointed by honest as well as tyrannical Sultans. *Tatarkhaniyyah*⁵ determines that a sultan who appoints a Qadi is not required to be a Muslim.⁶ According to *Al-Fatawa al-Hindiyyah*,⁷ if a sultan orders one of his servants to appoint a qadi in the servant’s city and the servant follows these orders, then the appointment is valid because the servant acted as the sultan’s authorized agent. The text says, “In our times, adjudication is eternal, and we cannot know which of them is honest and which is not honest because they all pursue the pleasures of this world [...] but a qadi is permitted to accept his appointment from a sultan who is not religious if the appointing party allows the qadi to adjudicate justly.”

Furthermore, according to *Al-Fatawa al-Hindiyyah*,⁸ “a qadi is permitted to receive his appointment from the sultan whether he is upright or not [...]. But he is permitted to accept the appointment from a wayward sultan if the sultan permits the qadi to adjudicate justly and does not adversely affect the trials brought before him by his intervention.” Thus, the appointment of a qadi does not require that the appointing sultan be of the

5 *Tatarkhaniyyah* is collection of religious rulings of the Hanafi School. See Ibn al-‘Alaa’ al-Ansari al-Andriti al-Dahlawi al-Hindi, *Al-Fatawa al-Tatarkhaniyyah* (Karachi, Pakistan: Idarat Al-Quran wal-‘Ulum al-Islamiyyah, 1990).

6 Muhammad Amin ibn ‘Abadin, *Radd al-Muhtar ‘Ala al-Durr al-Mukhtar: Tafsir Tanwir al-Absar* (Beirut, Lebanon: Dar al-Kutub al-‘Ilmiyyah, 1994), Chapter 8, p. 43.

7 Shaykh Nizam, *Al-Fatawa al-Hindiyyah ‘Ala Madhab al-Imam al-A‘zam Abi Hanifah al-Nu‘man* (Damascus: Dar al-Fikr, 1991), Volume 5, pp. 130.

8 *Ibid.*, Volume 3, pp. 406–407.

Islamic faith. These quotations are also cited in modern religious legal literature, including *Al-Sultah al-Qada'iyyah wa-Shakhsiyyat al-Qadi*, a volume by Muhammad 'Abd al-Rahman al-Bakr,⁹ and *Nizam Al-Qada' fi al-Shari'ah al-Islamiyyah*¹⁰ by 'Abd al-Karim Zidan. All of these sources hold that Muslim qadis may be appointed by a non-Muslim authority.

Within Islamic religious law, opinions differ on the criteria for the position of qadi. According to the Hanafi School, which applies to the shari'ah courts in Israel, a qadi is not required to be a *mujtahid*, that is, one who may make legal decisions independently; the sole criterion is that the qadi is knowledgeable in Islamic religious law. Although knowledge need not be precondition for a qadi's appointment per se (because a qadi may base his decisions on *fatwas*, or legal decisions of other Muslim jurists), knowledge is, nonetheless, necessary because qadis address issues of religious law and the rules of shari'ah that require extensive knowledge.¹¹ Al-Kasani determined that a person ignorant of shari'ah law should not be appointed as qadi, but if such a person is appointed, the appointment is valid since he is permitted to decide according to the fatwas of other legal religious scholars.¹² Furthermore, qadis must be knowledgeable about the Quran, the Sunnah, and the methods of *ijtihad*; in other words, he must be knowledgeable about the verses and the *hadiths*, which are the sources of shari'ah law. Qadis must also be experts in the way of *al-sahabah* (the Prophet's companions) because unprecedented events occur in every generation, and in these cases, the qadi must derive the law from the texts of the primary sources. Although according to Hanafi scholars, a qadi's appointment is not contingent upon his command of the law and religious legal practice, a knowledgeable candidate is preferable to a less knowledgeable candidate.¹³

Furthermore, a qadi should have command of Arabic and its various expressions, as Arabic is the source of shari'ah law. A qadi should also have command of the language of his jurisdiction and the terminology of official documents and their concepts, all in order to enable him to conduct fair trials.¹⁴ Al-Kasani believes that a qadi should be

9 Muhammad 'Abd al-Rahman al-Bakr, *Al-Sultah al-Qada'iyyah wa-Shakhsiyyat al-Qadi* (Cairo: Al-Zahra' lil-I'lam al-'Arabi, 1988), pp. 406-407.

10 'Abd al-Karim Zidan, *Nizam al-Qada' fi al-Shari'ah al-Islamiyyah* (Beirut: Mu'assasat al-Risalah, 2000), pp. 30-34.

11 Ibid., p. 26.

12 'Ala' al-Din Abu Bakr bin Mas'ud al-Kasani al-Hanafi, *Bada'i' al-Sana'i' fi Tartib al-Shara'i'* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986), Volume 9, p. 4079.

13 Ibid.

14 Al-Imam 'Ala' al-Din Abi al-Hasan 'Ali Bin Khalil al-Tarablusi al-Hanafi, *Mu'in al-Hukkam Fima Yataraddad Bayna al-Khasmain Min al-Ahkam* (Damascus: Dar al-Fikr, undated), p. 15.

knowledgeable about the zeitgeist, the customs, and the conventions of society of both his jurisdiction and his generation.¹⁵

The Israeli Qadi Law 5721-1961 defines the procedure for appointing qadis in Israel. According to this law, any Muslim who has practiced law for five years or more or has an academic education in religion and who observes a religious lifestyle may submit his candidacy for the position of qadi. The Qadi Appointment Committee includes the Minister of Justice,¹⁶ who serves as the chairman of the Committee, a second minister selected by the government (typically, both ministers are Jews), three members of Knesset (MKs, at least two of whom are Muslims) selected by the Knesset assembly, two qadis (the president of the Shari'ah Court of Appeals and a second qadi selected by the Organization of the Qadis), and two Muslim attorneys selected by the National Council of the Israeli Bar Association. Of the nine members serving on the Qadi Appointment Committee, at least six are elected Muslims, who for their part represent the Arab MKs, the Organization of Qadis, and the population of Arab attorneys. This is significant, as it means that qadis are effectively elected by a group that in turn is representative of and elected by the Arab public.

The Qadi Appointment Committee Plenary elects an Examination Committee, whose members are the president of the Shari'ah Court of Appeals, an MK (typically a Muslim), and an attorney who represents the minister of justice and is knowledgeable in shari'ah law. The Examination Committee tests the candidates' written knowledge of shari'ah law, and only candidates who successfully pass the Committee's examination may then proceed to an oral examination conducted by a sub-committee, whose function is to interview the candidates and examine their mastery of shari'ah law as well as their suitability for the position of Qadi. The sub-committee submits its recommendation to the Committee Plenary. The sub-committee typically comprises a majority of Muslim members: two Qadis, two Muslim MKs, and a representative of the Bar Association.

After receiving the sub-committee's recommendation, the Appointment Committee Assembly uses the following selection procedure to select qadis: the candidate who receives the greatest number of votes is presented to the president of the state as the committee's recommended candidate for the available position of qadi. The Qadi

15 Al-Qasani, *Bada'i' al-Sana'i'*, Volume 9, p. 4080.

16 Until January 21, 2001, the shari'ah courts were subject to the authority of the Ministry of Religious Affairs, and therefore the appointed minister was the minister of religious affairs, who also served as a member of the Qadi Election Committee and as the chairperson of this committee. When the shari'a courts were transferred to the Ministry of Justice, the minister of justice became the appointed minister and replaced the minister of religious affairs as a member and as the chairperson of the Qadi Election Committee.

Appointment Committee publishes the names of the selected candidates, and the public is invited to voice its objections within 21 days. The committee's chosen candidate pledges his allegiance to the president of the state and agrees to remain faithful to the State of Israel and uphold true justice. The president of the state then signs his letter of appointment.

The procedure outlined above leads us to the conclusion that the qadis appointed in Israel are legitimate appointees from the perspective of shari'ah law for several reasons: (a) the appointment procedure supports the appointment of persons who are qualified and knowledgeable in religious law (especially after Amendment Number 10 to the Qadi Law, but even prior to the amendment), (b) all qadis who have served or who now serve in this position meet the qualifications for the position established by the Hanafi School, and (c) the law allows for Muslims to be appointed as judges by non-Muslim authorities, especially if the authority does not intervene in the legal proceedings and allows the qadis to uphold true justice.

The autonomy and freedom of action of the shari'ah courts under Israeli law

Israeli law has adopted a pluralistic legal system that maintains two coexisting judicial systems: civil and religious. Nonetheless, the autonomy of the shari'ah courts is restricted by the fact that adjudication is subject to civil legislation that refers directly to the religious courts; the shari'ah courts are also subordinate to the jurisdiction of the Supreme Court, which has authority to intervene in their judgments. Regarding this matter, Prof. Layish has argued,¹⁷

Israel was not willing to re-establish the collective autonomy enjoyed by Muslims in the Mandate period. The shari'ah court system was integrated into the general legal system: the law that applies in shari'ah courts is an integral part of Israel's legal system. The shari'ah courts are subject to judicial review by the High Court of Justice [...], Qadis are sworn into office by the president of the state, and they are required to pledge their allegiance to the State of Israel (although not to its laws).

According to Prof. Layish, the shari'ah courts became Israeli courts for Muslims and effectively discarded their Islamic religious character, and therefore they are not the successors of the historical shari'ah courts. This argument should be examined in

17 Aharon Layish, "Adaptation of religious law to modern times in a foreign environment: The shari'ah in Israel," *Proceedings of the Israel Academy of Sciences and Humanities*, Volume 9, Issue 2 (2005) p. 16.

the context of the Israeli legal system's intervention in the shari'ah courts and the extent of the former's impact on the latter.

After the establishment of the state, the Israeli legislature commenced legislative proceedings to restrict the authority of the religious courts and to allow intervention in the substantive law upheld by the religious courts. Several laws, such as the Inheritance Law 5725-1965, were enacted in order to transfer jurisdiction over personal status matters from the shari'ah courts to civil courts and limit the jurisdiction of the shari'ah courts in Israel. Although the latter's exclusive jurisdiction over succession orders, probate orders, and estate distributions was revoked and transferred to civil venues, the option was retained to confer jurisdiction to the religious courts if all heirs consent to do so in writing. Amendment Number 5 to the Family Court Law 5755-1995 replaced the exclusive jurisdiction of the shari'ah courts on matters of personal status, excluding marriage and divorce, with concurrent jurisdiction.

The legislature also intervened in the substantive law applied by the religious courts and instituted civil procedures that deviate from religious proceedings on specific issues. The legislature imposed these arrangements on the religious courts through direct reference to the said arrangements. This direct reference obligated the religious courts to uphold and rule according to civil principles and arrangements grounded in legislation, even if they contradicted religious law. Examples of such arrangements include the Age of Marriage Law 5710-1950, Equal Rights for Women Law 5711-1951, Legal Competency and Guardianship Law 5722-1962, and Financial Relations among Spouses Law 5733-1973.

The legislature further intervened through criminal legislation by prohibiting the marriage of minors in the Age of Marriage Law 5710-1950, even though religious law condoned this practice. Likewise, the Penal Law 5737-1977 (Section 176) criminalized polygamy and prohibited divorcing a woman against her will (Section 181). Through these acts the legislature criminalized and penalized individual behavior that is legally valid under religious law, yet it did so without detracting from the legal validity of such conduct under religious law per se. In this manner the legislature has attempted to address social issues such as bigamy, marriage of minors, and coerced divorce, without intervening directly in substantive religious law.

At the same time, Israeli law conferred ultimate jurisdiction over all other judicial venues upon the High Court of Justice. Section 15 of Basic Law: the Judiciary Branch confers jurisdiction upon the High Court of Justice to intervene in the judgments of judicial tribunals, including the religious courts and shari'ah courts, in the event of any violation of the rules of natural justice or when a court exceeds its authority. In this regard, the High Court of Justice determined that a religious court that disregards legal

provisions directed specifically at it is considered to have exceeded its jurisdiction, thereby granting the High Court of Justice authority to intervene, including the power to overturn a verdict or refer the matter back to the religious court for another hearing.¹⁸

A review of the petitions filed with the High Court of Justice during the past three years against shari'ah courts reveals that, on average, 10 petitions are filed annually. In most cases the appeals involve custodial arrangements of minors or matters pertaining to waqf. The High Court of Justice is typically restrained in addressing such petitions and is slow to intervene in such issues. Indeed, it intervenes only in extreme cases, when the shari'ah court has disregarded a provision of the law directly applicable to the religious courts or when it has exceeded its jurisdiction. The Supreme Court, acting as the High Court of Justice, has repeatedly clarified that it does not serve as an appeals court for the Shari'ah Court of Appeals, but rather as a supervisory mechanism that oversees implementation of the rules of natural justice and the rules of jurisdiction, including the application of the provisions of Israeli law that apply directly to the religious courts and the legal principles embodied therein.¹⁹ Nonetheless, extensive reference to shari'ah law in the reasoning of a judgment is not sufficient cause for intervention by the High Court of Justice if the judgment's rationale is consistent with the principles of law.²⁰

It thus becomes clear that the decisions of the High Court of Justice affect not only the specific petitions they address but also the conduct of the shari'ah courts and their future rulings because these decisions establish the grounds for and extent of intervention by the High Court of Justice.

The power of the legislature and the High Court of Justice to intervene in the jurisdiction of the religious courts in general, and the shari'ah courts in particular, has been discussed in a study by the author.²¹ This study concluded that while such intervention restricted the autonomy of the courts, it did not eliminate it completely, and the intervention did not have any material impact on the shari'ah courts. This is primarily because the Shari'ah Court of Appeals categorically rejects intervention in matters under the jurisdiction of the shari'ah courts, as it considers this intervention to be an affront to the shari'ah and to Islam. Clear instructions have also been issued

18 High Court of Justice 3269/95, Katz vs. Regional Rabbinical Court of Jerusalem, PD 50 (4) 590; High Court of Justice 3914/92, Lev et al. vs. Regional Rabbinical Court of Tel Aviv Jaffa et al., PD 48 (2) 491.

19 High Court of Justice 8906/04 Jane Doe vs. John Doe. Pador 05 (17) 371 (2005).

20 Ibid.

21 Iyad Zahalka, *The Shari'ah Courts: Between Judicial Activism and Religious Identity*. M.A. Thesis, Hebrew University of Jerusalem, September 2008.

to qadis to abstain from implementing legislation that is enforced in such a manner.²² Moreover, the courts have developed legal practices to contain intervention by the legislature and the High Court of Justice, and these practices have allowed the shari‘ah courts to preserve their religious Islamic character by addressing such intervention through the tools of Islam.²³ On this issue, the Shari‘ah Court of Appeals determined in Appeal 247/1998 as follows:

The rule is that a religious court makes pronouncements in accordance with the religious laws of that community, as long as the legislature has not explicitly and directly ordered it to do otherwise [...] This [practice] has become entrenched in the legal system since the British Mandate, and judges in Israel have ratified it [...] However, the reservation that the Israeli legislature introduced is that, in the event of an explicit instruction that refers the provisions of law directly to the religious courts, the courts are obligated to rule according to that instruction. Then, and only then, is the shari‘ah court obligated to rule according to law rather than according to the shari‘ah, to follow the legislature of human beings [...]. But what happens if the court does not do so?

The discourse and image that the shari‘ah courts developed for themselves

A review of the judicial practice of the shari‘ah courts attests to intensive and consistent judiciary work to renew Muslim law in almost all realms. Renewal is typically performed via selective *ijtihad*, designed to revise customary law by adopting practices from other schools and other jurists, such as Shaykh Yusuf al-Qaradawi.²⁴ This process is undertaken in order to adapt the shari‘ah law that is applied by the courts to the needs of the Muslim society in Israel and to the spirit of the times, through reliance on the principles and rules of Muslim religious law and without deviating from its foundations, faith, or legal principles.

The common thread linking the various issues of Muslim law on which the Court of Appeals has exhibited activism is not the adaptation of shari‘ah law to Israeli law in the form of either “Islamization” or “Israelization” of shari‘ah laws. Rather, this

22 Comments on Layish’s paper by Qadi Natur (personal communication).

23 See Iyad Zahalka, *The Shari‘ah Courts: Between Judicial Activism and Religious Identity* (Jerusalem: Israeli Bar Publishing, 2009) [in Hebrew].

24 See Yusuf al-Qaradawi, *Al-Ijtihad al-Mu‘asir Bayna al-Indibat wal-Infrat* (Lebanon: Al-Maktab al-Islami lil-Nashr, 1998).

renewal effort is conducted by means of innovations stemming from the shari'ah itself, drawing on the spirit of the times, including the specification of the most effective tools to use in confronting Israeli law. These innovations give rise to a local form of practice of Muslim law that is legitimate and acceptable according to the tests prescribed by Muslim law, as noted in the aforementioned book by al-Qaradawi.

Thus, the shari'ah courts have upheld Islamic law, either directly or by creating local practices that are based on interpretations of various doctrines of Islamic jurisprudence, in accordance with the spirit of the time and the place, while disregarding the civic norms that are inconsistent with the law. In this manner, the judicial autonomy of the shari'ah courts in Israel is preserved, and they are in effect the successors of the shari'ah courts of the Ottoman period and the shari'ah courts in the Muslim world, albeit with changes required by circumstances of time and place.

The judgments and rulings issued by Qadi Ahmad Natur, president of the Shari'ah Court of Appeals, are evidence of an extremely conservative stance with respect to the Muslim endowments. These rulings underscore the need to carefully safeguard the waqf and prevent any harm to them or their properties.²⁵ Qadi Natur has also called on the public to refer civil matters to adjudication based on shari'ah laws through arbitrators appointed by the qadis.²⁶

Judicial activism and the effectiveness and liberalization of the rights of women and children

A review of the scope of the work performed by the shari'ah courts and its rulings indicates that close to 85% of all cases filed are adjudicated within a year, and their rulings reflect an increasingly liberal approach toward the rights of women and children. A study conducted by the non-profit association "New Family," which relied on National Insurance Institution statistics, reveals that of all courts in Israel authorized to award child support, the shari'ah courts award the highest average amount of child support.²⁷

25 On this matter see Legal Manifest No. 1 on the waqf (dated June 21, 1994), issued by Qadi Natur with the approval of the Organization of Qadis: <http://www.justice.gov.il/MOJHeb/BatiDinHashreim/MaagreiMeida/Minsharim>.

26 On this matter see Legal Manifest No. 4 on arbitration in civil matters in shari'ah courts (dated November 30, 2006): <http://www.justice.gov.il/MOJHeb/BatiDinHashreim/MaagreiMeida/Minsharim>.

27 See Merav David, "Alimony suits: Where is your child worth more?" *Ma'ariv*, December 4, 2006.

The public image of the shari‘ah courts is that they are efficient and fair, and they take the conditions of the Muslim population and its accepted values into account. On this matter, a study by Laila Abed-Rabo²⁸ asserts that Muslim women have even found refuge from their families in the shari‘ah courts: women in dispute with their husbands are frequently willing to relinquish their rights, whereas the shari‘ah qadis protect the women’s rights and rule in their favor.²⁹

Similarly, statistics from the shari‘ah court administration show that the number of cases filed has increased annually since 2000, with the exception of 2003, when the number of cases filed with the shari‘ah courts declined by 25% because Amendment Number 5 to the Family Court Law came into effect that year. In 2004, however, the number of cases returned to its previous average; since then, there has been a steady, consistent, annual increase in the number of cases filed with the shari‘ah courts each year: the number of cases initiated in 2009 was almost double that of 2003. These figures are evidence that the public considers the shari‘ah courts a judicial venue of legal and religious significance – a court that originated with and represents the people, conducts itself efficiently and fairly, and issues rulings that the people find acceptable.

Attitudes of the Arab public toward the shari‘ah courts

The Arab public in Israel is divided on the status, role, and future of the shari‘ah courts. As noted above, the public is divided into three groups in this regard: the first group’s mainstay is the two factions of the Islamic Movement, while the second group’s core is made up of non-religious and Arab nationalist parties, and the third revolves around women’s movements and the Israeli Communist Party (ICP).

a. The position of the two factions of the Islamic Movement

Both factions of the Islamic Movement view the shari‘ah courts in Israel as a religious Muslim institution that upholds the faith and its instructions, and therefore the Islamic Movement expresses complete identification with the courts. On February 20, 2004, in an extremely rare move, both factions issued a public statement that appeared in the Arabic press, entitled “An important announcement regarding the position of both factions of the Islamic Movement concerning the shari‘ah courts in Israel.” The

28 Laila Abed-Rabo, *Discourse of Muslim Women in the Shari‘ah Courts in Jerusalem and Taybeh*, Ph.D. Thesis, Hebrew University of Jerusalem, 2008.

29 From a lecture given at a seminar on “Changes in family law for Muslims in Israel? An historical, comparative, and contemporary discussion,” Truman Institute, Hebrew University of Jerusalem, May 7, 2009.

announcement was signed by Shaykh Ibrahim 'Abdallah Sarsur, then head of the Islamic Movement's southern faction, and Shaykh Hashim 'Abd al-Rahman, then spokesman of the Movement's northern faction and mayor of Umm al-Fahm. The first paragraph of the announcement stated that

Both factions of the Islamic Movement maintain a clear, stable, and well-known position concerning the shari'ah courts in Israel, and we believe that [the courts] are among the strongholds of Islam and Muslims, and they enjoy an elevated status and prestige. In recent years we have maintained close and excellent cooperation with the courts for the purpose of safeguarding the Muslim waqf and the endowments in Israel. The qadis in the courts spare no effort with respect to this issue or when adjudicating in accordance with the divine shari'ah in disputes between Muslims on matters within their jurisdiction and competence.³⁰

The two factions of the Movement proceeded to elucidate the Movement's position:

We, both factions of the Islamic Movement, view the shari'ah courts in Israel as the most important institution for reinforcing Islamic shari'ah laws among us, Arabs and Muslims; its roots continue to spread and become more deeply entrenched into public life, as they perform their tasks in a manner that pleases God. As a result, the shari'ah courts encounter blatant attacks from questionable parties, both official and unofficial, which seek to undermine the courts in their role of building the Islamic present and future of this country.

The announcement concluded with the following statement:

We support the officials in charge of the shari'ah courts in Israel, represented by the president of the shari'ah Court of Appeals, the honorable Qadi Ahmad Natur, and his honorable colleagues, the shari'ah qadis, and we thank them for everything that this system has accomplished in performing the comprehensive reform initiated by the shari'ah courts in recent years in service of the honorable shari'ah, with the end goal of realizing justice among Muslims. Those both near and far will understand that we and the shari'ah courts constitute a single front defending one of the last, important Islamic bastions in this country.³¹

Shaykh Ra'id Salah, head of the northern faction of the Islamic Movement, also published an article in *Kull al-'Arab* on December 18, 2008, applauding the work of

30 See for example *Al-Mithaq* (the official newspaper of the Southern Faction of the Islamic Movement), February 20, 2004.

31 Ibid.

the shari‘ah courts and of Qadi Ahmad Natur in preserving the shari‘ah, the waqf, and the Muslim endowments in Israel. He denounced all persons, entities, organizations, and political parties that took action to undermine the shari‘ah courts, their jurisdiction, or their judicial and public status. He wrote,

We will not forgive anyone who acted in recent years to restrict the role of the shari‘ah courts in matters of family, inheritance, and Muslim endowments, let alone anyone who works surreptitiously to uproot the shari‘ah courts [...] because through such dubious attempts you are gleefully promoting your own self-negation, attacking your own identity, and destroying the marks of your existence, which is actualized in its utmost beauty in the shari‘ah courts [...] I stress that we and the institution of the shari‘ah courts and the shari‘ah qadis are working together as a single front, and we call upon all to join this front.³²

b. The position of the non-religious groups

The non-religious groups in Arab society, which include the parties identified with Arab nationalism, typically lack a clear position on the issue of religion and state. Although their religious identity is not a major motivator for them, neither do they take a stand against the influence of religion on society. Consequently, these groups typically hold a neutral attitude toward religion. Nonetheless, in light of the image of the shari‘ah courts and their positions as voiced in their discourse – primarily a national-religious discourse yet also a liberal discourse with respect to the rights of women and children – the non-religious groups are sympathetic to and supportive of the shari‘ah courts, which are viewed as a symbol of the Arab minority’s cultural and national autonomous space. Even though these groups did not identify with the shari‘ah courts in the past, they have recently expressed strong support for the courts, which they consider yet another building block in the effort to consolidate the fragmented identity of the Arab minority in Israel.

These groups’ support for the courts is reflected in the great number of Arab attorneys – typically members of the educated Arab population – who have participated in training sessions on shari‘ah law, organized throughout the country by the Bar Association, and who subsequently became representatives of those who have appeared before the shari‘ah courts. In the past 10 years, the Bar Association has organized more than 10 seminars, which have been attended by more than 600 Arab attorneys.

³² See *Kull al-‘Arab*, December 18, 2008.

c. The position of women's organizations

The Communist Party promotes a civil agenda that seeks to diminish religion's impact on society. This agenda is reflected in the party's support for the campaign of women's organizations against the institutionalization of religion and its effects on society. In this context, the Communist Party has met with the Arab women's organizations; in fact, the party was the source of most of the initiatives to establish these women's organizations, whose leaders were members of the Communist Party or its affiliates. These organizations are in ideological accord with the Communist Party on the status of religion and religious judicial institutions, and women's organizations play a leading role in the secular civil campaign.

These women's organizations have promoted initiatives and proposals to limit the powers of the shari'ah courts and to undermine their status in Arab society. This effort is most clearly reflected in their initiatives to revoke the exclusive jurisdiction of the shari'ah courts to adjudicate on matters of personal status for Muslims in Israel, a right conferred upon them by Section 52 of the Palestine Order-in-Council. The women's organizations also called for public Arab access to the family courts. This extremely successful initiative led to Amendment Number 5 to the Family Courts Law in 2001, which granted jurisdiction over matters of personal status of Muslims and Christians, excluding matters of marriage and divorce, to the family courts.

The success of these women's organizations was achieved in the context of the historical weakness of the shari'ah courts, which resulted from the public's abhorrence of the qadis' status, their conduct, and their judicial practices in generations past.³³ This success has receded, however, during the current era of the shari'ah courts, which began in the early 1990s and is characterized by a national religious discourse and liberalism with regard to the rights of women and children, and the efforts of women's organizations ultimately failed: despite the amendment, the Muslim public – including representatives of women's organizations – flocks to the shari'ah courts and refrains from filing their cases with the family courts.³⁴ This trend is most clearly reflected in a statement by Attorney Taghreed Jahshan, a key activist in the women's organizations,

33 Yitzhak Reiter, "Qadis and the Implementation of Islamic Law in Present Day Israel," in R. Gleave and E. Kermeli (Eds.), *Islamic Law: Theory and Practice* (London and New York: I. B. Tauris, 1977), pp. 205-231.

34 Statistics from the shari'ah court administration show a steady increase in the number of cases filed with the shari'a courts since 2003, despite the one-time drop in 2003 following Amendment Number 5 to the Family Court Law.

at a convention at the Hebrew University of Jerusalem,³⁵ where she conceded the failure of the amendment that conferred parallel jurisdiction to the family courts. She said that the shari‘ah courts have maintained their status as the primary judicial venue in matters of personal status for Muslims in Israel.

In light of the judicial activism of the shari‘ah courts in Israel, as well as the conservative national religious discourse alongside the liberal position on the rights of women and children, women’s organizations are currently in a quandary regarding their stance toward religious law, religious courts in general, and the shari‘ah courts in particular. On this issue, Attorney Shirin Batshon, coordinator of the legal project of the feminist organization Kiyana, published an article in *Al-Siwar*³⁶ in which she states,

A Muslim woman who applies to the shari‘ah court is entitled to alimony if certain conditions are satisfied, even if she is rich; but had she appealed to the family court, her claim would be dismissed if the court applies civil law and the principle of equality in the matter of income. Therefore, women waver between the religious law that grants them alimony rights and the family courts, where a woman is not always entitled to alimony.

She concludes that the application of civic principles such as equality, in contrast to the paternalistic attitude of religious judges toward women, creates a problem that requires thorough study, and that Amendment Number 5 to the Family Courts Law was not beneficial for women in this matter.

In summary, whether on the basis of religious faith, the courts’ impact on the collective identity of the Arab minority, or their favorable implementation of the rights of women and children, the shari‘ah courts in Israel have gained the public’s trust and respect.

35 Seminar on “Changes in family law for Muslims in Israel? An historical, comparative, and contemporary discussion,” Truman Institute, Hebrew University of Jerusalem, May 7, 2009.

36 *Newsletter of the Arab Women’s Movement*, Issue 37, Spring 2010.

Political Participation by the Islamic Movement in Israel

Mohanad Mustafa

Introduction

Political Islam in Israel developed as part of the Islamic revival that took place in the Arab world during the 1970s (Ali, 2006; Malik, 1990; Mayer, 1988; Rekhess, 1993). In Israel political Islam assumed distinct features that reflected the circumstances of the Arab-Muslim minority in the state – a Jewish state with a Jewish majority and Jewish cultural and political hegemony (Ghanem, 2010). The all-Sunni Muslim population constitutes a national and religious minority; it is the single Muslim minority on land that is considered Arab and Muslim within contemporary Muslim historical consciousness. Their situation differs from that of Muslim minorities in Europe and the US, who reside on land that, unlike the land upon which the State of Israel was established, is considered neither Muslim nor sacred.

Political Islam in Israel was strongly influenced by the reality of life in Israel, but it was also very much informed by general Islamic religious and cultural discourse. Muslims in Israel live their lives “on tiptoe,” so to speak, in an attempt to maintain their Muslim identity and all it entails while abiding by Israeli law.

Rekhess (1998) argues that a strong connection exists between political Islam in Israel and Palestinian political Islam, and he stresses that political Islam in Israel is an offshoot of a more general pan-Palestinian political Islam. As a result, many features of the Islamic Movement in Israel are similar or identical to those of Palestinian political Islam.

Political Islam in Israel emerged as part of the pan-Arab Islamic revival of the 1970s and was further shaped by the ties between Muslims in Israel and their brethren in the Occupied Territories after 1967 (Rekhess, 1993). Young Muslims who returned to their hometowns after studying Islam and shari’a at Islamic colleges in the West Bank

established a militant religious movement known as the “Jihad Family” (Mayer, 1988). This group of Muslims viewed Israel as a foreign body in the Arab-Islamic region, and its members engaged in acts of violence against state institutions. The era of the “Jihad Family” marks the onset of the hegemony of religious texts and their dominance within political life. These young Muslims were impassioned by the principles of political Islam, especially the militant strain that was dominant in Egypt during the late 1970s (Sagiv, 1994). The development of political Islam in Israel required striking a balance between two factors embodying a powerful internal tension: religious texts and the Jewish political environment. The crises that political Islam in Israel has experienced were the result of disruptions in the balance between these two factors. Since the release of the “Jihad Family” detainees in the early 1980s, political Islam has gradually developed a fragile formula by which it sought to construct a Muslim identity that would emphasize the religious elements yet abide by Israeli law. During the 1980s the new Islamic Movement concentrated on building educational institutions, providing social services, and preaching intensely to the Muslim population in Israel. Results soon followed, as the population in Arab communities began to adopt distinctly religious Islamic customs.

The Movement’s public and political significance was manifest in its success in the local Arab government elections of 1989. In light of its success in most of places where it had campaigned, it was clear that the Islamic Movement had become an important political force in Arab politics in Israel (Paz, 1989).

For the Islamic Movement, the 1990s were characterized by intense political activism. Political Islam in Israel slowly moved to the center of the political stage for Israel’s Arab population. Although it had been a marginal group in the 1980s, the Islamic Movement became a dominant force in the 1990s. In 1996, on the eve of the fourteenth Knesset elections, the politicization of the Islamic Movement encountered a major crossroads. Because of a dispute about whether the Movement should participate in the elections (Aburaiya, 2005), the Movement had split into two currents that year. The first current, headed by Shaykh Ra’id Salah, then mayor of Umm al-Fahm, believed that participation in the elections threatened the religious values of the Islamic Movement and would lead to the Israelization of Muslim society. The second current, led by Shaykh ‘Abdallah Nimr Darwish, believed that participation in the elections might serve to improve the situation of the Arabs and of Arab parliamentary politics (Ghanem & Mustafa, 2009).

Ibrahim Sarsur, who followed Darwish as leader of the parliamentary Islamic Movement, conceded that the Movement – united until 1996 – was unable to contain this diversity of opinions: the split was necessary in order to distinguish the differing

opinions (Sarsur, 2005). At the time, Shaykh Ra'id Salah, head of the second movement, published a statement in which he outlined the causes of the split. Salah stated that there had been strong differences of opinion within the currents of the united Islamic Movement, and as these differences were irreconcilable, it was best to split into two movements in order to preserve the pure principles of the Islamic Movement. In his article in *Sawt al-Haqq wal-Huriyyah*, published on April 4, 1997, Shaykh Salah argued that the split was “not the product of a single incident, but the culmination of many events over many years.”

Many scholars have adopted Salah's explanation in their own accounts of Palestinian political Islam in general or political Islam in Israel in particular. These scholars do not differentiate among the various schools or orientations that exist within political Islam. Israeli (2002) claims that all the streams of political Islam share identical goals and targets, with only minor differences distinguishing them. He believes that the two Islamic Movements operating in Israel are working toward the same goal – the destruction of the State of Israel – although each employs different tools, strategies, and tactics.

According to Bukay (2004), Islamic culture is a single culture, and the split into two movements in Israel is unrelated to the differences between the various schools of interpretation of the religious texts. He agrees with Israeli that the two Islamic movements in Israel share a single goal, which is the destruction of the State of Israel (Bukay, 2008).

Aburaiya (2005) believes that the debate over participation in the 1996 Knesset elections was indeed one of the factors that caused the Islamic Movement in Israel to split into two rival movements. However, he finds that two types of religious interpretation prevalent at the time also contributed to the division: the abstract interpretation that allows relatively greater flexibility and the concrete interpretation that translates religious principles into commandments and prohibitions applicable to the political arena.

I believe that the above explanations for the 1996 split focus excessively on the two currents themselves within the Islamic Movement, including their platforms and their *modi operandi*. These explanations view the course of events as dictated by religious texts or – at best – by the political circumstances that the movements seek to transform. This article proposes an alternative explanation that is comprehensive and representative of the development of political Islam as a whole as well as the development of Palestinian Islam in particular, with a focus on the distinct orientations of the two Islamic Movements in Israel. The two movements, which had developed as a single movement from its establishment in the early 1980s until 1996, separated

after the decision was made to participate in Israeli Knesset elections. As a result, the two became substantially different movements in terms of their platforms, plans of action, orientations, and means of political involvement. This fact says a great deal about the nature of religious fundamentalism in general, and fundamentalism in Israel in particular, and will serve as a test case in constructing a comprehensive explanatory model, including not only the Islamic Movements themselves, but also the political and human arenas in which leaders and supporters of political Islam operate.

The development of political Islam: Toward a comprehensive model

The comprehensive model presented here considers the internal and external environments of political Islam and weighs the significance of each element in these environments. This inclusive explanation for the development of political Islam comprises four factors that operate at different levels: the political environment is the broadest factor; above that is the political orientation of the general public, the Islamic Movements' potential target audience; above that are the characteristics of the Islamic Movements' political leaders, including their preferences and orientations; the final factor is the significance that these leaders attribute to religious texts.

a. The political environment

Like secular or quasi-secular political organizations, political Islam operates on all levels (local, national, and international levels) of the political, social, cultural, and economic spheres that affect life in modern countries. All political parties, Islamic movements included, aspire to promote their agenda and adapt their methods of operation to these environmental factors. Political Islam in Israel, like other political organizations active within the Arab public in Israel, evolves in step with the internal circumstances of Arabs in Israel and in response to the internal social, cultural, economic, and political issues confronting the Arab minority. The development of political Islam is also influenced by the Arabs' national and civil status in Israel, and specifically by the ethnic underpinnings of the State of Israel, which overwhelmingly favors Jews over Arabs and institutes extensive discrimination against the Arab minority in all areas of life (Ghanem, 2001; Ghanem & Mustafa, 2009; Rouhana, 1997; Smootha, 2004).

Political Islam is also influenced by the state of affairs of the Palestinian issue, Palestinian aspirations for self-determination, and political developments within the Palestinian public in general, including the power struggle between the religious and secular currents in the Palestinian national movement. This struggle is being played

out in the region's Arab and Islamic arena as well, as expressed in a variety of ways: in violent power struggles, on the one hand, and in less violent struggles, such as those characterizing the Islamist movements' participation in elections in Egypt, Jordan, the Palestinian Authority, and Turkey, on the other. The so-called "Western world's war" against political Islam, including its campaign against "Islamic terror," constitutes an additional layer of environmental factors that affect the operations, goals, and basic orientation of the Islamic movements in Israel, and of course, their political decisions on social and political issues that concern society as a whole.

b. The political orientation of the general public

The fundamental political orientation of the group within which political Islam operates is a key element in explaining the activities of the Islamic Movement and its orientation. In other words, Islamic movements, like other political parties or movements, seek to gain public support; they operate under the assumption that their ideology, targets, and methods have supporters who will constitute the basic potential pool of Islamic Movement members, activists, followers, and voters, should it choose to participate in the elections.

Both of the Islamic Movements representing political Islam in Israel conduct their activities under the assumption that the Arab public, and the Muslims within it, have the option of joining the Islamic Movement as activists, official members, supporters, or voters. Research on the political orientation of Arabs in Israel in the 1980s, 1990s, and 2000s (Al-Haj, 1988, 1993; Ghanem 2001; 2001a; Ghanem & Mustafa 2009, 2009a; Rekhess, 1989; Rouhana, 1997; Rouhana & Ghanem, 1998; Smooha, 1983, 1984, 1989, 1989a, 1992) has evoked intense responses. In many aspects, these studies have come to common conclusions: the Palestinians in Israel have largely come to terms with their minority status in Israel; they view their future as being distinct from that of other Palestinians, Muslims, and Arabs in the region, yet they oppose Israel's Jewish character and demand a state in which Jews and Arabs have equal standing.

An in-depth examination of the political orientations of supporters of political Islam in Israel indicates considerable differences among the various groups (Smooha and Ghanem, 1988, 2000), which may account for the 1996 decision to split into two Islamic Movements. These differences form the political and social foundation for the continued existence of the two political movements as separate movements with separate audiences of support.

c. Priorities and interests of movement leaders

The personal priorities and interests of leaders – and from many aspects, the priorities and interests of their supporting elites – may also explain the overall conduct of political leaders and of the leaders of political Islam in particular. In the Arab and Islamic world, political Islamic leaders make decisions concerning Israel and other groups in society, including non-Muslims, based on a cost-benefit analysis.

In Israel, the Islamic Movement was established in the late 1970s, and it operated and evolved into a united movement as long as its founder remained at the helm and had no rivals. In the early 1990s, the next generation of leaders emerged on the scene. These were mainly mayors or local or regional leaders and activists who had the charisma and tenacity to represent the platform of political Islam.

This new group of leaders included individuals who considered themselves potential leaders of political Islam as a whole, and they began to challenge its founding leader, Shaykh ‘Abdallah Nimr Darwish. Prominent among the new leaders and activists were Shaykh Ibrahim Sarsur, who later became head of the Kufr Qasim Local Council and also served as head of the parliamentary Islamic Movement, and Shaykh Kamil Rayyan, former head of the Kufr Bara Local Council, as well as former Mayor of Umm al-Fahm, Shaykh Ra’id Salah, currently head of the non-parliamentary Islamic Movement, and his deputy Shaykh Kamal Khatib of Kufr Kana. Shaykhs Khatib and Salah believed that Shaykh Darwish was “losing his way” because of his aspiration to achieve full integration into Israeli politics. The statement they published on the main cause of the split stated, “As our goal is to correct the course of the Islamic Movement, [we will continue] as an Islamic movement determined to preserve its course, its authenticity and its correct *modi operandi*; we will seek justice and rectify the errors.” (*Sawt al-Haqq wal-Huriyyah*, March 29, 1996)

d. Significance of Religious Texts

Religious texts play an extremely important role in explaining the emergence of political Islam (Juergensmeyer, 2000, p. 221; Lewis 1988, 1993a). I contend that, in the modern era, political texts play no substantial or essential role in explaining political Islam; only the interpretations that leaders, activists, and members of both Islamic Movements ascribe to texts have any significance in the context of the general political environment, the orientation of the specific public, and the agenda of the leaders. The deep meanings ascribed to religious texts play an important role with respect to specific Islamic operations, and various Islamic movements advance vastly different meanings to explain any given text.

As we shall see below, the religious texts are translated according to the different political and practical needs of the leaders of the two rival movements. That different meanings are attributed to precisely the same text serves to prove my claim that the text itself is devoid of any significance; what matters is the contemporary interpretation promoted by each rival movement.

Political Islam in Israel: Two movements, two orientations

The substantive differences between the two Islamic movements that operate amid the Arab minority in Israel provide an explanatory foundation for the proposed model, which includes the implications of implementing Islam in each movement's view. Below I explore the political and ideological differences between the two Islamic movements in Israel and discuss the key issues that distinguish them. I will introduce the different positions within political Islam in Israel with regard to participation in Knesset elections, the vision for the future of the Muslim and Arab minority in Israel, and the attitude toward the "Future Vision of the Palestinian Arabs In Israel" manifesto, which was published in 2006 as a foundational statement of the aspirations of the Arabs in Israel.

a. The future of Muslims (and Arabs) in Israel

The two Islamic movements in Israel share the goal of strengthening religious identity, as an important component of the collective identity of Arabs in Israel. Religious identity is reinforced through preaching and religious and social activities that promote Islamization amid Israel's Arab population (Ali, 2006). At the same time, an in-depth examination of the activities of the two movements reveals that they do not envision the same future for Muslims in Israel, specifically with regard to the relationship between the state and its Muslim minority. Theoretically, the two movements represent two types of political practices: the parliamentary Islamic Movement uses the "politics of recognition" (Taylor, 1992), while the non-parliamentary Islamic Movement makes extensive use of the tools of the "politics of difference."

The difference between the politics of recognition and the politics of difference finds expression in the issue of citizenship and in relations between the state, the majority, and the minority. The politics of recognition seeks to improve the status and conditions of Arabs in Israel through negotiations and pressure brought to bear on the state and the majority, which is designed to force them to take action and adopt a policy of equality, affirmative action, and recognition of Arabs' identity and status as an indigenous minority entitled to state-supported collective rights. In contrast, the politics

of difference prefers community action and aspires to detach itself from all state support; it does not seek recognition by the majority or the state. The activities of the politics of difference undertaken by the non-parliamentary Islamic Movement are designed to construct an independent, self-sustained society that is capable of administering its own affairs, independently of the state. Shaykh Salah called this project *al-mujtama' al-'isami* (“an independent, self-sustained society”) (Salah, 2001).

In the community sphere, religious fundamentalism is reflected in efforts to build a community with separate and distinct institutions, whose members are loyal to and conduct the major part of their lives within the community (Ali, 2004). The non-parliamentary Islamic Movement’s project does not aim for integration into Israeli politics or its apparatuses; as a result, it is more consistently hounded by the Israeli defense and political establishments than the parliamentary Islamic Movement, whose operations are considered to be more integrative; for the latter, Israeli citizenship is an important political instrument. The Israeli establishment considers the activities of the non-parliamentary Islamic Movement a threat to the fragile relationship between the Arab minority and the Jewish state (Smootha & Ghanem, 1998). The political and ideological character of the non-parliamentary Islamic Movement’s activities is more troubling to the state than activities that allegedly threaten state security. The state is concerned that the non-parliamentary movement is gradually taking form as a powerful, mass social movement with a strong capacity for mobilization and popular grassroots support (Aburaiya, 2005a).

Shaykh Salah’s concept of an independent, autonomous society serves as the fundamental political, social, and ideological principle of the Islamic Movement that he heads. This principle releases the movement from any practical or theoretical discussion of the relationship between the Arabs and the state (that is, any discussion on the nature of citizenship) or the Jewish majority. While other Arab political currents emphasize these issues when addressing the concerns of Arab citizens and their civil status, the Movement stresses the concept of an independent, autonomous community. Other Arab political currents use the tools of the politics of recognition, but the non-parliamentary Islamic Movement has abandoned this pattern of action and focuses on cultivating difference: it builds cultural and institutional fences around Arab society and hopes to see Arab society develop without any connection to the citizenship issue or even the issue of equality. In response to the solutions offered by Arabs in Israel or by the Jewish majority, Shaykh Salah argues that the sole solution for Israel’s Arab Muslim minority is to construct an independent Arab-Muslim society, and he rejects any other option, including a “state of all its citizens” (Bishara, 1998), a bi-national state (Ghanem, 2009), or other proposals involving various forms of autonomy (Smootha, 1999).

Shaykh Salah's concept of an independent society is grounded in three fundamental principles: human capital or science, land, and the economy (Ali 2007; Ghanem & Mustafa, 2008). According to Shaykh Salah, Arab society already has these three elements. He stresses the "purity of capital," meaning that capital must come only from Islamic sources such as charity, *waqf*, and private and public Muslim sources. He rejects contributions from non-Islamic entities: movement leaders argue that strings are inevitably attached to funds from foreign sources – the foreign entities will demand something in return, and such demands might threaten the Muslim community's independence. The non-parliamentary Islamic Movement claims that non-Muslim donations are not "pure" and are designed to change the character and identity of the Muslim community (Ali, 2006).

The pan-Arab-Muslim element plays an important role in the autonomous community project. Shaykh Salah has argued that establishing an independent community requires a closer relationship with the Arab world and the *ummah*; this position indicates that the non-parliamentary Islamic Movement considers itself not merely a part of the *ummah* in a metaphorical and cultural sense, but also in a practical sense. The link between establishing an independent Muslim community in Israel and fostering closer ties with the Islamic world reflects the non-parliamentary Movement's ideological orientation: the status and condition of Muslims in Israel is not unique, and the Movement is an integral part of pan-Arab-Muslim political Islam. In contrast, the parliamentary movement believes that in Israel Muslims face a special situation and political Islam in turn faces a unique political environment that requires special attention to all of the issues relevant to Muslims in Israel (Sarsur, 2005).

The autonomous, independent community is a critical component of the politics of difference adopted by the non-parliamentary Islamic Movement, as opposed to the politics of recognition adopted by the parliamentary Islamic Movement. To promote its politics of recognition, the parliamentary Islamic Movement uses all the tools offered by the Israeli political system to empower Muslim society in Israel. For example, the non-parliamentary Islamic Movement takes steps to protect the *waqf* and Muslim endowments through community action, including the conservation of holy sites and the organization of volunteers to restore Muslim cemeteries in abandoned Palestinian villages. The parliamentary movement, in contrast, has tried to promote legislation in the Knesset to compel the state to preserve Muslim holy sites in Israel and allocate resources toward this end. This is one of the distinctive differences between the two movements: one places its highest priority on community action and mobilization of the Muslim community to achieve its goals, whereas the second seeks to influence the state to take steps to improve the status of Muslims in Israel.

The political Islamic movements in Israel also use different terminology. For example, the non-parliamentary movement calls itself “the Islamic Movement inside Palestine” (*al-harakah al-islamiyyah fi al-dakhil al-filastini*), a formula designed to downplay the Israeli context and emphasize the Palestinian element in the Islamic Movement’s identity. In contrast, the parliamentary movement is typically known by the name “the Islamic Movement in the Land” (*al-harakah al-islamiyyah fi al-bilad*) or less often as “the Islamic Movement in Israel” (*al-harakah al-islamiyyah fi isra’il*). Notably, since Shaykh Hamad Abu Da’abis was elected in 2010 as the head of the parliamentary Islamic Movement, replacing Ibrahim Sarsur, the movement has begun to use the term “the Islamic Movement inside ‘48 Palestine” (*al-harakah al-islamiyyah fi al-dakhil al-filastini 48*), which may be seen as an indication of the terminological convergence of the two movements. The non-parliamentary movement uses the term “the Israeli establishment” (*al-mu’assasah al-isra’iliyyah*) for the various authorities and agencies of the State of Israel, whereas the parliamentary movement uses the term “the Israeli government” (*hukumat isra’il*) or “the State of Israel” (*dawlat isra’il*). The use of these and other terms is more than a technical matter: it is indicative of the two movements’ political ideology.

Although several political issues divide the two movements, the main point of contention is the peace process between the Palestinians and Israel. The parliamentary movement supports a diplomatic process between the parties that will ultimately lead to a Palestinian state. In the past, the parliamentary movement’s then leader, Shaykh Darwish, supported the Oslo Accord and even attended several conventions and rallies in support of the Accord and the diplomatic process. In contrast, Shaykh Salah, head of the non-parliamentary movement, aggressively opposed the Accord, which he called, “an act of treason.” Salah’s deputy, Shaykh Kamal Khatib, called the Accord “a betrayal of the rights of the Palestinian people” (Rekness, 1998, p. 75).

b. Participation in Knesset Elections

The issue of participation in the Israeli Knesset elections is another issue that divides the two Islamic movements in Israel. As noted above, the conflict over this issue led to the split within political Islam in Israel. The movement headed by Shaykh Salah boycotts the elections, and Salah frequently denounces the Arab parties’ participation in the elections. In anticipation of each election campaign, he published a series of articles presenting the arguments underlying the non-parliamentary movement’s opposition to the Knesset elections. Shaykh Salah’s key point is that the Knesset is merely a platform for protest and is incapable of changing the circumstances of Muslims in Israel. Shaykh Salah also argues that the Knesset represents the Zionist movement, which instigated

the Palestinian *Nakbah*. Therefore, participation in elections legitimizes the institution that symbolizes the Zionist project, its discriminatory laws against Arabs and Muslims in Israel, and its role as the source of suffering of the Palestinian people in the Occupied Territories. Prior to the 2003 Knesset elections, Shaykh Salah published a series of articles in the Movement's newspaper, *Sawt al-Haqq wal-Huriyyah* ("The Voice of Freedom and Justice"), titled "The Elections and Us." He states:

The role of the Arab MKs, since the first day an Arab MK joined the Knesset to this day, continues to prove the single conclusion, which is that the Knesset is a platform for protest and nothing more. I am saying this with the conviction that the Arab MKs have made efforts to perform their jobs successfully, but the ground on which the Knesset is based does not allow any Arab MK to perform his role successfully. [...] The Knesset's status has undermined their efforts and continues to stand in their way, because it is the supreme institution of a state that defines itself as the state of the Jewish people; as such, and because the Knesset is the supreme institution of the Zionist project, which refuses to recognize us as a national minority or as citizens that are entitled to equal rights, it excludes our existence from its considerations in general. Therefore, the Knesset has never been a supreme institution for us, the Arab Palestinian minority in this land. (Salah, 2002, p. 5)

In another article he wrote prior to the 2006 Knesset elections, Shaykh Salah maintained his position:

I am increasingly convinced that the Knesset apparatus is one of the manifestations of the Zionist project that is designed to serve only the Zionist project, at both the local and international levels. [...] If some Arab MKs have made achievements, these achievements are very modest compared to the span of time Arab MKs have spent inside the Knesset apparatus. (Salah, 2006, p. 5).

Shaykh Salah bases his call to boycott the Knesset elections on two main arguments: (a) the Knesset is the symbol of the state's Jewish nature and part of the "Zionist project," (b) the Muslims and Arabs in Israel cannot improve their status or situation through representation in the Knesset (Ghanem & Mustafa, 2009).

Boycotting Knesset elections, which is the position of the non-parliamentary Islamic movement, has an ideological rather than a political basis. A political boycott – which is prevalent among Arabs in Israel – expresses the boycotters' dissatisfaction with the performance of the Arab parties and protest against their inferior status in the state. In contrast, an ideological boycott is based on the rejection of the existing political system and the aspiration to transform it (Ghanem & Mustafa, 2007).

In contrast to the non-parliamentary current, the parliamentary Islamic Movement believes that participation in Knesset elections is an integral component of the overall worldview of political Islam, the view that, “Islam is the solution.” In an interview with Shaykh Ibrahim Sarsur, head of the parliamentary Islamic Movement, published in the Movement’s newspaper *al-Mithaq* (“the Treaty”), he argued, “Religious preaching is the key, and politics is part of it. The parliament is a branch of religious activity. Political action is part of the broad array of activities designed to bring people back to religion, develop the individual and society, and protect [our] identity and land. Therefore, there is no contradiction between our participation in the parliament and our other activities.” (*al-Mithaq*, January 21, 2008).

The parliamentary Islamic Movement claims that its goal in participating in Knesset elections is to take action to improve the daily lives of Arabs. Another reason that they believe justifies their participation in Knesset elections is the rise of the extreme political right-wing in Israel, which calls for the political exclusion of the Arab minority in Israel, including its physical “transfer” (expulsion). These developments increasingly justify efforts to expand Arab representation in the Knesset, in order to thwart the aspirations of Israel’s radical right. In an interview, Sarsur described this approach in detail:

There are already people, both inside and outside of this land, handling the Palestinian issue, but no one is taking care of our problem here, with the exception of the cohesion and understanding of our public and its leadership. The Islamic Movement is not suffering from any ideological crisis, and I am positive that participation in elections has by now become an obligation that aims to serve the Arab public. It fulfills the need for active participation by Arabs in the Israeli arena in order to deter Israel’s radical right from denying the Arab voice any influence. [...] The debate with those who advocate a boycott [of the elections] as a protest is a legitimate debate and should be pursued. What we can say at this opportunity is that participation in the elections, especially in the case of the Islamic Movement, will critically help determine the political format and nature of the relationship between the state and its citizens. Even if the elections generated no benefit – although there are many benefits to them – the very fact of [our] participation in the elections is a stand against the calls to return the Arab sector to the era of the Military Administration, and this is sufficient reason to support them. (Ghanem & Mustafa, 2009).

Shaykh ‘Abdallah Nimr Darwish, founder of the Islamic Movement in Israel and its leader until 2003, uses the same line of reasoning to attack the Islamists who boycott Knesset elections. Shaykh Darwish is considered a moderate religious figure in Israel;

he led the Movement toward participation in the 1996 Knesset elections and has continuously maintained that there is a solid religious and legal foundation that justifies the Islamic Movement's participation in the parliament of the Jewish state (Ghanem & Mustafa, 2009). He also stated,

There is no choice but Arab representation in parliament, even if at this stage, when the extreme right is dominant, their influence is weak. Therefore I appeal to all politicians to accept each other and unite in organizations, that are certain to be successful and pass the electoral threshold (for a Knesset seat). [...] I know that the brothers who advocate a boycott have good, honorable intentions, but good intentions cannot justify improper behavior in view of the [state of] our Arab public, which is frustrated by the present situation and the powerlessness of the Arab MKs to create the change that is demanded. I understand this frustration, but there is a difference between frustration with negative consequences, and frustration that leads to action and renewed determination. Therefore, a drop in the number of Arab voters will directly harm Arab representation and will not have any adverse effect on the extreme right or on the ruling establishment. (*Panorama*, December 13, 2002).

The issue of participation in Knesset elections is considered the main obstacle to the unification of the Islamic Movement in Israel, and it remains the bone of contention for the political Islamic movements in Israel. Over the years, both movements have become entrenched in their respective positions and both have become increasingly extreme in their views, each one rejecting the legitimacy of the other's position. All attempts at reconciliation have failed. Both movements reinforce their positions with religious legal interpretations, including different interpretations of the same religious text. In the eighteenth Knesset elections, in 2009, the conflict between the two movements reached a climax: in a direct, aggressive public campaign, the non-parliamentary Islamic Movement called for a boycott of the elections because of Israel's military operation in Gaza. Meanwhile, the other movement also used the war in Gaza to attack the non-parliamentary movement. While the former called for a boycott of the elections as an act of protest, the latter called on people to vote for the Arab parties en masse in order to penalize the Zionist parties for supporting the war in Gaza.

c. The "Future Vision" Issue

In 2006, a large group of Arab intellectuals and activists headed by the director of the High Follow-Up Committee for Arab citizens of Israel, an organization considered to be the representative institution of Arabs in Israel (Ghanem, 2001), published the

“Future Vision of the Palestinian Arabs in Israel.” In many ways, this document is considered a fundamental statement of Israeli Arabs’ demands of the State and of themselves, including their position on a future settlement between the Palestinian national movement and Israel (Ghanem & Mustafa, 2009a; Jamal, 2008; Waxman & Peleg, 2008).

One of the critical issues that highlighted the differences between the two political Islamic movements is related to each one’s position on the “Future Vision” documents. The vision encountered fierce opposition by the Israeli public and establishment, and strong opposition on part of the non-parliamentary Islamic Movement in Israel: This movement regarded the “Future Vision” as a secular vision that does not represent the Arab society in Israel (Ghanem & Mustafa, 2008, 2009).

The Islamic Movement under Shaykh Salah used stronger terms than any other Arab movement in Israel to oppose the “Future Vision.” Initially it denounced the document’s legitimacy because it had not been issued by the High Follow-Up Committee for Arab citizens of Israel (which comprises representatives of all Arab political parties). In an article on the “Future Vision” documents, Shaykh Salah stated, “Clearly, all of the ideas expressed in this publication do not represent the High Follow-Up Committee, and clearly this publication represents only those who are responsible for it, whether individuals or organizations.” (*Sawt al-Haqq wal-Huriyyah*, February 2, 2007).

The non-parliamentary Islamic Movement and its leaders criticized the method and the manner in which the “Future Vision” was published without addressing the contents and issues contained in the document, and without denying that substantial differences of opinion existed. As Shaykh Ra’id Salah stated in an additional article, “First I must stress that in this discussion I am not going to address the various ideas that appeared in the document, even though I have much to say about them. Nonetheless, I would like to focus clearly and uncompromisingly on the actions that accompanied the publication of this document and the insistence of several individuals to show that it is supported by and represents the High Follow-Up Committee, whether the latter so wishes or not, and I have found that it is my duty to discuss these actions.” (*Sawt al-Haqq wal-Huriyyah*, February 3, 2007).

Through its leader, Shaykh Sarsur, the parliamentary Islamic Movement applauded the “Future Vision,” but it preferred to adopt a strategy of what Sarsur called “constructive ambiguity.” The Shaykh noted that it was not in the interests of the Arab public to define its position on every issue precisely, and some degree of ambiguity is warranted. He also noted that the “Future Vision” is the view of elites, and that a comprehensive, broad discussion of the issues by Arab society requires a more populist vision to represent its painful problems (Ghanem & Mustafa, 2008).

The “Future Vision” reflects the differences between the two movements. The non-parliamentary movement presents a radical, uncompromising position rejecting the vision, whereas the parliamentary movement does not strongly oppose the “Future Vision”; in fact, it agrees with a large portion of its contents. The parliamentary movement does not deny individuals the right to express and draft a vision that articulates the narrative and aspirations of the Palestinians in Israel, as perceived by Arab intellectuals in Israel.

d. Additional Issues in Dispute

In addition to the differences described above, the two currents of political Islam in Israel also disagree on the issue of women’s involvement in politics. The non-parliamentary movement opposes any permanent representation of women on the High Follow-Up Committee for Arab Citizens of Israel, while the parliamentary movement supports female representation and has even voted with the secular Arab parties on this issue. The parliamentary movement explains its position by referring to precedents from various eras in Islamic history. Another issue that reflects the differences between the currents of political Islam in Israel is political Islam’s collaboration with Arab civil society organizations in Israel. The non-parliamentary movement opposes any cooperation with such organizations because the latter accept funds from non-Muslim sources, a fact that encourages them to adopt a non-Islamic social and political platform. The non-parliamentary Islamic Movement attacks these organizations and, in some cases, has even denied their legitimacy. In contrast, the other movement views cooperation with civil society organizations as an integral part of the Arab community’s political and social development in Israel; members of the parliamentary movement attend these organizations’ events and support their activities.

Summary

The differences between the political Islamic movements in Israel stem from several inter-related factors: the general political environment, which is the State of Israel’s identification as both a Jewish and democratic state that allows minority group members some degree of political involvement and influence over policy; the Arab-Israeli and Israeli-Palestinian conflict; and the obligation to maintain an overall Islamic orientation. The two political Islamic movements in Israel also differ in their political orientation. Their leaders are aware of the topics under debate on the public agenda, and they adapt their respective positions to the zeitgeist of their supporters.

The priorities and interests of the leaders themselves are clearly another element that explains the split of the Islamic Movement into two rival movements. The different meanings that each one ascribes to religious texts also factors into the differences between the two Islamic Movements. Interpretations of the religious texts are instrumental in interpreting the political sphere, and contradictory interpretations of the same text by the two leaders attest to the significance that the leaders and their supporters attribute to textual interpretations.

The following table summarizes the differences between the two political Islamic movements in Israel:

Issue	The Parliamentary Islamic Movement	The Non-Parliamentary Islamic Movement
Political pattern	Politics of recognition	Politics of difference
Participation in Israeli Knesset (parliament) elections	Has participated since the split in 1996	Boycotts the elections, and opposition has become stronger over time
Future of the Muslim minority in Israel	Achieving equality through negotiations or by pressuring the state to allocate resources to improve the status and condition of Muslims in Israel	Construction of independent institutions, non-profit organizations, and other organizations that are separate from the state, until the aspiration to establish an (Arab) Muslim community independent of the state is realized
Political and social issues	Traditional-conservative position	Islamist position

References

- Aburaiya, I. (1989). *Developmental leadership: The case of the Islamic Movement in Um-Alfahim, Israel*. MA thesis, Clark University, Worcester, Massachusetts.
- Aburaiya, I. (2004). The 1996 split of the Islamic Movement in Israel: Between the holy text and Israeli-Palestinian context. *International Journal of Politics, Culture, and Society*, 17 (3), pp. 439-455.
- Aburaiya, I. (2005). Concrete versus abstract religiosity: The case of the split within the Islamic Movement in Israel. *Megamot* 43 (4), pp. 682-698 [in Hebrew].

- Aburaiya, I. (2005a). The Northern Faction of the Islamic Movement and the Israeli establishment: Security-based confrontation or political and ideological confrontation? In: Y. Reiter (Ed.), *Dilemmas in Jewish-Arab relations In Israel* (pp. 262-271). Tel Aviv: Schocken) [in Hebrew].
- Al-Haj, M. (1988). The sociopolitical structure of the Arabs in Israel: External vs. internal orientation. In J. E. Hofman (Ed.), *Arab-Jewish relations in Israel: A quest of human understanding* (pp. 92-123). Bristol, Indiana: Wyndham Hall.
- Al-Haj, M. (1993). The impact of the Intifada on the Arabs in Israel: The case of double periphery. In A. Cohen and G. Wolsfeld (Eds.), *Framing the Intifada: Media and people* (pp. 64-75). New Jersey: Albex Publishing Corporation.
- Ali, N. (2004). Political Islam in an ethnic Jewish state: Its historical evolution, contemporary challenges and future prospects. *Holy Land Studies*, 3 (1), pp. 69-92.
- Ali, N. (2006). Religious fundamentalism as ideology and as pragmatism: A comparative perspective on the Islamic Movement in Israel. Doctoral thesis, Department of Sociology, University of Haifa [in Hebrew].
- Ali, N. (2007). The Islamic Movement's Concept of *al-mujtama' al-'issami* (self-sustained society). In: E. Rekhess (Ed.), *The Arab minority in Israel and the 17th Knesset elections* (pp. 100-110). Tel Aviv: Moshe Dayan Center, Tel Aviv University [in Hebrew].
- Beckford, J. A. (2000). Religious movements and globalization. In R. Cohen and S.M. Rai (Eds.), *Global social movements* (pp.165-183). London: The Athlone Press.
- Bishara, A. (1998). *The ruptured political discourse and other studies*. Ramallah: Muwatin – The Palestinian Institute for the Study of Democracy [in Arabic].
- Bukay, D. (2004). *Muhammad's monsters: A comprehensive guide to Radical Islam for western audiences*. Green Forest, Arkansas: Balfour Books.
- Bukay, D. (2008). *The Arabs in Israel – From alienation to extermination: The coming of Intifadat al-Nakbah*. Jerusalem: Ariel Center for Policy Research [in Hebrew].
- Dekmejian, H. (1995). *Islam in revolution: Fundamentalism in the Arab world*. Syracuse: Syracuse University Press.
- Ghanem, A. (1995). The municipal leadership among the Israeli Arabs: Continuity and change. *The New East*, 37, pp. 151-168 [in Hebrew].
- Ghanem, A. (2001). *The Palestinian Arab minority in Israel: A political study*. New York: Albany University of New York Press.
- Ghanem, A. (2001a). The Palestinians in Israel: Political orientation and aspirations. *International Journal of Inter-Cultural Relations*, 26, pp. 135-152.
- Ghanem, A. (2009). The bi-national state solution. *Israel Studies*, 14 (2), pp. 120-133.
- Ghanem, A. and M. Mustafa (2009). *Palestinians in Israel: Indigenous group politics in the Jewish state*. (in Arabic). Ramallah: Madar.
- Ghanem, A. and Mustafa, M. (2007). The Arabs in Israel boycott the 16th Knesset elections: Towards the study of the political and ideological meanings. *Holy Land Studies*, 6 (1), pp. 51-74.
- Ghanem, A. and Mustafa, M. (2008). The future vision as a collective political and theoretical platform of the Palestinians in Israel. In: S. Ozacky-Lazar and M. Kabha (Eds.), *Between vision and reality: The vision papers of the Arabs in Israel, 2006-2007* (pp. 83-96). Jerusalem: The Citizens' Accord Forum [in Hebrew].

- Ghanem, A. and Mustafa, M. (2009a). Coping with the Nakba: The Palestinians in Israel and the 'Future Vision' as a collective agenda. *Israeli Studies Forum* (forthcoming).
- Ghanem, A. and Ozacky-Lazar, S. (1994). *The local elections in the Arab councils, November 1993: Results and analysis*. Givat Haviva: The Institute for Peace Research [in Hebrew].
- Haddad, Y. (1992). Islamists and the 'problem of Israel': The 1967 awakening. *Middle East Journal*, 46, pp. 266-285.
- Haidar, A. (2005). *Arab society in Israel: Population, society, economy*. Jerusalem: The Van Leer Jerusalem Institute and Hakibbutz Hameuchad [in Hebrew].
- Hashem, M. (2006). Contemporary Islamic activism: The shades of praxis. *Sociology of Religion*, 67 (1), pp. 23-41
- Hassan, D. (1982). The Islamic resurgence: Sources, dynamics, and implications. In D. Hassan (Ed.), *Islamic resurgence in the Arab world* (p. 4). Praeger Publishers.
- Israeli, R. (2002). *Arabs in Israel: Friends or foes?* Jerusalem: Ariel Center for Policy Research.
- Jamal, A. (2008). "The political ethos of Palestinian citizens of Israel: Critical reading in the Future Vision Documents". *Israeli Studies Forum*, 23 (2), pp. 3-28.
- Juergensmeyer, M. (2000). *Terror in the mind of God: The global rise of religious violence*. Berkeley: University of California Press.
- Lewis B. (1993b). *Islam and the West*. Oxford: Oxford University Press.
- Lewis, B. (1988). *The political language of Islam*. Chicago: University of Chicago Press.
- Lewis, B. (1993a). Islam and liberal democracy. *Atlantic Monthly*, Feb., pp. 89-94.
- Malik, I. (1990). *The Islamic Movement in Israel: Between fundamentalism and pragmatism*. Givat Haviva: Institute for Arabic Studies [in Hebrew].
- Mamdani, M. (2002). Good Muslim, bad Muslim: A political perspective on culture and terrorism. *American Anthropologist*, 104, pp. 766-775.
- Mansoor, M. (2002). The study of Islamic culture and politics: An overview and assessment. *Annual Review of Sociology*, 28, pp. 359-386.
- Mayer, T. (1988). *Muslim awakening in Israel*. Givat Haviva: Institute for Arab Studies [in Hebrew].
- Melucci, A. (1985). The symbolic challenge of contemporary movements. *Social Research*, 52, pp. 790-816.
- Ozacky-Lazar, S. and Kabha, M. (Eds.) (2008). *Between vision and reality: The vision papers of the Arabs in Israel, 2006-2007*. Jerusalem: The Citizens' Accord Forum [in Hebrew].
- Paz, R. (1989). *The Islamic Movement in Israel and the municipal elections*. Tel Aviv: Moshe Dayan Center, Tel Aviv University [in Hebrew].
- Rekness, E. (1989). The Palestinian minority and the Arabs of the West Bank and Gaza: Political affinity and national solidarity. *Asian and African Studies*, 23, pp. 119-154.
- Rekness, E. (1993). *The Arab minority in Israel: Between Communism and Arab nationalism, 1965-1991*. Tel Aviv: Hakibbutz Hameuchad and Moshe Dayan Center, Tel Aviv University [in Hebrew].
- Rekness, E. (1998). Political Islam in Israel and its affinity to Islamic movements in the Palestinian Territories. In: E. Rekness (Ed.), *The Arabs in Israeli politics: Dilemmas of identity* (pp. 73-84). Tel Aviv: Moshe Dayan Center, Tel Aviv University [in Hebrew].
- Rouhana, N. (1997). *Identities in conflict: Palestinian citizens in an ethnic Jewish state*. New Haven: Yale University Press.

- Rouhana, N., & Ghanem, A. (1998). The crisis of minorities in an ethnic state: The case of the Palestinian citizens in Israel. *International Journal of Middle East Studies*, 30 (3), pp. 321-346.
- Roy, O. (1994). *The failure of political Islam*. Cambridge, MA: Harvard University Press.
- Sagiv, D. (1994). Ideology of the Jihad organizations in Egypt. *The New East*, 36, pp. 132-143 [in Hebrew].
- Salah, R. (2000). The political experience of the 1948 Palestinians: The religious current. Position paper submitted to the conference "Palestinian Political Organization in the Twentieth Century," Cairo [in Arabic].
- Salah, R. (2001). Towards a self-sustained society. *Sawt al-Haqq wal-Huriyyah*, July 13, 2001, p. 5 [in Arabic].
- Salah, R. (2002). Us and the elections. *Sawt al-Haqq wal-Huriyyah*, November 29, 2002, p. 5 [in Arabic].
- Salah, R. (2006). Towards a self-sustained society. *Sawt al-Haqq wal-Huriyyah*, March 30, 2006, p. 5 [in Arabic].
- Salla, M. E. (1997). Political Islam and the west: A new cold war or convergence? *Third World Quarterly*, 18, pp. 729-742.
- Sarsur, I. (2005). The Islamic Movement and the state. In: Y. Reiter (Ed.), *Dilemmas in Jewish-Arab relations in Israel* (pp. 242-249). Tel Aviv: Schocken [in Hebrew].
- Smootha, S. (1983). Minority responses in a plural society: A typology of the Arabs in Israel. *Sociology and Social Research*, 67 (4), pp. 436-456.
- Smootha, S. (1984). *The orientation and politicization of the Arab Minority in Israel*. Haifa: University of Haifa.
- Smootha, S. (1989). *Arabs and Jews in Israel*. Vol. 1. Boulder and London: Westview Press.
- Smootha, S. (1989a). The Arab minority in Israel: Radicalization or politicization. In: P. Medding (Ed.), *Israel: State and society* (pp. 59-88). Oxford: Oxford University Press.
- Smootha, S. (1992). *Jews and Arabs in Israel*. Vol. 2. Boulder and London: Westview Press.
- Smootha, S. (1999). *Autonomy for Arabs in Israel?* Beit Berl: The Institute for Israeli Arab Studies.
- Smootha, S., & Ghanem, A. (1998). *Ethnic religious and political Islam among the Arabs in Israel*. Haifa: University of Haifa.
- Smootha, S., & Ghanem, A. (1999). Political Islam among the Arabs in Israel. In: T. Hanf (Ed.), *Dealing with difference: Religion, ethnicity and politics – Comparing cases and concepts* (pp. 143-173). Baden-Baden: Nomos Verlagsgesellschaft.
- Taylor, C. (1992). *Multiculturalism and the politics of recognition*. Princeton: Princeton University Press.
- Voll, J. O. (1982). *Islam: Continuity and change in the modern world*. Boulder, CO: Westview Press.
- Waxman, D. and Peleg, I. (2008). Neither ethnocracy nor bi-nationalism: In search of the middle ground. *Israeli Studies Forum* 23 (2), pp. 55-73.
- Wuthnow, R. (1980). World order and religious movements. In: A. Bergson (Ed.), *Studies of the modern world system* (pp. 57-75). New York: Academic Press.

The Future Vision of the Islamic Movement

Mordechai Kedar

In his contribution to this collection, Mohanad Mustafa states that the future vision of the Islamic Movement is democratization of the State of Israel through *Al-Mujtama' al-'Isami* ("a self-sustaining [Muslim] society") independent of the Israeli government and culturally isolated from the Jewish majority.

Is this truly its vision? An affirmative response to this question is the correct answer, but it is an incomplete answer. In order for us to fully grasp the true goal of the Islamic Movement, I propose a review based on five types of sources: (a) the Movement's weekly newspaper, *Sawt al-Haqq wal-Hurriyyah* ("The Voice of Truth and Freedom"); (b) the Movement's women's monthly *Ishraqah*; (c) books written by members of the Movement, such as the two works written by its founder, 'Abdallah Nimr Darwish, *Al-Islam Huwa al-Hall* ("Islam is the Solution"), which he wrote in prison (1981-1984); (d) sermons; and (e) my occasional conversations with Movement leaders, which provide my principal and foremost source of information.

The Islamic Movement is divided into two factions: the Northern Faction and the Southern Faction. The names do not signify a geographic division but rather the location of residence of the leaders of each faction. The leaders of the Northern Faction are residents of the north: Ra'id Salah is a resident of Umm al-Fahm, and Shaykh Kamal Khatib lives in Kufr Kana. The leaders of the Southern Faction reside further south: Shaykh Ibrahim Sarsur is a resident of Kufr Qasim, while Shaykh Kamil Rayan lives in the neighboring Kufr Bara. The membership of both factions is distributed across the entire country, from Arab al-'Aramshah in the north to Bedouin villages in the south.

The two books written by the Movement's founder 'Abdallah Nimr Darwish, *Al-Islam Huwa al-Hall*, hint at the Movement's goals. The Movement's ideological roots can be traced to the Muslim Brotherhood, which was founded in the 1920s in Egypt by Hasan al-Banna. The Movement's ideology in Israel, shared by each faction whether or not its members participate in the Knesset, is purely *Ikhwanic* (Brotherhood-derived)

ideology. Contemporary political Islamic movements are based on the following three principles:

1. Elimination of the foreign conqueror and the physical occupation: in Egypt, the occupier was British; in Syria, Alawite dominance is considered a conquest because Alawites do not belong to the Sunni sect; and Palestine was conquered by the Zionists.
2. Removal of the culture of the foreign conquerors and of the foreign culture that has infused Islam through the foreigners and their agents who live among the Muslims: governmental and non-governmental organizations, local and international organizations, politicians, courts, and media all operate to inject Western culture into Islamic society. This infiltration must be stopped.
3. The aspiration to impose Islam: the Islamic Movement aspires to transform *shari'a* into law and impose Islamic values in the political, economic, and cultural arenas. Islam can address issues in all areas of life because “Islam is the Solution.” Islam is *the* solution to all the problems of the human race. The Movement’s slogan is “Allah is our destiny, the Prophet is our leader, the Quran is our constitution, the Jihad is our path, and death for the sake of Allah is our ultimate hope.” (*Allah Ghayatuna, Al-Rasul Qudwatuna, Al-Quran Dusturuna, Al-Jihad Sabiluna, wal-Mawt fi Sabil Allah Asma Amanina*).¹ This slogan signifies that Islam provides its believers with an all-encompassing, comprehensive solution to all of their concerns, not only solutions to legal, economic, and social issues. Islam offers a single comprehensive answer to all questions, and everything is written in the Islamic sources.

According to the Movement, Islam is relevant at all times and in all places: whether believers are in an Arab state or an Islamic state, in the “*mahjar*” (exile, diaspora) in Europe, or in a country like Israel, where European Jews occupied the land and turned its original residents into a minority in their own country. There is no need to escape;

1 The slogan “Allah Ghayatuna” appears in numerous poems, on posters, and in articles written by members of the Muslim Brotherhood. In the following example, the slogan is mentioned by Muhammad Mahdi ‘Aakif, who served as Director-General of the Muslim Brotherhood in Egypt between 2004 and 2010: http://www.ikhwanwiki.com/index.php?title=%D8%A7%D9%84%D8%B1%D8%A8%D8%A7%D9%86%D9%8A%D8%A9...%D8%B2%D8%A7%D8%AF%D9%86%D8%A7_%D9%88%D8%B3%D8%A8%D9%8A%D9%84%D9%86%D8%A7 .

Another example of the ideological connection between the Islamic Movement in Israel and the Muslim Brotherhood in Egypt is a page entirely devoted to praise and homage to Sayyid Qutb and his work, which appeared in the Movement’s newsletter *Sawt al-Haqq wal-Huriyyah* on August 30, 2002, the day after the 36th anniversary of his hanging in Egypt. Shaykh Kamal Khatib’s weekly article, in the newsletter’s May 16, 2002, issue was devoted to Sayyid Qutb.

rather, believers should perform *Sumud* – they should express strong opposition to the waves of foreign elements, be they foreign conquerors or foreign culture. This is the essence of the conceptual underpinnings of the Muslim Brotherhood as well as other movements that come under the general heading of “political Islam”.²

I prefer the term “anti-establishment Islam” to the term “political Islam” because these movements mainly operate against the institutions of the contemporary Arab world (*Al-Anzimah* – the “regimes”) that follow Western guidelines and Western political and organizational patterns, such as parliaments, governments, courts, and various other institutions. Muslim Brotherhood movements in each locale were designed to take a stand against foreign conquest and culture and to impose Islam. When a movement seizes control and becomes the establishment – as Hamas did in the Gaza Strip – it is transformed into a standard establishment, similar to the establishment that was the former target of its own attacks. And so, a new Islamic movement is created to oppose the new regime. The common thread throughout these movements is the anti-establishment view.

What is happening in Israel? The annual “Al-Aqsa in Danger” rally offers an excellent indication. This mass gathering is organized by the Northern Islamic Movement every year in mid-September and takes place in the Umm al-Fahm stadium. It was first held in 1996, when the Movement split into two factions: both factions turned to Jerusalem, but some members set their sights upon the Knesset while others looked to the Al-Aqsa mosque. The members of the Southern Faction held on to their seats in the Knesset, while members of the Northern Faction clung to Al-Aqsa. Each faction bases its legitimacy on a different foundation: the former bases it on their seats in the Knesset, the jobs and benefits they obtain for their colleagues, and their representation of the Arab-Islamic sector in the Knesset; the latter faction, in contrast, seeks to use Al-Aqsa to challenge the state, well-aware that Al-Aqsa also has significance for Jews as the site of the Temple. Their intention is to deprive the Jewish state of its most sacred place and empty Judaism of its Jewish content. This idea of commitment to Al-Aqsa expresses a clear, explicit, familiar anti-establishment message, through which it is possible to excite and enlist no small number of people.

For the Islamic Movement, Al-Aqsa is a multi-layered concept, and the deeper one penetrates its depths, the more the internal truth of *Ikhwanic* ideology is revealed. As noted above, the first principle of the Islamic Movement’s concept is rejection of foreign conquest. In Israel, this is the Zionist occupation, the conquest through which

2 This general zeitgeist is reflected in the Movement’s publications and in their common adage: *Al-Islam Salih li-Kull Makan wa-Zaman* (“Islam is valid in every place and at all times”).

Jews arrived from around world, decided that they are a nation, and appropriated Palestine from Islam. The message conveyed in the Movement's publication is that the State of Israel – “the foreign conqueror” – is not a legitimate state for the following three reasons:³

1. The first reason concerns religion. Movement spokespersons describe the battle between Judaism and Islam as a struggle between *Din al-Haqq*– the genuine faith, Islam – and *Din al-Batil*, the false religion of Judaism, as expressed in the tradition of *Al-Isra' wal-Mi'raj* (Muhammad's night journey and ascent to Heaven) and in other traditions. Islam sees itself as a religion conceived not in order to coexist with Judaism and Christianity, but to replace them. The Quran states “*Inna al-Din 'ind Allah al-Islam*” (“The religion that is worthy in the eyes of Allah is Islam” (Surat Aal 'Imran [3], verse 19). From time immemorial, Allah has not acknowledged any faith other than Islam. According to this discourse, since Islam appeared and is evident to all, Judaism has lost its significance and its validity, and thus no longer contains any form of holiness, even if it did in the past.⁴
2. The second reason is the concept of the “Jewish nation.” According to the Movement's position, the Jewish nation is nothing more than Jewish communities located in different places and belonging to different nations. As the argument goes, there are Muslims, Christians, Sabians, Mandaeans, Bahais and others in Iraq – including Jews – and all are Iraqis, all belong to the Arab Iraqi nation; Muslims and Jews live in Yemen; in Morocco, there are Muslims and Jews and all are Moroccan; the Polish nation lives in Poland, and the population is comprised of both Christian and Jewish components. Such is the situation in the United States and everywhere else: Jews are a local community that ethnically belong to the nation in which they reside – their appearance is similar to that nation and they sound like them – their language, their culture, their dress, their food, and all of their other cultural features are identical to those of the nation in whose midst they live. Therefore, Jewish

3 This list is based on my numerous conversations with the leaders of the Islamic Movement in general, and with the leaders of the Northern Faction in particular, including Shaykh Ra'id Salah and Shaykh Kamal Khatib.

4 This atmosphere is conveyed in statements by the Muslim Brotherhood and is occasionally stated rather explicitly in Friday sermons at the Al-Aqsa mosque. Jews have the right to appropriate protection for life and property under Islam (as *dhimmah*). Nonetheless, Judaism and Christianity are no longer valid according to the verse quoted above, and all the tangible property (synagogues, churches, holy sites) and assets of faith (prophets, theology, commandments) of these two religions have become Islamic in retrospect. Thus, according to the Islamic view, Abraham was the first Muslim, and King Solomon built a mosque in Jerusalem.

communities can belong to any nation in the world. The Movement argues that at a certain point in time, several Zionist elites decided that they were “a nation,” that there is something called a “Jewish nation,” and with the help of several imperialist nations, they decided to gather Jews from all over the world who had fallen for the Zionist propaganda and the argument that a “Jewish nation” existed. These Jews came to Palestine, fought against the indigenous people of the land, killed some of them, exiled others to live as refugees, and established a state here. Was this state legitimate from the outset? Are the Jews a nation? Are the communities that have not yet united— these communities contain Ashkenazi and Sephardi Jews, and religious and secular Jews – a nation? They are not a genuine nation, but an artificial nation. This state has no right to be the state of the Jewish people because there is no such thing. It is an imagined nation invented by a handful of people, and as there is no such thing as a “Jewish nation,” it does not need a state.⁵

3. The third reason that the State of Israel lacks legitimacy concerns territory—the land. From an Islamic perspective, Palestine is Islamic land, just as *al-Andalus* (Spain), Sicily, and large parts of the Balkans are Islamic. These places were subject to the rule of Islam in the past, and according to at least some elements within Islam, once Islamic rule is implemented in a country, it cannot be removed. Countries can become Islamic lands but cannot cease to be so. Furthermore, according to Islamic tradition, ‘Umar Bin al-Khattab, the Second Caliph, who conquered Palestine during the third decade of the seventh century CE, declared this land, from the (Mediterranean) sea to the (Jordan) river, as sacred Islamic *waqf*. Thus Palestine is consecrated to Islam on two levels: by the sanctity of the conquest and by the sanctity of the *waqf*. The Jews, who are not a nation and whose religion is

5 This view was espoused by Shaykh Kamal Khatib, deputy head of the Northern Faction of the Islamic Movement, in an article entitled “Who is more worthy to make a promise? Allah or Balfour?” and published on November 1, 2002 in *Sawt al-Haqq wal-Hurriyyah*. In this article, the author proves that Israel is nothing more than the product of collaboration between Christian fundamentalism (Balfour) and Jewish fundamentalism (Rothschild), but Allah will do whatever is necessary to liberate the Islamic nation from the misfortune caused by the Balfour Declaration. Notably, as part of the campaign of de-legitimization and dehumanization conducted by Shaykh Ra’id Salah against Israelis, he called them “Tatars” (*Sawt al-Haqq wal-Hurriyyah*, May 17, 2002), “murderers, slaughterers of pregnant women and infants, criminals, filling the entire world with corruption, usurpers, the ultimate germs” (*Sawt al-Haqq wal-Hurriyyah*, January 4, 2002). See also the poem that appears in the appendix.

irrelevant, are not entitled to appropriate Palestine, which is sacred to Islam. The State of Israel, a state of foreign conquest, has no legitimate right to exist here.⁶

As noted, these notions are also expressed at the annual “Al-Aqsa in Danger” rally (*Mahrajan Al-Aqsa fi Khatar*) organized by the Northern Faction of the Islamic Movement, as well as in various publications. The common thread throughout the Movement’s discourse is the de-legitimization of the foreign occupation of Palestine.⁷

The second principle common to movements of political Islam identified above is opposition to the foreign conqueror’s culture. In 2002, the “Al-Aqsa in Danger” slogan was supplemented by a second slogan, “Our Sons are in Danger,” as part of the

- 6 This was expressed in an article published by Shaykh Kamal Khatib in *Sawt al-Haqq wal-Hurriyyah* on September 6, 2002, entitled “Uthman’s Shirt and the Southern Wall.” In this article he claims, among other things, that the Jewish history in the Land of Israel is a forgery, and that people who came from Ethiopia, Argentina, and Russia cannot claim to be the owners of this land. In contrast, the land’s true history belongs to Islam, which holds that Al-Aqsa was built by Adam (the first man), forty years after the creation of the world and the construction of the mosque in Mecca. However, the land was conquered, plundered, and contaminated by many nations and peoples; nonetheless, the land does not belong to them but only to the Muslims. Shaykh Ra’id Salah, leader of the Northern Faction, also asserted the State of Israel’s lack of legitimacy in his article “Do They Have the Courage to Apologize?” (*Sawt al-Haqq wal-Hurriyyah* May 31, 2002), in which he extolled Sultan ‘Abd al-Hamid II, who rejected Theodor Herzl’s request to permit the Jews to emigrate to Palestine. In contrast, Shaykh Ra’id Salah denounces and attacks the Arab rulers who allowed the Zionist project (a project that he calls “a wedge in the Arab and Islamic world”) to materialize, and he states that these rulers “put a nail in the coffin of Palestine.”
- 7 This is clearly implied from the speeches, poems, and sketches performed every year at the annual rally. In his article entitled “Umm ‘Amir and Ingratitude” (*Sawt al-Haqq wal-Hurriyyah* July 26, 2002), Shaykh Kamal Khatib wrote, “My intention is to be as clear as possible in reminding all Jews, from the government of Israel to the lone individual, that time is like a wheel: one day you are up, and one day you are down. I remind them that we are certain that the future belongs to Islam, and the Islamic state – the state of the Caliphate – is coming with the help of Allah [...] I remind them of what many Jews know for certain, that Islam will rule this region, and I see it coming soon, very soon.” The idea that Islam has saved Palestine and will save it again is also embodied in the figure of Salah al-Din al-Ayyubi, who features prominently at the annual “Al-Aqsa in Danger” rally and whose centrality is evidenced by the cassette that the Movement distributes after each rally, which contains all of the speeches delivered during the rally. The children’s supplement of *Sawt al-Haqq wal-Hurriyyah* (May 24, 2002) also refers to Salah al-Din al-Ayyubi as one of the heroes of “my homeland.” The mythical role of Salah al-Din as the savior of Palestine and the conqueror of the modern Crusader state (Israel) is described astutely in a book by Emmanuel Sivan, *Arab Political Myths* (Am Oved: Tel Aviv, 1988), pp. 15-52 [in Hebrew]. The ideas conveyed in the “Al-Aqsa in Danger” rallies and in the cassettes distributed to the public by the Northern Faction of the Islamic Movement deserve special study and documentation.

Northern Faction's campaign to eradicate the negative phenomena that have infiltrated Arab society: drugs, alcohol, disobedience of the youth, an inter-generational crisis, friends who incite youngsters towards wicked ways, and promiscuity in the media, especially satellite pornography channels, which almost every Arab household in Israel receives. The gravest of threats to any traditional society, including Jewish society, is posed by mobile phones, which allow young girls and boys to carry on conversations as they please, whenever they please, without parental supervision, and without parental monitoring through a second phone line in the home.

All these developments, which are considered extremely undesirable by the Islamic Movement, have penetrated the Arab sector rapidly, perhaps because of the proximity to Jewish society or perhaps through another agent of cultural change such as newspapers. The late Lutfi Mashour, editor of *Al-Sinara*, for example, published a women's magazine entitled *Laylak*, which addressed a variety of topics typical to women's magazines all over the world: topics ranged from home economics to weight control, from abortions to premarital sex (the magazine is still being published). According to Mashour, 800 copies of the magazine were sold every month in Umm al-Fahm alone, implying that 800 women purchased the magazine, thousands of girls read it, and thousands of boys and men were also exposed to it. The Islamic Movement publishes the monthly *Ishraqah* as an Islamic answer to challenges such as those posed by *Laylak*. This is one example of the struggle against foreign culture.

The third element, imposition of *shari'ah*, will take place after the first two stages have been completed successfully: removal of the Zionist conqueror and purging the Islamic public of the debasement of foreign corrupt Western culture.

In summary, the message of the Islamic Movement – and especially its Northern Faction – is that the State of Israel is not a legitimate state, and that it is necessary to struggle against the state and its culture. In my view, Shaykh Ra'id's concept of *al-Mujtama' al-'Isami* – the self-sustaining society – is merely a temporary solution designed as an alternative to the state and to the liberal worldview that it has injected into the Islamic community, only for as long as the actual struggle against the Zionist conqueror is not feasible.

The issue of Al-Aqsa is the heart of the matter, and it is based on concerns for the future of Islam. According to the Movement's worldview, Jews began returning to their land at the end of the nineteenth century and in 1948 founded a state; then in 1967 the Jews managed to capture Jerusalem from Islam. From the Movement's perspective, this poses a genuine threat: What will happen next? Will the Jews want to rebuild the Temple? In fact, Shaykh Ra'id's regular message is that Israel is preparing to rebuild

the Temple.⁸ The Shaykh has also stated that the construction has been approved in all relevant committees, and that the Temple will be built alongside 1,600 apartments to be constructed in Ramat Shlomo (a large Jewish housing development in northern East Jerusalem). This is a message that Shaykh Ra'id voices regularly, and the message has sunk in. Many people believe he is telling the truth.

What is Shaykh Ra'id's intention regarding this matter? I believe that his statements about the construction of the Temple appear to stem from tremendous fear. After all, in his view it is the mission of Islam (*Din al-Haqq*, "the true faith") to capture the place of Judaism and Christianity, which are no longer relevant (*Din al-Batil*, "the false religion"). Yet, Shaykh Ra'id believes that the Jews' return to Zion, their conquest of the country, their conquest of Jerusalem, and the construction of the Temple all prove that Judaism is becoming, once again, a relevant religion. It is emerging from exile, rising out of the ashes under which, in the Shaykh's words, it had been buried for generations by Islam, until the time of Mufti Hajj Amin al-Husayni in 1944. Judaism has returned to its position as a relevant religion and relevant culture.⁹ This poses a great danger to Islam because the theological question immediately emerges: What will become of Islam worldwide if Judaism returns to be a relevant religion?

According to Shaykh Ra'id, in the past Islam "Islamicized" Judaism as well as Moses, Abraham, Isaac, and even Jesus. After the people of the Hijaz conquered the region in the seventh century, they absorbed the region's history and theology into Islam. Now the Jews are returning after 1900 years of exile, and are repossessing their land and their place, and in this way Judaism – the first monotheistic religion – may regain its theological status and become a relevant religion. This primeval fear is the foundation of the Islamic Movement's statements and actions.

The Al-Aqsa myth is at the heart of this concern because it centers on the site where Judaism will become relevant once again, when the Jews rebuild the *Al-Haykal al-*

8 See, for example, an interview with Shiekh Ra'id on January 16, 2010, published on the *Islam Online* website, in which the Shaykh cautions that construction of the Temple at the expense of the Al-Aqsa mosque has in fact already commenced, and one of the first steps in executing this plan is the construction of the Hurva synagogue, opened on March 16, 2010. http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&cid=1262372379143&pagename=Zone-Arabic-News/NWALayout.

9 This, I believe, is how Shaykh Ra'id views the revival of the Jewish nation, its return to Israel, and the establishment of the State of Israel. My opinion is firmly grounded in a review of his articles, speeches, and poems and based on my conversations with his deputy and several of his close associates.

Maz'um (“the so-called Temple”).¹⁰ Members of the Islamic Movement regularly add the title “*Al-Maz'um*” (literally – “that never existed”) to “*Al-Haykal*” to imply a virtual temple that never existed, a “pretend” temple, which the Jews falsely claim existed. According to the Islamic Movement, no temple – neither the First Temple nor the Second Temple – ever existed. In this manner they dismiss all the Jews’ arguments of primacy in Palestine specifically and in the world generally. The fear is more theological in nature than territorial, national, or communal.

Mohanad Mustafa is right: The Islamic Movement does indeed aspire to be a “self-sustaining society,” *al-Mujtama' al-'Isami*. I agree with him that this is the Movement’s goal, but it is merely an interim goal en route to the ultimate goal, which the Movement does not disguise: to establish an Islamic Caliphate in Palestine with Jerusalem as its capital. I have heard so repeatedly from the Movement’s leaders, and as seen above, they also unhesitatingly express their true goal in writing: to establish an Islamic state whose capital is al-Quds al-Sharif on the ruins of a Jewish, Zionist Israel.¹¹

10 The message of Israel’s decision to rebuild the Temple on the ruins of the Al-Aqsa mosque appears regularly in Shaykh Ra’id Salah’s statements. See for example his article “Behind the Curtains,” published in *Sawt al-Haqq wal-Huriyyah* on October 4, 2002.

11 This conclusion is based on statements made to me personally by Movement leaders, and they are also reflected in the speeches and poems of Shaykh Ra’id Salah and in sketches performed at Movement rallies. This is the general *zeitgeist* of the Movement’s discourse, as reflected in the sources quoted above.

Appendix: A Poem by Shaykh Ra'id Salah,
Sawt al-Haqq wal-Huriyyah, January 4, 2002

سلسلة اناشيد طفل الاقصى (١٤)

رسالة الى الظالمين

شعر: الشيخ رائد صلاح

الققاتلين المجرمين
العابثين المفسدين
وتطاولوا في عرضنا
يا ويلهم من غادرين
التائبين العابدين
تبت ايادي الحاقدين
والطفل قد اضحى صريع
في الليل ساروا راحلين
انت الشقاوة والذميم
الله خير الحاكمين
الفاجر الخب الغشوم
قاله خير الناصرين
ارم وعاد مع ثمور
صاروا رصيعا هالكين
وتكبروا فوق العباد
تعاسا لكم من غاصبين
انتم جراثيم الدهور
كونوا قرودا خاسرين
من نيل مصر الى الفرات
للمسلمين الصادقين

شامت وجوه الظالمين
الماكرين المارقين
قد افسدوا في ارضنا
وتجبروا في روضنا
قصفوا الجوامع يقتلون
الراكعين الساجدين
ذبحوا الحوامل والرضيع
وشيوخنا ساروا قطيع
يا ظالمي انت اللثيم
عربد طويل يا اثم
الله يملئ للظلم
لكنه لا لن يدوم
هل جاءكم امر الجنود
ودهاء فرعون الكنود
هيا احرقوا كل البلاد
هيا املاوا الدنيا غتساد
انتم بلا ادنى ضمير
فيكم لقد حكم القدير
لا تقرحوا الفجرآن
والنصر تاج البشريات

List of Contributors

Dr. Uriya Shavit – Senior Lecturer at the Department of Arabic and Islamic Studies, Program for Religious Studies, Tel Aviv University. He specializes in the study of democracy and democratization in the Arab world and in the study of Muslim migration in the West.

Dr. Sagi Polka – Lecturer at the Department of Middle East Studies at Ben Gurion University of the Negev. His research addresses contemporary Muslim thought and philosophy with special focus on the centrist stream, *wasatiyyah*. His dissertation concentrated on *wasatiyyah* and he has published several articles on issues related to modern ideological Islamic discourse.

Prof. Elie Rekhess – Visiting Crown Chair in Middle East Studies, Department of History, Northwestern University. He is the founder of the Konrad Adenauer Program for Jewish-Arab Cooperation, and served as the Program's first director from 1995 to 2010.

Dr. Nimrod Luz – Senior lecturer at the Department of Sociology and Anthropology, the Western Galilee College. His research interests include the past and present dialectics of society and space among minorities in Israel and in the Middle East.

Qadi Iyad Zahalka – Qadi (Judge) of the Jerusalem Shari'ah Court. Up to his appointment as Qadi, he served as the Director of the Shari'ah Courts in Israel. He holds an LL.B from Tel Aviv University, and an M.A. in Public Policy from the Hebrew University in Jerusalem. His PhD dissertation is entitled, "Muslim Minority Jurisprudence in Non-Muslim Countries and the Implications on the Muslims in Israel." He is the author of two books, both published by the Israel Bar Association: *The Guide to Shari'ah Judicial-Personal Status* (in Arabic) and *The Shari'ah Courts – Between Adjudication and Identity* (in Hebrew). His forthcoming book, *Shari'ah in Modern*

Times: The Jurisprudence for Muslim Minorities (in Hebrew), will be published by Resling.

Dr. Mohanad Mustafa – Visiting scholar at the Center for Islamic Studies, Cambridge University. He also serves as a lecturer at the Center of Academic Studies – Or Yehuda and as a researcher at Dirasat – The Arab Center for Law and Policy. He is the author of several articles and books on Israel’s Arab society and on political Islam in Israel and the Arab world. His current research interest is political Islam and democratization in the Arab world. His PhD dissertation was entitled “Political Islam and Democratization in Authoritarian Arab Regimes: A Comparative Study of Egypt and Tunisia.”

Dr. Mordechai Kedar – Lecturer at the Department of Arabic and a research associate at the Begin-Sadat Center for Strategic Studies, Bar-Ilan University. His research interests include Islam, society and government in the Arab world, mass media in the Arab world, and gender issues in the Islamic world.

