

Espionage between Islamic Figh and Palestinian law

An analytical study

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Abstract:

Espionage is not a recent phenomenon, but an old one, as it arose with the emergence of the first human societies. The establishment of any human society at any time has spawned espionage, because each society seeks to know the secrets of other societies. It is a means of victory in battles on the one hand, and the means of destroying a state on the other.

The legal judgment in espionage is prohibition since it attempts at tracking the secrets of people, and the transfer of information to the enemies. People are warned against it because of the knowledge of the incest of people and their privacy. Members of the Muslim community are asked to avoid espionage, and Islam determined its position from espionage against followers of other monotheistic religions. What is permissible is an exception to certain circumstances and special reasons.

Historically, it is natural that when every state controls or occupies another country, it sends the spies to recruit from the occupied country spies to monitor the movements of the popular forces or institutions and transfer them to enemies. It is not surprising that the occupying state employs spies and eyes to transmit news and information. Espionage institutions usually receive the respect and attention of the presidents and military leaders in the aggressor state.

Since its occupation of Palestine, Britain has recruited a group of inhabitants to carry news and help it implement its plans,. They were either Palestinians or Arabs from families who have lived in Palestine and owned land. They assisted Jews in settling the Palestinian land and helped them to own Palestinian land. Spies played a prominent role in helping the Jews to rape the Palestinian land. Many of the Palestinian revolts against British colonialism were thwarted and controlled by those spies who helped in the arrest and execution of the Palestinian heroic activists. These spies supplied the British and the Jews with news about

activities, actions and national Palestinian gatherings, which made the enemy to thwart these revolutions.

After the establishment of the State of Israel and the occupation of the Palestinian land, Israel tended to very much to recruit many spies from those who needed the money. As a result, Israel was able gather a database of information on the Palestinian people and Arabs too, and this made national movements and parties at risk. Despite the fear and anxiety experienced by the Palestinian people as a result of these enemies and spies who are transferring news to the enemies, Palestinians tended to perform a number of practices, including sanctions, boycott and murder of spies. The spies started to live in a social isolation from the people, and the people looked upon them as inferiors, despised them and did not deal with them.

The study included an introduction, a preface and four chapters. The introduction included the study problem, the study questions, its significance, the purpose of the study, the methodology, the reason for choosing the study, and previous studies.

The preface was devoted to two requirements. The first is the definition of espionage formally, lexically and informally by those contemporary scholars, and the second deals with the importance of espionage.

The first chapter included the two demands; the first of which is about spying through the ages and the second demand has to do with espionage and its impact on the Palestinian cause.

The second chapter deals with seven demands. The first of which is preliminary, the second is about the means of enrichment, blackmail and persuasion, the third is about the circumstances and the factors causing the espionage, the fourth is about the work done by the spies on the Palestinians, the fifth talks about the places of projection and recruitment, and the last demand has to do with the way spies and their families are viewed by the Palestinian and Israeli societies.

The third chapter is devoted to talking about espionage in Islamic law. There are three demands, the first of which explores types and forms of spying, and the second demand talks about for evidence of the prohibition of espionage, and the third demand talks about the punishment of spying for Muslims and non-Muslims.

The fourth chapter explores the crime of espionage and legal procedures. This chapter contains five demands. The first is assigned to the crime concept and elements, and the second demand is about the substantive rules of punishment for the crime of espionage in the Palestinian legislation, and the third requirement focuses on the rules and procedures of the crime of espionage. The fourth tackles the rules of the trial regarding the crime of espionage in the Palestinian legislation and the specialized courts.