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Religious Nationalism and the Palestinian-Israeli Conflict: Examining Hamas and the Possibility of Reform*

Sara Roy**

Is the transformation of Hamas—the largest political faction in the Palestinian Islamic movement—possible? ¹ For many, perhaps most, observers and analysts of the Palestinian-Israeli conflict the answer is an immediate and unequivocal “no,” particularly in light of the many horrific suicide bombing attacks perpetrated by Hamas against Israeli civilians since the start of the al Aqsa Intifada over three years ago. Yet, recent history has shown that internal change within Hamas is indeed possible, and perhaps under the right conditions, sustainable. History has also shown Hamas to be pragmatic, flexible, and open to change.

There is no doubt that in the five years or so prior to the start of the current uprising, the Islamists—particularly Hamas—had entered a period of de-radicalization and demilitarization and were searching for political and social accommodation within Palestinian society. There was a pronounced shift in emphasis within the movement away from political/military action toward social/cultural reform, and political violence was slowly but steadily being abandoned as a form of resistance and as a strategy for defeating the occupier. The shift toward the social realm—and retreat from the political—was dramatic, and by the admission of the Islamist leadership itself, reflected, more than anything, the successful weakening by Israel and the Palestinian Authority

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¹ Certain terms need to be defined: “Islamic movement” refers not only to its political sector, in which Hamas predominates, but to the social, cultural, and religious sectors of the movement which may or may not have direct links to the political; “Islamist movement” refers to the Islamic political sector in Palestine.
("PA") of the Islamic political sector and the defeat of its military wing. The thrust toward the social arena, furthermore, was not simply a return to old forms of social service provision commonly associated with the Islamic movement, but included entry into new areas of community and development work that pointed to an emerging new logic between state and society.\(^2\)

The al Aqsa Intifada, which began in September 2000 in response to seven years of a "peace" process that not only deepened Palestinian dispossession and deprivation but strengthened Israel's occupation, reversed the dramatic changes within the Islamic movement. The militarization of the uprising by Fateh, the dominant (secular) nationalist faction of the Palestinian Liberation Organization ("PLO"), effectively marginalized the role of civil society—including both secular and Islamic institutions—in the struggle to end Israeli occupation. This contributed to the re-ascendance of the political/military sector as the defining and authoritative component within the Islamic movement. Israel's continued and increasingly brutal assault against Palestinian society and its economy and the deliberate destruction of its civic institutions have only strengthened the embrace of the military option by Palestinians, including the Islamists. Despite this, the social core of the Islamic movement remains strong and has become an increasingly important part of the Palestinian social welfare system, given dramatically heightened levels of unemployment and poverty and the PA's diminished capacity to deliver even the most basic services.

This Article will briefly examine the main political and social transformations in the Islamic movement both before and since the current uprising, about which relatively little is known.\(^3\) While certain key dynamics within the movement (for example, an emphasis on the delivery of social services) have remained largely unchanged, others (such as the strengthening and dominance of the PA and the weakening-cum-silencing of the Islamists) are being replaced with some altogether new dynamics that portend damaging consequences for Palestinian society and for a political resolution of the Palestinian-Israeli conflict. This examination will refer only to Hamas, since it is the largest and most influential of the Islamist parties.


Hamas, or the Movement of the Islamic Resistance (Harakat al-nuqawama al-islamiyya), was formalized with the Palestinian uprising, or Intifada, in December 1987. The birth of this organization represented the Palestinian

\(^2\) See Sara Roy, The Transformation of Islamic NGOs in Palestine, 214 Middle East Rep 24 (Spring 2000), in which some of the findings described herein were first presented.

\(^3\) The author is preparing a detailed monograph tentatively entitled Between Extremism and Civism: Political Islam in Palestine (forthcoming 2004).
embodiment of political Islam in the Middle East. Hamas’s evolution and influence were due primarily to the first Palestinian Intifada and the ways in which Hamas participated in the uprising—through the operations of its military wing, the work of its political leadership and its social activities.

Hamas’s goals, a nationalist position couched in religious discourse, are articulated in Hamas’s key documents: a charter, political memoranda, and communiqués. Some of these documents are undeniably racist and dogmatic, calling for the liberation of Palestine from the Mediterranean to the Jordan River. Yet later documentation, particularly since the mid-1990s, is less doctrinaire and depicts the struggle as a form of resistance to an occupying power—as a struggle over land and its usurpation, and over how to end the occupation. Statements by key Hamas officials over the last two years in particular maintain that their goals are Israel’s withdrawal from lands occupied in the 1967 war, the end of Israeli occupation, the establishment of a Palestinian state, and a solution to the refugee issue.

During the years of the Oslo peace process, the political and military sectors of the Islamic movement, in which Hamas predominates, were substantially weakened by a combination of factors. Most significant was the sustained intense pressure—arrests, imprisonment, execution—imposed by Israel and the Palestinian Authority, which successfully weakened the organization from within. In addition, these same pressures were imposed on Islamic social institutions, the so-called “terrorist infrastructure,” which resulted in the closing down of many charitable societies (some of which later reopened.) This pattern continues to this day. In this way (and in others), Yasir Arafat did a great deal to promote Israel’s policy objectives. Not only did he undermine Islamist (Hamas and Islamic Jihad notably) organizations, he weakened Palestinian civil society and the Palestinian leadership structure. This was termed “liberalization” by supporters of the Oslo process, a liberalization that not only preceded democracy but also precluded it.

Another critical factor was the Palestinian population itself, the mass base of support for Hamas, who could no longer tolerate extremism in any form. The economic costs of Hamas’s military operations and terrorist attacks became too high in an eroding socioeconomic environment, and widespread popular opposition to such attacks played an important role in ending them. The defection of younger Hamas cadres, disillusioned by the failure of their leadership to achieve any meaningful political change, further contributed to

Hamas's decline. Similarly, the Islamic political sector was further weakened by Arafat's successful co-optation of some parts of that sector in the form of newly established Islamic parties or groups (for example, the National Islamic Salvation Party, the National Movement for Change, the Islamic Struggle Movement) under the control of the Authority. These groups (especially the National Islamic Salvation Party)—the non-violent embodiment of Palestinian Islamism—were (unsuccessfully) to represent Islamist interests in domestic and international political forums. Apparently, there were no relations between these groups and Hamas (or the Islamic Jihad). Despite the fact that such co-optation was meant to divide and weaken Hamas, it also reflected Arafat's "preference for dialogue over head-on collision," which Hamas also preferred since neither actor wanted to risk their public legitimacy in a confrontation.\(^5\)

Another factor that contributed to Hamas's internal malaise was growing popular alienation from politics, perhaps especially from political Islam, in favor of cultural and religious practice, and a desire to return to the ethical and moral traditions of Islam. This alienation was no doubt deepened by the absence of any alternative political channels of expression. Moreover, with the end of the Intifada and the initiation of the Oslo peace process, the resistance component of the Palestinian struggle—so critical to Hamas's political thinking and action—was undermined. This had direct repercussions for Hamas's social theory and practice, which were largely if not wholly developed and shaped by the praxis of resistance during the uprising. For Hamas, there is an inextricable link between social and political action traceable to its roots in the Muslim Brotherhood.\(^6\)

With the removal of the resistance/opposition component from Palestinian political imperatives, what role—at least one acceptable to the majority of Palestinians—was left for Hamas? The resulting problem confronting Hamas (and the Islamic movement generally) was fundamentally one of survival. How, in light of its own internal weakness and political constraints, could Hamas remain the primary opposition force capable of mobilizing popular support?

In response (and despite the fact that many in the Islamic political sector remained active and fully committed to political and military action), there was a steady shift in emphasis, both ideologically and strategically, to the social sector of the Islamic movement, which had always been a critical component of that movement, providing a range of important services and doing so effectively. This shift was, in effect, a search for accommodation and consensus within the status quo, and it also reflected the concept of the "living reality" and the need for Islamists to adjust to the conditions of the country in which they live.

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\(^6\) The Muslim Brotherhood was a movement of political Islam committed to building an Islamic society by applying Islamic law. It was founded in 1928 by Hassan al-Banna.
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Strategically, Hamas, and the Islamic movement generally, attempted to carve out public space in which they could operate without too much harassment from the Israeli or Palestinian authorities, and provide much needed services to an increasingly needy population through a well-developed institutional infrastructure. In this way, the Islamists could maintain their presence and influence within Palestinian society. It is also important to point out that the core impulse within Hamas is political, not religious; indeed, religion has never dominated politics among Palestinian Islamists, and Hamas typically “does not subordinate its activities and decisions to the officially held religious doctrine.”

This fact accounts, in large part, for Hamas’s pragmatism, flexibility, and ideological reflexivity. Were there direct ties between Islamic political/military and social institutions? The debate over this question has been vociferous since the birth of Hamas. Accepted belief argues that Hamas controls all Islamic social institutions and uses them for political indoctrination and military recruitment. The scope of this Article does not include a discussion of these interrelationships. Even so, it can be said that these interrelationships were neither always routine and guaranteed, as is commonly believed, nor evil where they existed. Some institutions claimed no political links at all. However, it cannot be denied that the work of Islamic social institutions, be they aligned or non-aligned, did bolster the position of Hamas during the time of the first Intifada. In the final analysis, however, more important than the existence or absence of links was the work of these institutions and the services they provided.

Interestingly, many members of the Islamic political leadership did not view the non-aligned sector or the growing dominance of the social sector as a problem. A senior Hamas official explained it this way: “Everyone who is religious is Hamas and anyone who teaches Islamic values furthers Hamas’s goals.” Thus, the organic interconnection between political and social action in Hamas’s ideology meant that the expansion of the social sector served the movement’s objectives even if social institutions were non-affiliated. Hence, Hamas’s retreat from the political sphere was practical and pragmatic and accompanied by a need to rediscover Islam and its ethical and moral relevance for society (similar trends could be found in Egypt as well).

It was increasingly clear, therefore, in the two-to-three year period before the current uprising, that Hamas was no longer calling in any prominent or consistent way for political or military action against the occupation but was

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7 Mishal, 29 Armed Forces & Socy at 570 (cited in note 5).
8 For an interesting account of a similar phenomenon among Islamists in Egypt, see Augustus Richard Norton, Thwarted Politics: The Case of Egypt’s Hizb al-Wasat, in Robert Hefner, ed, Muslim Democrats: Prospects and Policies for a Modern Islamist Politics (Princeton forthcoming 2004).
9 Field interview conducted by author (1999).
instead shifting its attention to social works and the propagation of Islamic values and religious practice. According to a key Hamas official at the time: “Increasingly, Hamas represents religion and an Islamic way of life, not political violence.” In fact, concomitant with this shift toward the social/cultural was a shift in certain terms and ideas, notably, a growing acceptance of civil society as a concept—of a society where Islamic and Islamist institutions functioned as part of an integrated whole with their secular counterparts.

There was also a changing definition of the threats facing Palestinian society. These threats were no longer confined to political or military attacks (by Israel and the PA) against Palestinian resources but also included cultural aggression against Palestinian values, beliefs, and practices. Defeating the occupier, therefore, became a matter of cultural preservation—building a moral consensus and Islamic value system—as well as political and military power. Hence, the struggle was not for power per se, but for defining new social arrangements and appropriate cultural and institutional models that would meet social needs and do so without violence. The idea was not to create an Islamic society but a society that was more Islamic as a form of protection against all forms of aggression. By so doing, the Islamic movement was creating a discourse of empowerment despite the retreat of its long-dominant political sector.

Prior to the Oslo period, social action was focused on religious education through charitable societies, mosques, zakat committees, health clinics, relief organizations, orphanages, schools, and various clubs. The objective was to teach Islamic values and to embody them through practice, specifically through the provision of social services. Recipients were largely the poor and working classes. The Islamists gained a reputation for honesty and integrity in the way they conducted themselves, especially when compared to the PLO. However, and perhaps most importantly, the shift to social services during the Oslo period represented more than a return to Islamist and Islamic roots in the Muslim Brotherhood. This shift was accompanied by entry into seemingly new areas of social activity or the expansion of activity in pre-existing areas that went beyond the traditional boundaries of religious education and proselytizing that historically characterized the social work of the Muslim Brotherhood. This allowed the Islamists entry to and legitimation by the existing order. The Islamists certainly appeared to be seeking such legitimation—at the very least, they passively accepted the new, more respectable status. Although social action has a political and revolutionary purpose in Hamas’s ideology, Islamic social activism, as it was evolving in the Oslo context, was becoming increasingly incorporated within the mainstream. This, of course, was one way the ruling authority controlled the Islamic section, but it worked to the advantage of both.

10 Id.
Some of the clearest examples of this dynamic were found in education, health, and banking.\(^{11}\)

In education, for example, Islamic kindergartens, reputed centers of intense political proselytizing, taught a standard curriculum that was approved by the Palestinian Ministry of Education. This was also true for new Islamic schools at the elementary school level. Interestingly, many but not all Islamic schools taught a religious curriculum, which in a growing number of cases was also standardized, regulated, and approved by the Ministry of Education. For instance, one principal in an Islamic school in Gaza commented how impressed he was by the Ministry’s religious curriculum.\(^{12}\) In fact, the Islamic movement appears to have strengthened its presence in the education sector. According to Ministry of Education officials at that time, 65 percent of all Gazan educational institutions below the secondary level were Islamic (a percentage that has in all likelihood increased).

Other examples were found in the health care sector with the emergence of tertiary and highly specialized medical care in Islamic facilities. One of the most sophisticated hospitals in the West Bank and Gaza is located in Hebron, and was founded, administered, and financed by the Islamic and Islamist leadership. Although small hospitals were founded by the Muslim Brotherhood years ago, they do not compare with the scope of the Hebron facility. Furthermore, an Islamic facility in Gaza is a highly respected (by the Palestinian medical establishment) rehabilitation and treatment center for acute spinal cord injuries.

There were also initiatives in the economic sector with the establishment of an Islamic banking network with four Islamic banks and over twenty branches in the occupied territories, Islamic investment houses, and a range of business enterprises. Furthermore, it is highly unlikely that Hamas had any control, direct or even indirect, over certain kinds of Islamic economic institutions such as those in banking and finance given its own limited organizational structure and the tight regulation of such activities by governmental agencies. In all these cases, Islamic institutions were working with and were regulated by the appropriate Palestinian ministries and agencies and, in many cases, had what appeared to be good working relationships with the governmental sector.

Also important is the fact that people seeking the services of Islamic non-governmental organizations (“NGOs”) did so not because they were ideological supporters of Hamas (or any other Islamist faction) but because they needed the

\(^{11}\) By September 2000, approximately 10–40 percent of all social institutions in the Gaza Strip were Islamic, according to official and private sources.

\(^{12}\) Field interview conducted by author (1999).
services. Accepting the service, furthermore, did not automatically (or necessarily) translate into political support for the Islamist movement.

Arguably, these expanded new areas of Islamic social activity represented the normalization, institutionalization, and professionalization of the Islamic sector in public education, the system of health care delivery, and banking and finance. Indeed, Islamic social service organizations typically evinced the following characteristics: the absence of political ideological criteria as conditions for access to Islamic social services, or for membership in Islamic social organizations; no commitment to creating a strictly Islamic society or to the implementation of any Islamic model; a desire for greater practical cooperation with the Palestinian government, itself reflecting an openness on the part of the Islamists for better state-society relations, and not an attempt to challenge or alienate state authority, and prioritizing professionalism over ideology. This steadily legitimized Islam, however slowly, as part of the dominant paradigm. In fact, the author found that Hamas preferred to operate openly and legally, which is not unusual for Islamic movements in other states where they are tolerated.

In fact, the Islamic sector was not advancing a policy of isolation but was calling for greater accommodation and cooperation with national/local and international actors, including certain counterpart professional institutions in Israel, the United States Agency for International Development (“USAID”), European governmental agencies, and United Nations organizations, among others. In one health care institution in Gaza, for example, which was considered “Hamas-affiliated” since some members of its management team were political supporters of the organization, the medical director proudly described a training program inside Israel to which he sent some of his staff. In all likelihood, this decision could not have been taken without the sanction of the Islamic political leadership.

This advocacy for greater social (and perhaps political) integration with non-Islamic actors, both internal and external, appeared widespread among officials in the Islamic social sector and was the stated position of some members of the political leadership. Hence, the work of the Islamic social sector was not regarded either by its members or beneficiaries as a political battle against the state. Islamic organizations were judged by their social and economic performance, not by their political ideology. As such, Hamas’s internal shift arguably represented the beginning of a new ethos of civic engagement, a limited pluralism as it were. It further points to what Amr Hamzawy, a scholar of

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13 Prior to the current period there was always a limited if not inchoate Islamist base among Palestinians.

14 According to Mishal, “although Hamas propaganda continued to discredit and delegitimize the PA’s leadership, Hamas was careful not to alienate the rank and file within the PA administration.” Mishal, 29 Armed Forces & Socy at 579 (cited in note 5).
Islamist movements, calls the “inner secularization of the religious discourse” as a means of adapting to existing social, political, and economic realities.\textsuperscript{15}

The shift to social action, to a social (and hence, political) domestic agenda, to new forms of social engagement and to the normalization, incorporation, and institutionalization of the Islamic and Islamist agenda during the Oslo period represented an important change within the Islamist movement and the creation of a new space in Islamist thinking away from national action and toward communal development and reformist initiatives. It appeared that Hamas or its successors were slowly moving away from the political extreme toward a more centrist position, trying to position themselves between the corruption of the PA and its donor-linked development projects and violent Islamic militants and the impossibilities they had come to represent. Islamists, perhaps, were trying to limit the arbitrary political power of PA not through political or military confrontation, which had failed and was costly, but through mobilizing people at the social/cultural level and allowing the social part of the movement (both its aligned and non-aligned parts) to define, pragmatically and non-violently, the Islamic and Islamist agenda for some time into the future. And, while the transformation from militancy to accommodation was not smooth or quick, it was taking place.

\textbf{II. THE RE-ASCENDANCE OF POLITICAL ISLAM DURING THE SECOND INTIFADA: AN END TO ACCOMMODATION?\textsuperscript{16}}

The start of the second Palestinian Intifada on September 28, 2000, coupled with the impact of September 11, 2001, has dramatically changed the environment in the West Bank and Gaza. Preexisting political arrangements have been severely disrupted, economic conditions have declined dramatically, and key social structures and mediatory institutions have been weakened and, in some cases, destroyed. Within this context of desperation and hopelessness, the Islamist opposition, notably Hamas, has reasserted itself.

Several political factors have contributed to the re-ascendance of the Islamists. Among the most important is the abnegation of any leadership or command role by the PA during the uprising, and the emergence of a younger generation of more militant Fateh cadres who assumed leadership of the uprising early on. The resulting militarization of the Intifada not only marginalized the role of Palestinian civil society, but also discredited and eclipsed


\textsuperscript{16} Some of the points in this section are raised and discussed in greater detail in Mouin Rabbani and Sara Roy, Palestinian Politics and September 11th, 9 Middle East Poly 89 (Dec 2002); see also Mouin Rabbani, The Costs of Chaos in Palestine, 224 Middle East Rep 6 (Fall 2002).
the role of the older generation of PA/PLO elites. Fateh, however, has not been able to exert control over the PA (itself greatly weakened), the Islamists, or other factions due in part to the party's own internal divisions and fragmentation. The political splits within the Palestinian national movement, and the strengthening of armed and cross-factional militias seeking political power and an end to occupation through violent confrontation, created the time and space for Hamas to rebuild its political/military infrastructure and pursue a form of militancy that went beyond Fateh's own (which until then had confined operations to the occupied territories). By attacking civilian targets inside Israel—a strategy subsequently followed by Fateh and others—Hamas not only succeeded in gaining support from an increasingly desperate population, but also in undermining the PA. The PA was blamed for the attacks and the diplomatic initiatives it was pursuing.

Several other factors also contributed to the re-emergence and strengthening of the Islamists. Yasir Arafat became politically marginalized, and the Palestinian leadership experienced increasing international isolation, which was later transformed into an explicit attempt by Israel and the US to affect "regime change." The politico-military campaign against the Palestinian Authority resulted in the large-scale destruction of its institutional infrastructure—including its security forces and leadership/command structure—and the incapacitation of the PA as a political institution and administrative apparatus. There is also no common approach to the conflict or a coherent strategy of resistance, which reflects the lack of a unifying national liberation movement. Similarly, Palestinian politics have become increasingly decentralized and political fragmentation is growing, whereby central authority is steadily ceded to local control. Different factions have implemented (sometimes) conflicting political strategies (for example, the PA's eroding political/diplomatic track, Fateh's war of attrition, and the Islamists' larger war) that serve to perpetuate organizational chaos within the political domain. Furthermore, several important parties, especially the US, have accepted Israeli Prime Minister Ariel Sharon's agenda, which seeks to eliminate the PA and preclude the establishment of a Palestinian state through continued Israeli settlement expansion, land expropriation, the building of the separation wall, and other forms of economic dispossession. The US government also has failed to pursue seriously a political resolution of the conflict, and there is no credible prospect for a meaningful political settlement.

These factors, among others, have not only catalyzed the formation and radicalization of the Islamist factions, but have also resulted in a balance of power that has slowly shifted in these factions' favor. This shift is underlined by three dynamics—changing popular sentiment, the PA/nationalist-Islamist relationship, and Israeli policy toward the Islamist opposition.
A. SHIFTING POPULAR SENTIMENT

Historically, popular support for Hamas and other Islamist factions was strongest in the perceived absence of political progress, a nationalist barometer of political discontent. During the period of the peace process, for example, when Palestinians were hopeful of a political settlement, support for Hamas and others—never, in the author’s view, substantial—waned, and when prospects dimmed as they did after the failed Camp David Summit in July 2000 support rose, albeit incrementally. Prior to the current Intifada, political despair did not translate into support for the Islamists but into losses for the nationalists. After Camp David, for example, support for Arafat dropped to 47 percent from its peak of 65 percent in 1996 and support for Fateh declined to 37 percent after having reached an unprecedented 55 percent in 1996 (when Palestinian support for the peace process reached 80 percent and support for violent attacks against Israeli targets dropped to 20 percent). The popularity of the Islamists rose only from 15 percent in 1996 to 17 percent in 2000.17

Hence, popular desertion of the secular nationalist forces did not translate into support for the Islamists; instead, people remained uncommitted. However, this changed during the Intifada: growing economic deprivation and political failure gradually shifted loyalties to the Islamists. Almost one year into the current Intifada, Arafat’s popularity plummeted to 33 percent and Fateh’s to 29 percent.18 By July 2001, the Islamist factions claimed 27 percent of polled support, which represented an 80 percent increase from 1996.19 Simultaneously, support for the opposition, both Islamist and nationalist, reached 31 percent, which exceeded that of Fateh and its associates at 30 percent.20 Yet, during this same time, it is also important to note that while 61 percent of Palestinians believed that armed confrontations with Israel helped achieve rights where negotiations failed, 71 percent supported an immediate return to negotiations and 73 percent supported reconciliation with Israelis after the establishment of a Palestinian state recognized by Israel.21 A year later, in the context of dramatic economic decline and political disintegration, a Bir Zeit University poll revealed

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17 Khalil Shikaki and the Palestinian Center for Policy and Survey Research (2001) (draft on file with author).
18 Id.
19 Sara Roy, Hamas and the Transformation(s) of Political Islam in Palestine, 102 Current Hist 13, 18 (Jan 2003).
20 Shikaki and the Palestinian Center for Policy and Survey Research (cited in note 17).
that 42 percent of Palestinians favored an Islamic state, a finding that was totally unprecedented.22


With the Intifada, the Palestinian political environment underwent some dramatic changes. First was the restoration of the resistance component and militancy to the Palestinian struggle, embraced by all factions and not just the Islamic opposition. Second was the attempt by the nationalist forces to accommodate the demands of the Islamists—Hamas and Islamic Jihad—for the sake of maintaining national unity, internal political consensus and popular support. Third was the attempt by the Islamists to normalize their relationship with the PA without conceding to the PA’s political conditions.

“Compromise,” for the PA, meant remaining silent on calls for international protection, the application of the Geneva Conventions, human rights, and cooperation with the Israeli peace movement, all of which the Islamists reject. For the nationalist factions, compromise meant bringing the Islamists into an institutional alliance of sorts in order to preclude the formation of parallel Islamist institutions and strike forces, which happened during the first Intifada. For the Islamists, compromise was cooperating with the nationalist forces in a military campaign against the occupation—in short, coordination in the field but not in politics. (Hamas has never officially recognized nor totally rejected the PA.) The establishment of the National and Islamic Forces (“NIF”) early in the Intifada was one practical expression of this cooperation. The NIF is a broad coalition of fourteen political factions and civic organizations whose mandate is coordination of the uprising. Because the PA rejects the NIF’s supervisory role, the factions maintain that they are not bound by NIF decisions, which has limited the NIF’s effectiveness. However, and despite the fact that neither side wants a formal partnership with the other, the Islamists have, in effect, been granted veto power in political decision-making, which is unprecedented in the history of the Palestinian national movement.

The result has been uneven and tendentious. While there have been several examples of cooperation and coordination—for example, the PA’s release of Islamic activists from jail, Hamas’s support of Arafat during the siege of his compound, and ceasefire agreements between Hamas and the PA—tensions remain high and conflicts intense. For example, in the absence of a common political program (itself emerging from Arafat’s failure to institutionalize a political relationship between the Authority and the factions and provide them with a viable decision-making role), factions compete and undermine each other,

22 Roy, 102 Current Hist at 18 (cited in note 19).
contributing to greater organizational chaos within the domestic political environment. And while the relationship between the PA and the nationalist and Islamist factions is a complex one defying simplistic notions of strategic control or open opposition, the PA cannot and will not exercise real authority over those factions in the absence of meaningful political prospects.\(^2\) (In fact, it was the common opposition of both Arafat and the Islamists to Prime Minister Mahmoud Abbas and his perceived political mission—that is, to implement the American Road Map for Peace—that ultimately undermined him.) Within this maelstrom, Hamas and other militant factions conduct suicide bombing attacks in Israeli cities in opposition to official PA policy for which the Authority is rightly or wrongly held accountable, and to which Israel responds with devastating results.

Furthermore, as the PA grows weaker, Hamas is able to weaken it even further; a significant part of the Hamas leadership believes—despite Israel’s assassination of several of its top officials during 2003 and 2004—that Hamas is in a position to fill any vacuum created by the destruction of the PA or perhaps displace it altogether. While it is impossible to predict whether this will occur, it is clear that Hamas’s role has become increasingly important. As early as September 2002, for example, before Israel’s siege of Arafat’s compound later that month, the US had indirect contacts with senior Hamas officials. The US apparently promised them that, in exchange for their agreement to become a part of a secular, democratic unity government in a new Palestinian state (a discussion that Hamas was already conducting with Fateh, and which no doubt contributed to the six-week lull in suicide bombings in 2002\(^2\)\(^4\)), the US would pressure Israeli officials to end their policy of targeted assassinations and arrests of Hamas officials. The US envoy engaged in the “talks” indicated that while he could not guarantee Israeli acceptance, the US welcomed Hamas’s decision to become “a legitimate part of the political process.”\(^2\)\(^5\) It was also clear that the US endorsed Hamas-Fateh talks. Reportedly, Hamas officials were

\(^2\) See Rabbani and Roy, 9 Middle East Poly at 89 (cited in note 16); and Rabbani, 224 Middle East Rep at 6 (cited in note 16).

\(^4\) The absence of suicide bombings inside Israel is often referred to by media and government alike as a “period of quiet.” Yet during this six-week “lull,” at least 80 Palestinians were killed. A similar period of “quiet” between October and December 2003 left over 100 Palestinians dead.

pleased by these signals and by indications that the US would welcome Hamas’s political participation.26 A senior US diplomat put it this way:

There is a difference between Hamas and, say, the Iranian mullahs. The one tradition is nationalist and revolutionary, the other is clerical and religious. We know the difference. We know who the honest actors are. We don’t happen to like Hamas tactics, but we know there’s a world of difference between what they want and what, say, Mullah Omar wants.27

C. ISRAELI POLICY AND THE ISLAMIST OPPOSITION

The US-Hamas contacts, of which Israel was fully aware, ended when the Israeli army arrested a moderate Hamas official in Ramallah on September 9, 2002. Hamas interpreted the incident as a deliberate attempt by the Sharon government to undermine its exchange with the Americans. This was followed just a few days later by an Israeli attack in Rafah, which killed nine Palestinians, many of whom were civilians. On September 19, two Hamas bombs exploded in Tel Aviv. Israel’s siege of the presidential compound in Ramallah followed. Under US pressure, Sharon ordered an end to the siege soon thereafter.

There are other examples of Hamas-PA ceasefires undermined by Israeli attacks. The assassination of Mahmud Abu Hanud, a key Hamas figure, in November 2001, was interpreted by Alex Fishman, the security commentator for the right-of-center Yediot Aharonot, Israel’s largest mass circulation newspaper, as follows:

Whoever gave the green light to this act of liquidation knew full well that he is thereby shattering in one blow the gentleman’s agreement between Hamas and the Palestinian Authority; under that agreement, Hamas was to avoid in the near future suicide bombings inside the Green Line, of the kind perpetrated at the Dolphinarium [discotheque in Tel-Aviv].

Such an agreement did exist, even if neither the PA nor Hamas would admit it in public. It is a fact that, while the security services did accumulate repeated warnings of planned Hamas terrorist attacks within the Green Line, these did not materialize. That cannot be attributed solely to the Shabak’s impressive success in intercepting the suicide bombers and their controllers. Rather, the respective leaderships of the PA and Hamas came to the understanding that it would be better not to play into Israel’s hands by mass attacks on its population centres.

This understanding was, however, shattered by the assassination the day before yesterday—and whoever decided upon the liquidation of Abu Hanud knew in advance that that would be the price. The subject was extensively discussed both by Israel’s military echelon and its political one, before it was decided to carry out the liquidation.28

26 Id.
27 Id.
28 Alex Fishman, A Dangerous Liquidation, Yediot Aharonot (Israel) (Nov 25, 2001).
On December 1 and 2 came the Hamas bombings in Jerusalem’s Zion Square and on a bus in Haifa. Twenty-five Israelis were killed, many of them children.

In July 2002, with the help of European diplomats, the Fateh tanẓim\(^{29}\) —as opposed to the PA—and Hamas had reached an understanding that all attacks inside Israel would stop and they were preparing to issue a formal statement to that effect on July 22. Hamas’s spiritual leader and founder, Sheikh Ahmed Yassin, announced publicly that Hamas was considering a ceasefire if Israel withdrew its troops from Palestinian population centers they recently had reoccupied. Just ninety minutes before the proclamation was to be announced, the Israeli authorities bombed the Gaza apartment of Hamas military wing leader Sheikh Salah Shehada, killing him and sixteen others, including eleven children. More Hamas suicide bombings in Israel then followed. On November 26, 2002, Israeli helicopters targeted and killed the commanders of the military wings of Hamas and the Al Aqsa Brigades in the Jenin refugee camp. Both factions promised to carry out large-scale attacks inside Israel in revenge.

By now, the pattern is well known and firmly established: every Israeli assassination of a Palestinian—and there have been 150 since 2000\(^{30}\)—produces a terror attack inside Israel, and scores of Israelis have been killed as a result. The killing in August 2003 of Hamis Abu-Salam and Faiz A-Sadar, two Hamas officials, at the Askar refugee camp in Nablus, for example, led to the two suicide attacks at Ariel and Rosh Ha’ayin soon thereafter, breaking a ceasefire that had been in effect since June 29, 2003.\(^{31}\) According to Gideon Levy, a writer for the Israeli newspaper *Ha’aretz*:

> Much as Israel claims that the Palestinians are violating the truce and regrouping in order to perpetrate savage acts of terror, its pleading can’t alter the facts: up until Israel renewed its assassinations campaign, there were no suicide bombings, and the two attacks [at Ariel and Rosh Ha’ayin] last week were direct responses to the Askar refugee camp slayings.\(^{32}\)

It seems obvious, to some analysts at least, that by engaging in such provocative acts—which clearly do little if anything to protect the security of Israel’s citizens and do a great deal to jeopardize it—the Sharon government is deliberately trying to undermine the diplomatic process, and thereby ensure its continued occupation of Palestinian land and resources.

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\(^{29}\) "The tanẓim is an armed militia consisting of Fateh street cadre/activists and elements of the PA’s Preventative Security Force that has undertaken many military operations." Roy, 102 Current Hist at 20 n 7 (cited in note 19).


\(^{31}\) According to several Israeli and US officials neither the internal or external Hamas leadership ordered the attack, which was a rogue operation that took the Hamas leadership by surprise. International Crisis Group, *Dealing with Hamas* at 26–27 (cited in note 4).

In the words of a former senior European security official, the ceasefire failed due to:

continued Israeli assassinations and killings that completely undermined genuine attempts at de-escalation. Israel’s response created a self-fulfilling prophecy. They had the expectation of failure and in effect guaranteed it... [T]here were continued provocations, a dismissive attitude, no confidence-building measures, and unhelpful statements. Israel’s Minister of Defence would publicly claim that Hamas is re-grouping and that [the] IDF must prepare for a massive attack. Hamas begins to prepare for this eventuality. To Israel this is proof of its original thesis, a casus belli. It attacks, Hamas responds, the IDF feels vindicated and the hudna [ceasefire] is history.33

Put in more poignant terms, one Israeli observer wrote, “[t]hey slay Palestinians and expect them to exercise restraint.”34 More attacks followed including the killing by Hamas of twenty-two Israelis in Jerusalem on August 19, 2003. On September 6, 2003, the European Union gave in to American and British pressure and adopted a resolution blacklisting the political wing of Hamas, declaring it a terrorist organization. The Israeli government immediately responded with the attempted assassination in Gaza of Sheikh Ahmed Yassin, the spiritual leader of Hamas. In March 2004, the Israeli government succeeded in assassinating Sheikh Yassin as he was leaving a mosque after prayers.

Suicide bombings are horrific and criminal, but what do the examples above say about the policies of the Sharon government? The argument has been made that Sharon’s policies aim to undermine any possibility of a political settlement, which would involve compromises his government is unwilling to make, preferring instead a decisive military victory and long-term interim arrangements dictated by Israel, no matter the cost. That is, rather than draw Hamas into a political role that would “give the Islamists a more proportional share of power in exchange for their agreement to a modified political approach,”35 and thereby encourage an internal political settlement among Palestinian factions (particularly with Fateh)—something the Sharon government vehemently opposes because it would strengthen the Palestinian position—the Israeli government is attempting to destroy the Islamists through military means, and foster continued internal political dissension and internecine conflict.

Hence, Israel will most likely reject as a deceptive smokescreen Hamas’s January 2004 proposal of a ten-year truce in exchange for Israel’s withdrawal from the West Bank, Gaza, and Jerusalem, and the establishment of a Palestinian

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33 International Crisis Group, Dealing with Hamas at 26 (cited in note 4).
34 Sara Roy, Using War to Destroy Palestinian Land, Daily Star (Beirut) (Sept 23, 2003).
state, a proposal that has several historical precedents. With this proposal Hamas has made it clear it is not recognizing Israel or necessarily calling for an end to the Palestinian-Israeli conflict. Yet, given Hamas’s great sensitivity to public opinion, the proposal may again signal the beginning of a (political) shift within the organization away from the use of violence, which has accomplished little and has exacted enormous social costs. This shift, if real, repeats the pattern toward social and political accommodation that characterized Hamas’s behavior during the Oslo period. This change also represents an attempt by Hamas to strengthen and secure its leadership position, perhaps in coordination with some younger Fateh cadres, among a population that is economically devastated and politically adrift, finally displacing the old Arafatist elite, and toppling the older guard of Fateh, already fragmented organizationally and geographically. Now, as before (during Oslo), Hamas’s shift also derives from Israel’s success at weakening its military capacity through its assassination campaign and frequent raids into Palestinian towns and localities.

Some analysts believe that Hamas is at a crossroads:

[Key leaders, determined not to be equated with Bin Laden’s nihilistic terrorism and convinced they have gained considerable political strength at home, allegedly see the need for a strategic transformation that will give them the legitimacy in regional and international eyes, and given the appropriate environment, may be able to achieve it. The extra-judicial killing by Israel of Sheikh Ahmed Yassin, Hamas’s founder and spiritual leader on March 22, 2004, may have altered the political equation in Israel, the West Bank, and Gaza dramatically. Yassin, greatly revered inside and outside the West Bank and Gaza, was a unifying, moderating force within Hamas, particularly on its military wing. Because of his stature and clout he was able to overcome disputes between Hamas’s internal and external leaderships over halting military operations against Israel in exchange for an Israeli withdrawal from the Occupied Territories and the establishment of a Palestinian state, something Yassin had proposed to the Israeli government on more than one occasion.

Yassin’s assassination will no doubt strengthen the radicals within Hamas and undermine the moderates, a dynamic that may also find expression throughout the Arab and Muslim world. Sharon’s decision to assassinate Yassin has many dimensions, including the desire to foment Palestinian radicalism in a manner that would justify Israel’s continued brutal response against Palestinian

36 Milne, Too Late for Two States?, Guardian (London) at 16 (cited in note 4) (arguing that for the first time all Palestinian factions including Hamas and the Islamic Jihad effectively accept the principle of peace in exchange for an independent Palestinian state in the West Bank, Gaza, and East Jerusalem).

37 Wafa Amr, Hamas Proposes 10-Year Truce for Israeli Pullback, Ha’aretz (Israel) (Jan 25, 2004).

38 International Crisis Group, Dealing with Hamas at 23 (cited in note 4).
terrorism and the continued control of Palestinian lands, and so preclude the possibility of a political settlement. Furthermore, with Yassin's killing, the Sharon government may have found the most effective way to finally dispose of the Palestinian Authority, which Palestinians have long regarded as morally and politically bankrupt, corrupt and collaborationist.

This points to another argument regarding Israel's policies toward the Islamist opposition. Some analysts maintain that while Hamas leaders are being targeted and their political overtures rejected, Israel is simultaneously pursuing its old strategy of promoting Hamas over the secular nationalist factions as a way of insuring the ultimate demise of the Palestinian Authority, and as an effort to extinguish Palestinian nationalism once and for all. In fact, some allies of Arafat have, in the past, accused Hamas of being in a tacit alliance with Israel. In so doing, the argument continues, Israel creates a justification for maintaining the occupation since it will deal with Palestinians only as militant radicals and not on the basis of national rights or as a legitimate part of a political process. But then what?

Prior to Yassin's assassination, it should also be noted that some Israeli security officials argued that their government would ultimately have to deal with Hamas. "The IDF today understands that Hamas is also a movement like Hezbollah or . . . Shas [Israel's Orthodox Sephardic party] . . . [that is, more than just a paramilitary organization], and no one really believes that it can be destroyed." According to a former senior Israeli security official:

There is a school that accepts that the Hamas is a political and social movement and wants to engage them in a political process. It sees Jordan and its co-option of the Islamic movement as the model to emulate. Their argument is that Hamas cannot be made to disappear. Israel is at present studying the Jordanian model closely.

With Yassin's killing, this possibility may now be dead.

D. ISLAMIC SOCIAL INSTITUTIONS

The reclaimed dominance of the Islamic political and military sectors has not eclipsed the importance or the role of their social counterpart. The economic conditions in the West Bank and Gaza are dire, with unemployment and poverty rates standing on average at 30 percent and 60 percent respectively. Additionally, Israel is constructing a 400-mile barrier throughout the West Bank that will deepen Palestine's economic misery by surrounding the West Bank and dividing it into two non-contiguous cantons. These circumstances have eroded the capacity of the PA to deliver basic social services, so Islamic social organizations have become an increasingly important part of the Palestinian

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39 Id.
40 Id.
social welfare system. Now, as during the Oslo period, they are providing services the PA is unable to provide and doing so with the tacit, if not explicit, support of the authorities. Indeed, the periodic closing of Islamic charities and other social institutions for political reasons is often temporary because without their services a vacuum would result, which the PA is clearly incapable of filling, further strengthening the presence of Islamic organizations in Palestinians' daily life. Furthermore, Islamic civic institutions, unlike their secular counterparts—which are also engaged in activities such as human rights, advocacy, and political reform that highlight the PA's deficiencies—do not challenge the PA's work or methods but rather complement them.

In contrast to the PA, however, there has been an international effort after September 11 to restrict the activities of the Islamic social sector because it contributes to the political appeal and growth of Hamas. (Interestingly, it is unclear at this point whether Islamic social organizations in the re-occupied West Bank in particular are being closed or dismantled by Israel for the same reason, or whether Israel is allowing these institutions to function as part of its strategy of eliminating a secular alternative.) Another important question concerns internal relations between the Islamic social and political sectors. If Hamas assumes a greater political role after the PA's demise, which seems more likely after Yassin's death—especially in the Gaza Strip—how are Hamas and the Islamic institutions preparing for this shift, and how would the role of Islamic social organizations change should such a shift occur?

III. SOME CONCLUDING THOUGHTS

While an Islamist alternative still remains unacceptable to many or most Palestinians, it is clear that the Islamists, notably Hamas, have increasingly become a vocal and institutionalized part of the Palestinian political landscape; as such, they will need to be incorporated into any future political arrangement—not marginalized. What is also clear is that, despite its militant extremism, the Islamist movement has shown that it can be pragmatic. While there remain many good reasons to question Hamas, there are also as many reasons to test them. Indeed, the alternative—open and continued confrontation—will be worse, bringing certain disaster to Israelis and Palestinians.

Although it is still too early to say definitively, it appears that an Islamist base may in fact be taking shape among the population, which, if true, marks a striking departure from the pre-Intifada period. This refers to a popular base

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that is mobilized around an Islamist ideology, which is distinct from the large and ever increasing popular base of support that Hamas now commands. This is due not only to extreme and unabated economic and social decline but to the virtual destruction of a viable secular political alternative. Because of the political vacuum that has subsequently emerged, and the absence of meaningful non-violent options, it appears that the Islamists are increasingly being judged not by the socioeconomic work they perform—although essential and valued—but by the political ideology they espouse. This, too, represents another critical departure from the Oslo period, and it is occurring not because Palestinians have become extremists (religious or otherwise) but because they have become desperate.

The political transformations of Hamas and the Islamic movement generally derive from a combination of internal and external factors, which could only be touched upon here. Insofar as the Palestinian-Israeli conflict is concerned, the greatest threat to peace is not extremism—Islamic or secular—but the context that produces and nurtures it: occupation. The fundamental problem among Palestinians is that the majority of people are disenfranchised and poor, having no power, access, or future. Radical Islam emerged not because people were opposed to political and economic change but because they were continuously denied it.

It is ironic that the re-ascent of political and militant Islam in historically secular Palestine is taking place at a time when the notion of an Islamic state is waning in other national contexts, notably Iran and Turkey, where the internal struggle to dissociate theocracy from the state is intensifying. Palestinians have always been a secular people seeking their political rights and national liberation, but this could change if their misery deepens and their prospects for the future vanish.