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# Sheikh Ahmad Raysuni on peace agreements with Israel

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## ABSTRACT

This article presents the position towards Jews, Judaism, and the State of Israel of Sheikh Dr. Ahmad al-Raysuni, the Moroccan scholar who is the current president of the International Union of Muslim Scholars (IUMS). It discusses Raysuni's legal rulings on normalisation and peace agreement with Israel, as well as his pragmatic legal opinion about Muslims living in Israel. The latter is contrasted with that of the former president of the IUMS, Sheikh Yusuf Qarađawi.

**KEYWORDS** Ahmad al-Raysuni; Jews; Israel; Yusuf al-Qarađawi; Israeli Arabs; Islam and the state; Hamas; peace agreements

In November 2018, Sheikh Yusuf Qarađawi retired from the leadership of the International Union of Muslim Scholars (IUMS), which he had established in Dublin, Ireland, in 2004. His deputy, Sheikh Dr. Ahmad Raysuni, was named to succeed him.<sup>1</sup> The IUMS, comprising scholars from all over the world, seeks to preserve the cultural identity of the global community of believers (*umma*) and address its needs. The organisation is also a judicial authority for the community of believers, a sort of 'virtual caliphate'. It includes scholars from all branches of Islam – Sunni, Shiite, Sufi, and Salafi. The organisation maintains an active website, on which it regularly posts news, essays, *fatwas*, and statements on various issues.<sup>2</sup> The organisation has branches in several countries and cooperates with large Islamic organisations, such as the European Council for Fatwa and Research (ECFR).<sup>3</sup> The IUMS has broad media exposure thanks to the renown of Qarađawi and his widespread activity in the media, the fact that the organisation acts and speaks out about events related to the community of believers, and also because it is a broad international framework of Muslim scholars<sup>4</sup> – with a current membership of around 90,000.<sup>5</sup>

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While many studies have been written about Qaraḍawi,<sup>6</sup> especially about his position on the Israeli-Palestinian conflict,<sup>7</sup> there has been almost no academic research on Raysuni,<sup>8</sup> even though he has written numerous books and articles on *Maqasid al-Shari'a* (the intentions of Islamic law) and other issues.<sup>9</sup> Raysuni has written several articles about Jews, Zionism, and Israel, and has issued controversial legal rulings (*fatwas*) regarding the recognition of Israel as a legitimate entity in the Middle East. This article attempts to categorise Raysuni's utterances and delineate his worldview regarding Jews, Zionism, and Israel.

After a brief presentation of Raysuni's general view of the Jews, the Holocaust, and Zionism, the article will survey three *fatwas* he published about normalisation and peace with Israel. In the first of these, written in 2006, Raysuni ruled that Hamas could make peace with Israel in return for a Palestinian state. The second *fatwa*, issued in 2019, deals with two issues: that Muslims may make a pilgrimage to al-Aqsa; and that Muslims who live in Israel should participate in Knesset elections (these two things were forbidden by Qaraḍawi). The third *fatwa* from September 2020 is a blanket rejection of Israel's peace agreements with the United Arab Emirates and Bahrain.

A number of questions will be addressed. Is Raysuni's stance on Israel more moderate than that of his teacher and mentor, Qaraḍawi, whom he succeeded as head of the IUMS? Do the *fatwas* of 2006 and 2019 represent a paradigm shift about Israel and acceptance that Muslim states may recognise it and make peace with it? If so, how are we to understand the most recent *fatwa*? It will be argued that Raysuni's moderate legal rulings do not reflect any change in his ideas about the illegitimacy of Israel and were issued to serve tactical ends. It will also be contended that Raysuni's pragmatism with regard to Muslims who live in Israel derives from his different view of the ideological legacy of the founder of the Muslim Brotherhood, Hasan Banna.

## Sheikh Ahmad Raysuni: a short intellectual biography

Sheikh Dr. Ahmad Raysuni is a Muslim jurist, born in Morocco in 1953. From 1996 to 2003 he served as chairman of the Movement of Unity and Reform (MUR), a social movement affiliated with the Islamist Justice and Development Party (JDP). He has been a member of the executive board of the World Forum of Muslim Scholars (part of the Muslim World League), secretary general of the Association of Graduates of Islamic Studies, chairman of the Association of the Islamic Future in Morocco (1994–96), and editor of the daily *al-Tajdid* (2000–4).<sup>10</sup> Between 1986 and 2006 Raysuni worked at the Moroccan Ministry of Justice, taught high school, was a lecturer on the sources of Islamic jurisprudence and the intentions of

Islamic law in the Faculty of Literature and the Humanities at Mohammed V University in Rabat, and was a senior expert on Islamic jurisprudence at the Institute for Islamic Jurisprudence in Jeddah. Raysuni was involved in the founding and management of several scientific and cultural associations and was a supervisor for theses on *maqasid al-shari'a*. In 2004 he was among the founding members of the International Union of Muslim Scholars (IUMS), and has been its president since November 2018.

Raysuni holds a BA in Shari'a studies, an MA from the Faculty of Arts and Humanities, and a PhD in Islamic legal theory, which he received in 1992.<sup>11</sup> Today he teaches in Qatar, Morocco, Malaysia, and other places. In January 2020, the government of Malaysia appointed him its 'international authority for the implementation of the government's policy according to Islamic Shari'a and its purposes.'<sup>12</sup> Raysuni is very active on social media and the internet. He publishes articles on his own website<sup>13</sup> and on the IUMS website<sup>14</sup> and maintains a Facebook page<sup>15</sup> and a Twitter account.<sup>16</sup>

Raysuni is known throughout the Muslim world for his research on the Andalusian Maliki jurist Abu Ishaq al-Shatibi, the father of the *maqasid* theory. In his articles on modern legal affairs and writings on the principle of *Shura*, Raysuni argues that the democratic process is compatible with Islamic legal principles as expounded by Shatibi.<sup>17</sup> His book on Shatibi<sup>18</sup> examines the latter's philosophy and presents a comprehensive theory of the intentions of Islamic law. Clarification of the fundamental aims of Shari'a and the reasons behind religious rulings has helped scholars reduce the gap between Muslims, their way of life, and the Qur'anic text. Sometimes these intentions are explicitly stated in the Qur'an and the Sunna, and sometimes they are inferred through independent study and exegesis of the texts. These scholars emphasise that every religious ruling has a purpose and function, which is to serve human needs. In this context, a solid religious ruling must reflect an understanding of the specific time, place, and individual and take its ramifications into account.

The *maqasid* approach resolves any contradictions between the text of the Qur'an and the Sunna, on the one hand and the interests of society and the individual, on the other. Sheikh Raysuni, like other scholars of the 'central trend' (Wasatiyya), opposes a rigid and literal interpretation and argues that the Qur'anic text can never run counter to rational considerations or harm the individual and society: the real conflict is between the 'public interest' (*maslaha*)<sup>19</sup> and a literal and inflexible interpretation of the text. If there is such a contradiction, it is a result of an inability to understand either the *maslaha* or the text. To approach the text correctly one must assume that the aim of Shari'a is to serve the interests of the community of believers (*umma*). This approach rejects the idea that the text and public interest may be contradictory, or that there is no relation between the text and *maslaha* and one can accordingly adopt a rigid interpretation of the text.<sup>20</sup>

## Raysuni's view of Jews

In a lecture organised by the Movement for Unity and Reform in Rabat after his election as IUMS vice-president, on December 2013, he stated that Islam must reach out and normalise its relations with other religions, such as Christianity and Judaism, and with other countries, though he excluded countries that are at war with the Muslims, such as Israel.<sup>21</sup> In other words, Raysuni sees Jews as legitimate and worthy partners in dialogue. But he distinguishes between Judaism and Zionism and objects to defining the Jewish people as a nation with territorial rights. Israel, being in a state of war with the Palestinians, is not a legitimate political entity. In response to a visit to Israel in March 2016 by Moroccan musicians who emphasised their ties with the Moroccan Jewish community in Israel, Raysuni berated the Jews for leaving Morocco and adopting Israel as their homeland. They are traitors and criminals who have taken part in the Zionist crimes against the Palestinians and betrayed the people of Morocco, who stand in solidarity with the Palestinians. The Jews who are worthy of respect and esteem, in his view, are those who remained in their homeland or returned to it.<sup>22</sup>

In a 2015 article, 'The Palestinians' Right of Return and Our Duty to It,' Raysuni discussed the Palestinian refugees' status and life outside their homeland and argued that Israel's current aggression against them is nothing new in the history of the People of Israel. He cited verses from the second sura of the Qur'an that speak of *Banu Isra'il*'s betrayal of their covenant with God and the admonition directed at them:

And when We took compact with you: You shall not shed your own blood, neither expel your own from your habitations; then you confirmed it and yourselves bore witness. Then there you are killing one another, and expelling a party of you from their habitations, conspiring against them in sin and enmity (Qur'an 2:84–85, trans. Arberry).

Raysuni quotes Tabari's interpretation that the tribes of Israel used to fight one another in the city of Medina, and that the victors in the battles expelled the losers from their homes. Thus, the custom of expelling the vanquished is not a recent innovation but is historically ingrained in the People of Israel. In this they resemble the non-believers of Mecca, from whom the prophet Muhammad and the Muslims fled twice – the first, voluntary, *Hijra* to Ethiopia and then their expulsion to Medina. Allah allowed the Muslims to fight back against enemies who expelled them: 'Leave is given to those who fight because they were wronged . . . expelled from their habitations without right' (Qur'an 22:39–40 [Arberry]; see also 60:8–9).<sup>23</sup>

In this article, Raysuni does not distinguish among the Qur'anic *Banu Isra'il*, the Jews throughout history, and present-day Israelis; in his view, they are all linked in an unbroken chain and possess the same genetic traits. The contemporary Israeli crime of expelling the Palestinians can be traced back to

the expulsions by the Qur'anic *Banu Isra'il* and by the Jews of Medina. The confounding of Judaism and Zionism is a familiar trope of Islamist writings about the Jews or Israel, intended to simplify the issue for Muslim readers, who are well-acquainted with the Jews from the Qur'anic accounts. Here Raysuni is continuing the position taken by the previous president of the IUMS, Sheikh Qaradawi, whose writings on the Jews and Israel are rife with anti-Semitic motifs and conflate Jews with Zionists.<sup>24</sup>

Raysuni's opinions in this article correspond to the official policy of the organisation that he heads; namely, support for the Palestinians' struggle to liberate their homeland and opposition to normalisation with Israel. He ends with the declaration that Israeli products are stolen from the Palestinians; it is forbidden to import, sell, or buy them, inasmuch as it is the duty of every Muslim to stand by the Palestinians and support them in their struggle. Regarding the right of return, he asserts that it has no expiration date and that the Palestinians should be supported until they can return to their homes.<sup>25</sup>

Pope Francis visited Morocco in 2019, with the goal of improving relations between Christianity and Islam in Morocco. During the visit, King Muhammad and the Pope signed a joint declaration about the special spiritual status of Jerusalem/al-Quds as a city of peace and asserted the right of all three monotheistic religions to enjoy full access to the city and freely practice their religion there. The declaration was considered a success by the Moroccan royal house and the Holy See, but was criticised by many Moroccan religious figures, of whom Raysuni was the most prominent.<sup>26</sup>

### **Raysuni's position on the Holocaust**

In May 2019, the IUMS website posted an article by Raysuni, 'Why the Holocaust Must Be Questioned'. He wrote that while he was brought up to believe that millions of Jews were persecuted and murdered during World War II, the subject has become an unassailable taboo, protected by a system of pressure and intimidation. This system has led him to begin to doubt these truths and he now thinks that the subject must be studied without fear or hesitation. The topic is promoted by the Zionists, who use it to censor thought; anyone who attempts to study the issue and question it is subjected to pressure and even legal sanctions. Raysuni complained that historians and scholars who advance positions that deviate from the Zionist narrative are persecuted and even hauled into court and prosecuted. He emphasised that every person has the right to doubt, think, and express himself, and railed against the general agreement that there should be no coercion in religion but there can be coercion about the details of historical events.<sup>27</sup>

In January 2020, a delegation of Muslim religious figures from the Muslim World League,<sup>28</sup> led by the Saudi Sheikh Muhammad Abd al-Karim Issa, visited the Auschwitz concentration camp on the 75<sup>th</sup> anniversary of its liberation. While there, Sheikh Issa prayed with the other members of the delegation and stated that ‘I believe that by paying my respects to the victims of Auschwitz, I will encourage Muslims and non-Muslims to embrace mutual respect, understanding and diversity’.<sup>29</sup>

After the visit, the IUMS published a declaration that condemned all expressions of injustice towards peoples and individuals, regardless of their religion, while also condemning the Zionists’ exploitation of the Jews’ tragedy. The organisation attacked what it termed ‘the media show’ in front of the symbols of Zionism (a reference to the Islamic prayer service held by the delegation in front of the Auschwitz memorial), seeing it as an attempt to justify Israel’s crimes against the Palestinians and as a step towards normalisation with Israel.<sup>30</sup>

Raysuni expanded on the supposed use of anti-Semitism in the service of Zionism in an article he wrote in 2003 and posted on his website in May 2019. In ‘The New Form of anti-Semitism’ he referred to the charges of anti-Semitism levelled against the prime minister of Malaysia for attacking Israeli policy towards the Palestinians and denounced the attitude of Jewish and Western elements towards Islam and Muslims. Raysuni argued that accusations of anti-Semitism are a weapon aimed at the freedom of thought and expression and the right to research historical events. The Jews have become influential and privileged and enjoy a special status, not only in the West but also in Arab countries. They enjoy protections and security denied other religious groups and are the recipients of economic compensation. The Zionist movement insists on preserving a situation that serves its interests, but the true victims of anti-Semitism are the Arabs and Muslims and anyone with a Middle Eastern appearance. According to Raysuni, today anti-Semitism means being opposed to the symbols of Islam rather than anti-Jewish; the struggle for a world without anti-Semitism and a world without racism and hatred must be waged so as to serve Islam and the Muslims.<sup>31</sup>

## **Recognition of Israel and normalisation**

In a 2012 interview Raysuni stated that normalisation is a life-and-death issue for Zionists because they know that they ‘are an island surrounded by a sea of rejection, enemies, and non-recognition’; there is nothing more humiliating for Israel than the Arab countries’ rejection of its desire for normalisation. Without normalisation Israel will eventually perish. He added that despite the Israeli interest in normalisation, as exemplified by high-level visits to Arab countries by Israeli ministers, there is no support for this in the Arab world except among official circles. He concluded the interview by

stating that ‘normalization never succeeded and will never succeed in Morocco or in any other Arab country’.<sup>32</sup> (On recent agreements between Israel and Gulf states, see below.)

In 2014, Raysuni tweeted: ‘This terrible disaster cannot end before the so-called Israel ceases to exist – which may take decades’.<sup>33</sup> In another article he argued that the Arabs’ and Muslims’ support of the Palestinians, in light of their decades of suffering, is insufficient; this situation requires ‘long-term jihadi perseverance’ and a different type of support – moral, financial, and human.<sup>34</sup> In November 2018, After Raysuni was elected IUMS president, Isma’il Haniyah, head of Hamas’ political bureau, sent his congratulations and appreciation for the organisation’s support of the Palestinian cause. Raysuni wrote back, thanking Haniyah and noting the IUMS’s full support and esteem for jihad and its strong defence of the Palestinian people and its legitimate right ‘to liberate all of its homeland and establish a state whose capital is al-Quds’. He emphasised the organisation’s commitment to the Palestinian cause, which stands at the top of its agenda, and its firm opposition to normalisation, which means accepting the enemy.<sup>35</sup>

After Donald Trump’s ‘Deal of the Century’ for peace between Israel and the Palestinians was released in January 2020, Raysuni rejected it as a unilateral step. The Palestinians and the Arabs had not declared themselves partners to ‘this illegitimate project’, so there was no ‘deal’. He added that a leader whose heart is filled with hatred of Muslims and Islam and whose head is filled with the principles of the Torah and the Talmud devised a plan, in concert with his Zionist brothers, with the goal of further augmenting the injustice that has already been done.<sup>36</sup>

Notwithstanding his position on the Palestinian issue, Raysuni has made several controversial statements that were perceived as calling for normalisation with Israel and accepting it as a legitimate entity in the region. In August 2019, he released a summary of a *fatwa* he was about to publish in which he granted permission for non-Palestinian Muslims to visit Jerusalem and the al-Aqsa Mosque, and apologised to the Palestinians.<sup>37</sup> The *fatwa* contradicted an earlier fatwa by Qaradawi that forbade Muslims to visit al-Aqsa because such visits constituted recognition of Israel’s sovereignty over the site.<sup>38</sup> Raysuni maintained that not every visit to Jerusalem involved normalisation with Israel and that there was a difference between responding to an Israeli invitation to visit and visiting in order to support the Palestinians and standing beside them at al-Aqsa. He called on Palestinians who are Israeli citizens (the ‘1948 Palestinians’) to vote in Knesset elections; this is not a matter of permitted or forbidden but a political question, and Palestinians know that they have an interest in participating in the Israeli political system. Raysuni based his argument on the Palestinians’ need to influence the course of events and to ensure their rights.<sup>39</sup> In an interview

conducted after the summary and apology became public, he voiced support for Palestinian efforts to influence public affairs rather than boycotting elections and maintaining an 'empty chair' policy.<sup>40</sup>

Raysuni's permission for Muslims to visit Israel provoked negative reactions due to his position as 'a prominent symbol of the Islamic Movement' who had previously objected to all visits to Jerusalem as long as it was under Israeli control. His statements were perceived as 'a severe crack in the front of resistance to visits to occupied Palestinian territories' and as out of sync with the needs of Palestinians or Hamas. The critics asserted that the losses incurred by such visits would exceed the benefits, and that anyone who made a pilgrimage to al-Aqsa would be subject to Israeli scrutiny about who can and cannot enter the country. These visits would not benefit the Palestinians, but would increase Israel's reputation, support the tourist industry, and bolster the occupation and international recognition.<sup>41</sup>

Raysuni's *fatwa* was perceived as a departure from the consensus outlined by Qaraḍawi. Commentators claimed that it was prompted by a 'request' to toe the line with Qatari support for normalisation with Israel as a means to get into the good graces of the United States and constituted recognition of Israel's legitimacy.<sup>42</sup>

Following Raysuni's *fatwa*, the IUMS asserted that so long as it had not been posted on the organisation's website, his statement about visits to Jerusalem reflected his personal opinion and did not represent union policy. The IUMS also declared that its position on visiting Jerusalem prohibited remained in effect and that Qaraḍawi and other Muslim scholars have unequivocally prohibited voting in Israeli elections.<sup>43</sup>

Marwan Abu Ras, chairman of the Palestinian Religious Scholars Association, which is affiliated with Hamas, said that Raysuni's *fatwa* must be studied thoroughly and that he respected the sheikh's opinion. He emphasised, however, that leading religious scholars such as Qaraḍawi and Ali Qaradaghi, the secretary general of the IUMS, opposed this *fatwa*, adding that the Palestinian Scholars Association maintained that visits to al-Aqsa were tantamount to normalisation.<sup>44</sup>

Another critic, the Palestinian journalist Munir Shafiq, reported that Raysuni had told him, in an interview shortly before the release of the controversial statement, that 'he would rather be beheaded than request a visa from a Zionist embassy'. Hence it is unclear why he had now agreed to request permission from 'those who have stolen Palestine', knowing full well that this means applying for a visa from an Israeli embassy, submitting to an inspection at the border, and so on. Shafiq argued that one couldn't refer only to the intention of the act, as Raysuni did, but had also to consider its consequences and implications, which are recognition of Israel's sovereignty.<sup>45</sup>

Some Muslims supported Raysuni. A guest article posted on Raysuni's website emphasised his dedication to the Palestinian cause and unequivocal opposition to normalisation, including his past refusal to participate in a conference on normalisation attended by Jewish and Muslim scholars. This writer also noted the letter of support that Raysuni sent to Haniyah and his unequivocal opposition to any form of normalisation. The writer stood behind Raysuni's position on the grounds that visits to Jerusalem provide the Palestinians with economic and moral support and as such cannot be considered normalisation with Israel.<sup>46</sup>

Raysuni's statement was warmly received by the southern branch of the Islamic Movement in Israel. Ibrahim Sarsur, its former head, wrote an article supporting Raysuni's approach to Arab and Muslim issues. He argued that Raysuni's statement encouraged him and others in the Islamic Movement; the sheikh was brave and a revolutionary and did not follow the line of any regime or comply with popular opinion, but adhered to the Shari'a and its stipulations. And while Raysuni's view was atypical, Sarsur argued, it did not deviate from the principle of *maqasid al-Shari'a*, which seeks to find a solution to any issue confronting Muslims as individuals and as a society, at any time. Sarsur wrote that Raysuni's attitude suited the spirit of the times and had the ability to resolve issues in the Muslim world and Arab region. Raysuni's legal view and his understanding of *maqasid* with regard to the situation of the (Islamic) nation and the situation of the Arab and Muslim minorities is appropriate for the conditions in which they are living. Sarsur argued that the Palestinians' situation had spurred Raysuni's *fatwa*, in which he sought a solution to a problematic situation.<sup>47</sup>

### **Can Hamas make peace with Israel?**

Raysuni has been fomenting controversy about the Palestinian problem since 2006, when he called for Hamas to reach an agreement with Israel. In a lengthy article posted on the Aljazeera website, 'The Palestine Issue Today: a Juristic-Political View',<sup>48</sup> Raysuni put forth his views about the possibility of a peace agreement with Israel. The article was written after Hamas's victory in the elections for the Palestinian legislature, which generated a new wave of enthusiastic support for the Palestinian cause among Islamic elements.<sup>49</sup>

Raysuni began the article with a description of the Muslim world's image of Israel as a colonial power that had occupied the land of the Palestinians, the original inhabitants, and had been subjecting them to ongoing killings, expulsion, and torture. From an Islamic point of view, Raysuni argued, Israel must be eliminated, those responsible for the crimes against the Palestinians must be punished, and the Palestinians must be compensated for their suffering. The Palestinian cause is timeless and their

right to the land is perpetual. Although Israel's demise does not seem realistic at the moment, there is no doubt that it will perish. The entire community of believers, and not only the Palestinians, is duty-bound to make war on Israel. One cannot expect, Raysuni wrote, that Hamas will confront Israel all by itself. The Arab states, with their strong military forces, have not done enough to fight Israel, whereas the Palestinians are putting everything they have into the struggle. Hamas cannot defeat Israel without assistance. It is true that the Palestinians are the vanguard in the fight against Israel, but the Arab states cannot send them to fight alone: that is immoral. In the words of the Qur'an, 'God does not burden any human being with more than he is well able to bear'.<sup>50</sup>

Raysuni noted that Ahmad Yasin, the founder of Hamas, had promoted a *hudna* (armistice) with Israel, which was still in force (at the time of the writing). If so, Raysuni wondered why the *hudna* could not be turned into a peace agreement on the condition that it recognised the Palestinians' rights. Such an agreement would be based on both sides' temporary acceptance of all UN resolutions regarding Palestine and would enable them to live alongside each other. If Israel were to accept such an agreement, the Palestinians would gain a state; and if Israel refused, as many believed it would, the Palestinians would gain politically and in world public opinion because Israel would be perceived as the obstructionist party. Raysuni understood that this argument would provoke objections in the Islamic world, especially because recognition of Israel would mean relinquishing parts of Greater Palestine and numerous *fatwas* forbid the surrender of even an inch of the land of Palestine. Such an agreement would bind the hands of future generations and prevent them from fighting and reconquering Palestine when they are able to do so.<sup>51</sup>

Raysuni was certainly aware of the *fatwa* on the recognition of Israel issued by his teacher and mentor, Qaraḍawi. One of the leading religious scholars in the Muslim world today, Qaraḍawi advocates a harsh and uncompromising position on Israel, unlike that of Saudi scholars such as Sheikh Ibn-Baz or his successor, the current Grand Mufti of Saudi Arabia, Abdel Aziz b. Abdallah al-Sheikh, who permitted the signing of a peace agreement with Israel. Qaraḍawi utterly rejected their position in a series of *fatwas* he issued.<sup>52</sup> He completely opposed the Oslo Accords in the 1990s, because the signing of agreements with Israel is tantamount to recognition.<sup>53</sup> In his program on Aljazeera TV, Qaraḍawi was asked, 'What is the ruling of Shari'a regarding recognition of Israel?' He replied that 'recognition of Israel means recognizing that it is the legal sovereign – according to both Shari'a and the civil law – of the land that it has stolen from the Muslims. [If we recognize it] we lose our right to demand it back. Is this allowed according to Shari'a?! ... The only thing that I permit, that I allow until the Muslims acquire their right, is the path of resistance (*muqawama*)'.<sup>54</sup>

Responding to the flood of objections to his statement in support of a peace agreement, Raysuni published the arguments underlying his *fatwa*. First, he argued, Islamic jurisprudence defines the situation of the Palestinians as *darura*, a situation of great necessity that borders on danger to life. In such circumstances, it is permitted to violate prohibitions in order to save life: ‘necessity suspends prohibitions’ is one of the principles of Shari‘a.<sup>55</sup> Because the Palestinians have been abandoned in their struggle and there is no way to liberate Palestine in the foreseeable future, immediate needs outweigh the prohibitions. As for the muftis who gave *fatwas* that forbid ignoring the Islamic right to Palestine, one should take them up with the leaders of the Arab and Muslim world who have neglected the matter – not the Palestinians. My leniencies, he wrote, apply only to the Palestinian people who are suffering, and not to Muslims in Arab countries that are not in distress.<sup>56</sup>

As precedents for his *fatwa*, Raysuni cited a story from the biography of the prophet Muhammad: In 627 CE the Quraysh tribe, along with their allies, besieged Medina. In an attempt to break the siege, Muhammad negotiated with one of the allied tribes, the Ghaṭafan, proposing that they pull back in return for one third of Medina’s date crop. Although this strategy was not successful, Raysuni understood from the prophet’s offer that in a time of need one can negotiate and make agreements with an enemy. Raysuni also cited *fatwas* that state that a person may give bandits some of his money in order to save himself and the rest of his property. The principle enshrined in these two precedents is that in times of necessity it is permissible to forgo part of the whole in order to save the rest. Finally, Raysuni argued that the most important thing is the creation of an international precedent that would change the situation on the ground. Should future generations be able to recover all of Palestine they would have no obligation to uphold the agreement, which had been signed in circumstances of coercion and necessity. Muslims are not obliged to honour an agreement signed under duress.<sup>57</sup>

Ali Qaradaghi, the current secretary general of the IUMS, published a critique of Raysuni’s article, arguing that one cannot call on Hamas to do what Yasser Arafat, in his attempt to be realistic and pragmatic, had done – with the result that he received nothing in return, but only strengthened Israel and harmed the Palestinians. He added that Hamas must be overthrown if it chooses reconciliation of Israel. Such an agreement would require painful concessions with no compensation; reconciliation means abandoning jihad. Experience has shown that the path of resistance followed by Hamas and other movements is the only feasible option. To support his arguments, Qaradaghi pointed to several *fatwas* that demonstrate the widespread agreement among Muslim scholars that it is prohibited to concede even an inch of Palestine.<sup>58</sup>

## Raysuni's conception of religion and state as a key to understanding his *fatwas* regarding Israel

The key to Raysuni's pragmatism about the possibility of living in peace with Israel and to how he differs from Qaraḍawi is to be found in his broader conception of the relationship between Islam and the state. The imperative of establishing an Islamic state is the keystone of the doctrine of the Muslim Brotherhood, as formulated by the movement's founding fathers, Hasan Banna and Sayyid Qutb. This ideal has been implemented in several countries, such as the Muslim Brotherhood regime in Sudan, the Taliban in Afghanistan, and the short-lived Muslim Brotherhood government in Egypt. But seizure of power by Islamist movements also had several negative consequences, including tyranny, repression, corruption, and human rights violations. These phenomena, writes Raysuni, led several prominent Muslim Brotherhood thinkers to reconsider the priority assigned to the establishment of an Islamic state.<sup>59</sup> In his opinion, the Muslim Brotherhood is mired in stagnant thought and must free itself from Banna's ideas.<sup>60</sup>

In 'The Future of Islam: Between Nations and Rulers', Raysuni refers to the link between Islam and the state, to the notion that the situation of Islam depends on the state and its commitment to Islam, and to the belief that an Islamic caliphate or state is the optimal realisation of Islam and must be achieved at all costs. He argues that the source texts of Islam do not mandate the establishment of a state, which is no more than a means to fulfill religious obligations: 'The state and the caliphate are a means, not the goal. The state is not an obligation in and of itself but an obligation for the sake of something else'.<sup>61</sup> The state is a means to achieve other ends. The first and most important end is the preservation of the community of believers (*umma*). The state exists to defend human life and dignity. Experience has shown that an Islamic state is not necessarily a better state; it may harm its citizens and restrict their freedom. In *The Nation Is the Source*, Raysuni explained that the core need is to repair society. If there is no freedom of expression, the fact that a state is by definition 'Islamic', is meaningless. When the state represses its citizens and exploits them to achieve its own goals, it is like 'the slave woman giving birth to her mistress'.<sup>62</sup> Raysuni believes that it is possible for Muslims to influence society without seizing power and establishing a state, by changing people's ideas. They can realise their goals without wielding the authority of the state.<sup>63</sup>

The idea of the state as a means rather than an end is also reflected in Raysuni's reference to the Islamic states established in the past by Islamic caliphates and dynasties. He argues that that past period cannot be reproduced and realised today. The caliphate was indeed the model state for

Muslims, but conditions today are completely different. Today, the principles of *ijtihad*<sup>64</sup> – and the *shura* must be applied in a way that serves Muslims’ interests, even if this means admitting foreign and non-Islamic ideas.<sup>65</sup>

In light of this general idea, one can understand Raysuni’s pragmatic approach to Israel. The refusal to recognise Israel means that jihad is the only means available for the Palestinian people’s struggle against it. But the Palestinians are weak and cannot destroy Israel, unless the Arab countries unite and assist them. In the current political situation this scenario is not realistic, so the Palestinians are left to fight alone and suffer the consequences – also alone. In other words, adherence to the ideal of a violent struggle against Israel and its replacement by an Islamic state causes severe damage to the Palestinians’ quality of life. The *maslaha* (‘public interest’) of the community of believers takes precedence over the establishment of a state. Raysuni argues, so long as the circumstances remain unchanged, argues the Palestinian’s *maslaha* is to recognise the State of Israel and employ diplomacy to establish a Palestinian state that will live alongside Israel, even if it does not encompass the entire territory of Palestine.

As for the Palestinians living inside Israel, their best interest is served by participating in its parliamentary elections. Generally speaking, Raysuni believes that: ‘there is space for the Islamic Movement and its preachers to act and achieve many of its goals and religious obligations and to repair society without establishing a state and without being in power. This, through working for the benefit of the ‘Nation’ and building the “Nation” by establishing a nation rather than a state.’<sup>66</sup> The paradox here, which Raysuni’s evidently does not see – is that it is Israel, with its democratic and open climate that safeguards the liberties of its citizens, that embodies many of the characteristics of his ideal state – one in which the Muslim minority can act freely and successfully to realise its rights.

## **Does shari‘a permit Arab states to sign peace agreements with Israel?**

On 15 September 2020, the official signing of the peace agreements between Israel and two Arab countries – Bahrain and the United Arab Emirates (UAE) – took place on the White House lawn. President Trump, who brokered the agreements, referred to them as the ‘Abraham Accords’. They provide for peace and full normalisation between Israel and the two Arab states, including cooperation in a wide range of fields, including education, science, tourism, and the economy.<sup>67</sup>

An impending agreement between Israel and the UAE was first reported by the international media in August 2020. In a clip that Raysuni uploaded to the IUMS’s official YouTube channel on August 17, he explained that normalisation with the Arab states that surround it is a key Israeli

aspiration – and they should not provide it. Raysuni compared Israel to a foreign organ transplanted to a person's body – which the body (i.e. the Middle East) can reject. If Arab states steadfastly reject normalisation with Israel, it will not be able to survive in the region.<sup>68</sup>

On 20 August 2020, Raysuni delivered a lecture on Zoom, 'Normalization with the Jews and the Palestine Issue', which he then uploaded to Qaradawi's YouTube channel. He spoke about the religious importance of al-Aqsa and said that, for Muslims, al-Aqsa and Palestine are like 'a heart inside a heart'. He reiterated his opposition to a peace agreement and normalisation with Israel.<sup>69</sup>

On 8 September 2020, a few days before the ceremony in Washington, Raysuni and many other Muslim religious scholars and Islamic organisations signed a lengthy *fatwa* explaining why the accords between Israel and the two Gulf states violated Shari'a and consequently were null and void. The *fatwa*'s starting point is that the Palestine issue is not only political but also religious, because al-Aqsa, as mentioned in the Qur'an (17:1), is located there. The mosque marks the place from which the prophet ascended to heaven at the conclusion of his Night Journey. It is the third-holiest site in Islam, and the *hadith* enjoins Muslims to make a pilgrimage there. To the religious issue must be added the Zionists' theft of the country from its original inhabitants, whom they expelled from it. But despite Israel's many crimes against the Palestinians, past and present, some Arab countries have signed peace agreements – in fact, capitulations – with it. Raysuni and the other scholars who signed the *fatwa* offered a number of reasons why the agreements are based on a falsification of the Islamic sources and are invalid.

Their first claim is that the agreements cannot be viewed as a *hudna* (armistice) or *sulh* (treaty). *Shari'a* permits these arrangements with an enemy, in emulation of the prophet's conclusion of the Treaty of Hudaibiyyah with the Qureish tribe in 628 CE. As noted above, Raysuni approved Ahmad Yasin's view that Hamas was permitted to sign a *hudna* with Israel. Indeed, Raysuni went further and asserted that Hamas could refer to the *hudna* as a temporary 'peace agreement', if doing so made it possible for the Palestinians to achieve a state. By contrast, the agreements between Israel and the two Gulf states were defined *ab initio* as permanent. They conferred many advantages and official recognition on Israel, even though the Palestinian problem remained unresolved. The agreements strengthen Israel, the occupier of Palestine, and allow it to continue its takeover of Palestinian land unhindered (he probably had the Israeli plan to annexe parts of the West Bank in mind). What is more, Israel would gain a foothold in the Persian Gulf, enhancing its strategic position vis-à-vis other countries in the Middle East. The use of the term *tatbi'* (normalisation) is problematic, because its meaning is to return something to its natural and original condition. But the natural condition of Palestine is one in which the

Palestinians, who have lived there for thousands of years, return to it. Raysuni does not recognise the validity of the 1947 UN partition resolution. In his eyes, Israel is a foreign occupier of Muslim land and it is forbidden to grant it permanent recognition. In fact, doing so is one of the greatest sins of all. Muslims are duty-bound to wage jihad against it. In support of his position, Raysuni quotes several verses from the Qur'an: that Muslims are forbidden to conclude alliances with Jews and Christians (5:51); and that they must wage jihad against the infidels and those who plundered them and expelled them from their homes (2:194, 9:36–39, 42:39, 69:1–4, 9).

Raysuni's second proof that the agreements are invalid is the *ijma* (consensus) of Muslim scholars throughout the generations that if an enemy conquers any part of *Dar al-Islam* (territory under Muslim sovereignty, now or in the past), Muslims are obligated to wage jihad to recover the land; in such a case jihad is an individual obligation incumbent on each and every Muslim. Those who gainsay these many *fatwas* are muftis in the pay of the civil authorities; their rulings are incorrect and invalid. As an example of these many *fatwas*, Raysuni cites one issued by al-Azhar in 1966, in the wake of a conference attended by representatives of most of the Arab countries. It proclaimed that all Muslims are obligated to fight against Israel and that recognition of Israel is absolutely out of the question.<sup>70</sup>

Raysuni's third point is that the argument advanced by supporters of normalisation with Israel, namely, that it constitutes a new interpretation of the sources (modern *ijtihad*) and the implementation of *maqasid al-shari'a*, and realises *maslaha* for Muslims, is erroneous. One cannot maintain that there is *maslaha* where in fact there is a great loss (*mufside*). An agreement with Israel may have a specific *maslaha* for the UAE and Bahrain, but this *maslaha* runs counter to the general *maslaha* and the general *maqasid al-shari'a* of the community of believers as a whole. What greater loss can there be, asks Raysuni, than surrendering the al-Aqsa Mosque, Jerusalem, and all of Palestine? There can be no religious permission to give up Palestine, for that would violate the principles of Islam, logic, and the UN resolutions about the Palestinian issue. (As noted, Raysuni is selective in his acceptance of UN resolutions as authoritative: he ignores the resolution that led to Israel's establishment but recognises those that favour the Palestinians.)

Reading this *fatwa* in the light of the *fatwa* from 2006, in which Raysuni permitted Hamas to conclude a peace agreement with Israel in return for a Palestinian state, one is led to the following conclusions: Raysuni sees the Palestinian issue as not only political but also religious, because Israeli occupation of land that is part of *Dar al-Islam* and that has al-Aqsa, the third-holiest mosque in Islam, at its centre. He views Israel as illegitimate, though it was established on the basis of a UN resolution. Raysuni calls on all Muslims to fight against it by any means possible. Not a single inch of

Palestine may be surrendered. He fiercely condemns the agreements that Bahrain and the UAE signed with Israel because they constitute full recognition of the usurper without resolving the Palestinian problem in any way. The only peace agreement with Israel that he can tolerate is one that provides for an independent Palestinian state in the 1967 borders, as stipulated by the relevant UN resolutions. Even then, Raysuni's permission to recognise Israel is not absolute and stems from the Palestinians' difficult situation. And in the future, when the Palestinians are strong enough, they will be under no obligation to abide by the agreement. Thus his pragmatism vis-à-vis Israel is purely tactical and does not represent any real change in his attitude towards it. It is not really different from that of Qarađawi, who has also stated that he would consider temporary acceptance of Israel if was accompanied by the establishment of an independent Palestine.<sup>71</sup>

## Conclusion

Sheikh Ahmad Raysuni, the current president of the International Union of Muslim Scholars (IUMS), holds an ambivalent view of Jews and Israel. He believes that interreligious dialogue among Muslims, Christians, and Jews is desirable, yet doesn't consider Jews a nation or Israel as their nation-state. In other words, Raysuni distinguishes between Jewish religion and Jewish nationality, the latter is spurious. At times, he uses the prevailing Islamist terminology that does not distinguish between the Qur'anic *Banu Isra'il* and the Jews of today. In his opinion, Israel came into being as a result of the Zionist movement's cynical exploitation of the Holocaust, an event whose historicity should be re-examined. Israel was established on the ruins of the Palestinian people, who were expelled from their land. Its very existence is a crime and injustice and it must be destroyed.

With regard to Israel, Raysuni adheres to the official policy of the IUMS. At times, however, his statements and *fatwas* deviate from this policy, as is evident in his approach to the Palestinian issue and the appropriate way to deal with Israel. He calls for boycotts, for realising the 'right of return', and for supporting the Palestinian struggle and resisting normalisation. But he also expresses a pragmatic and realistic worldview that implies that Israel is a concrete fact, if only for the foreseeable future. Inasmuch as the Palestinians are weak and have been abandoned by the Arab states, which do not do enough for them, Raysuni suggests that Hamas should accept the two-state solution temporarily and turn the *hudna* into a peace agreement. Of course, he adds, the Palestinians are allowed to renounce this peace agreement if and when the circumstances become favourable.

Raysuni allows the Palestinians – but only the Palestinians – to make peace with Israel, because of their difficult situation in the wake of their long battle against the powerful enemy. Other Muslims may not do so. He sees no opening in Shari‘a to legitimise the agreements concluded with Israel by Bahrain and the UAE and rejects them in a long and carefully argued *fatwa*.

Raysuni has ruled that the Arab citizens of Israel should participate in parliamentary elections in order to promote their interests. Though he explained that the Israeli Palestinians’ welfare was his primary concern, this elections-*fatwa* encountered fierce opposition, even by the IUMS, because it implied recognition of Israel and a desire for normalisation with it. On the other hand, Raysuni was commended by the southern branch of the Islamic Movement in Israel, which holds the same position.

These *fatwas* issued by Raysuni are part of a broader worldview that diverges from the Muslim Brotherhood’s official doctrine that the Islamic Movement’s paramount goal is to rule the state. Raysuni argues that the Muslim nation is far more important than the Islamic state. Hence, if persistence in a violent struggle to establish an Islamic state causes severe harm to people’s life and general welfare, the realisation of this ideal should be postponed. In the meantime, it is appropriate to reinforce Islamic activity within the existing state, even an enemy state such as Israel.

The arguments advanced in his *fatwas* make it clear that there has been no moderation of Raysuni’s rejection of Israel and its legitimacy, but only a tactical shift aimed at obtaining benefits for the Palestinians; not recognition and normalisation but only a different way to promote the Palestinian cause. He sees visits to Jerusalem by Muslims as a form of resistance to Israel’s occupation and not as recognition of the country. The same applies to his encouraging Muslims to vote in Israeli elections: the explicit intention is to help them achieve their rights through legitimate political means. There is no sincere desire to recognise Israeli institutions, but only the realisation that Knesset representation can improve the Israeli Arabs’ lot. The *fatwa* of September 2020, with its fierce condemnation of the UAE’s and Bahrain’s peace agreements with Israel, makes it abundantly clear that the two earlier *fatwas* were intended only to ease the Palestinians’ distress. Raysuni’s attitude towards Israel has always been and remains unremittingly hostile. Nevertheless, he is willing to endorse more practical Islamic interpretations in order to promote the interests of the Palestinians.

## Notes

1. [www.i24news.tv](http://www.i24news.tv), “Al-Maghribi Ahmad al-Raysuni.”
2. <http://www.iumsonline.org/ar/Default.aspx>.

3. On the ECFR, see, Caeiro and al-Saify, "Qaraḍawi in Europe," 113–15. See also the official website of the ECFR: <https://www.e-cfr.org/blog/2018/12/16/european-council-fatwa-research/> Accessed November 3, 2018.
4. On the IUMS, see, Skovgaard-Petersen, "Yusuf al-Qaraḍawi and al-Azhar," 45–7, 50, 118.
5. [www.i24news.tv](http://www.i24news.tv), "Al-Maghribi Ahmad al-Raysuni."
6. See, for example, some of these studies: Gräf and Skovgaard-Petersen, *Global Mufti*; Helfont, *Yusuf al-Qaraḍawi: Islam and Modernity*; Shaham, *Rethinking Islamic Legal Modernism*; and Polka, *Shaykh Yusuf al-Qaraḍawi*.
7. On al-Qaraḍawi's view of the Israeli-Palestinian conflict, see, Bartal and Rubinstein-Shemer, *Hamas and Ideology*.
8. There is almost no academic research on al-Raysuni except for the essay by Meiloud, 'A Conflict', which deals, in part, with al-Raysuni's writings on the *Maqasid*.
9. Al-Raysuni's books include: *Nazriyyat al-Maqasid*; *Min A'lam al-Fikr al-Maqasidi*; *Madkhal ila Maqasid al-Shari'a*; *al-Fikr al-Maqasidi: Qawa'iduhu wa-Fawa'iduhu*; *al-Ijtihad*; *Maqasid al-Maqasid*; *Al-Shura fi Ma'rakat al-Bina'*.
10. Tawfiq, "Ahmad al-Raysuni Khalifa."
11. Meiloud, "A Conflict," 82.
12. *Bername T.V.*, "Malizia tukhattitu li-Ta'yin."
13. <http://raissouni.net>. Accessed May 3, 2020.
14. <http://www.iumsonline.org/ar>. Accessed May 3, 2020.
15. <https://www.facebook.com/Ahmed-Al-Raissouni-207778945956234/>. Accessed May 3, 2020.
16. [https://twitter.com/raissouni\\_ahmed](https://twitter.com/raissouni_ahmed). Accessed May 3, 2020.
17. Meiloud, "A Conflict," 83.
18. Al-Raysuni, *Imam al-Shatibi's Theory*.
19. According to Felicitas Opwis, *maslahah* has several meanings, including 'public interest' and 'social good.' I will use the Arabic term throughout this article. See, Opwis, *Maslaha*, 1.
20. Meiloud, "A Conflict," 88–9.
21. "Al-Raysuni: 'Alayna al-Tatbi' Ma'a al-Yahud."
22. "Al-Raysuni: Al-Yahud al-Magharibah."
23. Al-Raysuni, "Haqq al-'Awda."
24. Rubinstein-Shemer, "Sheikh Yusuf al-Qaraḍawi."
25. Ahmad al-Raysuni, "Haqq al-'Awda."
26. Davis, "Educator of the Faithful."
27. Ahmad al-Raysuni, "Limadha Yajibu."
28. The Muslim World League (MWL) is a pan-Islamic NGO based in Saudi Arabia. See its official site, <https://themwl.org/en>, Accessed April 3, 2020.
29. JNS, "Senior Saudi Religious Leader."
30. Al-Tatu, "Ittihad al-Muslimin."
31. Al-Raysuni, "Mu'adat al-Samiyya."
32. Laktawi, "Al-Raysuni: Isra'il bi-la Tatbi'."
33. <https://twitter.com/AhmedRaissouni/status/498764905991143424>, Accessed April 3, 2020. The 'terrible disaster' referred to is the Palestinian catastrophe (*nakba*).
34. [www.alyaoum24.com](http://www.alyaoum24.com), "Al-Raysuni Yad'u Ila Tajawuz."
35. Al-Masmudi, "Dr. al-Raysuni Yaruddu."

36. Al-Raysuni, “Safqa am Safaqa?”
37. *Dunya alwatan*, “Shahid: Ra’is al-Ittiḥād.”
38. Bartal and Rubinstein-Shemer, *Hamās and Ideology*, 151–58.
39. Al-Raysuni, “Laysa kuli man zara al-Quds.”
40. Ghazal, “Dr. al-Raysuni Yubarizu.”
41. Al-Sabti, “Al-Raysuni wa-Tawrit.”
42. [www.alarab.co.uk](http://www.alarab.co.uk), “Fatwa Takhalluṭ Ziyarat al-Quds.”
43. Ḥabub, “Ittiḥād ‘Ulama’ al-Muslimin.”
44. Mushirawi, “Abu Ra’s: Tasriḥat al-Raysuni.”
45. Shafiq, “Al-Sheikh Raysuni wa-Ziyarat al-Quds.”
46. Al-Jabari, “Ahmad al-Raysuni.”
47. Al-Sarsur, “Al-‘Ulama’ al-Rabaniyyun.”
48. Al-Raysuni, “Qadiyyat Filastin al-Yawm.”
49. See, for example, the conference organised by al-Qaraḍawi in Doha in June of that year in support of the Palestinian issue: *Wafa press*, “Al-Shaykh al-Qaraḍawi yu’linu.”
50. See note 48 above.
51. *Ibid.*
52. Hatina, “The ‘Ulama’ and the Cult of Death”; and *Martyrdom in Modern Islam*.
53. Tammam, “Yusuf Qaradawi and the Muslim Brothers.”
54. Reiter, *War, Peace*, 110.
55. De Bellefonds, “Darura.”
56. See note 48 above.
57. *Ibid.*
58. Qarahdaghi, “Radd ‘ala al-Raysuni.”
59. *Middle East Online*, “Al-Ikhwan al-Muslimun wa-Fiqh al-Dawla.” See also Rached Ghannouchi’s pragmatic views regarding the vision of political Islam: Bartal, “Rached Ghannouchi’s Test,” 110–24.
60. CNN, “Al-Raysuni: Irtaḥtu li-Isqat Mursi.”
61. Al-Raysuni, “Mustaqbal al-Islam.”
62. Al-Raysuni, *Al-Umma hiya al-Asl*, 28. “*Talidu al-Amma rabbataha*” (‘the slave gives birth to her mistress’) is a citation from the *ḥadith*, referring to when the means becomes the goal. See <https://binbaz.org.sa/>, “*Ma’na qawl al-Nabi*.”
63. Al-Raysuni, “Mustaqbal al-Islam.”
64. Schacht and Macdonald, “Idjtihad.”
65. [www.alyaoum24.com](http://www.alyaoum24.com), “Al-Raysuni: La Yujad Niḓam.”
66. <https://www.alhurra.com/>, “Al-Ikhwan al-Muslimun.”
67. *Whitehouse.gov*, “Abraham Accords Peace Agreement.”
68. *YouTube International Union for Muslim Scholars channel* Al-Raysuni: “Al-Taṭbi.”
69. *YouTube Qanat al-Imam Yusuf al-Qaraḍawi*, Ahmad al-Raysuni, “Al-Taṭbi.”
70. On the main points of this *fatwa*, see Talima, “‘Isam Talima yaktubu”. It is interesting the al-Raysuni ignored the al Azhar fatawa in favour of peace with Israel, such as that by Sheikh al-Azhar Ḥasan Ma’mun (1956) and that by Sheikh al-Azhar ‘Ali Jad al-Ḥaqq, which blessed Egypt’s peace treaty with Israel in 1979. On these *fatawa*, see Reiter, *War, Peace*, 71–8, 85–107.
71. Reiter, *War*, 111.

## Disclosure statement

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