BJÖRN BRENNER

GAZA UNDER HAMAS

FROM ISLAMIC DEMOCRACY
TO ISLAMIST GOVERNANCE

FOREWORD BY MAGNUS RANSTORP

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FOREWORD

Sir Mark Allen once observed that understanding Middle Eastern politics is like playing three-dimensional chess underwater, with all the pieces moving simultaneously. This analogy aptly fits the cauldron of the interlocking Middle East conflicts around which the Israeli–Palestinian conflict has revolved for over a century. Much has been penned about the various dimensions of Palestinian politics, often through the lens of the conflictual relationship between the Israelis and the Palestinians. However, relatively little research has been carried out attempting to understand one of this conflict's most central actors, the Islamist movement Hamas. Without Hamas on board, at least with a silent nod, there will be no resolution to the conflict and no security for Israel.

Western scholars and policy makers alike tend to forget that Hamas enjoys strong and widespread grassroots support across the Middle East, particularly in the surrounding Arab states. Hamas is here to stay and will not go away, not even if Israel and the PLO would manage to negotiate a peace accord. In turn, this means that figuring out how to cope with Hamas is one of the pivotal issues for resolving the Israeli–Palestinian nexus. Could Hamas in some way be coerced and/or induced into peaceful coexistence with Israel? In order to find the crucial answer to this question, we need to dig deeper to understand how its leaders and cadre actually perceive their current situation and reason about how they should act on it.

One of the key gaps in the existing research on Hamas is our poor understanding of the ways in which the group reconciles its seemingly unwavering ideology with the realities it faces on the ground. The extent

to which extremist groups demonstrate a capacity to distinguish between their utopian ideological visions, on the one hand, and the compromises they need to make with their ideals in reality, on the other, constitutes a litmus test for their relationship to democratic politics. So when in 2006, through its participation in democratic elections, Hamas was catapulted straight into governmental office from a position of extra-parliamentary spoiler, its behaviour in government became a matter of great scholarly interest.

By exploring precisely this subject – Hamas's governance within the borders of the Gaza Strip – *Gaza Under Hamas* is a much-needed contribution to this under-researched field of enquiry. Focusing in detail on the Hamas government's domestic behaviour, as opposed to its relations with the rest of world, Björn Brenner's book breaks new scholarly ground. In addition to its timely subject and relevant focus, Brenner's extensive fieldwork carried out on location in Gaza – in particular his many interviews with leaders and cadres as well as field observations – provides an empirically rich and analytically unique insight into Hamas's record in government a decade after its ascension to power.

The history of *al-Harakat al-muqawama al-islamiyya*, the Islamic resistance movement in Palestine, is a remarkable story of steadfastness and adaptation in the face of Israeli occupation and in confronting adversity at both the local and regional levels. Most commentators trace the origins of Hamas to the outbreak of the intifada in 1987, but its foundations run deeper within Palestinian society and are aimed at restoring its Islamic identity and character. Hamas considers itself a chapter of the Muslim Brotherhood, imbued with a mission to gradually re-Islamise society from below. The Brotherhood emerged as a direct consequence of the Egyptian crackdown on Islamists and the 1967 war which resulted in Israel's occupation of the West Bank and Gaza.

In 1973 Shaykh Ahmed Yassin established *al-Mujamma al-islami*, the Islamic Centre, which became a front for the Brotherhood's religious and social activities in Gaza. Eventually, the Mujamma developed into a powerful political force with impressive social leverage, transforming the community from within. Ziad Abu Amr notes that 'between 1967 and 1987, the number of mosques in Gaza more than doubled, from 77 to 160'.[1] Gradually, Hamas's influence grew and consolidated, challenging the dominance and failure of the secular, nationalist

ideology of the PLO. It was the outbreak of the intifada in December 1987 that saw Hamas seize the opportunity to announce its position at the forefront of Palestinian aspirations.

Having the opportunity to interview the late Shaykh Ahmed Yassin in Gaza back in 1998, alongside the current leader Ismail Haniyeh, I asked Hamas's spiritual leader when he envisaged the establishment of an Islamic Palestine. Shaykh Yassin answered confidently that it would happen around 2022. He saw this as inevitable due to the interlocking developments unfolding in the region: 'the steadfastness and unwavering commitment of the resistance fighters; the hadiths of leaders emerging every 100 years; the demographical trends; the Islamic revolutions seen in adjacent lands; and notably, the miracle of number 19; all this is on our side'.[2]

However, as he was killed in an Israeli airstrike in March 2004, Yassin never lived to see the fulfilment of his ideologically weighted prophecy. Under his leadership, Hamas was vehemently opposed to the peace process with Israel and considered Palestine to be a *waqf*, a sacred Islamic land 'consecrated for future generations until Judgement Day'. Hamas's military wing gradually escalated its confrontation with Israel, embarking on suicide operations and other terror attacks against Israeli military and civilian targets. At the same time, Israel's often overwhelmingly brutal military response and the consolidation of its occupation only served to deepen Palestinian dispossession and destitution, which in turn strengthened the position of Hamas. Hamas used violence as a source of both legitimacy and authority. This militant posture raised concerns that Hamas would remain inflexible and uncompromising in its ideological position, not only against Israel but also in its long and fraught relationship with Fatah over power and control of Palestine.

However, Hamas's decision to participate in the municipal and legislative elections 2004–6 sent some unexpected signals and showed a new face of the movement. In the build-up to its electoral victory, many Palestinians considered Hamas to stand for 'incorruptibility, account-ability and efficiency' – everything that Fatah was not.[3] Hamas had also positioned itself as 'the guardian of the resistance' against Israel. Its new strategy of political participation, combined with its spearheading of the resistance, gave Hamas a high degree of institutional protection, much as Hizbollah had done in Lebanon earlier. However, after entering

government in 2006 Hamas became locked into a spiral of retribution and internecine violence with its main rival Fatah. Eventually, this inter-factional violence resulted in Hamas's takeover of Gaza in June 2007. After purging the Fatah security forces, a concerted Islamisation of Gaza was initiated in which Hamas imposed rigid Islamic social codes – for instance, restricting the dress and general appearance of residents in public places.

In December 2008 Israel launched a massive assault on Gaza under the pretext of responding to Hamas's rocket fire into Israel. During the three-week assault, over one thousand Palestinians were killed and several thousand wounded. The Israeli attack was designed to destroy Hamas's entire support base – its military wing, its social welfare activities and its political capacity with a single blow. However, most of Hamas's local leadership managed to survive, ensconced in the vast underground tunnel systems excavated by its fighters. The savage assault nevertheless served to increase the tensions and turf wars within Hamas, both between its military wing and political factions and between the different generations of leaders within the wider movement. While Hamas has always tried to mask these internal differences, they have become increasingly overt over time.

The Hamas takeover of Gaza in 2007 also resulted in an uneasy relationship with the Salafi-Jihadi elements that were gradually strengthening their position inside the strip. While Hamas had initially collaborated with a Salafi group in the kidnapping of IDF soldier Gilad Shalit, it would not tolerate any challenges to its authority. Its relationship with these radical and militant groups vacillated from cooperation to open confrontation. Among the most serious clashes occurred in 2009 when Hamas fighters stormed the Salafi-led Ibn Taymiyya mosque in Rafah. Another Hamas crackdown followed the abduction and murder by Salafis in 2011 of Vittorio Arrigoni, an Italian human rights activist living in Gaza. Remarkably, Brenner was in Gaza conducting field research at the time and was living only a short distance away from where Arrigoni was abducted.

The transition from extra-parliamentary opposition to becoming the government represented a 180 degree shift for Hamas. An extreme move of this kind will brutally expose any unresolved ideological contradictions or lack of political preparedness that the actor in question might have. At base, domestic government is about service

provision and taking responsibility for an entire population. The present book examines how Hamas came to deal with this completely novel situation and the extent to which the group was ready to compromise its 'extreme' ideology in so doing. *Gaza Under Hamas* provides rich and fascinating analytical detail about this painful journey undergone by Hamas, torn between its Islamist ideals and the often incompatible realities it faced on the ground. In studying Hamas's style of governance, Brenner focuses on three interlocking themes: its complex relationship with Fatah and the parliamentary opposition; its attempts to control and curb the more extreme Salafi-Jihadi groups; and its actions for the re-establishment and maintenance of social order.

Brenner's first theme is the rivalry between Hamas and Fatah and the key role it has played in the political control of nationalist and religious symbols, institutions and authority. In the post-2006 election period, Hamas's handling of Fatah shifted back and forth between reciprocal violence and skilful political manoeuvring. Although reconciliation between the two remains elusive, some would argue that this rivalry is somewhat illusory – as the Palestinian grassroots remain unified at the revolutionary level. Nevertheless, the outcome of this factional strife has been catastrophic as Gaza continues to struggle with high unemployment, water shortages, power blackouts, international isolation and a crushing siege. As *Gaza Under Hamas* aptly demonstrates, the Hamas government focused all its energies on uprooting Fatah's security apparatus as a means of consolidating its own power base. Such activities took precedence over the protection of human rights as Hamas escalated its security operations through arbitrary arrests, closure of opposition newspapers and dissolution of assemblies affiliated with the opposition. This authoritarian turn was exacerbated by the failure to hold new elections, leaving the authorities in Gaza with no electoral mandate after the end of 2009.

Brenner's second theme explores Hamas's relations with the Salafi elements and jihadi fringe groups that were growing in popularity and numbers in the territory. The book unpacks Hamas's complicated relationship with these radical groups, showing that some of their members were formerly fighters with Hamas's military wing. These fighters had defected following disagreements over ideological issues, especially over what they saw as Hamas's failure to apply sharia after entering office. Brenner shows that Hamas pursued two parallel

approaches in dealing with the Salafi-Jihadi threat. On the one hand, Hamas sought reconciliation with Salafi-Jihadi prisoners through the use of mainstream Islamic scholars and preachers to dissuade from using violence in pursuit of their goals. On the other, Hamas showed that it would not shy away from cracking down on the Salafi groups if they were to become too powerful or undertake unauthorised military action against Israel. The influence of the Salafi element within Palestinian politics will become increasingly significant in relation to the spread of Daesh (the Islamic State Group) across the Greater Middle East, especially the activities of its affiliates in the Sinai Peninsula.

The third and final theme Brenner examines is the way in which Hamas re-established order on the streets of Gaza and, eventually, proceeded to reform the judicial system. After seizing power in 2007, Hamas first sought to take overt steps towards the Islamisation of Gazan society through the imposition of 'Islamic' social codes. However, these measures, which curbed individual freedoms, were often met with broad discontent by Gazans and even reversed when the public outcry became too great. As *Gaza Under Hamas* demonstrates, at that point Hamas seized the opportunity to make use of the popular informal methods of resolving disputes that were traditional in Palestinian society. In relation to several kinds of legal cases, Hamas accepted that the formal courts could be replaced by informal sharia-based mediation and adjudication by clan elders. Hamas saw that it could proceed with its Islamisation programme through this parallel justice system, thereby avoiding public attention and opposition.

Björn Brenner has produced an impressive and original contribution to our understanding of Hamas in the post-2006 period. *Gaza Under Hamas* is meticulously crafted and draws on extensive fieldwork across the Palestinian territories, including a large number of interviews and up-close observations inside Gaza. The book's high level of detail provides the reader not only with the actual data and analysis of events, but also with an in-depth understanding of how the Hamas leadership perceived its situation in government. Despite charges that Hamas is dogmatic and inflexible, this book shows that there is also another, more sophisticated, face to Hamas. *Gaza Under Hamas* paints a nuanced and politically balanced picture of this seemingly paradoxical movement and the multiple forces that drive it. Primarily, the book demonstrates Hamas's extraordinary flexibility in its ability to combine electoral

participation – political manoeuvring to some – with a simultaneous armed struggle against its arch-foe Israel and brutal crackdowns on its domestic opponents. A particularly interesting feature of *Gaza Under Hamas* is Brenner's demonstration of how the movement has made use of informal dispute resolution mechanisms to serve as a parallel justice system, a system that is more malleable to its own purposes than the formal court-based one. This once again shows Hamas's remarkable adaptability – capable of compromise but never fully surrendering its utopian Islamist ideals as a guide for political action.

Magnus Ranstorp
Swedish Defence University, December 2016

PREFACE AND ACKNOWLEDGEMENTS

This book seeks to contribute with a fresh perspective on the puzzling multi-dimensional character of Hamas – by exploring and analysing the movement's behaviour in its own backyard. The book does not focus on Hamas's behaviour towards Israel (on which there are already several studies), but instead looks in detail at how Hamas and its government has dealt with its own members and the citizens of Gaza. Such a domestic perspective, some would say, shifts the focus away from what is really important about Hamas. However, I take the opposite view. It has already been established that Hamas's behaviour towards Israel has been one of rejection and violence. I do not seek to challenge that. My intention has instead been to look beyond this more obvious and, in some respects, shallow picture. While we know relatively much about how Hamas has dealt with its external foes, less is known about how the movement treats its own Palestinian brothers and sisters.

In seeking to explore this domestic perspective, I followed Hamas around for four years, between 2009 and 2012, primarily in Syria, the West Bank and the Gaza Strip. Throughout this period, I was lodged with Palestinian families and together with them experienced their daily encounters and interactions with Hamas. In Gaza, notably, I met with and interviewed ministers, advisors and civil servants in the Hamas government, as well as military commanders, internal security personnel and fighters of the Qassam Brigades. These Hamas members of various ranks and positions spoke to me relatively frankly about their

interpretations of the political situation, particularly the challenges the government was facing in the domestic arena.

In addition, I interviewed representatives of those groups that the Hamas leaders I met with pointed out as local troublemakers and opponents challenging their authority. These individuals included Salafi-Jihadis, Fatah leaders and youth dissidents. During one of all these interviews, in reply to my question 'What is Islam to Hamas?', a well-known leader of Hamas answered: 'Björn, Islam is everything that is good for you! What is not good for you is not Islam. It is as simple as that.' While I did not understand the significance of what he had said to me at the time, this open-ended answer would later serve to capture a key principle of Hamas's ideology, explaining much of what its approach to politics is all about.

My field observations and interviews with individuals from across the political spectrum of the Gaza milieu provide a fresh set of data on Hamas after nearly a decade in government. My empirical findings tell the story of the strengthening Gaza branch of Hamas, a story that is experienced and told from a local point of view – how the Hamas leaders themselves understood the current political situation and the movement's role in government; how it governed; and, notably, how ordinary Gazans who were not members of Hamas perceived and were affected by the reforms and actions of this government.

To all of those who decided to trust me and were interviewed for this book, as well as to all of you who provided me with academic guidance and practical assistance along the way, I am deeply grateful. Without your support nothing of what follows would have been possible.

GLOSSARY OF TERMS

ʿāʾila (pl. *ʿāʾilāt*)	extended family (narrower than *ḥamūla*)
ʿālim (pl. *ʿulamāʾ*)	religious scholar, expert
ʾAmn al-ḥaraka	Hamas security unit
ʿaṣabiyya	group feeling, solidarity
ʿashīra (pl. *ʿashāʾir*)	tribe
ʿaṭwa	time-out period during a blood feud
ʿayn (pl. *ʾaʿyān*)	member of the urban elite
bayt (pl. *buyūt*)	tent, house, e.g. house of Ibrahim
daʿwā	litigation
daʿwa	preaching, religiously motivated social work
dhimma	global community of 'people of the book'
dīn	religion
diyya	blood money
fatwā (pl. *fatāwā*)	formal religious opinion or judgement
fawrat al-dam	'eruption of blood', beginning of a feud
ḥajj	pilgrimage to Mecca
ḥamūla (pl. *ḥamāʾil*)	extended family (broader notion)
ḥarām	religiously prohibited
ḥijāb	head scarf
Ḥizb al-khalāṣ	National Salvation Party (of Hamas)
hudna	temporary truce
ḥudūd	punishments prescribed in the Qurʾan
ḥukm sharʿī	religious ruling

ʾijmāʿ	consensus
ijtihād	reinterpretation of Islamic scripture
ʾimām	leader in prayer
intifāḍa	uprising
intiqām	retaliation
ʾiṣlāḥ	customary dispute resolution
jāha	delegation of elders
jalāʾ	action of taking shelter
Jaljalāt	'rolling thunder', colloquial term for Jihadis
Jamʿiyya makhātīr filasṭīn	Association of Palestinian arbitrators
jihād	struggle, holy war
kāfir (pl. *kuffār*)	infidel
lajnat al-ʾiṣlāḥ (pl. *lijān*)	social reconciliation committee
lugha ḥilwa	'beautiful language' (mediation technique)
majlis ʿāʾilī/ḥamūlī	extended family council
majlis al-shūra	consultative council (of Hamas)
maktab al-siyāsī	politburo (of Hamas)
maṣlaḥa	utility, the public good
muhākim (pl. *muhākimūn*)	arbitrator
mujāhid (pl. *mujāhidūn*)	holy warrior
mukhtār (pl. *makhātīr*)	community figure, village mayor
muqāḍāʾ	adjudication
Murābitūn	defence forces (of Hamas in Gaza)
muṣālaḥa	reconciliation
muṣliḥ	mediator, notable figure
qāḍī (pl. *quḍāʾ*)	judge
qāḍī ʿashāʾirī	Bedouin judge
qāḍī niẓāmī	arbitrator, judge
Qurʾān	holy book of Islam
Rābiṭat ʿulamāʾ filastīn	Association of Islamic Scholars
rajul al-ʾiṣlāḥ (pl. *rijāl*)	dispute resolution figure
Salafiyya	Salafi movement
shahīd (pl. *shuhadāʾ*)	martyr
shalwār qamīṣ	dress worn by Afghan mujahidin
sharaf	honour
sharīʿa	Islamic law
shaykh (pl. *shuyūkh*)	honorary and/or religious title of elder
shūra	consultation

shurṭa	police force
Shurṭat al-dākhiliyya	internal security service
ṣulḥ	social reconciliation
tahdiʾa	calming, quieting
taḥkīm	arbitration
takfīr	practice of denouncing infidels
taktīk	political tactics
Tanẓīmāt	legal reform by the Ottomans
tasāmuḥ	tolerance
tawḥīd	monotheism
tawjīhī	secondary school final exams
thaʾr	blood revenge
ʾumma	global community of Muslim believers
ʿurf	customary law
ʿurf ʿashāʾirī	tribal customary law
ʾusra (pl. *ʾusrāt*)	family
walī al-ʾamr	Islamic concept of rightful ruler
waqf	religious endowment (Islamic concept)
wasāṭa	mediation
wāsṭa	clientelism
zakāt	alms tax

In this section, Arabic terms are transliterated according to the system used by the International Journal of Middle Eastern Studies (IJMES). The terms are here shown in their full transliteration with ayn, hamza and diacritical marks (macrons and dots). In the main text, however, as an aid to non-Arabic speakers, Arabic terms appear without diacritical marks and also without ayn and hamza.
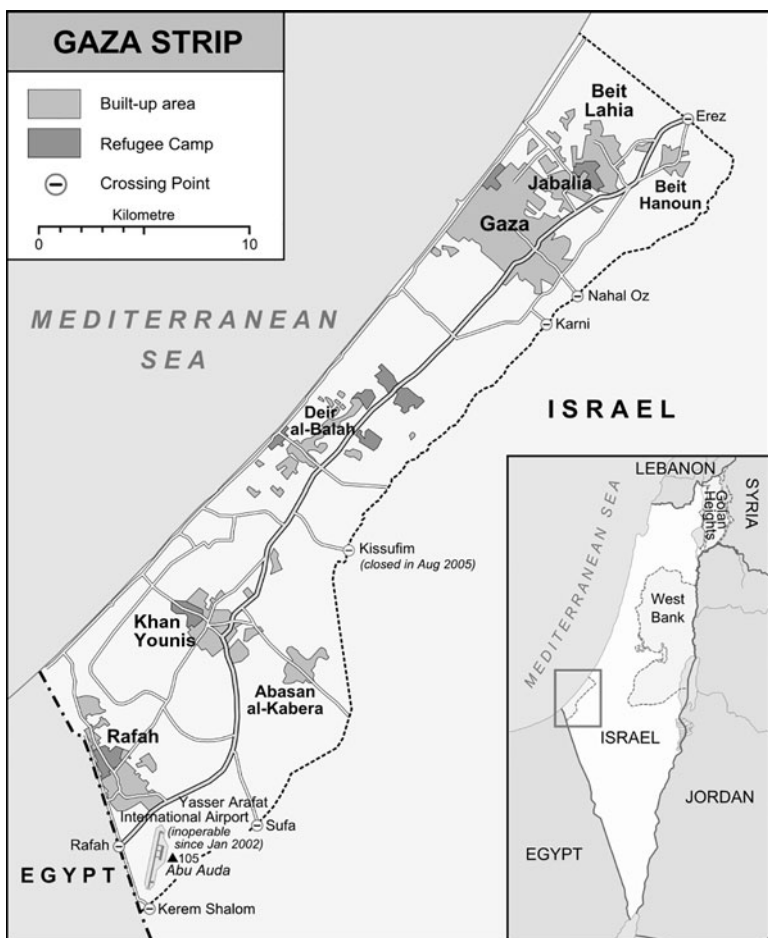
Map 1 The Gaza Strip. Credit: Wikipedia Kartenwerkstatt.

CHAPTER 1

ISLAMISTS IN POWER
BY DEMOCRATIC MEANS:
HAMAS IN PALESTINE

The 2006 elections to the Palestinian Legislative Council (PLC) saw the first democratic ascent to power by Islamists in the Arab world. In a landslide victory, the Islamic resistance movement in Palestine, Hamas, was catapulted from its former position of extra-parliamentary activism into the vortex of political power, assuming the role of government. Given the hitherto mixed outcomes of Islamists experimenting with democracy in other parts of the world, for instance in Africa and Asia, the question now was how governance by the first Arab Islamists to gain power by democratic means would turn out. Beyond Hamas's own Islamist ideology and its electoral promises to govern democratically, what would Hamas's governance come to mean in practice?

The eventual decision by Hamas to participate in the parliamentary process had followed several years of robust internal debate.[1] Prior to the first Palestinian legislative elections in 1996, that debate had intensified; though, the movement had remained divided at the time, unable to go ahead with what many within the Hamas leadership were already arguing was a necessary shift in the movement's role in Palestinian politics. However, almost 10 years later, the majority sentiment within the leadership was beginning to tilt in favour of electoral participation.

Eventually, the question was settled with a vote in the movement's highest representative body, the *majlis al-shura* (consultative council). These various factors – Hamas's decade-long internal debate, its

internal settlement of the issue in a democratic fashion, as well as its subsequent demonstrated willingness to abide by democratic procedures in and around the 2006 elections – all pointed to a real potential for the movement, not only to respect electoral rules but also to play by the rules of the democratic game once in government, in the domestic arena.

The daunting task ahead of the first Hamas-led government was not only to cope with the diplomatic and economic isolation imposed on it by the international community, but equally to attend to the increasingly explosive tensions within the Palestinian National Authority (PA). Established as a consequence of the Oslo Accords[2] in 1994, the PA had thus far been made up of individuals close to Fatah and the Palestine Liberation Organisation (PLO). The Fatah domination of the PA included both politicians and bureaucrats, notably the vast majority of judges, ministerial civil servants and law enforcement personnel. The new Hamas-led government was rendered politically impotent as bureaucrats loyal to Fatah refused to cooperate with and follow the instructions of the new government's Hamas-affiliated ministers. Fatah's attempts to counteract Hamas were also visible in the streets where violent clashes between the two factions' activists were mounting in number and intensity day by day.

In addition to facing Fatah's obstructive efforts and the broad sectors of the party that refused to accept electoral defeat, Hamas took over a PA that many considered to be permeated by a culture of corruption and clannish loyalties and whose authority was not respected by ordinary Palestinians.[3] In the Gaza Strip, this lack of respect for the PA had taken the shape of lawlessness on the streets and a chaotic security situation. Ordinary Gazans avoided leaving their homes if it was not absolutely necessary, fearful of being hit by stray bullets or intimidated by corrupt policemen demanding money if they wanted to be left alone.[4] It was in the midst of this uniquely chaotic and politically explosive situation that the first Hamas-led government assumed its duties.

In an ambitious reform programme known as the Government Platform, the new government laid out its path for political change and identified the most urgent challenges ahead. In the domestic arena, the most serious challenges related to the breakdown of security and the failure of the PA's provision of services for the people under its control.[5]

The re-ordering of society, the re-establishment of the rule of law and the restoration of the supreme authority of the PA were the primary objectives of the new government. In fact, it was on this ticket that Hamas's Change and Reform List had run in the election, winning the support of over 50 per cent of the Palestinian population. It is fair to say that restoring the fundamental social order was the most central concern of Palestinians at the time.

When asked to describe what its governance would be like, Hamas could point to its Government Platform, in which it called for a Palestinian state based on 'political freedoms, pluralism, the freedom to form parties, to hold elections, and on the peaceful rotation of power.'[6] This reformist programme even included numerous references to democratic styles of governance:

> We [fully] realise that reinforcing shura (consultation) and democracy requires hard work: to impose the rule of law, renounce factional, tribal and clan chauvinisms, and lay the foundation for the principle of equality among people in terms of duties and rights. The government will work to protect the constitutional rights of all citizens so as to protect the Palestinian people's rights and freedom.[7]

While calling for liberal democratic[8] principles and values, at the same time Hamas strongly emphasised its Islamic identity and Islamic values as the underlying guide to all its political action. Its election manifesto had been explicit on this point: 'Islam is our frame of reference and the system of all political, economic, social and legal aspects of life. [...] Islamic sharia should be the principal source of legislation in Palestine.'[9] And, while further on in its Government Platform Hamas made efforts to downplay religious motivations, the Islamic references were still present, although more subtly expressed:

> May God help us in shouldering the trust given to us by our people. We promise our people, martyrs, prisoners, the wounded and freedom fighters, at home and in the Diaspora, that we will remain faithful to our principles, the values we have committed ourselves to. We will remain faithful to Palestine and its glorious history. We will also be faithful to Islamic tolerant values.[10]

As it appeared, Hamas was not simply aiming for democratic governance in a secular and liberal democratic sense, but opting to establish its own Islamist-modelled governing style, combining Islamic ideals with democratic principles – to form an *Islamic democracy* of sorts. Hamas argued that Islamic and democratic values could coexist in symbiosis within the same framework and that 'Islamic-democratic' governance could respect both sets of values equally. The Palestinian Islamist viewpoint (of Hamas) was that the concept of democracy was wholly compatible with, and could even exist within, the larger and more comprehensive framework of (political) Islam.[11] One Hamas leader stated: 'Democracy is inside Islam, there is no conflict between Islam and democracy.'[12]

Ongoing Debates in the Academic World and Among Policy Makers

Given the rare phenomenon of Islamists in power by democratic means, with Hamas being the first example in the Arab world, this government by Palestinian Islamists constituted both an experiment and an Arab showcase for what democracy situated within an Islamist ideological framework would mean in practice.[13] Exploring the translation of Hamas's form of Islamism into practice, this book simultaneously seeks to engage in and bring together two lively debates which thus far have largely remained separate.

The first is the broader debate on the level of compatibility of Islamism and liberal democracy. This debate has predominantly been a discussion about how democratic the input (ideological content) of Islamism actually is. Less has been said about the output: Islamists' actual practices when ideas are translated into action. This has been the case even in those studies where scholars have emphasised the need to study what Islamists *do* and not only what they *write* or *say*.[14] The additional fact that scholars assert that governments which have come to power by democratic means are the most likely to then also proceed to govern democratically[15] makes Hamas and its governance in Gaza an especially interesting case to study. Such arguments about Islamist governance, taken together with Hamas's own favourable view of the compatibility of Islam and democracy, appear to challenge those[16] who dismiss the claims of such compatibility and, thus, raises a strong

interest in seeing how the movement will actually behave when holding governmental office. The major questions in relation to this debate are, first, whether democratic governance is at all possible with Islamists in power and, second, what the Palestinian experience can tell us about this.

The second debate is about the political objectives of the Hamas movement per se and, notably, how to interpret its core values and what they stand for in practice. Is Hamas, as some[17] argue, fundamentalist and inherently violent, or is it rather, as others[18] assert, as capable of change and pragmatism as any other political actor? Democracy, at one extreme of this continuum, is a concept that relatively few would associate with an armed and violent group such as Hamas. The movement's political activities, however, seem to have evolved over the years, from the bloody suicide bombings of the 1990s to the negotiated ceasefires of the present day and de facto recognition of and indirect talks with Israel.[19] However, the gradual shift of focus during recent years, away from violent confrontation and towards domestic governance in Gaza, is still dismissed by many as a mere change of tactics taking place within the overall strategy of seeking to eradicate Israel and out-manoeuvre its main domestic rival, Fatah. This book seeks to contribute to this discussion by adding a new piece of the puzzle – how Hamas is governing its own people and shaping Gazan society.[20]

As a consequence of the remaining – and relatively distinct – disagreements in both debates, more research is needed on how these Palestinian Islamists succeeded in picking up the reins of government. The rising number of cases of such democratic ascents to power in recent years adds further urgency to this need – and underlines the relevance of this book. Earlier examples of Islamist governments, such as Iran, Afghanistan, Turkey, Pakistan, Algeria and Sudan, have recently been supplemented with new cases, notably in the Middle East and North Africa in the aftermath of what has been called the Arab Spring. Some contributors to the debate have even argued that these 'mainstream' Islamists[21] show similarities with the Christian Democratic parties in Europe and ought to be able to develop in a similar way. Such a suggested development, towards a political symbiosis of Islam and democracy, has been referred to by some as Euro-Islam[22] and by others, carrying similar connotations, as Demo-Islam.[23] Others again have described the same phenomenon as an 'alternate form of good

governance'.[24] Recent research claims that the Palestinian Islamists of Hamas have the potential to follow this Demo-Islamic path.[25]

Underlining its political relevance, this book addresses one of the most heavily discussed political subjects in the media and one of the most keenly followed political conflicts of our time among the public at large. One Islamic scholar who was interviewed for the book referred to the conflict between Israel and the Palestinians as 'the mother of all conflicts'.[26] Within this wider conflict, the book seeks to explore the behaviour of its perhaps most politically controversial actor, labelled as a 'terrorist group' by some[27] and as a 'freedom fighter' by others[28]. While Hamas (or more specifically its military wing) is officially designated as a terrorist organisation by Israel, the EU, the USA and the UN, these same states and organisations are at the same time involved in secret backchannel talks with several of the movement's top officials.[29] Such conduct suggests an acceptance by the international community that Hamas is here to stay and that the organisation could well develop into an overt and widely accepted negotiating party some time in the future.

The policy debate pivots around this key question – whether or not to talk to Hamas.[30] The crucial question from a policy point of view is of course what benefits talking overtly and directly to Hamas could yield politically. If, on the one hand, Hamas shows itself to be inherently violent and unable to undergo any substantial and lasting change, talking to Hamas would mean legitimising a terrorist group. If, on the other hand, Hamas were to demonstrate a real potential to act democratically, possibly even to undergo a more comprehensive form of democratic transformation, approaching and talking to Hamas would most likely further induce such behaviour. Talking to Hamas would then be preferable as it would serve the overall democratisation process in Palestine – that is, if Palestinian democratisation is what the international community is seeking to achieve.

The book builds on a large quantity of primary source material collected during the author's field studies studying the Hamas movement in the Levant – at firsthand in Syria, the West Bank and the Gaza Strip during the period 2009–12. Access to this otherwise secretive organisation was made possible through long-term fieldwork, conducted in the form of both field observations and interviews with key individuals, whilst living with and sharing the daily lives of Palestinian

families affiliated with or in other ways connected to Hamas. The author's four years of fieldwork, taken together with several more recent interviews with the movement's leaders as well as with the rank and file, have amassed a relatively large set of primary data with the potential to give valuable insights into Hamas's own self-conceptualisation, how it sees its own role in society and how it views the Palestinian-Israeli and Fatah-Hamas conflicts. It provides a novel localised perspective on how the ideological input of Islamist ideas is translated into output (political action) in the domestic arena in the Palestinian case.

Islamists and the West

The question of whether Islam and liberal democracy are at all compatible with one another has been the subject of contentious debate for several decades. Many scholars have questioned the extent to which Islamists have any theoretical potential, practical ability or intention whatsoever to respect democratic procedures and, particularly, the principles of liberalism.

The increasing worldwide interest in Islamism[31] was first ignited by political developments in the Middle East during the 1970s and 1980s, notably the Iranian revolution, the assassination of Egyptian President Anwar Sadat and the emergence of several violent Islamist movements across the region. These dramatic events fuelled concern, particularly among Western policy makers who were anxious about any further development of political instability in the region. From their point of view, the emerging Islamist actors looked alien and dangerous. The values of Islam were largely unfamiliar in the West and the Islamists themselves appeared, from such a perspective, fanatically committed to their ideology. Hence, much of the outside interest in Islamists was generated by such concerns and, consequently, became primarily event- and policy-driven.

These sentiments in the political and societal milieus also rubbed off on academia, largely dominated by Western scholars. To some extent, the study of Islamists thus turned into a study of 'the enemy', rather than the objective investigation of a socio-political phenomenon.[32] The academic debate has since been predominantly characterised by treating Islamists as unitary actors with more or less similar characteristics, essentially different from Western ideals and values. With Islamists thus

characterised as enemies of the West, scholarly conclusions have in many cases turned into threat assessments, rather than attempts at balanced explanations of a social-scientific phenomenon. The enemy-oriented approach has also meant an objectification of Islamists in which their specific perspectives and local contexts have become largely neglected.

This approach has led to an emerging view (within the Western-dominated scholarship) of Islamists as the Other – individuals and groups that are essentially different from Us.[33] Many of these scholars have arrived at the conclusion that there are fundamental and irreconcilable differences between Islamist ideology and liberal democratic values. Samuel Huntington, for instance, predicted an imminent and unavoidable clash between 'the secular West and religious (Middle) East'.[34] Others have gone even further in their critique and argued that not only Islamists but Muslim societies *in general* hold undemocratic values and are generally illiberal in nature.[35]

What is an Islamist?

The predominant focus on Islamist ideology has led to far-reaching conclusions about Islamists as being extremists in theory and thus, it is assumed, non-democrats in practice. Admittedly, some elements of Islamist ideology could indeed be understood in non-democratic terms.

At a first glance, Islamists[36] across the spectrum appear to share some basic ideas. First, Islamists share the view that modern society is morally decadent and has deviated from *sabil allah* (the straight path prescribed in Islam).[37] Second, Islamists also consider the only remedy for this deviation to be a restructuring of society in accordance with the principles and rules set out by the Islamic scripture, the rules of *sharia*. In other words, Islamists appear to share a common *theoretical* aspiration for a state and society governed by sharia. From this purely ideological point of view, it could indeed be argued that Islamists are non-democratic.

However, there are also vast differences. Islamists across the spectrum differ on whether the 'Islamic state' that they favour constitutes a realistic political goal or merely a distant and non-realisable utopia. Another important difference lies in how Islamists formulate the characteristics of an Islamic state and the particular elements of sharia that should be applied in such a state.[38] In other words, among Islamists,

there appears to be a discrepancy between ideological blueprints, on the one hand, and real political goals, on the other. Not all Islamists seek to establish an Islamic state and those who do so differ on the kind of state, as well as the level of sharia implementation, that they envision.

Hence, considerable differences appear to separate many Islamists. The most critical difference, perhaps, lies in their varying ideas about how to realise their goals. Different Islamists suggest different means for achieving this, ranging from social welfare activism at one end of the spectrum through parliamentary participation to violence at the other extreme. Yet another critical difference is that many Islamists across this spectrum embrace the concept of *ijtihad* – the belief that the principles and laws found in the Islamic scripture need reinterpretation to fit modern society. This means that, depending on time and place, Islamists' interpretations of their ideology will vary. In other words, not only do Islamists differ on the kind of political action necessary to reach their goals, but they also differ on their interpretation of sharia and what it entails. In view of all this, it appears possible that many Islamists would have the potential to be as flexible and capable of adaptation to their surroundings as any other political movement.

In its fundamentals, sharia prescribes behaviour which can be viewed as conforming to liberal democratic ideals in several respects. For instance, the key Islamic concept in relation to governance is *shura* (consultation). It refers to the prescribed utilisation of consultative assemblies to serve as representative bodies for the people. Moreover, the shura council shall, according to sharia, arrive at its decision through *ijma* (consensus). Many Islamists would even argue that not only do the concepts of shura and ijma conform to notions of democracy, but they also safeguard the people's will *better* than democracy, as 'Islamic' decisions require consensus, not only a majority vote. Other important concepts in this context are *maslaha* (utility) and *tasamuh* (tolerance).

However, a point of contention concerning sharia is the lack of ethical directives which demand *total* equality. Critics who believe that sharia does not ensure liberal democratic ideals argue that it discriminates between various groups of people, notably men versus women and Muslims versus non-Muslims. They argue that while there are some Islamic principles which could be seen to conform to liberal democratic ideals, these must only, according to Islam, be observed in regard to the

umma (the community of Muslim believers), and are only applied to those outside the faith to a limited extent.

How Islamists Govern

Sceptical views of Islamism are often expressed in terms of suspicion of hidden agendas – what Islamists will do once they have grabbed hold of power. The critique levelled against Islamists, and their vision of achieving an Islamic society governed by sharia, has thus far been largely based on assumptions and speculations about what Islamist political theory will mean when translated into practice, rather than on observations of their practices *per se*. It may be that Islamists, by ideologically rejecting the current secular societal order and arguing for radical changes in society, are indeed undemocratic in theory. The question, though, is whether that matters when it comes to their potential for upholding behaviour that conforms with liberal democratic ideals in practice.

In addition to this, the reality of being in government, the pressures taken together with the freedom of manoeuvre it nevertheless also entails, encourages behaviour which, depending on the context, is both subdued and exaggerated in various respects. While the act of governing is partly the result of contextual constraints and necessary compromises, governing arguably also represents the net output of what a given Islamist group in power is able to agree on internally.[39] This will particularly be the case for political action in the *domestic arena*, where the freedom of manoeuvre is greater than in the international sphere. Therefore, observations of Islamists in power in the domestic arena could well constitute a litmus test of their liberal democratic capacity. The choices regarding how to act that are made by Islamists in power will indicate how tolerant and pragmatic they really are, as well as the means they consider to be acceptable in dealing with their immediate situation.[40] The extreme pressures that come with governing will tempt leaders who have formerly used extremist and violent means to resort once again to the authoritarian methods with which they are most familiar.

An initial survey of the existing literature on this subject indicates that the experiences of Islamists in power differ widely from case to case, both in terms of *context* (for instance, the social situation, the level

of repression applied by former rulers and nature of the political system) and the *means* used to rise to a position of power (for instance, revolution, coup d'état and elections).[41] In addition, studies of Islamists also differ greatly in terms of the methodological approaches utilised.[42] Hence, given the small number of cases available for study, the differing circumstances of those that do exist, and the various lines of investigation possible, the question of what characterises Islamist governance has remained largely unresolved.

A more thorough reading of the literature, however, does mark out some general lines of debate. It appears that scholars are divided according to two broad but relatively distinct positions on the outcomes of Islamist governance. At the core of the divide lies the disagreement over whether Islamists are engaged in *changing* society or actually *being changed* by it themselves. Some scholars argue that when Islamists get the chance, they become 'Islamic theocrats', permeating society with Islamic ideals and transforming the secular political system into one governed by sharia. Others, conversely, assert that the new circumstances of being in government will rather cause Islamists to deviate from their ideals, turn more moderate and become 'Secular democrats'.[43] The two following sections elaborate on these two schools of thought.

Islamists in Power as Islamic Theocrats

Scholars who support this position[44] argue that, when Islamic theocrats come to power, the state's political system and society as a whole move away from liberal democratic ideals and towards authoritarian rule and increased levels of violence – in addition to the wholesale social and institutional implementation of sharia. Islamists who get the chance to govern will always proceed to implement Islamism's utopian vision of an Islamic state in practice. This means a revolutionary change in the secular social order and the former political system towards an Islamic-modelled theocracy. A distinguishing trait of proponents of this position is that they primarily base their arguments and prognoses within the dogmatism of Islamist theory. As Islamism in any of its various forms constitutes a fundamental critique of modern secular society and suggests revolutionary change as a remedy, scholars supporting this position argue that such radical change will follow naturally. Islamists will always, according to them, follow an ideology-bound dogmatic

agenda and institute violent and authoritarian rule to carry it out. Democratic accessions to power are dismissed as mere tactics. Once in power, these scholars argue, democracy will be abolished and replaced by totalitarian rule. According to them, there is neither anything genuinely Islamic about Islamists and their ideology nor anything democratic. Islamists who achieve power are not, as they themselves insist, purist ideologues attempting to revive the high moral and ethical standards found in traditional Islam. Rather, they are contemporary strategists, playing a political game that acknowledges today's realities.[45]

Islamists in Power as Secular Democrats

By contrast, the view of Islamists as Secular democrats envisions a different type of governance which will instead pave the way for democratisation, pluralism and moderation. Proponents of this position[46] make the claim that Islamists themselves will be changed by the political system rather than the other way around. According to these scholars, the responsibilities that come with governing, together with popular pressures, will inevitably force Islamists to revise their dogmatic positions. The Islamist position, it is argued, will always be moderated by coming to power. Political inclusion will lead Islamists away from further radicalism and towards moderation. While proponents of the 'Islamic theocrats' position accentuated the importance of theory in predicting Islamist behaviour, these scholars look less to ideology and more to practice. Rather, they understand ideas and action as separate from each other. Without moderation and change, as it is argued, the popular appeal of Islamists will diminish and eventually lead to a loss of power, until (or if) moderation can be demonstrated anew. While to proponents of the Islamic-theocratic argument there is neither anything genuinely Islamic nor anything democratic about Islamist governance, those who see Islamists as Secular democrats argue the opposite. Some in this latter group go as far as to claim that the behaviour of Islamists in government is directly linked to how they achieved power, and to the political context in which they were formed and currently operate.[47]

The yardstick for both schools of thought, though, appears to be the same. In arguing their respective cases, both refer to the extent to which 'Islamic' ideals, values and principles are introduced to a given society

and encouraged by its government. Both also consider whether any democratic outcome is to be expected.

Islamist Governance as a Framework for Analysis

As these two schools of thought demonstrate, Islamists in power have thus far been understood in dichotomous terms: Islamist regimes have been seen to lead to one of two mutually exclusive types of governance. Apart from this dichotomy, a more comprehensive framework for the analysis of Islamist governance is lacking. While the notions of Islamic theocrats and Secular democrats might serve as useful tools for a broader conceptual discussion of Islamists in power, they are inadequate for a more robust empirical analysis and need to be developed further.

The existing dichotomy limits analysis to one of two outcomes: Islamic theocracy and authoritarianism; or, secularism and liberal democracy. With only two possible choices, which are in any case mutually exclusive, little room is left for analytical nuance and variation. These two opposed positions are also misleading in themselves, appearing to say that if the first alternative is rejected, the other must then be correct. The dichotomy is also problematic as it automatically links Islam and authoritarianism, on the one hand, and secularism and liberal democracy on the other. However, these are far-reaching assumptions in need of further research. To construct any useful framework for the analysis of Islamist governance, the links between these existing notions need to be investigated and problematised, rather than merely assumed or ignored.[48]

Therefore, in order to develop a more complex framework, it first needs to be determined which standards and criteria to use in such an analysis – in other words, *what* is to be assessed. The literature survey in the previous section showed that, despite divergent positions, the existing scholarship on Islamists in power consistently focuses on two factors in particular:

- The first is the extent of *religious traits*[49] displayed by Islamists – that is, how 'Islamic' Islamists actually behave after coming to power. In other words, to what extent the new government works to establish Islamic norms and rules in state institutions, government practices and society at large.

- The second is the extent of *liberal democratic traits*[50] displayed in their political behaviour and through their reforms. In other words, how 'democratic' – or non-democratic – Islamists in power turn out to be. While 'religious' and 'democratic' traits are not usually closely defined, these qualities are consistently recognised in the literature as pivotal, and therefore the most relevant standards by which to assess Islamist governance.

Any useful analytical framework also needs a set of external reference points to which a given case study can be related. For this purpose, this study has devised a set of reference points in the form of four *ideal types*. The concept of ideal types is especially useful when studying social phenomena. Although the social phenomenon under study (in this case Islamist governance) will never fully correspond to any of the ideal types described, they nevertheless serve as important theoretical reference points in relation to which the subject of enquiry can be assessed and, consequently, further understood.

According to this framework, each ideal type represents a *governing style* – an operationalisation of what Islamist governance could mean in practice. As opposed to the two dichotomous alternatives asserted in the broader debate, the present framework suggests four possible outcomes, which are here referred to as 'governing styles'. These are derived by separating the notions that have been assumed to be linked in much of the debate thus far: Islam and authoritarianism, on the one hand, and secularism and liberal democracy on the other.

The separation of the 'democratic' and 'religious' traits attributed to Islamists provides investigators with two separate variables with which to distinguish between these governing styles. The first is the authoritarian versus democratic dimension of governance – that is, to what extent Islamists in power act democratically. The second variable is the religious versus secular dimension – that is, to what extent Islamists in power proceed to introduce Islamic norms and practices into politics and society. The diagram below illustrates these variables and the four governing styles, based on ideal types, that constitute their possible outcomes.

The four governing styles presented in Figure 1.1 have been termed Secular-Authoritarian, Secular-Democratic, Islamic-Theocratic and Demo-Islamic. They can be described in terms of variations on the two variables:

|	Authoritarian	Democratic
Religious	Islamic-Theocratic	Demo-Islamic
Secular	Secular-Authoritarian	Secular-Democratic

Figure 1.1   Governing styles based on ideal types.

- The Secular-Democratic governing style is based on liberal democratic ideals and a secular understanding of the political and public spheres of society.
- The Secular-Authoritarian governing style is authoritarian and lacks democratic ideals, but similarly works towards the creation of secular political and public spheres.
- The Islamic-Theocratic governing style is also authoritarian and lacks democratic ideals, but actively works to enhance religious influence in both the political and public spheres.
- The Demo-Islamic governing style embodies a combination of religious and democratic ideals. While liberal democratic ideals are respected, the government's stance towards religion in the political and public spheres is 'passively neutral', leaving it to the state's religious majority to gradually exert its influence on society.[51] Although renouncing overt Islamic state ideals, Demo-Islamic governance seeks to promote Islamic values and principles where religion and democracy do not conflict.

Selecting the Analytical Elements

With a framework for analysis in place, it remains to select which *elements* of governance to focus on in the subsequent analysis. The existing literature on Islamists in power shows that scholars have considered

certain elements of Islamist governance to be more indicative of their governing style than others. A relatively distinct set of a dozen or so such elements can be found in the literature.[52] While all of these would be relevant to any case study of Islamist governance, some are especially pertinent to Hamas's governance in Gaza.

The case-specific literature on Hamas illustrates some key areas which had become of crucial importance to the group by 2006. Generally, it highlights the state of chaos to which years of weak central government had reduced Palestinian society, especially so in Gaza, which by this time was practically ruled by the laws of the jungle. Hamas's initial infighting with the former ruling party (Fatah) had added to this lawlessness by damaging critical infrastructure and, importantly, obliterating what had been left of ordinary Palestinians' confidence in formal authority. In addition to this, the literature also highlights the new government's virtually complete political and economic isolation from the international community.

In reference to this chaotic security situation and ongoing political crisis across the Palestinian territories by 2006, as well as the difficulties experienced by Hamas internally when making the shift to parliamentary politics, three political factors are noted in the literature as being *particularly* important to Hamas at the time: competition with Fatah,[53] mounting criticism by other, more radical, Islamists,[54] and the ongoing lawlessness in the domestic arena.[55] These three challenges correspond directly to three of the major analytical elements (and to others indirectly) that are found in the broader literature on Islamists in power.[56]

First Key Challenge: Relating to the Political System

The first challenge, relating to parliamentarism and the role of the main opposition party, is linked to the larger issue of how Islamists in power relate to the political system and its actors. The extent to which Islamists in power allow for political competition and allow themselves to be challenged by opposition parties is an indicator of how liberal and democratic their governance is. Government-opposition relationships, how a government chooses to deal with its political opposition and to what extent it is willing to share power are

questions that form a traditional analytical element in political science and governance research.

From a broader perspective, this first challenge also relates to the more general problems raised by the difficulties involved when extra-parliamentary activist groups make the transition to electoral and parliamentary participation. For Hamas, the leap was even bigger, taking them straight to governmental office. Among the many obstacles involved in such a transition, accepting and understanding how best to deal with the parliamentary opposition has been highlighted in the literature as one of the most difficult challenges.

Entering the political system, and particularly taking public office, came with a new set of obligations for Hamas. Participation in a political system not only requires following the procedural rules during elections, but also respecting the institutions and other actors that make up the system between elections. The political system requires its actors to communicate and, ultimately, to find ways to cooperate in order to make progress. The outcome of the 2006 PLC elections produced a new balance of power in the Palestinian political arena. The question was how the various political actors within the system, notably Hamas and Fatah, would relate to each other in their new roles.

In the past, the relationship between these two political opponents had been that of ruling party and extra-parliamentary spoiler. The electoral results altered this established balance. The former ruler had for the first time to assume the role of opposition party, while the former spoiler suddenly found itself in the driving seat. Although it was the legitimate main opposition party, Fatah constituted the main strategic threat to Hamas. Militarily, it had the equipment, organisation and support to bring down its opponents. Politically, it enjoyed massive popular support among Palestinians. In addition, Fatah also controlled the international relations of the PA, notably the conduits for humanitarian and financial aid. The rift between the two factions threatened to widen even further as fundamental differences over political ideals, and their divergent visions of a future Palestinian state, remained.

Second Key Challenge: Countering Violent Radicalisation

The second challenge, countering violent radicalisation, relates to the analytical element of ideological purity and the role played by religious

and political ideals in an Islamist movement. This challenge is also present where the government is forced to deal with non-democratic, extra-parliamentary opposition groups and is also relevant to its attitude to civil society groups that are critical of it. Given the presence of two types of actors, governments and violent extremists, playing by different rules, democratic and non-democratic, there is a question whether the government will be drawn to use the same means as its violent opponents. Such interaction with a diverse array of non-state actors is another common focus of political science-oriented governance research.

From a broader perspective, the second challenge is also closely related to the issue of how to generally counter violent extremism and how to de-radicalise individuals already committed to radical ideas. This has not only been a challenge for the Hamas government, but is also an issue shared by most governments worldwide. While it has been shown that methods in which human rights are respected are the most efficient long-term, a quick fix involving resorting to repressive measures is tempting to any government facing this challenge.[57]

As Hamas participated in the 2006 elections, it drew heavy criticism from other more radical Islamists around the world. Electoral participation in their eyes was to compromise the Islamist vision of an Islamic state governed by sharia and a betrayal of the cause of fighting Israel. Some of the strongest criticism came from inside Gaza and even from Hamas's own ranks. Groups of young Gazans, many of whom had been engaged in Hamas militant activities against Israel, denounced the movement's new direction and splintered into more radical groups claiming adherence to Salafi-Jihadism, Al Qaeda and Daesh (the Islamic State Group).

Numbering in the hundreds, these Salafi-Jihadi splinter groups posed a strategic challenge to the Hamas government. First, their rejection of Hamas's plans to halt rocket fire into Israel jeopardised the government's plans to reconstruct Gazan society. One rocket launched by a single splinter group might result in a retaliatory strike by the Israeli air force and could set off an uncontrollable spiral of violence. Second, the splinter groups rejected any other identity than that of the *umma* (the community of Muslim worshippers). While consenting to be Palestinians, they did not recognise any state authority other than a transnational Islamic caliphate.

Third Key Challenge: Re-Establishing the Social Order

The third challenge faced by Hamas in 2006, widespread social disorder, relates to yet another traditional analytical element, that of law and order. This challenge reflects the argument that a government's ability to impose and uphold a monopoly on violence, as well as to ensure the rule of law, is an essential requirement for the existence of the state.[58] Law and order is one of the most central aspects in the study of Islamists in power as it involves the pivotal issues of the introduction of sharia and the Islamisation of the state's institutions. Furthermore, the rule of law is a central concept in relation to democratic governance and yet another common focus of governance research. The rule of law is commonly understood to be a prerequisite for respecting human rights.

From this perspective, bringing an end to the security chaos in Palestine and imposing its authority over all parts of society – for instance, in terms of judicial control – constituted a critical threshold for Hamas to cross. Restoring the rule of law and respect for its institutions was a top priority for the new government. The promise to reinstate and enforce the rule of law had been the ticket on which Hamas had run in the legislative elections, and it would primarily be on this single issue that the movement would be assessed by the people.

By 2006, ordinary people were staying at home in order to avoid the frequent clashes between clan- and faction-based militias involved in neighbourhood turf wars. The extent to which Hamas could reclaim the streets and restore law and order would be the yardstick by which their success would be measured. This undertaking therefore became one of the Hamas government's primary objectives. Ending the chaos on the streets in the short term was a question of effective policing, but eliminating long-term disorder needed to be comprehensively addressed at an institutional level. It would demand an overhaul of the police and security agencies, the judicial system and the entire public administration, not to mention restoring the people's trust in any kind of state authority.

Analytical Approaches and the Structure of this Book

While the procedural aspects of democracy are generally relevant to the study of Islamists, this book concentrates on how Hamas governed *after*

the elections.[59] Thus, it is the government's practices while in office that has become the main focal point here, not its level of adherence to the procedural dimension of democracy.[60] As Larry Diamond, a scholar of democratic governance, stresses:

> Elections are only one dimension of democracy. The quality of democracy also depends on its levels of freedom, pluralism, justice and accountability.[61]

Ultimately, what makes the challenges that have been selected particularly important to Hamas and to the concerns of this book are both their *subjective* construction – the way they are perceived[62] by the government itself – and their *objective* reality, the threat they nevertheless pose to the government's exercise of its authority. In other words, the government's responses that are to be analysed here can be understood as having two components, a subjective and an objective one. The two components are given equal weight in the analysis that follows. The main reason for this is this study's desire to counter the common practice of objectifying Islamists which has plagued much scholarly analysis thus far.[63] Therefore, when the next chapter proceeds to explore and analyse how the Hamas government responded to the key challenges facing it, the notion of 'response' is understood to consist of two parts:

- *Perception* is understood to be the initial and internal reaction to the challenge in question. Part of that reaction is the government's own way of making sense of the issue it is faced with and what it is about, including the actors involved.
- *Practice* refers to the consequent action taken by the Islamists to deal with the challenge (and its associated actors), as they perceive it. In other words, practice is based on perception.

By focusing not only on political action, but also on the actors' perceptions that constitute the foundation on which their choice of action was based, the book aims to avoid the separation of action from meaning. Through the linking of action and meaning at this stage of the analytical framework, it seeks to approach Islamists as research subjects rather than the de-humanised objects they are too often taken to be.

In analysing Hamas's response to each of the three key challenges identified in sequence, the structure of the book also follows this division into perception and practice.

Chapter two begins by examining how the Hamas government perceived its main parliamentary opponent, Fatah. It then discusses how Hamas increasingly came to view Fatah as an imminent threat to its existence. The Hamas government's handling of Fatah is discussed in reference to both their relations in the public sphere and their ability to maintain practical cooperation behind the scenes. Two areas are considered in some depth, namely Hamas's rapprochement with Fatah in reconciliation negotiations and the day-to-day, lower-level ministerial cooperation between Ramallah and Gaza City.

Chapter three covers the Hamas government's increasing problems with violent radicalisation within Gazan society. It illustrates how the growth of several small Salafi-Jihadi groups in Gaza became one of the most critical challenges faced by the government, from both the ideological and military points of view. It traces the government's perception of this phenomenon and how it evolved, from being viewed initially as an asset to becoming a burden. The chapter shows how the Hamas government eventually came to understand that the Salafi-Jihadis were to a large extent defectors from its own ranks who had become disenchanted with the movement's shift to parliamentary politics.

Chapter four discusses how the government responded to these 'deviant' ideas, partly by conducting an ideological screening of civil servants and partly by instituting a carrot-and-stick policy designed to curb militant activities and bring its former members back into its ranks.

Chapter five investigates the chaotic state of security that ruled in Gaza until 2007. The chapter covers how the government perceived the situation, what it understood as the reasons for it, and the reforms and practices utilised to re-establish social order in Gaza.

Chapter six describes how the Hamas government eventually managed to take control of the situation in Gaza and by what means. From the perspective of ordinary Gazans, the chapter discusses the government's use of customary dispute resolution institutions and procedures to help satisfy the vast demand for local justice and the rule of law. It further discusses how some of these measures were shown to

be effective to the extent that they were eventually made a permanent part of Gaza's new administration of justice. In dealing with this reform of the judiciary, the chapter also examines the position given by the government to sharia, the role allotted to religious congregations and the level of political influence conceded to Gaza's association of Islamic scholars.

Finally, in chapter seven, the findings of the empirically based chapters are brought together, summarised and discussed. The findings are related to the ideal types of the book's analytical framework and conclusions are drawn about which of the four governing styles identified best corresponds to Hamas's record in government. Finally, the results are analysed in terms of the two schools of thought, Islamic theocrats and Secular democrats, identified in this first chapter.

A Note on Methodology, Fieldwork and Sources

Before moving on to the analysis, this section first describes how the book was researched and the ways in which its empirical data were collected. The limited amount of information and analyses available on Hamas's governance thus far, prompted the author to carry out new field research in Gaza. However, when setting out to research armed groups in the midst of violent conflict (which is how the case of Hamas must be considered in this context, especially in Gaza), there is little advice to be found in the scholarly literature; nor do universities give courses on the subject.[64] At the same time, conducting fieldwork 'under fire' is generally more problematic than fieldwork undertaken in peaceful circumstances and hence demands more preparation. Among other reasons, fieldwork in conflict zones not only involves the conventional concerns familiar to researchers, over access and ethics for instance, but also, ultimately, questions of personal safety. While it is imperative to strive for high ethical standards in research, the safe return of the researcher concerned must nevertheless be viewed as the most important objective – if not for any other reason, simply because it is a fundamental prerequisite for him/her to be able to carry on with the study undertaken. Hence, in more ways than one, fieldwork became a key component of this research and was vital to its success.

Once in place in Gaza, the aim was to collect as much information as possible about how the Hamas government was governing its territory,

especially in relation to its dealings with its subjects. Having identified three key challenges that the government depended on for political survival, these constituted the broader themes that directed the information-gathering in the field. In terms of whom to interview, the fieldwork focused on individuals who were involved in and/or affected by these processes.

As far as the interaction between Hamas and Fatah was concerned, the interviewees were members of both factions ranging from senior leaders and military commanders to the rank and file. They also included clerks and others outside the factions who occupied prominent posts and who could bear witness to practices taking place beyond the political rhetoric. For the interaction between Hamas and the various Salafi-Jihadi splinter groups, the respondents ranged from operatives in the Hamas security services to the Salafi-Jihadi militants themselves. Finally, for the investigation of the judicial system, they included judges, lawyers, bureaucrats and clerks at the Ministry of the Interior, as well as ordinary Gazans who had been involved in a range of legal disputes.

During the fieldwork in Gaza, it became increasingly clear that drawing on ordinary people as sources, complemented with personal observations, was often more useful than having access to the firsthand accounts of top politicians and militants involved in high-level events. Meeting and interviewing senior stakeholders was of course a thrilling experience at a personal level, and helped provide the author with the necessary 'feel' for the situation; however, for collecting new and relevant data, lower-ranking cadres or well-placed administrative personnel were much more useful. They did not stick to the official political narrative, but talked about decisions and practices taking place behind the scenes and beyond the public political rhetoric.[65]

The coastal enclave that confronted the author on his arrival in Gaza was a society in a state of political turmoil, deteriorating from one day to the next. The Hamas government was experiencing rising pressure from forces both inside and outside its territory. The internal threat came from the increasing presence of local Salafi-Jihadi groups that were challenging Hamas on its Islamic credentials. These local splinter groups were leading an armed struggle both against Hamas inside Gaza and against the Israeli Defence Forces (IDF) on the other side of the security fence. Internal tensions were also mounting due to the failure of

Hamas to end the conflict with Fatah, after Fatah had violently ousted its rival from Gaza in 2007. The Palestinian people were holding the Hamas government responsible for this failure and were becoming increasingly disillusioned with the infighting between the two factions when maintaining a focus on achieving statehood was of utter importance. At the same time, outside the Palestinian territories, the Arab Spring was bringing down one regime after the other across the region. The political leadership in Ramallah, as well as in Gaza, were beginning to worry about the risk of this movement spreading to Palestine, too.[66] Exacerbating these internal problems was the gradually escalating military situation with Israel. The war of 2009 had been devastating and a repeat situation was now drawing closer every day. The Salafi-Jihadi groups were firing more and more rockets into southern Israel, seeking to ignite another military conflict that would weaken Hamas even further.

The family who provided the author's accommodation in Gaza were friends of contacts established in the West Bank during his earlier fieldwork there. From the first moments in the strip to the last day of the field studies, the author lived with them as a member of the family. Both the geographical location of the host family's home and their elevated social position in the local community were favourable to conducting the planned program of fieldwork. Across the street was the former headquarters of Fatah's presidential guard, Force 17, nowadays used as a training ground by Hamas's Qassam Brigades. Some of Hamas's highest-ranking military commanders also lived in this neighbourhood. For instance, walking in the street outside the host family's house, one would occasionally bump into the head of the northern Gaza military command. On a daily basis, groups of Qassam fighters – armed teenagers in black outfits topped with green bandanas – prowled along the walls of the house when patrolling the area.

The members of the host family were, however, not members of Hamas. They were independent intellectuals who reflected critically on how Hamas was running the government. Their non-membership status proved to be both an advantage and a disadvantage at the same time. While their distance from the movement's inner circles meant that the author had to rely on others for access to them, the family's high social standing in Gaza served to facilitate key contacts on the fringes of the Hamas government. Although the family members themselves could not directly arrange meetings with ministers or other high-ranking

politicians, they had a vast network of contacts including many of the bureaucrats and clerks working inside the Hamas government. Also, importantly, being a part of this high-status family meant that the author enjoyed a level of personal protection similar to that afforded to their relatives. According to the traditions of Gazan society, a slight against one member was a slight against the honour of the family collective. On the one hand, this acted as a protective shield for the author and a guarantee of polite treatment wherever he went. But, on the other hand, it also put him under a certain pressure. What was said and done to people in Gaza was equally done in the name of the family.

Living immersed in an intimate familial environment such as this involves a highly intensive form of fieldwork. With this 'family approach', there is no possibility of switching on and off, conducting direct observation for two hours and then heading somewhere else to relax and analyse what has been observed. Direct observation was a continuous activity that filled each moment of the day. Unexpectedly, something would happen or someone would say something that was relevant to the research. For instance, the opportunity to interview a key individual would present itself with only an hour's – or even a few minutes' – notice. In such circumstances, there is often little time to prepare and the researcher needs to keep his/her research questions in mind at all times.

Due to the way in which Gazan society worked in general, and the difficulty for a newcomer of accessing certain local groups in particular, pre-planned weekly schedules of visits and interviews at set times were abandoned. Instead, the author adopted an approach that involved following members of his host family around Gaza as they carried out their daily activities. It could, for instance, mean going to the Islamic University, to the mosque, or to the law courts, or getting some business done at one of the government ministries downtown. By visiting the places they went to and being introduced to the people they met, the author could access new social circles and build up his own network of contacts. By continuously keeping the three key challenges that had been selected for the study in mind, relevant observations could be carried out on a daily basis.

The main problem with researching this book was not having to sift through a vast quantity of data, as is often the case with scientific research, but rather the opposite: struggling to bridge the gap caused by

an extremely limited supply of primary material. In addition, collecting new data was time-consuming and difficult. The closed and secretive nature of the Hamas movement, as well as its conflict-ridden context, required a type of field research which at times bordered on what was practically feasible, safe and ethically sound. There were numerous situations during the course of this fieldwork when the author was forced to turn down offers to visit certain locations or key individuals out of concern for questions of safety and ethics. One example of this involved an invitation to visit military training sites, another involved meeting with militant commanders who were most likely on the IDF's target list, and yet another to meet with Salafi-Jihadi leaders wanted by the Hamas security apparatus. It was not only the researcher who could be put at risk in these situations, but equally the individuals that he was going to interview.

In terms of its source materials, the book is based on data collected from a wide variety sources, primary as well as secondary. Having first assimilated the existing scholarly literature, it has then been supplemented with the following five types of sources:

The *direct observations* include a substantial set of observations, made predominantly in 2010–12, of the practices of the Hamas government and its various authorities in Gaza towards the people living under their rule.

The *accounts by respondents* include more than fifty interviews with four different categories of people – Hamas members located at different levels and in different parts of the movement; bureaucrats, clerks and assistants working in government ministries or authorities; local observers such as journalists and analysts following Hamas; and Gazan citizens outside of government with experience of Hamas in government (whether particular or day-to-day encounters), including political opponents and activists engaged in civil society movements.[67]

The *primary source documents* used consist of official information issued by the Hamas movement or its government. They include the movement's charter, election manifesto, government programme announcements, official speeches, online material on official homepages and various pamphlets distributed in Gaza.

In addition, a number of *journalistic articles* were collected from both printed and online media sources. This material was drawn partly from Hamas-affiliated sources such as the Palestinian Information Centre,

Filastin al-Muslima, al-Resala and al-Ray, and partly from independent news agencies such as Maan News, Haaretz, Assharq Alawsat, Agence France Presse and al-Jazeera English.

Furthermore, *reports by locally placed NGOs* provided useful case studies and statistical reports about the political and humanitarian situation in Gaza. The organisations whose resources were used had no (formal) affiliation to Hamas and collected data on their own account through their field offices and workers operating in Gaza. These NGOs included, among others, the International Crisis Group (ICG) and the United Nations Relief Works Agency for Palestinian Refugees in the Middle East (UNRWA).

When the information-gathering phase was over, the collected data was thoroughly evaluated. This evaluation, however, did not always disqualify material and sources that failed to meet the test of complete independence and impartiality. Arguably, it can be questioned whether any wholly independent and impartial sources exist at all, particularly in the case of the study of socio-political phenomena. Such considerations constitute a useful point of departure when thinking critically about the type of materials collected for the present study. Independent and impartial sources (if they exist) are not always the most useful material for social science research. Instead, as has been the case of this book, a variety of sources with differing perspectives could together form a solid basis for subsequent analysis. Many of the sources used here are subjective accounts by participants or direct observations from the field. All of these include some level of political bias or interpretative content. To some extent, this would also be true for the observations made by the researcher himself. It is, however, when several such sources with differing perspectives are *brought together* that a larger and more comprehensive picture can emerge.

CHAPTER 2

GAINING POWER AND RELATING TO THE OPPOSITION

The second legislative elections ever to be held for the PLC took place on 25 January 2006. The Hamas movement fielded a political party to run in the elections, the Change and Reform List, and embarked on an ambitious election campaign across the Palestinian territories. The party's election manifesto, which supported moderate policies and democratic reform, was delivered through a peaceful campaign designed by non-party professionals and largely avoided smear tactics. In the elections that followed, Hamas won a landslide victory against its main competitor and ruling party, Fatah. Of the PLC's 132 seats, the Change and Reform List won 74, compared to Fatah's 45.[1] The elections were monitored by a number of non-governmental actors and international watchdogs, including the Carter Center, which unanimously declared the electoral process to have been fair, free and transparent. According to political scientist Pamela Scholey, 'the PLC elections were a model of democratic reform'.[2]

The Hamas movement now confronted one of the most daunting challenges it had ever faced. Having emerged as the winning party, Hamas was about to ascend straight to governmental office from the position of an extra-parliamentary outsider. Much of Hamas's ideology, organisation, mindset and modus operandi were characteristic of a secretive and activist movement. It had no prior knowledge, let alone experience, of how government worked and what was required for governing within a parliamentary system. One of the first journalists to interview the newly installed government observed:

> I remember going to Prime Minister Ismail Haniyeh's office in
> 2006 and they still didn't know what to do with me, as I was a
> woman. The corridors were empty and shoes were lined up outside a
> few of the rooms where, inside, many of the staff members were on
> the floor praying. Hamas had no comprehension of how to conduct
> public diplomacy, in what language or by which procedure to
> address the international community, as well as how to relate to the
> different actors that were part of a parliamentary system, notably the
> opposition, but also us members of the press corps.[3]

However, the most challenging task was how to handle what had now
become the main opposition party: its long-time rival Fatah. If Hamas
was to remain in governmental office and protect the parliamentary
framework and the democratic principles that had brought it to power, it
needed to deal with Fatah according to the rules and principles of a
democracy. Among other things, Hamas would need to respect the civil
and political rights of all political figures, notably the freedom of speech
and assembly. The role of the opposition in the Palestinian system, as in
any other parliamentary system, would include publicly discussing,
criticising and opposing the policies and actions of the government.
However, in the eyes of many who belonged to Hamas, the Fatah party
was synonymous with corruption, godlessness and collaboration with
the enemy.[4]

For its part, Fatah, with the support of much of the international
community, refused to recognise that it had been defeated. Instead, it
worked to disrupt the new Hamas-led PA, for instance by ordering
civil servants loyal to Fatah to go on strike, and by refusing to hand
over the control of the authority's finances to Hamas. Recognition of
the new Hamas government as the legitimate ruler by the international
community (as well as Fatah) was conditional on Hamas's own
recognition of Israel, a commitment to all past agreements made by the
PLO and the renunciation of violence.

Hamas, for its part, struggled to comply with these demands without
abandoning its core ideals. An opinion piece by one of the Hamas leaders
published in the *New York Times* on 1 November 2006 demonstrated this
clearly. In the article, Ahmed Yousef offered a 'generation-long truce of
peaceful coexistence' with Israel – in other words, a (temporary) end to
the movement's violent activities. The article also included a de facto

recognition of the state of Israel, provided it withdrew to its pre-1967 borders and evacuated its settlements.[5] While following its electoral victory, Hamas invited Fatah to be part of its new government (at least in public statements), Fatah dismissed any such invitations. As several Fatah leaders stated bluntly, 'Hamas should survive or fail the challenges of governing on its own.'[6]

Taking up Public Office and Governing

Already in March 2006, when the newly formed Haniyeh government took office, Hamas was beginning to send somewhat contradictory signals regarding the policies it was intending to pursue. On the one hand, the new prime minister declared that this was a 'resistance government' and that armed resistance and participation in parliamentary politics were compatible. On the other hand, other Hamas leaders made statements suggesting that the government was preparing for a (de facto) recognition of Israel's right to exist. Prime Minister Ismail Haniyeh stated:

> I say clearly that if Israel wants to end this situation it must agree
> to a fully sovereign Palestinian state. If this does not happen the
> conflict will continue. The solution is a sovereign Palestinian state
> encompassing the West Bank and Gaza Strip, with its capital in
> East Jerusalem. [The] reality is that Israel exists and is a state
> recognised by many, and I have to deal with this.[7]

Several others also spoke in conciliatory terms about relations with Israel. Hamas PLC member Riad Mustafa stated that 'Hamas has proposed a long-term truce, *hudna*, to bring peace to this region. This is Hamas's own position. The government has also recognised President Abbas' right to conduct political negotiations with Israel.'[8] While such statements were positively received by the international community, they nevertheless appeared to remain personal opinions. Collectively, the Haniyeh government showed no movement in its approach to Israel. As a basic gesture, for instance, the government could at least have come out in favour of the Arab (League's) Peace Initiative,[9] which had the support of all of the Arab governments.[10]

It was becoming increasingly clear that Hamas would not directly accept any of the three conditions for recognition demanded by the

Quartet (the USA, the EU, the UN and Russia): renouncing violence, recognising Israel and respecting all previous agreements signed by the PA.[11] In response, the international community, mainly the USA and the EU, reacted by freezing all funding and imposing a non-speech policy towards the Haniyeh government. This left Hamas completely isolated, and it regarded itself as the victim of a conspiracy.[12] As Hamas saw it, first the Americans and then the Europeans had urged them to participate in the parliamentary process. Now, when they were finally doing so, they were being punished for it. The freeze on international funds resulted in an empty public treasury and triggered an economic crisis within the PA.

Whether or not it had anticipated victory at the ballot box, Hamas was taken very much by surprise in terms of understanding what it meant to govern and to hold public office. Journalist Nour Odeh recalls her impressions of Mahmoud Zahar as a new minister: 'When Zahar became foreign minister he and his staff didn't know anything about international protocol or procedures. Hamas was a group that had been doing things their way.'[13] The new government indeed lacked experience – something that was fully exploited by Fatah. While Hamas had assumed the highest political office in the PA, Fatah still dominated the bureaucracy. Civil servants loyal to Fatah disobeyed instructions from their new ministerial heads, so that the Haniyeh government was becoming paralysed even in the domestic arena. In the eyes of Hamas, their defiance was yet another sign of an ongoing conspiracy against them. The Hamas ministers' response was to trust no one but people from their own movement. As one PA civil servant noted: 'Hamas is treating the civil service as the opposition.'[14]

The most explicit example of this was the Ministry of the Interior. In theory, the security forces were to take their orders only from the new minister of the interior, Hamas leader Siad Siam. In practice, however, most of the commanders were Fatah loyalists and acted independently, reporting exclusively to the Fatah leadership. The security forces[15] continued to work closely with their Israeli counterparts to detain members of Hamas and hinder the new administration's exercise of authority. Interior Minister Siam found that he lacked the tools to deal with the most acute problem plaguing the Gaza Strip, the chaotic security situation. Among all the electoral promises made by the Change and Reform List, restoring law and order in Gaza had been the most

important. If the first reason to vote for Hamas in the elections had been discontent with Fatah, the second reason was, especially for Gazans, their promise to bring law and order back to the streets of the Palestinian territories. Succeeding in putting an end to communal disorder would restore some of the movement's lost political prestige. Although dogged by severe problems with its finances, this was a battle Hamas could not afford to lose.

Souring Relations with the Opposition

Fatah, however, was in no mood to back down and continued to challenge Hamas's authority by strengthening the PA's existing security structures with extra personnel and forming yet another security organisation, the Directorate of Internal Security (DIS). It was headed by Rashid Abu Shabak, a Gazan by birth and close friend of Mohammed Dahlan, who led the PA's Preventive Security apparatus. In practice, during this period, Gazans were living under two authorities, a political leadership led by Hamas and a security services' sphere controlled by Fatah. Siam responded to this situation by forming the 3,000-strong Executive Forces (EF), a combined police and security force with personnel drawn from the militant wings of the various Palestinian factions, including Hamas's own Qassam Brigades. Countering Fatah's hostile appointment of Shabak to head the DIS, Siam appointed Jamal Abu Samhadana of the Popular Resistance Committees (PRC) to lead the new EF.

The PRC symbolised violent resistance to Israel more than any of the other factions. The PRC had never agreed to the 2005 Cairo Declaration[16] and was the most radicalised of the Palestinian militant groups. Appointing Abu Samhadana as head of the EF was intended to send a warning to Fatah about its close relations with Israel and remind it that Hamas stood firm on its position on armed resistance. It was also a signal of protest to the international community, especially the US, as Abu Samhadana had been accused of killing three American security agents in Gaza a few years earlier.

Despite these developments, throughout its time in office Hamas made significant efforts to at least appear to act constitutionally. Honouring the constitution, the Palestinian Basic Law, appeared to be a guiding principle which Hamas in government deemed important.

In forming the EF, for instance, the Haniyeh government was criticised for exceeding its constitutional rights. Such public criticism was never dismissed and always responded to by government officials. In reference to the formation of the EF, government spokesperson Ghazi Hamed made no apologies: 'The decision was taken in accordance with the Palestinian Basic Law, which gives the minister of the interior the right to take measures in order to maintain security and public law and order.'[17]

Tension escalated as the DIS and EF competed for control on the ground. This took the form of rival checkpoints between different neighbourhoods as well as mutual assaults, abductions and assassinations, leaving the people of Gaza caught in the middle.[18] There were frequent reports coming out of the territories of an ongoing arms race, observers noting the use by both sides of heavier and heavier weapons with every week that passed. Both groups were stockpiling weapons, apparently expecting a major showdown at some point. During this period, the situation of ordinary Gazans worsened further, to the point that it became virtually impossible for people to leave their homes without risking their lives. In addition, as the DIS and EF were preoccupied with fighting each other, criminal bands of clan-based militia were thriving.[19] Addressing the critical state of affairs during this period, and giving his view of the main opposition party's activities, the head of Hamas's political bureau, Khaled Meshaal, stated:

> The opposition is implementing a premeditated plan to foil [the government]. What we have in Palestine is not a shadow government. In Western democracy, a shadow government is the government of the opposition party, which prepares for when it comes to power. But what we have today is a parallel, or even substitute, government, which robs us of our authorities, and robs the people of their rights. Therefore, about those who are conspiring, opposition is a natural right, and they are entitled to oppose us, just as we did in the past. This is their right. But there is a difference between opposing and conspiring.[20]

Paralysed by an empty public treasury, a lack of diplomatic relations with the international community and escalating infighting, Hamas's relations with Fatah were approaching the point of violent confrontation

and the PA was poised on the brink of complete breakdown. In the same speech, Meshaal gave a clear warning to Fatah that what he called its 'security coup' would not go unpunished.

Towards the Abyss

It was obvious to both the factions themselves and the international community that the stockpiling of weapons and military preparations would, sooner or later, lead to a head-on confrontation. While Hamas was being armed by Iran (and others) funnelling large quantities of weaponry and military equipment via the tunnels in Rafah, the Fatah-aligned PA security forces were being trained and equipped by the West.[21] US training and arming of forces loyal to President Abbas was no secret. In early 2007, the US Congress had passed a bill increasing its financial aid to the PA security forces. From Hamas's perspective, these various actions were understood as preparations for a coup d'état.[22] In response, Hamas vowed that it would do 'anything necessary' to defend the electoral victory of 2006. However, Hamas leaders were careful not to lay blame on Fatah as a whole, or President Abbas personally. Hamas interpreted the increase in hostilities as a result of a power struggle within Fatah, where those favouring a military confrontation were now taking the upper hand.[23] To Hamas, the most evident signal of this was the appointment of Mohammed Dahlan as head of Preventive Security. According to one Hamas leader:

> Dahlan and his allies are seeking to torpedo the national unity government. We will not let this happen. We will not allow elements within Fatah to restore its hegemony and will not participate in early elections or recognise their legitimacy.[24]

As a last resort to end the chaotic security situation and avoid a major confrontation, the minister of the interior of a newly constituted unity government, Hani Qawasmi, sought to address what he saw as the core of the problem: the factionalised character of the multiple police and security forces that now existed in Palestine. On 14 April, Qawasmi persuaded both sides to agree to a security plan designed to impose discipline on the leadership of these various forces as well as the rank and file. The plan included joint deployments, unified command posts and clarifications of

their chains of command. It was a clear-sighted initiative and a much-needed plan, but it came too late and the factions lacked motivation to implement it. While Hamas and Fatah leaders agreed to the scheme on paper, it was never implemented in practice. The heads of the various security forces continued to act independently of ministerial orders. A few weeks later, when Fatah commander Rashid Abu Shabak deployed his forces to block roads in northern Gaza, it was taken as a clear provocation by Hamas.[25] Qawasmi commented: 'I reached the conclusion that the whole security situation is not being dealt with seriously. The combined force that was agreed upon is opposing forces that are fighting as we speak.'[26]

When Qawasmi resigned and handed his portfolio over to Ismail Haniyeh, his view that no one was attempting to avoid an imminent military confrontation any longer was strengthened by a change in Hamas's behaviour. While earlier statements by Hamas officials had been careful not to blame Fatah as a whole, or President Abbas personally, they were now veering towards less nuanced rhetoric. One Hamas leader described Fatah as disloyal and aggressive:

> They deliberately sabotaged the agreement their president had negotiated, hoping to oust us from power. What is required is for Fatah to accept to reform the security sector and end its factional control of the presidential guard and preventive security [...] I think a confrontation is now inevitable.[27]

This change in Hamas's earlier, more conciliatory, position towards Fatah ran more deeply than merely a shift in rhetoric. Hamas's turnaround was also driven by mounting popular discontent with the situation. The paralysis of what was now effectively a reconstituted unity government, the entrenched stand-off between opposing elements of the security forces, and Hamas's imposed isolation from the outer world were together leaching the government of its popular support. The Palestinian grassroots had followed Hamas from its beginnings as an idealist and armed resistance movement to its current participation in parliamentary politics. In making this shift, Hamas had made some heavy compromises relating to its core ideals, especially by reducing the level of violent resistance towards Israel and by accepting that negotiations should take place between the PLO and the Israeli political leadership. To many of Hamas's core supporters, especially its more

radical members, this change of course was barely distinguishable from what they saw as surrender.[28]

The ever-present divide between the political and military wings of the movement was exacerbated by the entrenched situation that had now arisen. Hamas had always been at pains to show a united front to the outside world and had usually been successful in backing up such efforts with internal agreements. As the situation developed during 2007, the Qassam Brigades, Hamas's military wing, appeared to be enjoying increasing popularity among Gazans.[29] Hamas had little difficulty in questioning cooperation with Fatah based on what was happening on the ground. But, as Fatah and Israel were seen as cooperating with each other, Hamas's halting of rocket fire across the Israeli border appeared unmotivated to its more militant members. Moreover, among the Qassam Brigades there was mounting anxiety about Hamas 'not doing anything' while Fatah was arming at high speed, getting ready for battle, actively supported by the Americans and Israelis. Furthermore, there was a growing frustration within Hamas at its failure to improve the security situation due to the lack of loyalty among the security forces. Yet another dimension to this expanding quagmire was the urge felt by Hamas members to avenge their brothers who had been tortured and killed in the conflict. One Hamas leader argued:

> The US and Israel helped Fatah's forces take over the West Bank. They subjected us to prison, torture, house arrest, and confiscated our weapons, all on behalf of Israel. How can it be that they prefer Israel to Palestinian unity?[30]

The Battle of Gaza

Eventually, the Qassam Brigades and the EF decided to act pre-emptively to break the paralysis gripping the government and to avoid what they believed to be an imminent attack.[31] EF spokesman Islam Shahwan explained the level of feeling at the time: 'Gaza was living in crisis. We had presented a security plan to the president to bring order with the EF's help. But he refused. We knew we had to act.'[32] At the same time, members of the political echelon within Hamas sought to distance themselves from military action. Ahmed Yousef, Ghazi Hamed and Salah al-Bardawil all argued that Hamas had not had any

plan to take over Gaza.[33] This claim was further supported by other Hamas leaders in the West Bank. According to one of the latter, Farhat Asad, 'What happened in June was not prepared. If something had been decided this was the response of the military wing'.[34] Analysts monitoring events as they unfolded concluded that Hamas's military wing had in fact acted on its own.[35] This conclusion gained further support in a report by the International Crisis Group: 'The militants took control. They told their political leaders, turn off your cell phones, we are going to do what we have to do.'[36]

The battle of Gaza began on 7 June 2007 and lasted a week and a half. Local *tawjihi* (secondary school) students had to struggle not only with their exams, but also with traversing zones where fighting was going on in order to get to school and back. Fighting first broke out in the southern town of Rafah, where Hamas militants took control of rooftops and wrested control from the Fatah-affiliated security forces street by street.[37] It was a brutal struggle that lasted two days, leaving dozens dead and many more wounded. By 10 June, Hamas had taken control of the southern part of the strip and the fighting moved on to Gaza City. Kidnappings occurred on both sides, many with deadly outcomes. Hamas fighters kidnapped several Fatah members of the General Intelligence and the Presidential Guard. Several were executed, either by being shot or thrown from high buildings.[38]

Fatah participated equally in these acts of violence, including the assassination of a young cleric, Muhammad al-Rafati, who had served as the (Hamas-affiliated) imam at the Abbas Mosque. Had there been any lack of motivation or psychological barriers on the part of Hamas to fighting its Palestinian brothers before, the fate of al-Rafati removed any misgivings and only encouraged increased levels of brutality. The following five days saw intense fighting, where no one was spared. Militants on both sides entered private homes and shot entire families, opened fire in hospital wards and among civilians gathered in public spaces.[39] The EF and the Qassam Brigades took control of the Palestine Television transmission station and then blew it up. Hamas fighters looted and torched the homes of known Fatah leaders and systematically seized the headquarters of the various security services. Those security forces officers who were not killed in the fighting fled to foreign diplomatic missions or to the Erez Crossing en route to Israel. Many of

the commanders fled leaving their men behind, creating confusion and a lack of will to fight.[40]

After several days of fighting, Hamas's political leadership came out in support of the actions of its military wing. As one Qassam commander explained, 'The joint decision was taken that, instead of losing people over a long period of time, we should go in and fight and suffer 200 people killed at once, but after that there would be no more deaths.'[41] On 11 June an official statement by Hamas was released:

> Enough is enough. Self-restraint, agreements and conventions are no longer fruitful with these killers. [...] If they are left unpunished, they would drown and make us drown with them. So, these people must be discarded and brought to justice, but which justice? Is it the justice of the Attorney-General, the one of the judiciary or that of comeuppance? The Attorney-General is no longer existent and he does not have justice. The only justice that remains is that of comeuppance against killers and murderers. The only means that can deter them is killing, which is not only our demand, but also the demand of our people, who lost their security due to conflicts among security services in the era of the late Yasser Arafat and the current Mahmoud Abbas. Today, they are fighting the whole Palestinian people.[42]

By 15 June, the Qassam Brigades and EF controlled all the security headquarters and other important installations throughout the strip. The battle of Gaza was over in less than a week. In the aftermath, apologetic explanations from both sides about what had happened were addressed to the public. Hamas argued it had been forced to use violence to protect the government from an attempted coup d'état.[43] According to EF commander Islam Shahwan, 'We are here to defend the legitimately elected government of Hamas and public order.'[44] Later, Hamas leader Ismail al-Ashqar took a somewhat different line, stating that the takeover had instead been a matter of appeasing what he called 'the movement's grassroots'. Al-Ashqar argued that Hamas had been driven into a corner and had only one way out: 'When people are being killed and houses are being burned you are afraid that your own grassroots will turn against you and call you soft.

The movement had to protect its own children and members. It wasn't our choice, but there was no other choice.'[45]

A New Political Order

Following the ouster of Fatah from Gaza, Hamas adopted a more conciliatory approach. The takeover had had a double-edged effect on Hamas's popular support. While many Gazans applauded Hamas's commitment to bringing an end to the territory's long-running security problems, Palestinians were disappointed in their political leaders for failing to cooperate and maintain a united front against their common 'Zionist enemy'. These sentiments were mirrored in the way that the Hamas government proceeded after June 2007. On the one hand, Hamas was working to consolidate its grip on the people of Gaza. Gazans whose views of Hamas were unclear – in other words, those who were not active in Hamas-affiliated organisations – were brought in for questioning about their loyalty to the government. The many criminal bands operating in Gaza, many with ties to the territory's influential clans, were actively opposed by Hamas and eventually disarmed. The year following the takeover also saw a comprehensive restructuring of local bureaucracy. The government conducted screenings to ensure that even non-political bureaucrats and civil servants in the various ministries and lower-level authorities were loyal to Hamas.[46] Within the judiciary, judges, prosecutors and administrators were almost completely replaced by Hamas-approved personnel.[47] Law enforcement and security duties were taken over by the EF and Qassam Brigades, which together now came to constitute the 'homeland guard' of the coastal territory.

On the other hand, Hamas simultaneously embarked on a process attempting to mend the deep rift with Fatah. Hamas political leaders were heard blaming the violence on Gaza's failing security apparatus and independent initiatives by the Qassam Brigades. At the same time, they downplayed the amount of change undergone by Gaza's political system after Fatah had been ousted. According to Hamas, the takeover had not been political in the sense that the Haniyeh government had wanted to establish a separate entity in Gaza.[48] It had rather been an act of pure necessity, aimed at putting an end to the chaos that had reigned hitherto. One Hamas leader was especially conciliatory: 'When the security

apparatus collapses, people do bad things. We know our people made many mistakes. We apologise for this and will make up for them. We will rebuild what was destroyed.'[49]

This apologetic tone was combined with statements of commitment to continue a dialogue with Fatah based on the earlier unity deals struck in Cairo and Mecca, as well as with the Prisoners' Initiative.[50] However, Hamas made it very clear that it did not accept President Abbas's unilateral measures to appoint a new government in Ramallah, referring to it as a violation of the Palestinian Basic Law (the constitution):

> We accept that Abbas is the legitimate president and that the Haniyeh government is, therefore, a caretaker administration. We also accept that Abbas has the right to proclaim a state of emergency but we cannot accept violations of the constitution such as the installation of a new government that is not endorsed by the PLC or the attempt by the PLO Central Council to assume the powers of the PLC. Dialogue is the only method for resolving our differences with Abbas.[51]

A New Government in Ramallah

On 14 June 2007, the Palestinian president dissolved the national unity government that had been formed following the Mecca Agreement. He declared a state of emergency and appointed an emergency government with its base in Ramallah. From this point on, there existed two governments that both claimed to be the rightful and legitimate rulers of the PA. The Ramallah-based emergency government under the premiership of Salam Fayyad refused to recognise the Gaza-based national unity government led by Ismail Haniyeh. Fayyad considered the remnants of the national unity government to be unlawful as, according to him, Hamas-affiliated militia had 'staged a coup d'état' and taken control of government institutions.[52]

Prior to the outbreak of violence in Gaza, from March to June 2007, the 24-minister-strong national unity government had included eleven ministers from Hamas, six of whom were living in the West Bank. Following Abbas's dissolution of the national unity government, Prime Minister Haniyeh maintained his claim to the premiership and simply replaced those positions in the cabinet held by his party colleagues from

the West Bank who were now prevented from travelling to Gaza. The other ministers, most of whom were Fatah members, who no longer participated in government meetings, were not replaced. Their posts remained vacant and their portfolios were distributed among the remaining eleven ministers.[53]

On the question of which government was the legitimate holder of power, legal experts questioned the legality of both. While it was indisputable that Hamas and its Change and Reform List had received the support of a majority of the Palestinian people at the ballot box the year before, it was also a fact that Hamas-affiliated militia had ousted Fatah from Gaza a few weeks earlier. Nevertheless, there was strong legal evidence to support the view that Ismail Haniyeh's cabinet should stay in place and serve as a caretaker government until a new administration could receive a vote of confidence from the legislative assembly, the PLC. At the same time, according to Article 45 of the Palestinian Basic Law, the president indeed had the right to dismiss a prime minister.[54] Hence, President Abbas's dismissal of Haniyeh on 14 June was correct in law. However, article 67 of the Palestinian Basic Law clearly stipulated that a sacked prime minister and his cabinet should nevertheless remain in place and function as an interim caretaker government. This caretaker administration must stay in place until a new government can be formed, a body which must receive the support of an absolute majority in a confidence vote in the PLC.[55]

Not only was no such vote held in the PLC but, had it been, it would not have received even a simple majority in favour, as more than half of the chamber's seats belonged to Hamas after the elections. The only conclusion that can be drawn, despite the peculiar circumstances, is the one based on the provisions clearly stipulated in the law. In this case, the Palestinian Basic Law – which had the status of a constitution – instructed the president in detail how to handle situations like the one under consideration, involving the dismissal of a government. From a legal perspective, the only reading of the law possible was that Haniyeh's cabinet constituted the sole legitimate caretaker government of the Palestinian territories. As the law stood, it did not allow the president any leeway to consider questions such as who had been the perpetrator and who had been the victim of the previous round of violence. Added to that, President Abbas's legal term expired in January 2009, a fact which,

in Hamas's eyes, rendered his presidential decrees after that date illegal, as was also the case for his emergency government in Ramallah.

The Hamas Government in Gaza

What was now 'the Hamas government' – dissolved through a legally questionable decree by President Abbas and situated in Gaza – continued to claim its right to rule and full constitutional legitimacy. To further prove that it was ruling constitutionally, the government proceeded to revive the legislative body of the PA, the PLC. Following the 2006 elections, Hamas and the Change and Reform List held 74 of this body's 132 seats. The Israeli authorities, however, prevented Hamas-affiliated legislators from travelling between the West Bank and the Gaza Strip. By 2007, Israel also held 43 of the 74 Hamas legislators in detention.[56] Back in September, though, the Hamas government had ordered the Palestinian legislative body to reconvene in Gaza City, at the same time seeking ways of circumventing these obstacles. The PLC was again holding sessions every two weeks and its various committees were meeting as often as every week.[57]

Out of a notional total of 132 representatives, the PLC was now heavily decimated, operating only with the 26 Hamas-affiliated legislators who were able to attend its sessions. The name and photograph of each of the remaining 48 representatives were placed on their empty chairs.[58] It was also arranged that those representatives who were not in Israeli detention could still participate in the council's sessions via phone or video conference link. Those members without access to a phone, notably those in detention, were allowed to cast their votes by proxy.[59] Each PLC member who could be physically present at the sessions was also given the right to represent and vote for one, or a maximum of two, of his absent colleagues.[60]

Beginning in September 2007, the Gaza PLC was once again in session. In Hamas's new political order in Gaza, the government regarded it as the sole legislative body in relation to the executive. Similar to the procedure followed in any parliamentary system, the Hamas government would propose bills, which would then be debated by the legislators, referred back to the various committees and sub-committees for consideration, returned to the chamber for further debate, and then eventually voted on. This was the manner in which the

Hamas government passed its annual budgets, for instance, and continued to do so throughout the scope of this study.[61] In addition to budgets, the PLC passed several other bills, including those annulling presidential decrees, others relating to the reformation of the judiciary, and bills concerning women's rights.[62] It should be noted, though, that while the Gaza PLC did consist of elected representatives, it lacked representatives from the opposition. In other words, the bills proposed to the chamber did not undergo critical scrutiny by opposition legislators and were not exposed to public debate in which representatives from the ruling party were obliged to answer objections from the opposition. Debates and voting were instead carried out with only representatives from the ruling party present, or other government loyalists.

Those members of the parliamentary opposition, notably from Fatah, who remained in the Gaza Strip after the June takeover experienced heavy pressure from the Hamas government. There appeared to be a double standard regarding what was said and what was done on the part of Hamas. On the one hand, the government would issue public statements and instructions to its law enforcement authorities, stressing that it was imperative to respect democratic norms and principles and to abide by the law, especially for all governmental institutions.[63]

On the other hand, however, the same law enforcement authorities that had received these instructions were openly involved in politically motivated arrests, closure of media outlets and the banning of public meetings and demonstrations on a relatively broad scale. According to a large number of eyewitness accounts, Fatah affiliates, parliamentarians, former civil servants and militants alike were brought in for questioning and detention during this time. Typically, they were arrested in the street by plain-clothes security personnel and taken, hooded, to an undisclosed interrogation centre.[64] Detentions were seldom preceded by any court orders and were unlimited in extent, lasting from a few days up to several months. The quarters in which these individuals were held were either pits in the ground or cage-like cells measuring only one square meter in extent. Bringing suspects in for detention was a regular activity, with the aim of disrupting any opposition political activity.[65]

It was not only top politicians and bureaucrats who were targeted. The Hamas government also closed down Fatah-affiliated radio and TV stations and banned pro-Fatah newspapers. In 2008, the distribution of the three biggest newspapers published in the West Bank, *al-Hayat*, *al-*

Quds and *al-Ayyam*, was blocked.[66] Individual journalists were also stopped by security forces while trying to cover demonstrations against the new government in the streets of Gaza City, or other events sponsored by opposition groups.[67]

At the same time, the Hamas government went to great lengths to explain and justify its actions to the public. The government assured Gazans that it regarded the Palestinian Basic Law to be the foundation of its rule and that it alone constituted the rules to which its employees would be held accountable. It admitted that abuses had occurred, but at the same time argued that such incidents had been the work of individuals and not ordered by the administration.[68] Once again, what the government said and what it actually did sent out very different messages.

Cooperation in the Midst of Division

Three years into the rift with Fatah, Gazans were becoming familiar with their divided political landscape and tensions between the two sides were becoming set. Division was becoming the state of normalcy and, as both Gaza and Ramallah saw it, a long-term political separation was becoming the most likely scenario.[69] The Gaza Strip was beginning to develop in a direction of its own, meaning that a divided Palestine would very likely be the political reality that had to be accepted. At the highest political level, there were no signs that the Hamas government was preparing for unification with its Ramallah counterpart in the near future.[70] Hamas ministers were preparing decade-long plans for developing Gazan society, without taking any account of what would happen in the case of a reconciliation. Among ordinary Gazans, political polarisation had gone so deep that it had acquired social roots. For instance, youth from Hamas-affiliated families would face problems if they wanted to marry someone from a Fatah family. And when young Gazans told foreigners where they came from, many would now automatically say 'Gaza', rather than 'Palestine'.[71]

However, in the midst of this factional division and Hamas's public refusals to negotiate with Fatah, the Hamas government was working with the Ramallah government at lower levels through unofficial channels. While official relations with Fatah remained frosty, some inter-governmental cooperation at the lower political and administrative

levels was gradually developing.[72] As long as the Hamas government was shunned by large parts of the international community, there were some services, particularly in the public service sector, that could only be provided through cooperation with Ramallah. For certain types of services – for instance, the granting of passports, printing of stamps for education certificates and the transport of goods and individuals across borders – coordination between Gaza and Ramallah was needed to ensure international recognition and the necessary approvals by Israel.

While high-level political contact with Fatah remained unfeasible, Hamas used informal channels of communication to manage these necessary contacts.[73] These could be provided either by dedicated lower-level ministry officials and administrative personnel or through assistance from the international organisations present in Gaza. Based on established personal networks and the element of trust, Hamas had maintained contact with certain ministerial personnel who had been employed prior to the Gaza takeover. Among these veteran bureaucrats, some had already been Hamas loyalists when they were employed by Fatah. Others were Fatah loyalists who had earned the trust of Hamas through ties of family or friendship.[74] These individuals now became well-placed intermediaries to facilitate the Hamas government's cooperation with the government in Ramallah. International organisations also served to complement this diplomatic back channel. According to one UNRWA official, 'In terms of practicalities, UNRWA has high-level relations in Ramallah and deals as necessary with lower-level technical officers in the ministry offices in Gaza'.[75]

Cooperation in Education

One example of such cooperation was the Palestinian education system, and in particular the certificates issued to students on completing their secondary schooling. Since the Hamas takeover, the education system in Gaza had gone through some difficult times. The 2007 tawjihi exams were cancelled due to the ongoing fighting, and later Fatah-affiliated education workers were dismissed from their posts. Strikes followed, further hindering students from completing their education. The replacement teachers were usually inexperienced and lacked the necessary professional training. After the takeover, Hamas continued with annual examinations in schools without the recognition of the

Ministry of Education and Higher Education in Ramallah. The situation resulted in the ministry refusing to issue graduation certificates to Gazan students, a necessary document when applying for higher education opportunities abroad.

Reluctant to make itself unpopular with the younger generation, the Hamas government agreed to coordinate all aspects of education with the government in Ramallah. According to one Hamas official from the Gaza Ministry of Education, 'We have managed to quarantine the educational sector from the political polarisation and security conflict {happening in Gaza}. The ministry is very concerned to keep the same syllabus in the Gaza Strip and the West Bank in order to emphasise the unity between Gaza and the West Bank.'[76]

A similar message was sent by ministry officials in Ramallah: 'There is close collaboration with the educational system in Gaza, including some discussion with Hamas with regard to the tawjihi examination.'[77] Hamas agreed to give the Ramallah government sole responsibility for issuing their students' graduation certificates and for coordinating the simultaneous announcements of the results in Gaza and Ramallah.[78] This was arranged through cooperation between lower-level officials and administrative personnel, avoiding direct contact between the ministers concerned.

Cooperation in Consular Affairs

Another example of cooperation was the issuing and renewal of Palestinian passports. Before the Hamas takeover of Gaza, passports for Gazan residents were issued by the Gaza offices of the Ministry of the Interior. After the takeover, the Ramallah government refused to cooperate with Hamas, demanding that all passports were to be issued from the Ministry of the Interior in Ramallah. While the Hamas government continued to issue passports from Gaza, most countries recognised only those issued from Ramallah as valid travel documents. For Gazans to renew their passport or be issued a new one, they needed to send their applications via mail or private couriers to the West Bank to be processed. The Hamas government reacted by prohibiting applications by mail and confiscating all passports arriving from Ramallah.[79]

By 2010 however, confiscation practices had eased and the passport problem was resolved through the Hamas government's tacit support for

a private business which handled the shuttle traffic of passports and applications between Gaza and the West Bank. Private 'passport service offices' opened across Gaza, offering their services to residents with passport problems. The owners were former employees, mostly Fatah-affiliated, of the Ministry of the Interior in Gaza with experience in issuing passports.[80] Like travel agencies, they were able to help their clients in Gaza with the whole application process including communication with Ramallah. One private passport service owner explained the procedure:

> Anyone who wants a new passport goes to a private passport service office in Gaza, supplies the required fees, and the papers are signed by previous employees of the Department of Passports {in the Ministry of the Interior}. The documents are then carried to Ramallah by somebody who has the Israeli permit to travel. The documents are checked by the Security Department of Gaza affairs in Ramallah to make sure that the person requesting the passport is not from Hamas or working for the Gaza government. If approved by the security department, the Department of Passports issues the new passport and it is carried back to the private passport service office here in Gaza.[81]

As a policy, privatisation has been rarely associated with the Hamas government. The passport issue thus showed the government's willingness to accept pragmatic solutions to problems it was unable to solve on its own. It is also noteworthy, as political scientist Are Hovdenak has pointed out, that in this instance Hamas allowed Fatah-affiliated former ministerial employees to maintain their role as public service providers, albeit in their capacity as private individuals.[82]

Cooperation in Health Care

A third example of cooperation occurred in the provision of medical services. During a press conference at the Shifa Hospital in Gaza City in 2011, Minister of Health Basem Naim stated that the government faced two major problems with the treatment of patients. First, supplies such as medicines, bandages and disposables were scarce. Second, the lack of specialists in certain areas meant that some patients needed to be sent

abroad for treatment.[83] Officially, the Hamas government did not coordinate its activities with the Ramallah branch of the Ministry of Health. However, medical supplies were regularly coming into the strip and patients were frequently sent out for specialist treatment.

On the question of medical supplies, in his position as minister, Naim was prohibited from having direct contact with his counterpart in Ramallah. Instead, the manager of the government-owned central pharmacy in Gaza City was tasked with handling coordination between the two authorities.[84] All Gaza's hospitals reported directly to him, explaining their needs, and he then passed on their requests to lower-level officials at the Health Ministry in Ramallah. Although the pharmacy manager was a long-time Hamas member, he had been an employee of the Gaza branch of the Ministry of Health before Hamas took over. Hamas did not dismiss him after 2007 and the Ramallah government did not stop his salary.[85] Being trusted by both sides, the manager was able to act as an intermediary, dealing directly with both the governments in Gaza and in Ramallah.

The other problematic area of medical services, according to Basem Naim, was the referral of patients abroad. Even before the Hamas takeover of Gaza, the Ministry of Health had established a special department for the several thousand patients who needed to be sent abroad for special treatment. Following its seizure of power, Hamas tried to organise referrals on its own account but most countries refused to deal directly with the Hamas government. The problem became acute as a number of patients died in Gaza waiting to be sent for treatment in another country.[86] Pressured by the growing list of patients awaiting hospital admission and the rising number of patient deaths, the Hamas administration eventually agreed to a compromise with the Ramallah government. It involved a full restructuring of the department of the Ministry of Health charged with referrals abroad, including appointing two parallel directors, one in Gaza and one in Ramallah, and accepting the reality of direct communication between them.[87]

The Ramallah-based director was entrusted with the task of communicating with the Israeli authorities over travel coordination for the patients affected. The agreement gave the Hamas government the right to appoint at least one Hamas-affiliated doctor, apart from the director of the Gaza branch, to the high-level committee that prioritised patients for referral. The Ramallah government, however,

was critical about those prioritised by Hamas, suspecting that it chose patients on the basis of *wasta* (responsibilities and services on the basis of social bonds).[88] As a result, authorisation for making requests to the committee overseeing patient referrals was removed from the hospital heads and transferred to the individual doctor in charge of the patient.[89] The Hamas government agreed in principle to send patients to Egypt, Iran and Turkey, states which allowed direct contact with the government in Gaza. In return, the Ramallah government agreed to cover the expenses of all other patients referred abroad.[90]

Cooperation in International Relations

A fourth example of cooperation was the pilgrimage to Mecca. The rite of *hajj* (pilgrimage) is one of the five holy duties of Muslims and thus was a particularly important issue to Hamas. Due to the large number of pilgrims pouring into Mecca every year, the Saudi Arabian authorities had set national quotas. In the PA, the Ministry of Religious Affairs was responsible for the administration and selection of those who would be allowed to go. In 2008, the Hamas government succeeded in making an additional agreement with Saudi Arabia that increased the PA's official quota – a decision for which Saudi Arabia was criticised by the international community. By dealing with Hamas directly, it was seen to be recognising the division of the PA and undermining the rule of the government in Ramallah.

The following year, Saudi Arabia tried to make up for this mistake by refusing to issue visas to intending pilgrims who had registered with the ministry's branch in Gaza. This resulted in thousands of disappointed pilgrims and the near-bankruptcy of Gaza City's private hajj offices, which were functioning as travel agencies and providing help with registration, housing and the necessary travel documents. Gazans blamed the Hamas government for their failed hajj plans. Especially sensitive to criticism on Islam-related matters, the Hamas government eventually agreed to coordinate the selection process and travel arrangements with its Ramallah counterpart.

The issue was resolved by establishing a joint Gaza–Ramallah committee of technocrats to work closely with the private hajj offices and to jointly process all applications for the pilgrimage.[91] Consequently, at the end of 2009, the Gaza and Ramallah governments were able to agree

on a list of 4,500 pilgrims to travel to Mecca.[92] In reaching this agreement, the territories' private hajj offices had played an important role. According to one owner of a hajj office, 'They undertook the role of facilitating coordination between Ramallah and Gaza.'[93] The solution was similar to that reached over passports. In both cases the Hamas government agreed to include private businesses as a necessary component of its provision of public services, a privatisation reform of sorts.

Popular Discontent as a Driving Force for Unity

In October 2010, a prominent Hamas leader in the West Bank complained about the repercussions of the rift between the two factions.[94] Inter-factional conflict had made life in the West Bank difficult for Hamas members living there – in the same way Fatah members suffered in Gaza from the treatment meted out by the Hamas government's security forces. According to this Hamas leader, 'Reconciliation with Fatah is important to Hamas and a prerequisite for new elections to be held.'[95] He also warned: 'Fatah must not go ahead with holding elections only in the West Bank – but if they do, Hamas should participate in one or two municipalities to show how big its support really is.'[96] The claim that Hamas posed a serious challenge to Fatah in the West Bank also had some statistical support. Jamil Rabbah, a pollster in Ramallah, assessed Hamas support in the West Bank at that time to be around 50 per cent.[97]

From Hamas's perspective, the obstacles to ending the division with Fatah lay in five key political areas. First, Hamas would have to be represented on the various PLO organisations, with its representation mirroring the level of support Hamas had received in the latest elections. This was a demand without room for compromise, strengthened by Hamas's belief that it enjoyed more support than either Fatah or the international community had anticipated. Second, a plan had to be agreed on to bridge the gap between the two opposing security apparatuses. Third, political arrests would need to end and the parliamentary opposition allowed to carry on with its work. Fourth, Hamas feared that any elections in the West Bank would not be free and fair. The Hamas leader in the West Bank expressed particular concern over the threat of cheating: 'This is the third world. Anything can

happen during elections, for example interference with ballot boxes. [Representations] to the electoral court and electoral committee must be agreed upon in detail and be fair.'[98] Fifth, while Hamas had accepted that the PLO could negotiate with Israel, it remained to be agreed how negotiations with Israel should proceed – for instance, in terms of how proposals could be cleared with all factions on the Palestinian side before they were taken to the Israelis. Hamas maintained that President Abbas and his negotiation team could not negotiate freely with Israel without obtaining broad support from the Palestinian people, including Hamas.

Although most of these key issues would remain unresolved, Hamas's relations with Fatah got off to a promising start at the beginning of 2011. As the mood on the streets of Palestine was beginning to change with the Arab Spring revolutions, Hamas and Fatah were driven closer together as the result of public pressure. Unlike the protesters in Egypt and Tunisia, Palestinian youth did not agitate for the fall of either of their governments, but instead called for unity under the slogan 'End the Division'.[99] Pushed by the pressure generated by tens of thousands of demonstrators, Hamas Prime Minister Ismail Haniyeh was prompted to call on Fatah to 'immediately renew the national dialogue in order to meet the demands of the Palestinian people.'[100]

His call was answered on 16 March 2011, one day after the largest demonstrations seen so far in both Ramallah's Manara Square and Gaza's Place of the Unknown Soldier. President Abbas responded boldly: 'I am ready to go to Gaza tomorrow to end the division and form a government of independent national figures to start preparing for elections'.[101] Abbas asked Haniyeh to organise the visit and within a few days the Hamas premier responded with an invitation to the president to come to Gaza. Haniyeh even announced that the president would have his former residence in Gaza, looted during the takeover, at his full disposal.

An important meeting then took place in Nablus between senior members of the two factions. At this meeting, Nasser al-Din al-Shaer, former deputy prime minister in the first Haniyeh government, called for the release of political prisoners on both sides in order to create a positive atmosphere for the reconciliation process. Within this new context, Fatah also decided to back down from its previous demand that the Gaza and West Bank security apparatuses be restructured and amalgamated. After a reconciliation agreement had been signed, Hamas would be allowed to retain its own police and security forces in Gaza,

without interference from the Ramallah-led PA security forces. As the security issue was one of the most critical to the Hamas government, such a proposal was well received in Gaza.[102]

A number of contributing factors – such as apprehension over the crisis unfolding in Syria, the overthrow of the Mubarak regime in Egypt and a growing uncertainty over the consequences of the Arab Spring at home – was making Hamas less opposed to a rapprochement with Fatah. Hamas leaders described the emerging Arab Spring as a source of empowerment for Arabs, an opportunity for Palestinians, and a threat to Israel and US influence in the region.[103] Hamas was careful to reassure the Arab public that it did not seek conflict with Fatah and was working to end the factional division. Khaled Meshaal stressed:

> The rift was a burden on all Palestinians, a temporary anomalous situation that was forced on us [...] The political horizon is blocked [...] The region is occupied with the beautiful Arab Spring, even if it means a temporary distraction from the Palestinian problem {and} this has conveyed a message to us that we Palestinians must deal with our domestic affairs.[104]

At the same time, however, Hamas was deeply worried about being lured into a trap. Mahmoud Zahar sounded a warning about electoral fraud: 'Fatah did not accept the outcome of the elections in 2006 and [there was a risk of] a similar response to the vote expected to take place in 2012. [...] The elections in 1996 were completely counterfeit and everybody knew it. Some elected candidates were brought down the next day and later on they were shot.'[105] On Hamas's likely political response, Zahar added: 'Reconciliation does not mean Hamas has changed its agenda [...] unity would simply set out the framework for a functioning government structure. [...] We will not allow the return of the PA security apparatus and its notorious leaders, and I advise them in public to avoid coming to Gaza'.[106]

On the other key issue – representation on PLO bodies – Hamas told its constituency that this would not mean any alteration in its posture towards negotiations with Israel. Hamas leader Salah al-Bardawil asserted: 'Whoever thinks our entry into the framework of the PLO leadership will lead to surrendering our basic principles is dreaming, and so is anyone who thinks for a moment that the PLO is a [cunning] trap

for getting Hamas to recognise Israel. The question of recognition of Israel is not on the agenda'.[107] On Fatah's political platform, Bardawil commented:

> We recognise the complexity and the obligations in which Fatah entangled itself in past years. [Hamas] understands it is not impossible for the Fatah organisation to salvage itself from the great error that was the Oslo agreements. [Hamas] is interested in helping [Fatah] escape this legacy [and] we want both of us to work for the liberation of the land in keeping with the principle of full national partnership.[108]

An end to the Division?: Hamas on the Move

For reasons which may have been tactical rather than democratic, Hamas certainly appeared to show an increased interest in reconciliation with Fatah. It would also turn out that this shift in approach had been seriously discussed – and even formally adopted – by the movement's majlis al-shura around the turn of the year 2012.[109] However, in reality any 'reconciliation' with Fatah appeared to be based more on the prospect of short-term political gain than on a serious change of heart. For Fatah at this point, an agreement would have meant a strategic partnership with Hamas, resulting in a win-win situation. From Hamas's standpoint, such a move would have addressed the Hamas government's two key problems, killing two birds with one stone: easing the Israeli blockade of goods and alleviating the political isolation it was suffering from the international community. Within Hamas, it was argued that if a national unity government with Fatah could end the Israeli 'siege', it would justify Hamas's steadfastness in holding out for four long years amidst the relatively severe conditions that had prevailed.[110] The breaking of the siege and the establishment of a national unity government would in turn result in an end to the isolation imposed by the international community. As Hamas leaders reasoned, renewed communication with the outside world would lead to what they desired the most – a legitimisation of the movement in the international arena.[111]

For the first time, regional politics had reached a point at which the interests of the three central stakeholders, Fatah, Egypt and Hamas, were

aligned. Fatah had broken off negotiations with Israel due to the continuation of settlement construction in the West Bank. It was instead pursuing a non-negotiation path and a strategy of internationalisation, seeking recognition of a Palestinian state in the UN and membership in several UN-related bodies. The Fatah-friendly Mubarak regime in Egypt (at least this was how Hamas viewed it) had fallen and opened the way for a new strategic partnership and the possibility for Hamas to reconnect with its mother movement, the Egyptian Muslim Brotherhood. Hamas's shift in approach should also be seen in the light of the disturbances that had begun in Syria. Hamas was anxious that its political leadership might not be able to stay in Damascus for ever and the movement would eventually need a new regional partner and base.[112]

Behind the scenes, Hamas started to move. At first it was believed that, following the fall of Mubarak, Egypt would alter its position on Gaza and Hamas in Hamas's favour. Eventually, though, it became clear to Hamas that compromises would have to be made if it were to reach an agreement with Fatah. According to an Egyptian intelligence officer:

> After the Egyptian uprising, we sent a message to all that Egyptian foreign policy will not change substantially on the Palestinian front. At first Hamas was convinced that momentum was with them, that with the change in Egypt they had no need to compromise. Its first emissary seemed emboldened, but we delivered a stern message and told him he would hear the same from all, including the Brotherhood. He did. The next [visit by Hamas] someone else came, and this person adopted a more flexible attitude.[113]

Four years earlier, following the Hamas takeover of Gaza, the Palestinian Forum of Independents had been established by a group of politically independent and socially prominent figures working to bridge the political rift. These individuals enjoyed the trust of both sides and could communicate directly and informally with President Abbas, Hamas politburo head Khaled Meshaal and Prime Minister Ismail Haniyeh at the same time. Over the last four years they had been shuttling between Ramallah, Damascus and Gaza City in order to provide a forum for dialogue between the factions. Hamas's first response to President

Abbas's call on 16 March for a national unity government had been lukewarm. In reply, Hamas gave its consent for five Gaza-based members of the Palestinian Forum to meet with their West Bank colleagues and with Egyptian officials in Cairo.[114] Despite the earlier, unproductive, meeting with the unnamed Egyptian intelligence officer, Hamas was now told that the reconciliation file was still open but that Egypt demanded concessions from both parties.[115] Egypt, for its part, was prepared to compromise on its earlier demand that the PA security forces must return to Gaza.[116]

Following consultations with the Hamas leadership, as well as with Egyptian and Syrian officials, the Palestinian Forum was eventually able to put before Fatah a document with far-reaching concessions by Hamas. According to members of the Palestinian Forum, when it was shown to the Fatah leadership it was referred to as 'the Hamas initiative'.[117] Since the two parties' previous talks in Cairo in 2009, Hamas had been reluctant to yield on any of the key issues. Now, Hamas was offering Fatah an accord in which it agreed to change its positions on most of the important issues. Notably, Hamas would agree to the formation of a national unity government, which would abide by international law and UN resolutions. It would also agree to halt all political arrests of Fatah members. Hamas would further agree to put an end to armed resistance – permitting only 'ethical' resistance – thus halting all rocket fire from Gaza into Israel. Further still, Hamas would accept the pre-1967 ceasefire lines as the borders of a future Palestinian state. It would even allow the Palestinian president to negotiate with Israel.[118]

The Cairo Agreement

The reconciliation agreement that was eventually signed between Hamas and Fatah in April 2011, which later became known as the Cairo Agreement, consisted of two separate documents. The accord signed by Khaled Meshaal and Mahmoud Abbas in Cairo on 4 May was the original version of the Egyptian reconciliation agreement. It contained the identical text that had been proposed by Egypt at the end of the 2009 talks, but which Hamas had refused to sign at that time.[119] However, a week before all thirteen Palestinian factions put their signatures to the Egyptian reconciliation document in Cairo, a pre-agreement memorandum of understanding was signed by Hamas and

Fatah. This document was published in the Arab media and referred to as 'The New Understandings Document'.[120] It made significant amendments to the Egyptian reconciliation document and was intended to deal with reservations Hamas had had in 2009.[121]

This less well-known part of the Hamas-Fatah reconciliation agreement stipulated a number of key provisions: the appointment of an electoral committee on an agreed-upon basis; the establishment of an electoral court; presidential, PNC and PLC elections to be held within one year; the appointment of a supreme security council on an agreed-upon basis; and the appointment of an 'interim leadership framework' whose decisions could not conflict with those made by the PLO. In addition, it mandated the appointment of a government on an agreed-upon basis tasked with preparing elections; completing the reconciliation process; rehabilitating Gaza and its infrastructure; ending the siege; unifying the PA's institutions in the Gaza Strip, West Bank and Jerusalem; managing charity associations and NGOs; and reactivating the PLC.[122]

Comparing the New Understandings Document with the Egyptian reconciliation agreement, it is clear that both Hamas and Fatah agreed to significant compromises involving a move away from their original positions. However, the Cairo Agreement of 2011 to a large extent provided only a general framework for the implementation of the reconciliation process. Finding solutions to the key issues was once again delegated to the five committees (covering elections, government, PLO, social reconciliation, and security) established during the 2009 talks. In addition, Hamas and Fatah resorted to private 'side' agreements to fill out the various clauses in detail. In essence, this was the weakness of the agreement. Its framework was so general and the issues passed over to the committees so controversial that it could be questioned whether the Cairo Agreement actually embodied a reconciliation process at all. Hamas was aware of the obstacles that lay ahead. As Mahmoud Zahar noted: 'There were understandings about some issues, for instance about the government. [However] we have not determined who will head it, but have left all these issues for negotiations at a later stage.'[123] In practice, the resolution of many of the key issues was postponed. According to Ismail Haniyeh:

> We further need to agree on the establishment of a supreme security council according to the provisions of the agreement,

outline a security policy, agree on establishing a supreme elections committee and an electoral court, [set out] a joint diplomatic programme and a joint security programme, and activate the Legislative Council so that it performs its duties.[124]

The pivotal part of the Cairo Agreement involved the formation of an interim government. It would be the central authority set up to supervise the implementation of the rest of the agreement until elections could be held and a permanent government appointed. The Egyptian reconciliation document of 2009 had merely called for a 'joint committee' to coordinate the work of the Gaza and West Bank governments. The New Understandings Document went further in stating that a 'government' was to be formed. However, the Cairo Agreement only set out in very general terms how this should come about. It merely stated that the aim was 'to form a Palestinian government and to appoint the prime minister and ministers in consensus'.[125] There were no details as to the type of person (in regard to party affiliation) who could be considered to serve as ministers in such an interim government. Privately though, Hamas and Fatah had agreed that the new government was to be wholly made up of technocrats and politically independent individuals.[126] While this was perhaps the only way of getting both parties to agree on a list of candidates, it made selection difficult and narrowed down the group of individuals who might be considered.

Furthermore, the inclusion of the phrase 'in consensus' was an unconditional demand made by Hamas to which the Fatah delegation had eventually conceded.[127] Hamas argued that agreement by consensus was in fact a concession on its part, as it had won the latest PLC elections. Consensus decision making was a deeply rooted tradition within the Islamist movement. Here, though, it was primarily a tactical demand in the negotiations. This approach would later become a significant point of weakness, stalling the formation of a new unity cabinet. In practice, it gave Hamas the potential to veto any ministerial candidates it did not support.

Implementing the Agreement

Hamas's real willingness to compromise and to implement the Cairo Agreement was put to the test with the appointment of a new prime

minister. Although several names had circulated during a meeting between the factions in Cairo on 16–17 May, President Abbas advocated for Salam Fayyad and got Fatah's central committee to accept him as their final candidate. Initially, individual Hamas leaders sent positive signals about Fayyad as a possible candidate. According to one Hamas leader: 'What we need is a prime minister who can implement the unity agreement. If it's Fayyad who implements it, I'm fine with him. We have put up with him for four years, and we can for another year.'[128] Later, however, Hamas would reverse its position. President Abbas's reading of the agreement was that the Palestinian president would play a superior role to the interim government, and he eventually stated that the post of prime minister was not a matter for discussion. It was to be Salam Fayyad.[129]

Up to this point, Khaled Meshaal had signalled his flexibility on the issue of prime minister, but when President Abbas took up a non-negotiable position, the Hamas leadership was furious. From the point of view of Hamas, Fatah was not keeping its word on what had been agreed.[130] The Gaza section of Hamas had held the most negative stance within the movement towards Fayyad as prime minister, linking him with political arrests in the West Bank and actions against the Gaza government. After Abbas's statements on the issue had taken on a more coercive tone, their opinion gained wider support within the movement. One of the Hamas leaders in Gaza reasoned:

> We didn't fight for five years just to accept Fayyad and the rest of Abu Mazen's programme. If we accept that today, people will be right in asking why didn't we do that years ago and save everyone the trouble. It will look like we have been defeated and that Fatah won. We are ready to go to unity, not to surrender.[131]

In fact, Hamas and Fatah each had a completely different understanding of what had been agreed, especially concerning a future government. Hamas PLC member Omar Abd al-Razeq asserted that an agreement on the relationship between the president and the government was one of the most important questions for Hamas-Fatah relations.[132] Hamas, on the one hand saw it as an interim arrangement which needed its support to be extended by the legislative chamber once the new PLC had been elected within a year. President Abbas, on the other hand, maintained

that the new administration would be a government by presidential appointment, and that the cabinet would be required to follow his political programme.

There was a recurring pattern in the negotiations that affected several of the issues at stake. In the talks, while Hamas's rhetoric signalled flexibility, it showed much less willingness to compromise when things were actually put to the test. On the day of the signing in Cairo, Khaled Meshaal stated: 'We have given peace, from Madrid to now, 20 years. I say, we are ready to agree as Palestinians, in the arms of the Arabs and with their support, to give an additional chance for agreement and how to manage it.'[133] Two months later, however, during the implementation phase, Meshaal's words were contradicted by another senior Hamas official:

> We have not yet given anything to Abu Mazen. What Abu Walid [Meshaal] indicated in Cairo was that the temporary leadership framework would allow Abbas to negotiate. But the temporary leadership framework hasn't been met. Abu Walid didn't say that Abbas can do whatever he wants without consulting anyone.[134]

Lingering Obstacles to Unity

In the last round of the previous talks held in 2009, it had become clear that the most difficult problem to overcome centred on two closely intertwined issues, the achievement of social reconciliation and the integration of the security forces. The Hamas takeover of Gaza had taken factional division from the political level to a deeper, personal level. Many residents, militants and civilians alike, had been surprised by the brutality used by both sides on fellow Palestinians. The takeover had accelerated existing enmities between the rival security organisations and resulted in personal vendettas between the families of those killed and injured or those whose property had been damaged. As one Hamas member noted: 'There is a political will to achieve unity with Fatah but a psychological barrier is in the way, that of social reconciliation.'[135] Political analyst Yohanan Tzoreff argued similarly: 'The precursor for reconciliation between Hamas and Fatah is *al-islah*, social reconciliation. Both parties like to talk about social reconciliation, but there has been virtually no implementation of it.'[136]

In order to achieve any real reconciliation between Hamas and Fatah, these issues needed to be addressed robustly. It so happened that the Cairo Agreement included both the instruments needed to attack these problems and the instructions on how they were to be resolved. According to legal specialist Asem Khalil, 'The agreement between Hamas and Fatah was actually a clannish agreement, in the sense that there was a *lajnat al-islah*, social reconciliation committee, set up.'[137]

For social reconciliation to be achieved in practice, both Hamas and Fatah called on all Palestinians to present their demands for compensation to the lajnat al-islah that had been established through the agreement. The committee consisted of representatives from the thirteen factions involved, as well as from the National Initiative of Independents.[138] The chairman of the lajnat al-islah, Yasser al-Wadiyya, stated that the committee would deal with 'issues concerning political murders, injuries and popular reconciliation [. . .] Palestinian society must end the rift that has damaged national unity. The social reconciliation committee aims to pay compensation to those injured or with damaged homes as a result of the rival political violence.'[139] According to one unnamed Gazan, the desire for revenge constituted the single biggest challenge to reconciliation: 'Defusing tensions would cost tens of millions of dollars in blood money, but even that may not be well enough, since not everyone will accept money and forgo vengeance.'[140]

The demand for vengeance following the events that had unfolded in the summer of 2007 was a major worry for Hamas. The movement had tried on its own account to end claims to the right to avenge injuries against its members by paying out large sums of money to civilian residents of Gaza who had been personally affected by the fighting. In particular, the members of Hamas's Qassam Brigades feared revenge attacks; their wives feared that their families would also be considered as legitimate targets. To calm fears, Hamas launched a campaign within the movement explaining the need for reconciliation 'to ease tensions in society'.[141] However, the lajnat al-islah largely remained a paper tiger. The committee had difficulty solving its own procedural problems – for instance, several months after the agreement in Cairo, it still had not decided who to appoint as head and secretary respectively.[142] Neither faction was prepared to end the political standoff in the interests of family safety.[143]

The two factions' security apparatuses and their behaviour were the root causes of the deep distrust between them. Many Palestinian politicians on both sides continued to believe that the numerous existing armed bodies – police, intelligence, security and resistance groups – would eventually be integrated and constitute the unified police and military forces of a future Palestinian state. The Cairo Agreement consequently addressed this concern. The security committee at the 2009 Cairo talks had put forward a plan for the comprehensive reform of the security sector.[144] The Egyptian reconciliation document stipulated the creation of a 'higher security committee', comprised of security professionals selected by agreement of both parties. This higher security committee was asked to 'lay out security policy and to oversee its implementation', in other words, to formulate comprehensive plans for the rehabilitation and reconstruction of the security services and to supervise their execution. The document further specified that 3,000 security officers who had served in the security forces prior to the Hamas takeover were to be integrated into Hamas's Gaza-based security services.

This committee and its tasks, however, were not mentioned in the New Understandings Document of 2011. It referred only to the establishment of a higher security committee and noted that its constitution was to be decided on by consensus. Prior to the Cairo Agreement, Hamas and Fatah had agreed to defer any reform of the security sector until elections had been held and the PLC reactivated. This had been one of the main reasons why Hamas felt it could engage in renewed negotiations – and it pointed to where the most difficult issue in fact lay.

From Hamas's standpoint, no compromises that would undermine the powerful position of the Qassam Brigades were possible, partly due to the strength within the Hamas movement of the Qassam leadership, partly due to Hamas's unbending belief that it needed the brigades as a strong bargaining chip. Hamas feared that its hegemony was being challenged – partly from within, threatening to return Gaza to the pre-2007 security chaos, partly from the outside as had occurred during the war with Israel in 2009. According to one Hamas leader in Gaza: 'We will never allow another crackdown on Hamas. The Qassam Brigades are our guarantee.'[145] Another pointed to Hamas's unique situation: 'We are not just any Arab country. We are besieged by and facing an occupation.

We will not put our weapons in the cupboard, like the IRA, and pretend the occupation doesn't exist.'[146] Furthermore, it was unthinkable for most Hamas military, security or police officers to cooperate with the same PA colleagues they had battled a short time earlier and who were engaging in security coordination with Israel. The fact that most members of the Qassam Brigades, security services and police forces in Gaza were politically affiliated with Hamas made the prospect of integration with their PA counterparts in the West Bank inconceivable.

Even though the Cairo Agreement had mandated an end to political arrests and the release of all political detainees, Hamas's security forces continued to detain and interrogate Fatah members in Gaza. During the summer and autumn of 2011, the human rights watchdog PCHR reported that hundreds of Fatah members had been summoned and questioned about their political activities and connections to the Ramallah government.[147] Meanwhile, Hamas accused Fatah of engaging in the same practices in the West Bank.[148] Neither faction was keeping to the commitments made in the Cairo Agreement. Although its accusations were mixed with reassurances that it was abiding by the agreement, Hamas's actions told a different story throughout 2012.[149] Fatah offices, as well as the PLO headquarters in Gaza, remained closed and were kept under the strict control of the security forces. Hamas also continued to refuse to allow the offices of the Palestinian central electoral commission to open, pointing to the stalled formation of a national unity government and blaming Fatah for this failure.

Palestinian political independent Abed Sattar Qasem contested the idea that there was any real political will to end the factional division: 'Hamas and Fatah only go to the negotiation table because that is what the Palestinian people want. No one wants to be blamed for creating disunity.'[150]

CHAPTER 3

RADICALISATION AND THE EMERGENCE OF SPLINTER GROUPS

In the chaotic security situation prior to 2006, many Gazans saw Hamas as a potential saviour and indeed a last resort that could change the situation on the ground for the better. Its perceived steadfastness and high moral standards appealed to a people disappointed by the failure of the Oslo Accords and humiliated by the many fruitless concessions made by the PLO to Israel. Gazans who had experienced the al-Aqsa (second) intifada as children were now in their mid-twenties. This 'Oslo generation' was too young to have enjoyed the relatively calm nature of Palestinian–Israeli relations of pre-1987 times, but old enough to have heard their grandfathers mourn their inability to return to their family homes in towns such as al-Majdal (Ashqelon), Jaffa (Yafo) or Bir al-Shiba (Beer Sheva). This generation of young men had been raised by increasingly disillusioned fathers, disappointed with the deteriorating conditions that followed the first intifada. They had also as children seen how their older brothers had taken to the streets and risen up against perceived injustices during the al-Aqsa intifada. Eventually, though, this had only led to further clashes with the Israelis and even to tensions among the Palestinians themselves. By mid-2005, their older brothers had ended up in Israeli prisons, their grandfathers had passed away and their fathers had grown too disillusioned to continue their struggle against the 'Zionist enemy'.

Feelings of hopelessness about the future, experiences of suffering involving friends and family and a strong sense of humiliation drove segments of the Oslo generation to turn away from the political factions they felt had abandoned them, and to move closer to the only thing in life they still felt was pure and untarnished, namely their religious faith.[1] In the eyes of this emerging generation, Hamas had at first been accepted as having a part in that purity – through its steadfast resistance and uncompromising refusal to negotiate with Israel. However, for these young men, Hamas's immaculate image was slowly beginning to sully, first as a result of its decision to participate in the 2006 elections to the PLC and later, while holding public office, as a result of what these firebrands perceived as an end to its armed resistance against Israel.

Hamas's shift to parliamentary politics, participating in a system they had spent decades rejecting, led to strong internal criticism. For some, particularly the Oslo generation, Hamas increasingly came to be viewed as no better, no more Islamic and no less corrupt than any of the other Palestinian factions.[2] Hamas was now, in their eyes, no different from its secular and collaborating counterpart Fatah. The fact that Hamas leaders had managed to agree among themselves to enter the electoral process did not mean that it had managed to persuade its *entire* constituency. In the world of perceived hopelessness that was the Gaza Strip, in reaction to what appeared to these young radicals as a very confusing change of heart by their leaders, many instead chose to cleave to the core values of their upbringing. For most Gazans, those values were the values of Islam, instilled through the thorough religious education they had received, first through the Muslim Brotherhood's Gaza branch and later through Hamas, a process that started decades before the first intifada.

Despite the takeover of the PA by Hamas, the faction closest to these young men's Islamic beliefs, these children of the al-Aqsa intifada became increasingly disillusioned by the continuing lack of change and worsening living conditions in Gaza and, not least, the unresolved conflict with Israel. For some of them, their anger was channelled into youth activism, exemplified during the so-called Arab Spring by the 15 March Movement and the Gaza Youth Breaks Out (GYBO) initiative.[3] For others who were more ideologically driven, while the solution to their despair was still Islam, they felt that Hamas's interpretation of it was not pure enough.[4]

The culturally embedded religious formation undergone by young Gazans, their difficult environment and their constant disappointment with their political leadership, both past and present, had together created the conditions for a process of violent radicalisation that went beyond the nationalist-oriented Islamism of Hamas.[5] As a result, the people of Gaza, particularly religious young men in their mid-twenties, became ripe for an extremism that went further than anything offered by Hamas. These young men's commitment to violence was stronger than their fathers and brothers ever had been, and their identification of the enemy was broader than Israel alone.

From Radicalism to Violent Radicalism: Reaching the Tipping Point

The literature of radicalisation has shown that, on their own, the conditions conducive to violent radicalisation are not sufficient to lead to violent behaviour, even for individuals who are susceptible to the lure of absolute values.[6] Other active catalysts are needed to act in concert with this conducive environment, together creating a push-and-pull effect.[7] One example of such a catalyst would be the entry of foreign radicals into a local milieu, injecting it with new ideas and encouraging the disaffected to take action. In today's world of globalisation and the internet, the physical presence of radical leaders is being replaced by websites and online chat fora. The internet has become an effective means of providing both the necessary ideological content and the supporting empirical evidence.

From the point of view of disaffected Gazans, it provided access to photos and stories from other places of conflict such as Iraq and Afghanistan, where Muslims also appeared to be humiliated by external occupiers. In the Gaza Strip in 2007, over half of the territory's youth was using the internet on a regular basis.[8] In addition, none of the most popular Jihadi websites and chat fora were blocked by the Hamas government, making access to radical ideas very easy.[9] It was precisely this conflation of global and local contexts that served as one of the most important catalysts of violent radicalisation at the time.[10] In this context, Gaza's fluid border with Egypt due to the Rafah tunnels, and the numerous internet cafés across the strip with unblocked access to radical websites, provided both the real and virtual means to catalyse a violent radicalisation that went well beyond the ideology of Hamas.

Hamas's decision to abandon its extra-parliamentary position and to participate in the 2006 elections constituted the tipping point for some of those who continued to call for armed resistance. A number of small independent Salafi-Jihadi groups began to see an increase in membership from 2007 onward. Small groups, often of no more than 5–20 individuals, began voicing their concern over Hamas's change of track and announced their existence by lobbing a rocket or two over the security fence to land on the Israeli side. Their vocal criticism and violent activities gradually increased to the point that they were becoming a thorn in the side for Hamas. Eventually, these Salafi-Jihadis would increase in numbers to the extent that they constituted both an ideological and a security threat to the government. Hamas, which had gone to the ballot box by promising an end to the security chaos in Gaza, now saw a new wave of home-grown violence against 'un-Islamic' activities such as internet cafés across the strip, and even male hairdressers. Also the *tahdia* (lull) with Israel was coming under threat as these groups continually flouted the government's decisions regarding the appropriate times to fire rockets into Israel. A single rocket fired by a Salafi-Jihadi group at the wrong time could set off an uncontrollable escalation of violence with Israel.[11]

In addition, the Salafi-Jihadis' willingness to continue with armed resistance activities against Israel appealed to many junior members of Hamas's Qassam Brigades. These young men in their twenties had been trained to be disciplined fighters and felt confused and frustrated by Hamas's decision to restrict violent resistance.[12] Their perception of Islamism and their definition of what was meant by *jihad* (holy war) was already close to that of the Salafi-Jihadis. This uncompromising perspective, commonplace in any military organisation, made it easier for many Qassam fighters to sympathise with the Salafi-Jihadis rather than find common ground with Hamas's political leadership. The local Salafi-Jihadi phenomenon was fast evolving into a threat to Hamas's hold on power, with both internal and external implications.

Gazan Salafi-Jihadis: Who and Why?

Before examining how the Hamas government came to deal with this emerging threat, one needs to understand the roots of the radical currents represented by the Salafi-Jihadi movement, going back to post-1967

Palestine. At this time it was becoming obvious to the Palestinians that their occupier was completely superior in terms of military strength. The prospects for the liberation of their homeland looked bleaker than ever before. As their enemy appeared militarily unconquerable, many Palestinians reconsidered the methods of resistance available to them, looking for other means of carrying on the struggle. Among the few options available, many came to believe education was the best solution to what was already back then perceived to be a hopeless situation.[13] Mothers and fathers who had the means sent their children abroad for higher education. Some students were offered scholarships by foreign universities, for instance in Eastern Europe and the Gulf states. Saudi grant-giving organisations were particularly active in supporting Palestinian students who wanted to attend universities in Saudi Arabia.[14]

Upon completion of their studies these students returned to the Palestinian territories, bringing back new ideologies and ways of thinking.[15] One of these new schools of thought was Salafism, which in its original form interpreted Islam by combining a tradition-based approach with modern notions of democracy and constitutional government. A 19th-century reaction to Western influence in the Middle East, Salafism stressed the importance of *al-salaf al-salih* (the founding fathers of Islam) to enable its adherents to achieve a purer interpretation of the Islamic faith. During the establishment of the Saud dynasty in Arabia, Salafism had become heavily influenced by the Wahabi school of Islam.[16] It thus came to emphasise al-salaf al-salih and downplay the influence of modernism.[17] Eventually, the collective memory of Salafism's modernist elements would fade away.[18]

In Gaza, the movement's founding promoter was Saudi Shaykh Salim Sharab who, upon his return from university in Saudi Arabia, worked to spread Salafi ideals in the strip.[19] However, the Salafi school of thought was in stark contrast with the ideals of the secular nationalist resistance groups, the Salafis focusing less on the liberation of Palestine and more on the transnational unity of the *umma* (the community of Muslim believers). The original strand of Salafism to make an impact in Gaza was not militant. Its main activity was to carry out *dawa* (religiously oriented social work) in order to promote the 'purest' interpretation of Islam.

While sharing its ideals of non-violence prior to 1987, the Muslim Brotherhood criticised the Salafi movement for its excessively literal

interpretation of the Islamic scriptures. The Brotherhood argued that Islam's true nature is found in renewal (not imitation as advanced by the Salafis) and it must be adapted to the local context in which it is being interpreted.[20] The Salafi response to their criticism was that Salafism was not just one school of thought among many others; it was simply the correct way to interpret Islam – hence, all true Muslims were Salafis. When the Brotherhood in Gaza eventually morphed into Hamas and joined the armed resistance, the existing gap with the Salafis grew even greater. The Salafis' peculiar perception of the struggle for Palestine had made many Palestinians sceptical of the Salafis and their claims.[21] They in their turn considered all who were not faithful Sunni Muslims as enemies. Their struggle was never only about 'the Zionists', as it was for Hamas in the early days.

Salafis who supported violent struggle were not observed in the Gaza Strip until 2005. Then, a new cohort of smaller groups pledging allegiance to Al Qaeda claimed a wave of attacks on businesses, gatherings and individuals that were condemned as 'un-Islamic'. During a festival at one of Gaza's UNRWA-run schools in 2006, Salafi-Jihadis attacked a guard and threw a hand grenade into a courtyard, killing a man and a child and wounding several others.[22] The idea of continuing the struggle by means of violent action, targeting individuals who were not considered religiously 'pure', took root among a number of Gazan activists after Nine Eleven.[23] The concept of Jihad as it was interpreted by Al Qaeda had arrived in Palestine.

As lawlessness in the Gaza Strip grew, so did discontent with Hamas as an Islamic movement. One young Salafi-Jihadi fighter gave his reasons for belonging to such a group:

> It means that we are opposed to Hamas. We fight all who are not true believers. Actually, I used to be Hamas but left because of factional and ideological differences. I left them after 2004 because during a visit to Russia Khaled Meshaal said that the Chechnya issue was an internal affair. This was a catastrophe. I didn't like Meshaal's position on our brothers in Chechnya.[24]

As is apparent from such statements, adherence to violent Salafism (in this book referred to as Salafi-Jihadism) was first and foremost a question of opposing its rival Islamic entity, Hamas, and condemning its choice of

path. To a lesser but also significant extent, the movement's radicalisation was a response to Russia's scorched-earth policy in Chechnya and later the US-led invasions of Afghanistan and Iraq. The events unfolding around the globe at the time, in 2001–6, complemented the black-and-white world picture promoted by Salafi-Jihadi ideology. Salafi-Jihadis in Gaza had no trouble fitting the factors shaping their own local context within this wider ideological framework. As the PA's grip on Gaza decreased and the situation approached a state of anarchy towards the end of 2005, these young radicals sought alternative sources of authority.

Hamas's governance of Gaza from 2006 drew heavy criticism from both inside and outside the movement. Internally, elements of its military wing were unhappy with how the new administration was changing the role of the Qassam Brigades. Once at the forefront of fighting Israel, their role was now being reduced to that of a mere law-enforcement agency. The government's ceasefire agreements with Israel were upheld through the enforcement of a strict policy towards the other militant groups in the strip. Militants other than the Qassam fighters were no longer allowed to possess arms and, if discovered firing rockets, they could be shot on sight.[25] The *Murabitun* (elite core unit) of the Qassam Brigades was tasked with guarding the borders of the Gaza Strip, in much the same way as a national guard.[26] Earlier when the Murabitun had carried out its duties, its members had scouted the buffer zones and the border fence, looking for possible covert Israeli military penetrations. Now they found themselves chasing down their own – local militants attempting to fire rockets at Israel.[27] Naturally, it was hard for the Qassam fighters to find any pride and honour in such activities.[28]

Violent Radicalisation: Inside and Outside of Hamas

The Qassam Brigades formed a military organisation that was trained, physically as well as ideologically, to fight an external enemy. Its members were highly disciplined fighters, mostly in their early twenties, who had been used to enjoying widespread appreciation for their efforts. Thus far, they had encountered few Gazans who opposed their work. This general attitude, however, was changing with Hamas in government. The Qassam fighters were trained to be loyal to the Hamas movement, but when even some of their own commanders and

instructors expressed discontent with the direction the new government was taking, it was difficult for them not to have their doubts.[29] One such senior commander was Nizar al-Rayan, a Saudi-educated and charismatic figure who shared his time between commanding the Qassam Brigades and serving as a professor at the Islamic University in Gaza. Another figure was Mohammed Talib, a young commander with long-time service in the Qassam Brigades and a member of its elite core.[30] A third senior figure was Khaled Banat, a legendary instructor and explosives specialist with the Qassam Brigades, who was said to have fought US troops in Afghanistan and Iraq alongside Al Qaeda.

Al-Rayan, Talib and Banat were three individuals among a growing group within Hamas's military wing who disagreed with and could not accept the movement's shift towards parliamentary politics. They gradually assimilated Salafi-Jihadi ideals and, in this process of radicalisation, they each took with them several of the young fighters they had trained. Many of these younger fighters retained their membership of the Qassam Brigades while covertly embarking on a new path that included military training, violent actions and theoretical studies in an ideology that differed strongly from that of Hamas.[31]

While some elements of the Qassam cadres were radicalising *inside* the movement, Hamas's new role in governance also pushed others *outside* it towards Salafi-Jihadism. Among the cadres of the other factions, especially Fatah, attraction to Salafi-Jihadism was not primarily the result of an ideological shift. It was rather a reaction to their profound discontent with Hamas.[32] Hamas's violent takeover of Gaza in June 2007 left hundreds of Fatah members killed or injured. They were angry and shocked, but perhaps even more, humiliated and vengeful. As a commander in the Fatah-affiliated al-Aqsa Martyrs' Brigades put it, 'The 2007 attempt by Hamas to oust Fatah and to bring all military wings under its control was a trauma. It made many of us hate Hamas.'[33] Salafi-Jihadism was a timely solution for all these alienated people. It provided a new identity and sense of usefulness to men whom Fatah had forbidden from working in Gaza and who had seen its military wing stripped of its arms by the new Hamas government.

Fighting under the banner of Salafi-Jihadism was also a justification for possessing weapons and attacking Israel. It gave a new goal and direction to the lives of people who were being locked out of the new

Islamic society Hamas was creating in Gaza. According to the local adaptation of the Salafi-Jihadi ideology, any un-Islamic phenomenon such as internet cafés, Western-style shops, shisha restaurants and Palestine's Christian minority constituted legitimate targets. Their attacks came to include everything from street executions to beheading plastic mannequins taken from 'decadent' shop windows.[34] As the Hamas government was considered insufficiently Islamic and, hence, a legitimate target, several of its major figures were also targeted.

Yet another group of individuals who were drawn into Salafi-Jihadi circles were the youth of the refugee camps and the countryside of southern Gaza. While to some observers the Gaza Strip might appear tiny from the outside, inside its borders it contained many different worlds. Perhaps the most marked of these contrasts was the conceptual distance between the centre and the periphery – the centre being Gaza City and the periphery the rest of the strip, predominantly its southern part.[35] For instance, it was not uncommon for a teenager growing up in Gaza City never to have visited the southern towns of Khan Younis, Deir al-Balah and Rafah. Many teenagers from the south also had the same limited understanding of the north. In some cases though, a weekend visit to Gaza City with the family once a year had given them a glimpse of what life in the city was like, to them a life beyond reach.[36] If Gaza's population in general lacked hope for a better future, these sentiments were magnified for the young men of the periphery. For a number of them growing up in this environment, the Salafi-Jihadi ideology helped to understand who had taken their future away from them and why Muslims in other places such as Afghanistan and Iraq were under attack. It also provided an answer to the question of what must be done to avenge this perceived injustice – suggesting that there was a greater purpose to their lives.[37]

From Ideas to Action:
Salafi-Jihadi Mobilisation and Organisation

Salafi-Jihadism's single narrative of the humiliation of Muslims all over the world provided a forceful identity for youth filled with a sense of hopelessness. The movement's ideas were spread among young men in mosques after prayers and during breaks at schools and universities.[38] One Salafi-Jihadi fighter in his early twenties explained how a new group

could be formed just by a few friends sitting together in the mosque after prayers and talking about the need for action against their ongoing 'humiliation'. They would decide to take matters into their own hands and form a new group, naming it after something they had seen on the internet that had connotations of Al Qaeda.[39]

However, such ideas were not only being circulated by local Salafi-Jihadi advocates. Increasing access to the internet made contact with radical clerics in other parts of the world possible. Questions would be put to online clerics whose answers were taken as fatwas to be followed word for word. Many of Gaza's Salafi-Jihadis followed the internet fatwas of the Jordanian radical cleric Shaykh Abu Muhammad al-Maqdisi.[40] Well-known as the former mentor of Al Qaeda's leader in Iraq, Abu Musab al-Zarqawi, Abu Muhammad al-Maqdisi ran the online forum Minbar minal-Tawhid wal-Jihad, where he issued harsh fatwas about the situation in the Palestinian territories. His statements denounced Hamas's rule in Gaza and urged Al Qaeda to shift its focus to Palestine.[41] Although Gaza's Salafi-Jihadis originally came from various factions and different sectors of society, in general they shared the same ideology and followed the same online clerics. Added to their geographical proximity and the networked society that characterised Gaza, this meant that over time these radicalised individuals moved closer to each other. New groups would typically announce their birth on Jihadi online fora, only to claim one or two attacks and then never be heard of again.

Some of these groups, though, would become more established and grow in size. By 2011, five larger groups had emerged: Jaysh al-Islam, Jaysh al-Umma, Jund Ansar Allah, Ansar al-Sunna and Tawhid wal-Jihad. There were several established Salafi-Jihadi leaders in Gaza with the skills to help these groups translate their ideas into practice. Among these was the Qassam Brigades instructor mentioned above, Khaled Banat. Banat was not only an explosives specialist but also a visionary actively working to realise his goal: the unification of all the Gazan Salafi-Jihadi groups under a single banner.[42] The formation of Jund Ansar Allah by Banat showed that these groups could embrace a broad spectrum of members. At the same time, there were certain ideological differences between them that hindered further attempts at unification. One Jund Ansar Allah member, Abu Suhaib, explained that his factional background was within Hamas, but that he had left to follow Banat in

Jund Ansar Allah. In an interview, Abu Suhaib set out some of the obstacles to unification among the different Salafi-Jihadi groups:

> There is [for instance] a difference between Tawhid wal-Jihad and Ansar al-Sunna about how they see the Hamas government. Abu Walid al-Maqdisi [leader of Tawhid wal-Jihad] says the government and anybody working in or for it is infidel [and thus a legitimate target for attack]. Ansar al-Sunna on the other hand agrees that the government is infidel but doesn't apply this to everyone working in the government. Ansar al-Sunna says that the government people must be assessed individually. They are Muslims and they are not necessarily infidels just because they work in that government.[43]

Other groups differed over the extent to which they supported Al Qaeda and how inclusively they defined jihad. According to Abu Osama of Taliban Filastin, 'We disagree with our brothers in Al Qaeda when they say it's ok to kill people who are not directly guilty [such as women and children] but are in the way when conducting a larger operation.'[44] But Abu Osama added, 'We should nevertheless cooperate and I call on all Salafi groups to unify. If a common source of religious counselling can be chosen we will be the first to follow him.'[45] While some social and ideological gaps existed between the various Salafi-Jihadis, they largely belonged to the same broader circles.[46] Many of them knew each other personally, including members of the Qassam Brigades.[47] To a certain extent, these close social bonds explain why some militant groups were not as categorical as others in declaring that 'all Hamas members' or 'all those working for the Hamas government' were *kuffar* (infidels) and thus constituted legitimate targets.

Ideological Proximity

Before entering parliamentary politics, Hamas had fostered friendly relations with the Salafi-Jihadi groups, which were seen as allies in Hamas's resistance against Israel. Fatah had also established good relations with them, appointing several Salafis to posts within the PA. Positive contacts with Salafis facilitated the exercise of authority in Gaza. However, after Hamas came to power, contact with Salafi-Jihadis

changed from being an asset to a liability. The Salafi-Jihadis' pledge of allegiance to Al Qaeda and Osama Bin Ladin sullied the image of itself that Hamas was trying to project as the 'purest' Islamic group among the Palestinian factions. Hamas was quick to denounce its ties with, for instance, Jaysh al-Islam in the national and international media, assuring the world that the Hamas movement had no global Jihadi ambitions. Hamas asserted that it sought only to fight those occupying its lands and was striving towards the goal of establishing a Palestinian state. The Salafi-Jihadis were increasingly viewed by Hamas as threatening its image of being the most Islamic of all the Palestinian political factions.

The Hamas government followed the activities of Gaza's Salafi-Jihadis closely; Hamas's security services continuously monitored and frequently arrested their members. Several important leaders were arrested, among them Abu Hafs al-Maqdisi, Mohammed Talib and Abu Walid al-Maqdisi.[48] On leaving detention, they had to sign pledges not to engage in activities that would threaten internal security or the various truces with Israel imposed by Hamas. Security service officers then visited them on a daily basis to check that their pledges were being carried out.[49] With the various groups totalling only 1,000 to 1,500 members, the Hamas government's heightened vigilance against the Salafi-Jihadis appeared rather disproportionate.[50]

However, even when it posed less of a military threat, Salafi-Jihadism would nevertheless become a serious ideological problem for the Hamas movement internally. As mentioned above, Salafi-Jihadism had become an attractive identity to adopt for those Hamas members who were dissatisfied with Hamas in government. According to local observers, by 2010 50 per cent of all Salafi-Jihadis in Gaza were former Hamas members, drawn from some part or other of the movement.[51] When Hamas officials were confronted with these figures and asked whether the Salafi-Jihadi phenomenon posed any threat to them, they downplayed the issue or even denied that a problem existed at all.[52]

There were, however, some who acknowledged the issue, albeit in a low-key manner.[53] According to analysts, Hamas believed that increased attention to the Salafi-Jihadi presence would be bad publicity for the movement. Therefore most political figures did not speak about it, or at least did so very cautiously.[54] Ahmed Yousef, a former Hamas government official, admitted:

The Hamas government has been busy governing and has neglected its dawa responsibilities. The Salafis have filled that gap. But we don't accept that these people can settle down here in the name of Jihad. [They] criticise us for being too tolerant [lax regarding Islamic practices] but we are trying to find an equilibrium [by imposing additional Islamic rules]. We are in a critical situation here. These people are part of our society and we don't want to give them the chance to defy our laws and accuse the government of being too tolerant.[55]

According to another Hamas leader, Ghazi Hamed: 'There are Islamic groups in Gaza projecting a bad image of Islam. There are vast differences between the Muslim Brotherhood, the Salafis and Salafi-Jihadi exponents like Al Qaeda and Osama bin Laden.'[56] Yet another senior Hamas leader, Mahmoud Zahar, stated: 'We are the real Salafis. The Muslim Brotherhood are the Salafis. These people are not the Salafis. They do not represent the truth. They are Muslims but they do not represent true Islam.'[57]

While Yousef, Hamed and Zahar spoke from different positions within the movement (Yousef and Hamed were moderates while Zahar was more militant in outlook), their remarks nevertheless echoed similar attitudes towards Salafi-Jihadism. All three statements refer to 'true' Islamic practice, with Zahar the most outspoken of the three. It was clear that the Salafi-Jihadis' criticism of the government's lax Islamic governing style had struck a raw nerve with Hamas.[58] The leaders' statements underline Hamas's deep ideological rupture with the Salafi and Salafi-Jihadi groups.

The high level of attention that was given to the problem showed in, for instance, the government's increased attempts to introduce Islamic codes of conduct in public places. One example was the appearance of (morality) police patrolling Gaza's beaches, warning people about wearing 'inappropriate' clothing.[59] Another sign of the growing sensitivity on the issue was the treatment of Salafi-Jihadis by the security services in Gaza's detention centres and prisons.

While efforts continued to thwart the Salafi-Jihadis' violent activities, and were even stepped up, they were nevertheless not treated as common criminals. Rather, Hamas often took a 'kid-glove' approach in dealing with them, an aspect that will be developed further below. Suffice to say

here that while Salafi-Jihadis were commonly detained, they were also released on a more regular and favourable basis than ordinary offenders could expect. They were kept separate from other inmates in the detention centres and were physically abused to a lesser extent.[60]

Salafi-Jihadism as a Threat to Hamas's Brand of Resistance

Hamas's perception of the Salafi-Jihadi phenomenon as a serious ideological challenge was also deeply rooted in the movement's understanding of its historical context and the reasons why it should be supported. Since the beginning of the twentieth century, the Palestinian territories had seen numerous political groups struggling for the establishment of a Palestinian state and to win the hearts and minds of its people. Hamas was not the first Islamist movement to exist in Palestine. Among its predecessors were several groups with Islamic features and some with undisguised Islamist agendas.[61] According to political scientist Khaled Hroub, during British rule and following the establishment of Israel, these groups' political popularity closely reflected their positions on a free Palestine and how effectively they appeared to be fighting 'the Zionist occupier'.[62]

Thus, the brand of resistance that they advocated became a benchmark component for any political party which wanted to gain popular support. This understanding was reinforced through the rise of Fatah, which gained the trust of many Palestinians by advocating the liberation of Palestine by force. On the other hand, for several decades the Muslim Brotherhood remained a non-violent charitable organisation with moderate support. It was not until its transformation into Hamas and its active participation in the first intifada that its popularity exploded. These experiences contributed to forming Hamas's understanding of how a political group's position on resistance occupied a central role in the minds of its constituency. The various Palestinian factions' stance on resistance had become an important part of their identity and an element through which they could distinguish themselves from their competitors.

When the popularity of the secular Fatah movement declined following the failure of the Oslo peace process, Palestinians again placed their hopes in armed resistance. This time it was not to be just any kind of resistance – it was 'Islamic resistance', as advocated by

Hamas. The Hamas version of resistance was founded on an interpretation of the Palestinian question based on Islam. From an ideological perspective, Hamas viewed all of historical Palestine as a *waqf* (religious endowment) over which no one but God himself had the right to rule. Logically then, any negotiations or concessions involving land were impossible, simply because neither the Israelis nor the Palestinians owned the land. It belonged to God, and he alone was to determine its future. Hence, if you were to be a good Muslim, you were obligated to struggle against those occupying the land of God. Hamas's particular definition of Palestinian resistance, and its religious motivations for carrying it out, remained unique in the local setting – until the arrival of the Salafi-Jihadis.

Then, the particular brand known as Islamic resistance was no longer exclusively owned by Hamas. The Salafi-Jihadis carried out dawa as well as armed resistance, just as Hamas did. To some Gazans, they brought back rosy memories of what Hamas had once been before it entered parliamentary politics. To some extent, Hamas and the Salafi-Jihadi groups all used the same religious message and the same methods. Externally, this was a problem for ongoing attempts to improve relations with the international community. Foreign politicians and political actors outside the Middle East did not see the difference between the two movements. Internally, for Hamas, the effects of Fatah's compromise over armed resistance on its popular support were still fresh in its mind. The Salafi-Jihadis were small in numbers and low on arms. From its own experience, however, Hamas knew that the power of ideas should never be underestimated. Now in government, Hamas feared that it might be forced to walk the same path as Fatah had done earlier, seeing its followers leave and move on to the next political alternative along the path of religious conservatism.

Hamsawis, Salafis and Salafi-Jihadis

The ideological as well as methodological proximity of Salafism, in its Salafi-Jihadi version, to Hamas's own Islamist ideology was perceived by Hamas as threatening the movement's core identity. To further understand Hamas's fear of the Salafi-Jihadi phenomenon, a closer look at these similarities is needed. As noted above, Salafi thought had come to the Palestinian territories with the return of Palestinian graduates

from Saudi universities in the 1970s. Among these returnees was Shaykh Sharab, who became the first Salafi Islamic scholar in Gaza. In the 1980s, Sharab taught at both the Azhar Institute and the Islamic Compound, as well as at the Islamic University in Gaza. Both the Islamic Compound and the Islamic University were run by the Muslim Brotherhood. During these early years, the Brotherhood did not view Salafism as a rival ideology.[63] However, the tendency of the Salafis to isolate themselves socially created a gap between them and ordinary Palestinians from the outset. Palestinians in general regarded the Salafis with suspicion, as they did not participate in Gazan social life other than through their own dawa activities.[64] This isolationist character of the Salafis would be one of the contributing factors explaining why a number of smaller groups were later able to radicalise themselves and turn to violence. Eventually, these Salafi-Jihadi groups came to emphasise global jihad at the expense of their Salafi roots, even though their ideology was fully based on Salafi thought.

Most Salafis, however, adhered to a non-violent understanding of Salafi ideology. In the Gaza Strip, this approach was advocated by the *Dawa salafiyya* (Salafi mission), whose ideological position constitutes a useful reference point here. Shaykh Naim al-Laham was a leader of one of the two main Salafi associations, Dar al-Kitab wal-Sunna. According to al-Laham, his association had six main goals: to teach Muslims about their religion; to spread the word of sharia; to revive the role of mosques in building an Islamic society; to raise children and youth according to Islamic principles; to train Imams; and to provide healthcare to Muslims in need. Al-Laham asserted:

> Our main goal is dawa. We even employ dawa in our aid projects. For example, we own a bakery here, al-Sham Bakery. We sponsor the bakery well so the products become the best on the market. Everybody in Khan Younis knows how good our bread is. Even the owners of the other bakeries told us that we harmed their business by producing such high-quality bread. We should continue this good production so people can see how bread tastes like when [real] Muslims are supporting it.[65]

While the mainstream Salafi mission was neither violent in character nor politically engaged, its charitable activities constituted an indirect but

strong criticism of non-Salafi society in Gaza. As in the example above, bread had always been an important symbol of food in general and, in religious terms, a symbol for the physical body of believers. By providing the best bread in the town of Khan Younis, al-Laham was sending a message to its inhabitants. It was widely known that many bakeries in Gaza mixed cheaper additives with the flour to bring prices down and put profits up.[66] Al-Laham was at pains to show what bread could taste like when baked by 'real' Muslims – in other words, people who do not cheat or treat others disrespectfully. The Hamas government, however, understood this type of Salafi dawa in terms of attempted subversion. While al-Laham denied stirring up antagonism, he was aware of how Salafis were viewed by Hamas: 'They consider us to be their competitors. In 2008, for example, Hamas attacked the Bani mosque in Jabaliya in northern Gaza and about five people were injured due to beatings.'[67]

Another important figure within the Gazan Salafi community was Shaykh Yassin al-Astal, the director of the Scientific Council for the Salafi Mission in Palestine. Taking a similar position to al-Laham, al-Astal stated that an important role of Salafi leaders was to act as mediators in settling disputes within and between the clans and extended families of the territory.[68] According to al-Astal, 'When Salafis quarrel they only respect a Salafi scholar to resolve the situation, not anyone coming from outside the Salafi community.'[69] Gaining control over Gaza's customary mechanisms for dispute resolution, especially the committees that regulated them, was of key importance to the Hamas government. By not accepting the authority of the Hamas-affiliated individuals and committees appointed to oversee customary dispute resolution, Salafis were in effect threatening the government's authority.

Salafism in Gaza was not political in the sense that it rejected the PA and its government. However, the concept of *wali al-amr* (the rightful ruler) was important to Gazan Salafis. Right-minded Muslims could only follow the rightful leader. On this position, al-Astal was very clear: 'Abu Mazen is wali al-amr in his capacity as the president. The people elected Hamas to be the parliament, not for the presidency. Hamas was elected to be part of wilayet al-amr [the government of the rightful ruler], not to be the wali al-amr on their own.'[70] Referring to President Abbas as the rightful ruler, al-Astal added that 'all Palestinian resistance movements, including Hamas's Qassam Brigades, Islamic Jihad's

al-Quds Brigades, or Fatah's al-Aqsa Martyrs Brigades should obey Abbas.'[71] In the eyes of Hamas, such a message could not be interpreted in any other way than as a direct criticism of its rule.

Further complexifying the picture, there were significant differences within the Salafi movement between moderates and radicals. The various phalangist groups criticised each other over who had the purest interpretation of Islam.[72] As a violent radical movement, the Salafi-Jihadis emphasised certain aspects of Salafi thinking while down-playing others. The Jordanian imam, Abu Muhammad al-Maqdisi, was popular among Salafi-Jihadis for the harsh language he employed against Hamas in his fatwas.[73] The rhetoric used by the Gazan Salafi-Jihadis was very similar to al-Maqdisi's – for the simple reason that it was directly adopted from him.[74] Some features of Salafi-Jihadism resembled the beliefs of the Muslim Brotherhood, and others less so. The partial ideological commonality of the Salafi-Jihadis and the Brotherhood was nevertheless embarrassing to Hamas. The emergence of local Salafi-Jihadi groups, drawing on defectors from the ranks of Hamas, further showed the existence of real similarities. As a result, the movement began a determined struggle to distance itself from the Salafi-Jihadis. Hamas saw itself as misunderstood by the outside world.[75] From Hamas's own point of view, there was no ideological proximity whatsoever. Khalid Amayreh, a journalist close to Hamas, argued:

> Hamas believes in the comprehensiveness of the application of Islam in all walks of life – in a person's belief system, and in a society's politics, economy, education, law, the arts, and the media. That program stands in stark contradistinction from the program of [Salafi-Jihadism], which has adopted a program of armed Jihad as its sole mode of operation.[76]

There were indeed certain fundamental differences between Hamas and the various Salafi-Jihadi groups. While the Salafi-Jihadis were small groups of men dedicated to withdrawing from society, Hamas had sprung from within Palestinian society and was based on broad grassroots support. In the words of political scientist Matti Steinberg, 'Hamas's ideology works to *attract*, not to attack, and seeks to *gradually*, not immediately, change society from within to become more Islamic.'[77]

CHAPTER 4

THE DERADICALISATION OF ISLAMISTS BY ISLAMISTS

The focus now shifts to allow us to consider how Hamas came to deal with the Salafi-Jihadi threat. Although the Hamas government had shown an initial leniency towards the Salafi-Jihadis in Gaza, it had also shown that it could act decisively at times when these groups rejected the government's authority. As it appeared, Hamas's shifts between moderate and severe responses were related to situations where the Salafi-Jihadis were perceived as jeopardising Gaza's fragile internal security. The chapter begins by examining three detailed case studies with a view to illuminating the practices and changing character of the Hamas government's interaction with the local Salafi-Jihadi groups. At the same time, these case studies provide additional information about the three main Salafi-Jihadi groups active in Gaza at the time and the circumstances in which they emerged. As the case studies unfold, two interesting observations in particular can be made. First, there was a degree of common membership and a shared physical environment linking the Hamas movement, the Hamas government and the Gazan Salafi-Jihadis. Second, the Hamas government resorted to using many different tools and a combination of various tactics in dealing with the Salafi-Jihadi groups.

Carrots and Sticks:
Jaysh Al-Islam and the Kidnapping of Alan Johnston

The strongman behind the Salafi-Jihadi group Jaysh al-Islam was Mumtaz Dughmush, leader of the Dughmush clan with thousands of

affiliates who controlled the Sabra neighbourhood of Gaza City. Having begun his career in Fatah and the PA's security apparatus, Dughmush had been radicalised during the al-Aqsa intifada. Dissatisfied with Fatah's participation in the intifada, Dughmush went on to set up the Popular Resistance Committees (PRC) together with another Fatah defector, Jamal Abu Samhadana. The PRC worked in close cooperation with the Qassam Brigades to carry out operations with which Hamas did not want to be publicly associated.[1] After 2006, the first Haniyeh government promoted Abu Samhadana to head the new Qassam-dominated EF, the police force set up to restore order to Gazan society. At the same time, Dughmush and his growing number of followers were distancing themselves from the PRC, eventually forming a splinter group associating itself with Salafi-Jihadism. This move also entailed distancing themselves from Hamas, ideologically as well as operationally. The covert tunnel they dug together near Karam Abu Salaam (Kerem Shalom) during the spring of 2006 was to be their last joint operation with the Qassam Brigades. In June 2006, the PRC and Qassam fighters entered Israel via this tunnel and kidnapped an Israeli soldier by the name of Gilad Shalit.[2] This successful kidnapping was used by Dughmush to announce the establishment of his new group, Jaysh al-Islam.[3]

In the following months, Jaysh al-Islam carried out several more kidnappings. It became clear that this group's ideology differed from that of the more traditional factions, whose goals were limited to the Palestinian nationalist struggle. Instead, Jaysh al-Islam took on a global jihadi ideology, similar to that of Al Qaeda, attracting members from the cadres of both Fatah and Hamas. Former Fatah adherents joined as a way of opposing the authority of Hamas, while former Qassam members joined out of disappointment over Hamas's decision to participate in the political process.[4] Even foreign fighters from outside of Gaza – from countries such as Egypt, Afghanistan and Iraq – came to join the group.[5]

A few weeks after the capture of Gilad Shalit, another two hostages were taken. In a video clip posted on the internet, two American journalists from Fox News, Steve Centanni and Olaf Wiig, were forced to publicly convert to Islam, but were released shortly afterwards.[6] From earlier having been a partner of Hamas, Jaysh al-Islam was now becoming a public embarrassment to the new government. It seemed

from the outside that Hamas had been cooperating with a group linked to Al Qaeda.[7] The international community asked what this said about Hamas's own ideology and judgement. In an initial attempt to limit the damage, Hamas leader Marwan Abu Ras defended their previous connections: 'At that time when we cooperated with Jaysh al-Islam and we kidnapped Shalit, it wasn't clear that they carried any affiliation with Al Qaeda.'[8]

In addition to the ideological and operational differences over the best way to wage resistance against Israel, the battle that came to be fought out between Jaysh al-Islam and Hamas also had an important clan dimension. In December 2006, two Dughmush fighters had been shot dead at a Hamas-controlled checkpoint. The Dughmush clan argued that the killings had been completely unprovoked. It insisted that the EF officers manning the checkpoint were Hamas men from the Deira clan and Jaysh al-Islam called for *thar* (blood revenge), in accordance with *urf* (Palestinian customary law). In response, the Dughmushes killed three Deira men who were serving as bodyguards – a traditional occupation of the Deira clan – to Foreign Minister Mahmoud Zahar. In turn, the Deiras responded by killing four Dughmush men and the Dughmushes retaliated this time by killing another Deira man. No mourning tents were erected for the dead, a symbolic act showing that vengeance was yet to be taken.

Efforts were made by the Hamas government to mediate and to resolve the feud through sharia principles, in this case by offering *diyya* (blood money) to the victims' families to compensate for their loss. These offers were, however, turned down by Dughmush elders who insisted on resolving the conflict according to urf, that is, *al-qatil yuqtal* (he who kills shall be killed).[9] This ongoing blood feud attracted the notice of the chief BBC correspondent in Gaza, Alan Johnston, who would soon himself become the centre of attention. Referring to the case, Johnston reported that 'Hamas needed to show quickly that it could deliver what it would regard as law and order. It had to show that it really was in charge.'[10]

The kidnappings of Centanni and Wiig (and later also of Johnston) need to be understood in the light of this ongoing feud. Having a Westerner as a hostage gave extra leverage to the Dughmushes' game of negotiation with the Hamas government. In the past, the PA under

Fatah had agreed to release prisoners, allow arms purchases and other similar concessions in order to appease troublemaking clans. The Dughmushes wanted the feud with the Deiras to be settled on their own terms and used every coercive measure at their disposal to achieve this end, at times showing interest in mediation, at others humiliating the PA and Hamas by sending teenage boys as their representatives at the negotiations.[11] The underlying message from Jaysh al-Islam to the new Hamas government was clear: Gaza could not be governed without first appeasing the clans.

Johnston's turn to be kidnapped came on 12 March 2007. Within two months of his disappearance, Jaysh al-Islam contacted international media and demanded the release of two radical clerics, Abu Qatada and Abu Muhammad al-Maqdisi, in exchange for Johnston.[12] On the local scene in Gaza, however, away from the glare of the international media, Jaysh al-Islam's actual demands proved very different: Hamas must hand over ten of its members who had been involved in the Deira-Dughmush feud.[13] Even though Jaysh al-Islam was holding several bargaining chips – primarily Johnston, whose value increased as the result of mounting international pressure – the negotiations over settling the feud were still not going its way.

Following Hamas's ouster of Fatah from Gaza in June of that year, Jaysh al-Islam lost much of its grip over the negotiations. After Hamas had ejected Fatah, they issued an ultimatum to Jaysh al-Islam to release Johnston before 18 June.[14] In response, Jaysh al-Islam threatened to expose the details of Hamas's earlier cooperation with the group, including the murders of several PA officials. A few days later, a video clip of Johnston wearing a suicide belt appeared on the internet. In the clip, Jaysh al-Islam leader Khattab al-Maqdisi[15] threatened that Johnston would be killed if the Hamas government used further force against it or initiated any rescue attempts.

Following Jaysh al-Islam's refusal to comply with Hamas's demands, the EF arrested al-Maqdisi and two other men from the Dughmush clan as a way of increasing the pressure for Johnston's release. Jaysh al-Islam, in turn, stepped up the tension by abducting a number of Hamas-affiliated students at Gaza City's Islamic University.[16] The Hamas government responded by besieging the clan's entire Sabra neighbour-hood and arresting a large group of Dughmushes, including one of the leaders of Jaysh al-Islam.[17]

At the same time as the struggle was going on in Sabra, the Hamas government and Jaysh al-Islam were secretly engaged in a new round of negotiations.[18] The kidnappers had first suggested resolving the situation by forming a committee of religious scholars from both sides to discuss the matter and issue a joint fatwa ending the conflict. This suggestion was turned down by the Hamas government who claimed that there was nothing to talk about.[19] Nevertheless, tentative contacts were established, with the PRC acting as a mediator.[20] As a goodwill-building measure, detainees and abductees from both sides were exchanged. After several meetings during the following days, a so-called *islah* committee was set up through the PRC mediation channel.[21] Choosing to engage in islah mediation – the traditional method of resolving conflicts outside the formal legal system in Palestine – had always been considered to be a signal to an antagonist of one's commitment to address and end a conflict.[22]

The islah committee was made up of senior representatives from the Qassam Brigades, the Hamas government, Jaysh al-Islam and *Rabitat ulama filastin* (the association of Muslim scholars in Gaza).[23] On the pivotal issue of releasing Johnston, Jaysh al-Islam eventually agreed to let the representative of the Rabitat on the committee, Shaykh Sulayman al-Daya, make a ruling on whether continuing to hold Johnston captive was in compliance with Islam. Jaysh al-Islam pledged itself to follow whatever course was correct according to Islam. When al-Daya's fatwa came out against the kidnapping, it was agreed by the committee that Johnston should be set free. However, this concession on the part of Jaysh al-Islam implied equal concessions by the Hamas government. One of these was to let the group retain some of its arms, on condition that they were 'only used for resistance purposes against Israel'.[24] Other concessions included freeing al-Maqdisi, who had been arrested a few days earlier; paying diyya for the Dughmush clan members killed; and giving amnesty to all the men involved in the kidnapping.[25] Prime Minister Ismail Haniyeh concluded that the release of Johnston had been based on 'religious, moral and humanitarian motives'.[26] In its resolution of Johnston's kidnapping case, the Hamas government clearly showed that it was capable of using a combination of coercive and persuasive measures, while at the same time agreeing to extensive concessions with its opponents.

Brute Force and Pardon:
Jund Ansar Allah and the Abortive Caliphate in Rafah

By 2008, an informal truce with Israel was in place and only occasional violations of the truce occurred. This external lull in conflict was accompanied by the increasing imposition of internal order in Gaza. The number of kidnappings had been drastically reduced – no foreigners at all that year – and the number of people killed in internal acts of violence had almost returned to the total of three years earlier.[27] It seemed as if the Hamas government was on its way to achieving the level of 'homeland security' it had promised in the elections two years earlier. However, for the young men of the Qassam Brigades, it had been difficult to accept the sudden truce with Israel.[28] This change of course created confusion for many within the Brigades who had been trained to fight their traditional foe and to understand the occupation in terms of black and white. The most sensible solution, it appeared to many of the rank and file, was to follow what their commanders did.[29] However, some of the Qassam commanders, who were supposed to act as role models to the younger fighters, could not accept the truce either and began carrying out violent resistance activities on their own account.

One of these dissidents was the explosives instructor Khaled Banat.[30] With his impressive fighting record gained abroad, Banat was respected and looked up to by his recruits.[31] At the beginning of 2008, Banat was attending Friday sermons at the Ibn Taymiyya mosque in Rafah. Its imam, Shaykh Abd al-Latif Mousa,[32] was a former director of the non-violent Salafi association Dar al-Kitab. However, he had been radicalised and was now preaching about Hamas's political errors. Banat and Mousa eventually became partners and formed a new militant group, Jund Ansar Allah. When Jund Ansar Allah announced its formation by claiming a martyr killed by Israel in Rafah, Hamas leader Fawzi Barhum had first commented apologetically, 'Hamas welcomes all who want to resist the occupation. The arena is big enough for everyone.'[33] During the following month of war with Israel, referred to as Operation Cast Lead by the Israelis, Jund Ansar Allah fought alongside Banat's former recruits and friends in the Qassam Brigades.[34] However, the ceasefire unilaterally declared by Hamas in January 2009 was a massive disappointment to Jund Ansar Allah. The group's members argued that, as the Hamas government apparently intended to maintain the truce,

the responsibility to oppose the 'Zionist enemy' had to be picked up by someone else.[35] Banat's call to continue fighting, in contrast to Hamas's call for a truce, appealed to many of the younger Qassam fighters.

Apart from a number of small-scale raids, Jund Ansar Allah's major operation was their attack on the Karni Crossing in June 2009. The attack had been planned by Banat and was intended as a showcase for other Salafi-Jihadis in Gaza and abroad.[36] The action was filmed and posted on Jund Ansar Allah's website as a demonstration of the group's authentic Salafi interpretation of Islam.[37] Around this time, Jund Ansar Allah received its first warning from the Hamas government.[38] In July, a wedding in Khan Younis had been bombed and Hamas's security service suspected that Jund Ansar Allah had been behind the attack. The internal security forces wanted to interrogate some members of the group but they refused to cooperate; they threatened to detonate explosive devices to kill themselves and anyone who tried to enter the house where they were gathered. Once again, as in the previous case, the Hamas government resorted to customary dispute resolution practices to bring the parties together.[39]

Following this encounter, however, Jund Ansar Allah turned to public criticism of the Hamas government. In Rafah, the group tried to impose an Islamic dress code and norms of conduct on the town's inhabitants. When Rafah businesses failed to abide by these new rules, some, including hairdressers, internet cafés and certain NGOs, were told to close.[40] While the Hamas government was now taking a more active interest in the activities of Jund Ansar Allah, it still showed restraint in its handling of the group.[41]

Banat and Mousa had for some time been working on uniting the various Salafi-Jihadi groups in Gaza. When an invitation to attend a sermon by Mousa on 14 August was sent out, it was addressed to all Salafi-Jihadis in Gaza and had the telling title 'Golden advice to the Haniyeh government'.[42] This was intended to signal that the Gazan Salafi-Jihadis were strong and that Hamas could no longer do as it pleased.[43] The sermon was preceded by efforts by the government to pressure Mousa not to deliver his speech. As in the past, Hamas again brought in religious scholars in an attempt to mediate.[44] This time though, they were not successful. The sermon was nevertheless held on 14 August and attracted hundreds of Salafi-Jihadis. Mousa was in no mood for diplomacy:

Let me give the Hamas government some advice. I ask the security officers to send Ismail Haniyeh a full transcript of this sermon. Either you enforce Allah's law and the punishments set out in the Qur'an [or] you become a secular party which is falsely described as Islamic, like Recep Tayyip Erdogan's. Our brothers in the Hamas movement know that it is the intimidation of other movements that drives them to clandestine activity. We hereby declare the establishment of a new-born entity, the Islamic emirate of Palestine. This emirate will implement hudud, the Islamic criminal laws and sharia.[45]

Following the sermon, most of the audience dispersed, but Mousa, Banat and their closest followers remained inside the mosque. Meanwhile, the security forces had surrounded the building and demanded that those inside hand over their weapons. Their response was to request a negotiator. Muhammad Shamali, a prominent Qassam leader who knew Mousa and Banat personally, volunteered to act as mediator, believing that he could resolve the situation. But when Shamali was about to enter the mosque he was shot and killed by a sniper from inside the building.[46] At this point, the patience of both the government and the security forces had run out and they attacked the mosque, leaving only a half-destroyed minaret standing. However, Mousa and Banat had escaped to Mousa's home where a siege was in progress. The next morning a renewed call for a mediator was issued, this time from Mousa's home, but he too was shot when approaching the house. Finally, an explosive device was detonated inside the building which left both Banat and Mousa dead – together with 26 other people and around one hundred injured.[47]

Despite the strong-arm methods used by the Hamas government during the Ibn Taymiyya clashes, Hamas would soon return to handling Jund Ansar Allah more carefully. All of the houses damaged during the violence, including the mosque, were rebuilt and all the families affected swiftly compensated.[48] This happened during a period when it was very difficult to access building materials in Gaza.[49] In addition, a month later during Ramadan, the minister of justice pardoned fifty of the ninety individuals who had been arrested in connection with the Ibn Taymiyya incident.[50]

Mediation and Trials:
Tawhid Wal-Jihad and the Killing of Vittorio Arrigoni

The special relationship that developed between the people of Gaza and human rights activist Vittorio Arrigoni and the symbolic meaning of his support for Hamas, is critical to understanding how the case involving him unfolded. Arrigoni had come to Gaza at a critical time when the isolation of the territory was deepening and there was widespread uncertainty over how Hamas would assert its authority. When it became clear that Arrigoni supported the people of Gaza against the Israelis, his presence in the strip was publicly embraced by the Hamas government.[51] In the course of time, Arrigoni became a popular public figure in Gaza. Huda Elian of the Palestinian Democratic Union (PDU) described him in extravagant terms: 'Vittorio has been a hero here in Gaza, a hero in defiance of the Israeli occupation. Vittorio's blood is as precious as any Palestinian blood.'[52] However, Arrigoni did not evoke the same positive sentiments with all Gazans. His liberal lifestyle was an irritant to those who embraced a more traditional and religious way of life. A non-Muslim, Arrigoni did not follow Islamic customs in terms of dress, smoking, drinking and social relations. To the religiously conservative, Arrigoni led a sinful lifestyle.[53]

A few months earlier, the Hamas government had detained Shaykh Hisham al-Saidani, a leader of the Salafi-Jihadi group Tawhid wal-Jihad.[54] Saidani was a Palestinian cleric, previously active in Jordan, who now led the Tawhid wal-Jihad group from his home in the Nusseirat refugee camp. Although Tawhid wal-Jihad was one of the smaller of Gaza's Salafi-Jihadi groups, it enjoyed high esteem among the movement as it was the only group that had so far succeeded in killing an Israeli soldier.[55] The group was also well respected because Saidani had been publicly endorsed by the Jordanian radical Abu Muhammad al-Maqdisi and had issued harsh fatwas against the Hamas government on a regular basis.[56] In addition to publicly endorsing him, Maqdisi had appointed Saidani to the sharia committee of his website Minbar minal-Tawhid wal-Jihad. The committee answered questions from its online followers on matters such as the issuing of fatwas.[57]

From the outside, it appeared that the voice of Saidani and the violent activities of Tawhid wal-Jihad were doing little harm to the Hamas administration. However, the situation was perceived differently from

inside the government.[58] The group's attack on an Israeli military jeep, killing the driver, had come only days after the fragile truce agreement following Operation Cast Lead. Adding to this incident the numerous rockets fired towards Israel by the group and Saidani's increasingly harsh fatwas published on the group's website, it was apparent it had well and truly crossed the government's red line. Actions by Tawhid wal-Jihad were usually followed by a statement claiming responsibility and criticising the Hamas government for its leniency towards Israel and for deviating from the true path of Islam.[59] As the leader of an active and independent Islamic resistance movement that regularly thumbed its nose at Hamas, Saidani was definitely perceived as a threat.

At the beginning of March 2011, Saidani was arrested by Hamas, stirring up a wave of anger among local Salafi-Jihadis demanding his release.[60] One of Saidani's most loyal followers and a former student of his from Amman was a young Jordanian in his twenties, Hirdani Abdel Rahman al-Breizat. In March 2011, Breizat went to Gaza bent on finding a way to set his former teacher free.[61] Once in Gaza City he met with members of Tawhid wal-Jihad to discuss how they could achieve his release.[62] Some of them knew Arrigoni personally, as they frequented the same gym in the Tal al-Hawa area.[63] The group decided that the best way of freeing Saidani would be to use a by now well-tried method in Gaza – kidnapping a foreigner. The original plan, according to the men's later testimonies in court, was to capture Arrigoni 'to teach him a lesson' and then release him after Hamas had given in to their demands.[64] However, the operation would not go according to plan.

On 13 April, the group launched its operation. They captured Arrigoni outside his home and brought him to an empty house in the Mareh Amer area. The day after, a video clip was posted on YouTube demanding the release of Saidani. The clip contained criticism of the Hamas government's un-Islamic rule and a threat to kill Arrigoni if the government failed to meet the group's 30-hour deadline.[65] It was a strong provocation to Hamas and a challenge to its authority. The kidnapping of Arrigoni was bad publicity for Hamas, undermining its efforts to restore order to Gaza. According to the many international newspaper reports that appeared about the story on 14–15 April, the security chaos that had preceded Hamas's rule in Gaza was still in force.

On 14 April, government security forces managed to locate the house in the Mareh Amer area where Arrigoni was being held. When they entered the house, Breizat and his group had fled and Arrigoni was found strangled. The following weekend, the streets of Gaza City were filled with people demonstrating against the killing. A number of Hamas leaders and senior government officials participated in these demonstrations. One of them, Mahmoud Zahar, stated: 'Such a crime is inconsistent with our religion, customs and traditions and we are determined to bring to justice those who were behind it, whatever their background is.'[66]

Although the offenders hid out in the Nusseirat refugee camp for a few days, they were found by Hamas's security forces on 19 April. In an attempt to persuade the kidnappers to give up, the government brought the imprisoned Saidani to the scene with a view to mediating a surrender.[67] Using the leverage provided by respected religious figures proved once again to be the method of preference for the government. In addition to the authorities bringing Saidani to talk to the kidnappers, the Rabitat also issued a fatwa claiming that Arrigoni's kidnapping was a crime against Islam, referring to verses in the Qur'an and incidents from the life of the Prophet Muhammad. Through the Rabitat, the Hamas government was attempting to defeat the group through what could be called religious delegitimisation: 'Those who killed Arrigoni are considered outlawed and do not necessarily belong to Islam.'[68] The government made it clear that the kidnapping had no sanction either in Islam or from within Gazan society. As Hamas argued, 'The act was not only criminal, it was a question of heresy.'[69]

Despite the efforts at mediation, the incident came to a violent conclusion, ending in a stand-off where one of the kidnappers was killed and two others wounded. The four conspirators who survived were prosecuted in Gaza's al-Majdal Military Court where the prosecutor demanded capital punishment for three of them.[70] The case was designated a military case since three of the four defendants were affiliated to either the civil defence forces or the security apparatus.[71] Two of them were members of the Qassam Brigades. The military designation of the case also reflected the threat to 'homeland security' that their actions had allegedly constituted.[72] Three of the defendants were charged with murder and kidnapping, and one was charged as an accessory. A fifth person was also detained as a suspect in the early stages of the investigation. When the case was taken to court, however, this

individual only appeared as a witness.[73] Apparently, he was a close relative of a senior Hamas official and deputy speaker of the PLC.[74] During the military court's hearings, all of the defendants claimed they had been tortured while in detention.[75] Commenting on his recorded confession, one of the defendants stated that 'it was taken from me by force.'[76] The Majdal Military Court sentenced two of the defendants to life imprisonment, one to ten years' imprisonment and the fourth to one year's imprisonment for sheltering fugitives.[77]

Perhaps more than any other example, the Arrigoni case showed the extent to which the Hamas government took a flexible approach to the Salafi-Jihadi question. Once again, during the hostage negotiation phase, Hamas had employed customary mediation practices and religious delegitimisation as its main tools to resolve the situation, rather than coercive measures. Then, following the culprits' arrests, Hamas did not resort to extra-judicial punishments but tried them in a court of law. While referring the case to a military court was questionable from a human rights point of view, the use of a formal court setting revealed something of the Hamas government's relatively lenient strategy towards the Salafi-Jihadis.

Dealing with the Salafi-Jihadis: Confrontation or Appeasement?

The case studies discussed above indicate how, in the early days, Hamas's relations with the Salafi-Jihadi groups were cooperative and symbiotic in character. Groups with more radical approaches were tasked to do the 'dirty work' that Hamas did not want to be associated with. Jaysh al-Islam's embrace of Al Qaeda following the Shalit abduction, however, led Hamas to distance itself from the group. However, with Jaysh al-Islam's kidnapping of Alan Johnston and its refusal to follow directives from the new Hamas administration, relations became increasingly strained. Initially, though, the government's confrontational approach was not determined by ideological differences. Jaysh al-Islam constituted a problem simply because it defied Hamas's authority in Gaza. Early on, Hamas dealt with the Salafi-Jihadi groups using multiple strategies, at times using repressive and coercive measures and at others wearing kid gloves, appealing to the groups' hardline Islamic faith through extensive mediation efforts.

However, a broader spectrum of Salafi-Jihadi groups gradually emerged following Hamas's decision to participate in parliamentary politics. Although these groups were not militarily defiant at the outset, covertly many fighters held double memberships, one in an established faction and another secretly in a Salafi-Jihadi group. After Hamas had expelled Fatah from Gaza in 2007, Salafi-Jihadi groups grew in number and became increasingly defiant of the new single-faction government. Fatah members who could no longer exercise opposition openly turned to the Salafi-Jihadi groups. Mounting hostility towards Hamas within the Salafi-Jihadi groups was largely a result of the increased presence of former Fatah members in their cadres. The Salafi-Jihadi movement simply filled the vacuum created by the exiled opposition.

However, relations between Hamas and the Salafi-Jihadis improved again during Operation Cast Lead as both parties joined forces to fight Israel. This détente lasted into 2009, but ended with the crackdown on Jund Ansar Allah. The events in Rafah changed Hamas relations with the Salafi-Jihadis for good. The ideological and social proximity of the parties had thus far created the illusion that the existing frictions, if any, remained relatively minor. However, it now became clear on both sides that the other party was prepared to go much further than what had first been anticipated.

The large number of people killed, wounded and arrested during the Rafah clashes deepened the antagonism between the various parties and turned their relations into a blood feud, as personal motives for revenge were added to the ongoing conflict over power. By 2010, a more general trend of radicalisation was apparent among Gaza's population. Increasing numbers were dissatisfied with Hamas's governance and this was reflected in further defections to the local Salafi and Salafi-Jihadi communities. Individuals wearing Salafi clothing and long beards were by now a common sight in Gaza's southern towns.[78]

A few years earlier, Hamas and the other factions had brought in foreign fighters and instructors to enhance the training of their military forces.[79] After having served with the established factions, some of these fighters became disillusioned over Hamas's reluctance to fight and left to join Salafi-Jihadi groups instead. This development further expanded the growth of Salafi-Jihadism, with the continuous leaking of Hamas members swelling its ranks. The kidnapping of Vittorio was proof of this, as well as the fact that foreign fighters were present in Gaza.

In all three cases discussed here, it was clear that Hamas's toolbox not only contained coercive measures, but that it was also combining them with elaborate mediation efforts designed to exert the maximum level of pressure on the Salafi-Jihadis. It made extensive use of the traditional techniques of religious and customary mediation, pardoned security detainees or shortened their sentences. The Hamas government would increase the emphasis even further on this 'softer' part of its strategy, developing a long-term approach to deradicalising and rehabilitating individual militants as an alternative to constantly opposing them.

Identifying the Problem: Monitoring, Screening and Diagnosis

Below the surface of public denial, the growing Salafi-Jihadi presence in Gaza was being closely monitored and met with grave concern from within Hamas. The Hamas government's official response, however, was a firm refusal to acknowledge even the slightest concern. In August 2009, Prime Minister Ismail Haniyeh rejected allegations in the international media of any global Jihadi presence in Gaza: 'There are no extremist organisations or groups on Gazan soil.'[80] And in March 2010, six months after the clashes at the Ibn Taymiyya mosque, Interior Minister Fathi Hamad offered similar reassurances: 'There are no fears about the Salafi-Jihadis in Gaza. Hamas security elements have eliminated all chaotic phenomena, and are in control of the situation.'[81] While Hamad could no longer deny their presence following Abd al-Latif Mousa's proclamation of an Islamic caliphate in Rafah, he did his best to assure the international community that the issue had been dealt with and no longer posed a problem. However, in conversations in more informal settings, Hamas leaders would admit that there were growing internal concerns over the issue.[82]

In 2010, the Hamas government communicated these concerns to the external wing of the movement. According to a letter sent from the Gaza leadership to the Hamas politburo in Damascus, the extensive efforts at reconciliation that had been made up till then were seen as failures and a harsher approach, with the goal of eliminating the groups entirely, was suggested.[83] Another letter, sent by Ahmed Jaabari, the commander-in-chief of the Qassam Brigades, direct to the head of the politburo, Khaled Meshaal, warned him of the potentially deteriorating situation in

Gaza.[84] The same year, the Hamas government even communicated with Egyptian officials via Mahmoud Zahar (who was working as a government official at the time), explaining the difficult situation that faced them and reassuring the Egyptians that the government was monitoring the development of the Salafi-Jihadi groups closely.[85]

Apart from Jund Ansar Allah's proclamation in Rafah and other similar incidents, there had been some ominous signals of a more broadly based violent radicalisation underway in Gaza. For instance, for three years in a row (2008–10), UNRWA's summer camps for children had been vandalised by unknown attackers. These mixed-gender camps were disliked by the Salafis, who advocated strict gender separation. The police officers who came to investigate the attacks were reported to have arrived late on the scene and showed a tepid interest in resolving the cases.[86] These recurring attacks, together with the slow reaction of Hamas's police forces, exemplified the mutual empathy between the radicals and the police, an understanding that was often unexpressed. To some extent, both parties agreed on the improper and un-Islamic way in which the camps were run.

These were not isolated incidents, but a few of many cases where the police had turned a blind eye to Salafi-Jihadis attacks on 'un-Islamic' practices. Some observers even argued that the Hamas government deliberately allowed the Salafi-Jihadis to carry out some of their attacks as a way of fulfilling the more extreme sections of the movement's Islamisation agenda.[87] This symbiosis, whether deliberate or accidental, nevertheless showed that Salafi-Jihadi ideals were restricted to an extreme segment of society, but were also shared by some civil servants and ordinary Gazans. The increased support for the Salafis among broader sectors of society was becoming visible in the streets of Gaza's southern towns. In Deir al-Balah, Khan Younis and Rafah, men wearing the *shalwar qamis* (Asian-inspired dress worn by the Afghan mujahedin)[88] had become part of everyday life on the streets. Even in Gaza City, this manner of dress could occasionally be spotted.[89] As they had done following Alan Johnston's abduction, the government was again warning foreigners living in the strip of the increased risk of kidnappings.

Hamas's fear of the Salafi-Jihadi groups was seen, for instance, in the way in which the government accelerated the introduction of 'Islamic values' in Gaza. In 2009, the Ministry of the Interior announced new

rules concerning women's dress codes, behaviour and gender separation. Interior Minister Hamad also called for all Gaza's social institutions, not just the mosques, to adopt Islamic rules of dress and behaviour.[90] However, some of the new rules – for instance, the obligatory hijab for female university students on campus and for female lawyers in the courts, and a ban on women smoking shisha in public places – proved very unpopular with Gazans. Following protests, the Hamas government quickly retracted these new rules and reformulated them as 'recommendations'.[91] This soon became a recurrent pattern. When its Islamising measures were met with opposition, the government would blame the institutions concerned (for instance, schools), claiming that the new rules had originated from them and did not come directly from the ministries.[92]

On the one hand, coping with the Salafis-Jihadis through a policy of appeasement was an impossible balancing act. Satisfying Salafi-Jihadis demands for the Islamisation of the public sphere and retaining the support of large segments of Gazan society were incompatible demands. On the other hand, the alternative of head-on confrontation, as occurred during the Ibn Taymiyya mosque incidents, was not favoured by ordinary Gazans either. While some Gazans supported using force against the Salafi-Jihadis, many argued that 'It is forbidden to kill a Muslim. It doesn't matter if he is a Salafi-Jihadi or not, it's *haram* (forbidden) to use violence against any brother.'[93] As Hamas was striving for improved control over internal security, and at the same time seeking to enhance its popular support, it nevertheless looked as though either of these approaches – whether appeasement or confrontation – would result in further alienating one or both of the parties concerned.

The conundrum of how to handle the Salafi-Jihadis had become apparent to Hamas following its harsh response to Jund Ansar Allah. The government's transition from appeasement to confrontation had only resulted in strong condemnations of Hamas in the online jihadi chat fora.[94] The Hamas government's brutality was taken as yet another sign of its deviation from the 'pure' path of Islam. According to Abu Suhaib, a member of Jund Ansar Allah, attacking its members and especially destroying the Ibn Taymiyya mosque had led to a further radicalisation on the part of the Salafi-Jihadi groups as well as alienating large segments of the population from the government.[95]

Further Fact-Finding and a Novel Approach: Persuasion

There was a need for fresh thinking on the part of the government. It had at this point also become apparent to Hamas that many of the local Salafi-Jihadis came from the established political factions, even from within its own ranks.[96] The government responded by appointing a fact-finding commission consisting of respected religious scholars and psychologists, from within as well as outside its own movement.[97] Its mission was to investigate the roots of the Salafi-Jihadi phenomenon in Gaza and determine how it could be dealt with more successfully. The commission's final report described the present member base of Hamas, profiled the kind of recruits it should be seeking and recommended constructive ways of addressing radicalisation when it occurred.[98] The report became the basis for a new approach to the Salafi-Jihadis.

As statements by police and security force officials revealed, the new approach had as its objective 'to embrace, not alienate'.[99] It was also based on relatively progressive 'heart-and-mind' principles, which in several respects resembled measures for dealing with violent radicalisation that had previously been adopted in other Muslim-majority countries, notably the Gulf states, Saudi Arabia and Indonesia. As opposed to its earlier flip-flopping between appeasement and confrontation, the Hamas government now adopted a more comprehensive approach to the problem. The old policies were not thrown away, but the new approach sought to combine the two existing tactics with an additional component of persuasion. The strategic goal was no longer to eliminate the Salafi-Jihadis, nor to sweep them under the carpet. Through innovative means such as monitoring, respectful treatment, dialogue and religious debate, the Hamas government opted for a containment of the Salafi-Jihadi problem and possibly even the rehabilitation of the individuals involved.

The commission's report had concluded that the local presence in Gaza of Salafi-Jihadis was not primarily due to radicalisation among the existing Salafi community. Rather, it concluded that the problem lay within the political factions themselves.[100] The majority of Salafi-Jihadis were found to be young and present (or former) members of Hamas, Islamic Jihad and Fatah, who were seeking alternative ways of channelling their despair and lack of hope in the future. In late 2009, with the goal of containing these individuals and hopefully bringing some of them back into the fold, Hamas began conducting audits of its

cadres in all areas of the movement, religious as well as military. One cornerstone of this new approach were the new powers given by the government to its Ministry of Religious Endowments over Gaza's Islamic infrastructure.[101] The activities of mosques, religious charities and other Islamic associations were thoroughly scrutinised.[102] Employees were audited and those mosques under Salafi influence were either shut down or had their imams replaced by people trained by and loyal to Hamas.[103]

This auditing process was relatively aggressive. Little distinction was made between Salafi and Salafi-Jihadi congregations. Peaceful Salafi associations such as Dar al-Kitab wal-Sunna felt that their work was becoming difficult as a result of the government's imposition of new restrictions and the withdrawal of some its licences to carry out dawa.[104] One of their mosques in Jabaliya was stormed and closed by the government (but later reopened). Hizb ut-Tahrir in Gaza, the Islamic Salvation Party, which had a stronger political profile than the other Salafi associations, was dealt with in an even harsher manner.[105] Financial inducements were used as an effective instrument to control the mosques. By offering the board overseeing the congregation more money if it accepted a certain cleric as its imam, the Hamas government felt that it could influence its agenda, as well as the message and tone of the imam's sermons.[106] While this approach was not completely new, it now became broadly applied to all of Gaza's Islamic associations. A congregation's financial situation was crucial as it directly affected the number of employees it had and the amount of dawa it could carry out.

At the same time, audits were also conducted within the Hamas movement itself. The most thorough review was carried out in the Qassam Brigades, which had been noted in the commission's report as one of the major sources of Salafi-Jihadi recruitment.[107] In 2010, the Qassam Brigades temporarily put all membership applications on hold and began scrutinising its existing members, monitoring their loyalty, piety and any suspicious behaviour.[108] Examples of suspicious behaviour included using *takfiri* language (denouncing infidels), condemning things and individuals as *haram* (forbidden) or *kuffar* (infidels), wearing Salafi clothes, and having more than one wife.[109] Fighters who were suspected of Salafi-Jihadi sympathies had their memberships frozen and were further investigated by the *Amn al-haraka*, the movement's own

unit for internal security.[110] As the revocation of membership meant being banned from participation in any of Hamas's activities, it was tantamount to exclusion from social life at large.

As part of the new approach, religious re-education was offered to those Qassam fighters who were excluded in this way. Following this process, if they were deemed ready to be accepted as members again, they were offered re-employment.[111] In the past, when fighters had been dismissed, they had usually been left to face their families and friends on their own with all the humiliation that entailed.[112] Among Gazans, suspension from the Qassam Brigades was commonly understood to mean that the individuals concerned had failed to follow the Brigades' Islamic principles. It was therefore especially shameful for those affected, and it is not surprising that this group had for the past few years been a major source of recruitment for the Salafi-Jihadi groups. These ex-Qassam fighters were particularly vulnerable and receptive to the recruitment attempts of new groups, as they were strongly motivated to prove themselves to society, both to demonstrate their religious credentials and to show their willingness to continue to fight the occupation.[113] For those members who succeeded in passing Hamas's audit, obligatory courses in Islamic morals and ethics were also on the table. These courses were part of the 'vaccination' component of the new approach, aimed at strengthening members' religious knowledge. For both the excluded fighters and those who remained, the rigorous audit process was followed up by Islamic re-education.

The harsh (albeit educative and rehabilitative) approach taken towards its own rank and file was mirrored in the way in which the Hamas government handled those individuals who were already active in the Salafi-Jihadi groups. By initially seizing their arms and arresting their leaders, Hamas sought to remove the elements necessary for the Salafi-Jihadis to continue their militant activities. They were then also forbidden to appear in the media or to give interviews. Moreover, the Salafi-Jihadis were forbidden from taking part in any violent resistance against Israel, and at times were confined to their homes – in effect house arrest.[114] However, there was an additional, softer, element to the government's handling of these dissidents. Unless they had been arrested for involvement in a particular incident, their detention periods were shortened to less than a week at a time and they were given special treatment in jail.[115] Human rights abuses were relatively rare and these

detainees were held in a separate detention centre with higher standards than the strip's ordinary prison facilities.[116]

The shorter detention periods to which these men were subject included 'educational' sessions aimed at improving the Salafi-Jihadis' view of Hamas and changing their interpretation of Islam.[117] These education sessions were followed up, on release, by regular home visits from religious teachers and parole officers from the security forces.[118] While repression remained one of the means by which the Hamas government handled the Salafi-Jihadis, its adoption of an approach based on containment and attempted rehabilitation was also an important part of its response. Hamas's shift in approach also said something about how the Salafi-Jihadi phenomenon was perceived within the movement.

While not forgetting the repressive and coercive measures that were still being employed by the Hamas administration, a closer look at its educative and rehabilitative efforts is necessary to understand the multi-faceted response that was now being tried. This response was two-fold. On the one hand, it had a rehabilitative focus on individuals who had already been radicalised – referred to here as *deradicalisation* and elaborated in the following section. On the other hand, it had a preventive purpose, seeking to 'vaccinate' as yet un-radicalised individuals and prevent them from becoming Salafi-Jihadis, referred to here as *counter-radicalisation* and discussed in more detail below.

Disengagement, Deradicalisation and Rehabilitation

In its struggle against local Salafi-Jihadism, the Hamas government had been faced with two alternatives, intimidation or deradicalisation. The intimidation approach meant using increasing force against the militants to the point where they decided to cease their activities. Such an approach had already been tested across the Middle East, notably in Egypt. As the Egyptian authorities argued, it had shown itself to be effective, at least in the short term. Many former security detainees from Egyptian prisons had described the harsh treatment they had received on the inside. Had they known what prison was like, some detainees claimed, they would never have become involved in illegal activities in the first place.[119] Other detainees, however, had reacted in the opposite manner, becoming more radical and demanding revenge for what had been done to them in prison.

Having observed the negative long-term development of Salafi-Jihadism in Egypt, Hamas concluded that the success claimed by the Egyptian authorities was not without its setbacks.[120] In the long-term, the intimidation approach seemed to produce very poor results. As detainees' attitudes remained violent and radical after the use of coercive measures, disengagement through intimidation appeared only to be a short-term solution. The risk of relapse was high, as was the probability that inside the prisons radical ideas would be spread to fellow detainees. Some radicals outrightly admitted that they found detention facilities to be good places for recruiting new members to their groups.[121]

In addition to these arguments against the intimidation approach, Hamas's basic ethical position on the treatment of fellow Muslims was a further factor. In discussions about the Salafi problem, senior leaders in Hamas would often return to their view that even the Salafis were Muslims and they were all part of the same community.[122] The Hamas government had often expressed its view that Salafi-Jihadism was not merely a criminal activity, but rather a question of 'illness' and poor mental health in need of 'cure'. According to Minister of Health Basem Naim: 'You can arrest all the addicts. But this will not solve the problem. You have to convince people not to take drugs. You have to prevent the recruitment of more addicts.'[123]

Deradicalisation Programmes Across the Arab World

The other alternative was to adopt a deradicalisation approach. This approach was intended not only to dissuade the Salafi-Jihadis from violence through intimidation, but also to change their basic mindset. The deradicalisation approach involved rehabilitative efforts that were based on understanding the root causes of a militant's adoption of a violent ideology. Insights into the individual's experiences were then used to engage with him (they were predominantly men) on his own terms – for instance, to engage in conversation with the detainee with a view to changing his radical attitudes.[124] By 2007, a growing number of countries had started to experiment with prison-based deradicalisation programmes.

These programmes were constructed to address the push and pull factors (discussed in the previous chapter) that draw individuals into violent radicalisation. 'Push' factors were the seeds of doubt experienced

by every radical over their violent behaviour and ideas. 'Pull' factors were the inducements that might attract them to abandon violence and violent ideals for a peaceful life lived in freedom.[125] While various types of disengagement or deradicalisation programmes existed worldwide at this time, the Middle Eastern countries known to have prison-based programmes were Algeria, Iraq, Saudi Arabia, Yemen, Egypt, Qatar and Jordan. Among these, the Saudi programme was acknowledged as the longest-running, most comprehensive and most progressive of its kind.[126]

The Saudi government had designed a treatment programme, known as the Counselling Programme, for militant detainees, focusing on addressing their radical ideology. The methods used were based on Islamic values and an Islamic understanding of religious dialogue. Treatments were chosen and designed so as to respect Middle Eastern cultural norms and important social values such as honour and respect for the social hierarchy. The programme was led by Saudi Arabia's Ministry of the Interior and administered by a unit, known as the Advisory Committee, consisting of several hundred employees, including approximately 100 religious scholars, who engaged with the detainees. The programme was voluntary, and those who were enrolled were housed in separate facilities designed to fit the requirements of the dialogue sessions as well as 'humanising' interactions with prison guards.[127]

The underlying assumption of the Saudi programme was that radicals generally had a poor knowledge of Islam and hence misinterpreted its religious message. The programme therefore consisted of a counselling process. Initially, this took the form of short one-on-one sessions. Here, the detainee met with a respected religious scholar who listened carefully in order to learn why and how he had come to hold his present views. Eventually, the scholar would engage the detainee in religious dialogue. This took the form of 'religious persuasion' – a traditional Islamic method of teaching whereby the imam instructs his disciples through stories and quotations from Islamic scripture. Having first demonstrated how the detainee has been wrongly taught by his radical group, the instructing scholar then tries to bring him to accept his own moderate interpretation of Islamic teachings.[128]

Following this initial phase of the counselling process, the subject could then choose to enrol in a more comprehensive set of classes, this time taught in groups, which included topics such as *takfir* (the practice

of denouncing infidels), the legal rules of jihad and how to avoid misinterpreting texts popular with radicals.[129] In addition to the prison-based counselling sessions, the Saudi programme also gave some attention to the detainee's social needs. Accepting a detainee into the program also involved monitoring his family to prevent them from becoming radicalised themselves while their relative was undergoing treatment in prison. Upon release, government support continued and was now focused on working through clan or family networks. Family members were told that the detainee's behaviour was now their responsibility. Appealing to family values and family honour in this way was a deliberate technique designed to tap into a central theme of Middle Eastern culture. Providing government employment for released detainees was similarly designed to reinforce their treatment, given that their former radical ideology had included denouncing the government as illegitimate. By appealing in this way to established religious and cultural values, the authorities considered that they could minimalise the risk of relapse.

Deradicalisation Hamas-Style

Given these two alternatives – Egyptian-styled disengagement through repression or Saudi-styled deradicalisation through education – the Hamas government would choose a middle way combining the two. Based on the conclusions of its fact-finding commission of religious scholars and psychologists, the Ministry of the Interior assigned its permanent department, the Political and Moral Guidance Commission (PMGC), to draft a comprehensive package of measures for deradicalisation – Hamas's own version of a prison-based deradicalisation programme.[130] The PMGC had originally been placed under the direction of Hamas's security forces. However, when Siad Siam was minister of the interior, the department was given the task of overseeing the introduction of Islamic values into Gazan society. As a result, it was subordinated directly to the Ministry of the Interior.

Siam's successor Fathi Hamad (Siam was killed during Operation Cast Lead) continued to develop the new role given to the PMGC, adding new tasks and expanding its organisation.[131] The restructured department was directed by Anwar al-Baraawi and its mission became increasingly wide in scope, ranging from traditional ministerial tasks

such as developing behavioural and ethical guidelines for the police and security forces to arranging religious and cultural events.[132] The PMGC was tasked with designing the deradicalisation programme, with the practical work being delegated to the commission's two organisational units for counselling and for religious guidance.[133] The first part of the Hamas government's programme consisted of a three-month curriculum of religious-based counselling.[134]

Hamas's deradicalisation programme was not merely a local product designed in Gaza and carried out in isolation from the movement's politburo in exile. On the contrary, politburo members shared local concerns about the threat posed by the Salafi-Jihadi phenomenon. Izzat al-Rishaq, for instance, expressed concern over the situation and explained what was being done:

> We try to treat their way of thinking, to convince them to leave the Al-Qaeda thoughts, by discussion and arguments. Maybe we will succeed, maybe we will fail. I think that if the situation continues as it is today I'm afraid we cannot persuade anybody that our way of political participation will lead to any result.[135]

The design of the Hamas government's prison-based deradicalisation programme was almost identical with that used by the Saudis. While it was never confirmed by Hamas, its programme appeared to have been directly modelled on its Saudi predecessor.

In 2009, the Hamas administration also began the construction of five new detention centres for Gaza's 1,200 security detainees, a number which remained relatively stable until 2012.[136] The basic process of detention for such prisoners consisted of two phases. The first phase involved a period of detention with the security forces for information-gathering purposes.[137] This was then followed by transfer to a rehabilitation centre. During the second phase, the detainee was usually bound to stand trial. However, Salafi-Jihadis prisoners were arrested and released on a regular basis, commonly without standing trial.[138] Where present, human rights abuses associated with interrogation generally took place during the first phase with the security forces, rather than in the second phase in the rehabilitation centres.[139]

As part of Hamas's deradicalisation procedures, the interrogation methods used on the Salafi-Jihadis were less harsh than those applied to

other detainees. For example, the security forces would only hold a Salafi-Jihadi (without blood on his hands) in detention for a few days, while others regularly remained in detention for months at a time.[140] While common criminals suffered torture, such as having their nails pulled out and the bottoms of their feet beaten, Salafi-Jihadis prisoners got away with being beaten with sacks over their heads.[141] When a detainee had completed his period of interrogation by the security forces in the central al-Ansar facility (or sometimes in smaller field offices), he was passed on to one of the detention centres.[142]

All Salafi-Jihadi detainees, whether or not they had agreed to participate in the deradicalisation programme, were held together in one detention facility separated from other detainees.[143] Although failing to measure up to Saudi standards, this facility was a converted apartment block where the former apartments had been remodelled into cells and redesigned to meet the needs of detention.[144] In contrast to the Saudi model, the Gazan Salafi-Jihadis were not introduced to the programme on a voluntary basis: counselling sessions were an obligatory part of detention. Refusal to participate in the sessions was punished with solitary confinement.[145] In addition, the Saudis only offered their programme to detainees without 'blood on their hands': individuals who were sympathisers and who could more readily be seen as accessories misled by radical rhetoric.[146]

Hamas's Programme Curriculum

By contrast, Hamas's deradicalisation programme included all detainees and was delivered in three main curricular blocks, two of which were taught inside prison while the third block was delivered following the detainees' release. The first block of the programme consisted of a series of counselling sessions. As in the Saudi programme, these sessions were led by local senior religious scholars, highly respected in the community and across the political spectrum. This approach differed from the kind of deradicalisation education carried out in some other Islamic countries.

In Indonesia, for instance, it was stressed that counselling had to be conducted by former Salafi-Jihadis who had already been reformed, as 'radicals will only listen to other radicals'.[147] According to the head of the corrections division at the Indonesian Ministry of Justice, Muhammed Sueb, a Salafi-Jihadi was most likely to change his ideas

when confronted by a peer. Any other religious scholar would be viewed with suspicion.[148] The Hamas government, however, chose the Saudi approach and the scholars it selected were either affiliated with the movement, such as Shaykh Sulayman al-Daya, or Salafi and affiliated with the *Dawa salafiyya* (the non-violent Salafi movement), such as Salma Dias and Omar Hams.[149] Some of them had lengthy service records with the Qassam Brigades. The most prominent scholars were used by the Hamas government for sensitive, religiously based mediation work with detainees – including all of the three cases discussed at the beginning of this chapter.

All the religious scholars involved in the programme accepted the Muslim Brotherhood's understanding of Islam, the view that Islam must be interpreted in the light of the contemporary and local context in which believers find themselves. However, as a group they were religiously conservative and even sympathetic towards the Salafi position. As analyst Nathan Thrall observed:

> The imams that work with Hamas and go to the prisons look exactly like Salafi-Jihadis themselves, in their look, their dress, even their Saudi perfume that lacks alcohol. They share many of [the ideological Salafi] beliefs but are not anti-Hamas. They are part of the movement but not playing the same game as the Salafi-Jihadis. [These] imams' political views are in line with Hamas, but in their personal lives they are closer to the Salafis.[150]

The religious scholars engaged with the detainees through lectures, one-on-one sessions and group seminars. In a similar way to the Saudi model, the sessions began with the scholars listening to the experiences and views of the detainees. They then moved on to a traditional form of religious dialogue, with the goal of re-educating the subjects to accept Hamas's interpretation of Islam.[151]

The second part of the programme was political and involved lectures and group sessions with Hamas leaders from the movement's political echelon. They addressed the relationship between Islam and politics, explaining to the detainees why the movement had chosen to participate in parliamentary politics and how this choice fitted in with Islam. In particular, they addressed the issue of Islamising Gazan society, a process which Salafi-Jihadis had criticised as proceeding too

slowly. The Hamas leaders explained the need for gradualism in Islamising society, assuring their audience that their ultimate goal was also a society based on sharia rules, but to be achieved at a slower pace.[152] This political part of the programme was a local adaptation that differed considerably from the Saudi model, which was entirely focused on religious counselling.

The third and final part of the programme sought to engage the Salafi-Jihadi militants after their release from detention. Upon release, they had to sign pledges not to violate truces agreed between Hamas and Israel or to engage in any activities that compromised Gaza's internal security.[153] The former prisoners received regular home visits by security officers who continued to monitor them. In addition, at regular intervals they were brought in for a few days of detention and questioning and then released again.[154] Some were under house arrest when at home, while others were allowed to move around Gaza freely. The religious counselling they had received was followed up on a regular basis; home tutoring was carried out by the same religious scholars who had sat with the detainees in their cells. These individual sessions were also supplemented by additional counselling in groups.[155]

At the same time, released militants were offered inducements to renounce violence. According to Ansar al-Sunna leader Muhammad Talib, for instance, Hamas had offered him money and a new job in the government service. Those Salafi-Jihadis who were former members of the Qassam Brigades were usually offered a higher rank if they able to return to military service.[156] Although the Hamas programme used similar measures to the Saudi model, such as re-employment and financial inducements, Hamas put less emphasis on supporting the detainee's family and seeking their assistance to prevent him relapsing into violent behaviour. However, Hamas's Ministry of the Interior maintained that it offered detainees practical assistance, particularly with resolving intra- and inter-family conflicts when in detention.[157]

The Saudi programme, which has been regarded as relatively effective, never involved leading members of the Salafi-Jihadi groups, only sympathisers and helpers. For the Hamas government, which took on Salafi-Jihadis of every stamp, the prospects of success were already bleak from the outset. The Gazan Salafi-Jihadis themselves dismissed Hamas's programme as no more than attempts at indoctrination, failing

to set up any real dialogue. According to Abu Muaz, a leader of Salafi-Jihadi group Tawhid wal-Jihad:

> Hamas tries to brainwash jihadis in prison. But we don't listen just because they come to talk to us on the inside. Maybe if you came to my house or met with me in the mosque we could talk. But I can't listen to you while you are holding me imprisoned. Concerning the pledge we needed to sign, I just signed because I wanted to get out of prison. I was not convinced with any of that.[158]

Counter-Radicalisation, Re-education and 'Vaccination'

Around 2005, a technological innovation had been introduced to Gazan society which had accelerated the radicalisation process even further. Enhanced internet access provided almost unlimited possibilities for Gazans to seek out information beyond the control of the government. This development had a devastating effect on Hamas's already shaky ideological hold on Gazan youth. Somewhat paradoxically, while residents were now interacting with the outside world more than ever before, the internet became a tool for exploring radical ideas rather than a source of moderation. Before, mosques, schools and universities under the aegis of Hamas's dawa arm had been the sole source of information and teaching about religion and society. The internet changed this information monopoly overnight. Now, the new generation of Gazans charged with carrying the message of Hamas's Islamic resistance into the future were being educated through YouTube and online chat fora. In other words, the Hamas movement was losing its grip on the next generation. The rise of Salafi-Jihadism in Gaza had been the most extreme sign of that development, ringing alarm bells that prodded the government into taking action. The fact-finding commission had concluded that the Salafi-Jihadi phenomenon was not just a matter of foreign fighters or Fatah affiliates seeking to bring down Hamas, but consisted of people from Gaza including significant numbers drawn from the movement's own ranks. It became apparent to the government that Hamas itself was supplying members to the Salafi-Jihadi groups, in significant numbers, especially among the young.[159]

In parallel with Hamas's weakening ideological hold on Gaza's youth, a similar trend was evident within the ranks of civil servants employed by the government. According to observers, following its electoral victory, Hamas needed large numbers of new employees but lacked sufficient time to give them the proper ideological training. After ousting Fatah the following year, the government's need for fresh recruits had risen even higher.[160] The result was a civil service with a weaker religious base and less ideological conviction than the bulk of Hamas's membership. Trading quality for size meant weakening the movement as a whole, as these newly recruited government employees were vulnerable to being influenced by rival ideologies. As seen above, the government had previously concluded that Salafi-Jihadism was an ideological problem which could not be dealt with exclusively through repressive measures, but also required a comprehensive religious and pedagogical response. While those who had already turned to Salafi-Jihadism were being treated through the deradicalisation programme, residents who had not yet fallen prey to their 'contagious' ideology would be subjected to a massive educative campaign.

Counter-Radicalisation Hamas-Style

Among the movement's own members, Hamas had first carried out thorough audits to seek out individuals with 'weaknesses' in their faith or who harboured religious ideas inconsistent with Hamas's own ideology. The Hamas government had then undertaken comprehensive measures across the strip to gain control of its Islamic infrastructure, seeking to ensure the loyalty of mosque employees and that their dawa was propagating the 'right' religious message.[161] Following this campaign, the government proceeded to implement an ambitious and religiously based set of counter-radicalisation measures designed to increase the resilience of both their own employees and Gazan youth at large, and to reduce their vulnerability to the lure of radical ideology. These measures were predominantly directed towards university students, young Qassam Brigades fighters, members of the civil police forces and officers within the internal security forces.[162]

Hamas's religiously based approach to countering radicalisation among the territory's youth was summed up by Marwan Abu Ras, head of the Rabitat: 'The ulama and big shaykhs always explain to the

young people the true content of the religion and this way they try to minimise the potential of people who may become radicalised.'[163] The religious component in Palestinian education was nothing new, of course. In Hamas-run schools and at the Islamic University in Gaza, the movement's general goals had always been the same:

> Through education, to lead the Palestinian youth out of the crisis that both Islam and Palestinian society are facing, by revitalising Islam and by recreating a space for Islamic and cultural and political autonomy. [The] intention is to create the 'sound Muslim', who is brought up with a specific frame of reference; an Islamist frame and an understanding of the world that is similar to the ideology and thinking of the leadership of Hamas.[164]

While learning about Islam had long been a natural part of any teenager's studies in Gaza, Hamas's new counter-radicalisation approach prompted an extensive revision of all the educational materials used. Hamas leaders expressed the need to 'reshape the Islamic thinking of the youth'.[165] The topics and reading lists of the various syllabi were revised and modernised on the basis of the new political role Hamas found itself taking up. They now focused on explaining the uniqueness of the Muslim Brotherhood's interpretation of Islam and how it permitted parliamentary participation, promoted a moderate Islamic governing style and rejected the imposition of sharia on the people.[166] Nathan Thrall observed that, as opposed to the Salafi school of thought:

> The new education materials stress the importance of tolerance as a fundamental value of true Islam, encourage dialogue and discourage literalist interpretations of scripture. Books and pamphlets to be distributed deal with issues considered controversial, such as elections, citizenship, loyalty to the constitution and how to treat non-Muslims in Muslim lands.[167]

In class, teachers began to address the need to strengthen Islamic values in society.[168] Security-related topics were also raised, including the vulnerability of young women to blackmail and to be used by foreign interests for spying.[169]

In addition to introducing these new educational materials, Hamas also sought to reach young people after school and university classes by approaching the *makhatir* (s. mukhtar) (family elders) and requesting that they engage in 'preventive dialogues' with the younger generation.[170] The makhatir were used to persuade their families' younger members to stay out of trouble.[171] Young men enlisted in the Qassam Brigades were viewed as being especially vulnerable. Generally, young Qassam fighters had received less religious training than youth who were active in Hamas's dawa arm, and thus were more vulnerable to Salafi-Jihadi ideas.[172] Providing them with this 'preventive' religious education was thus given special attention. These classes were reinforced by obligatory attendance at weekly evaluation meetings and instructional sessions held by religious teachers on internal security and Salafi-Jihadism.[173] During these meetings, topics included why the Salafi-Jihadis were wrong to proscribe certain institutions and practices such as banks, Islamic insurance companies, as well as to prohibit organ transplants and cutting beards 'shorter than a fist'.[174]

Whereas the counter-radicalisation efforts involving youth were movement-led, the measures aimed at civil police and security services personnel were organised by the Ministry of the Interior through the PMGC. The government's counter-radicalisation push after 2009 included both the establishment of new organisational units and an increase in training sessions that focused on religion and moral behaviour. In mid-2009, the PMGC set up the Centre for the Holy Qur'an (CHQ) to promote Qur'anic studies among Interior Ministry employees, primarily civil police and security services personnel.[175] The CHQ organised training in memorisation and recitation of the Qur'an, held in-service competitions in Islamic and Qur'anic knowledge and made sure that prayer rooms were available in all Interior Ministry facilities.[176] At the 2011 summer graduation ceremony, the head of CHQ, Izzat Swairki, stated: 'the CHQ took upon itself to deliver moral guidance and education to the police and security personnel along the idea and belief that reflects the civilised face of the Islamic project.'[177]

Shortly after the establishment of the CHQ in 2009, a new fatwa committee of religious scholars was formed and added to the Office of the Commander of the Civil Police. The fatwa committee was tasked with organising lectures on religious themes and leading discussions at

civil police stations across Gaza. At the same time, it served as a conduit for individual police officers to bring up questions relating to moral dilemmas they experienced in respecting Islamic jurisprudence while conducting police work.[178] To clarify these matters further, work on an instructional manual for Islamic policing, the Muslim Policeman's Manual, was initiated.[179] In addition to the CHQ and the fatwa committee, the PMGC also established the Guidance Institute for Security Agency Personnel (GISAP). The GISAP was tasked with providing a second and more comprehensive level of training in relation to the courses given by the CHQ. The institute's aim was to strengthen ideological and ethical awareness among junior as well as senior security officers, linking it to its implications for practising their profession, as well as the mandate 'to carry the Islamic enterprise forward'.[180]

Through these twin educational channels, the CHQ and GISAP, the PMGC was able to reach *both* the civil *and* the military personnel serving within the Ministry of the Interior. As an extra layer of control, the ministry further demanded that all staff fill out time sheets indicating where and when they participated in prayer and religious education activities.[181] The information provided could then be double-checked and verified by the relevant imams as well as by the informers who frequented the mosques.[182] In the mosques themselves, a counter-radicalisation message was being preached that corresponded to and was directly coordinated with the government's own educational programme.[183]

Taken together, these organisational counter-radicalisation measures amounted to an ambitious programme of activities for Interior Ministry personnel. Staff participated in courses with titles like 'The Ideal Muslim Officer', 'Muslim Morals and Ethics For Employees' and 'Security Concepts'. Heads and middle managers of the various police departments also participated in a course entitled 'The Rules of Our Calling', which aimed to 'strengthen faith and spiritual selves.'[184] In this course, lecturers including Nasr Abu Ahmad of the Islamic University spoke of 'the necessity to avoid rivalry', 'the risk of un-Islamic drifts' and 'the troubles Muslims face in the world'.[185] There were even courses aimed at civil servants in top positions, such as the directors of the police departments and security agencies. 'The Pillars of Good Governance' was a one-day course led by Khalid al-Kalidi of the Department of History at the Islamic University. Drawing on the historic period of the Caliphs,

Khalidi argued that the Hamas government could only achieve success through transparency, receptiveness to criticism and admitting to its errors. The representative of the PMGC on the course, Zaki Sharif, ended the session by declaring:

> The Commission is seeking to hold meetings, lectures, workshops and courses in this subject for employees of the security services. [We] in the Political and Moral Guidance Commission will work to improve the leadership of the people [of Gaza] and the security services in all aspects until we reach the level of practice God loves.[186]

CHAPTER 5

SOCIAL ORDER IN THE MIDST OF POLITICAL CHAOS

To appreciate how the Hamas government arrived at an understanding of social order and how it then, eventually, proceeded to reform the judicial system, this chapter begins by tracing the roots of Palestinian perceptions of social order in earlier political systems. Since the imposition of Ottoman rule, Palestinians had lived under a series of occupations. Each occupier had tried to impose its own particular system of law and order, with greater or lesser success. This constantly shifting political landscape had eventually convinced many Palestinians that these imported judicial systems were nothing but tools of control and suppression.[1] As a result, the formal court system and state authority as a whole had gradually become synonymous with foreign occupation.

This was particularly true of the Gaza Strip. The succession of administrative structures had become a kind of independent variable of life that could not be relied on for personal security and justice. As history had taught the people time after time, their occupiers would continue to come – but also to go. Even today, Gazan family elders would refer to Hamas in similar terms as they had to the Ottomans, British, Egyptians and Israelis before them: 'In due time a new occupier will arrive and the present one will be defeated.'[2] Many Gazans viewed Hamas as merely the latest in a continuous succession of occupiers which would eventually, just as all its predecessors had, fail in its mission to curb and control them.

For many people, it was a natural reaction to this situation to cleave to the rich and deeply rooted traditions of customary dispute resolution and

informal forms of social order that had long existed in Palestinian society.[3] While knowledge of these traditions was common throughout the region and in no way unique to Gaza, or to the Palestinian territories at large, their persistence there was somewhat unusual.[4] In Gaza in particular, maintaining the customary practices for dealing with social disputes had never fully been replaced by a formal judicial system. Instead, these informal dispute resolution practices had developed in parallel with the various formal judicial traditions that had been introduced from outside, always modified by the shifting social and political realities of the time.[5]

Judicial regimes in Gaza under Ottoman, British and Egyptian rule

The Ottomans had initially tried to govern Palestine on the basis of sharia. However, in an attempt to modernise its judicial system in accordance with European standards, a set of reforms, known as Tanzimat, were introduced with the aim of secularising jurisprudence.[6] These reforms included the promulgation of laws which implemented certain aspects of *urf* (customary law) into the formal administration of justice. This was, for instance, seen in the codification of criminal penalties, several of which were taken directly from urf.[7] More importantly, when the courts encountered cases involving conflicting sources of law, urf was to take precedence, even over sharia. Sharia, for its part, was limited to family law. According to historian Haim Gerber, 'Ottoman society was saturated from top to bottom by a socio-psychological ethos that may be termed a customary law mentality.'[8]

Together with the use of urf, administrative decentralisation became another characteristic of Ottoman rule. To maintain order in its territories, including the collection of taxes, the Ottomans made use of *hamula* (pl. *hamail*) (extended family/clan) elders as extended arms of the central authority.[9] It was a symbiotic relationship which kept taxes flowing into its coffers and maintained social order on the periphery of the empire. The local notables put in charge of this administration, the *makhatir* (s. *muhktar*), became key figures in their respective communities.[10] The social standing and wealth of their families grew, many of which have retained their prominent roles to the present day. As long as receipts kept flowing in to the Ottoman central authority, the

makhatir were left to maintain social order in their local communities in whatever way suited them. This solution, however, resulted in a further weakening of central authority, as the makhatir chose to fulfil their duties through applying the legal code best known to them, the urf.

Long before the makhatir were charged with regulating social order among the hamail, *quda ashairi* (informal Bedouin judges) had been administrating justice among the *ashair* (s. *ashira*) (the Bedouin tribes). The quda ashairi first worked out of so-called 'justice houses', found predominantly in Bir al-Shiba and Gaza. As time went by, however, the legal cultures of the hamail (which were sedentary clans) and the ashair (the Bedouin tribes) became blurred as the people of the area resorted to the few means at their disposal to resolve disputes. Notably, the hamail were beginning to use the quda ashairi. Under the British mandate, the justice houses became subject to new laws regulating procedure and possible penalties.[11] This new set of laws established the institutions in question as formally recognised tribal courts. These newly formalised tribunals developed into a convenient legal regime, allowing the British colonial administration to alleviate the pressures created by the overcrowded formal courts, especially in matters of arbitration. What continued to be called tribal courts were no longer only for ashair, and the individuals who served as quda ashairi were no longer necessarily only Bedouins.[12] Together with the makhatir and the quda ashairi, yet a third type of judicial figure existed in Palestine. This was someone with the knowledge and skills needed to achieve social reconciliation, the community's appointee in matters relating to mediation – the *rajul al-islah* (pl. *rijal al-islah*).

In the aftermath of the establishment of Israel and the Palestinian *Nakba* (catastrophe), these three figures played important roles in regulating and restoring social order among the Palestinian people. The Jordanian rule of the West Bank recognised and even empowered the quda ashairi and rijal al-islah, as similar institutions existed in Jordan.[13] Like their Jordanian counterparts, Palestinian practitioners of customary dispute resolution had to plead allegiance to the Jordanian king and came under the royal department for tribal affairs.[14] According to anthropologist Hillel Frisch, 'The Jordanian government viewed customary law as a legitimate complement to the official corpus of law in the Hashemite kingdom.'[15] Nevertheless, their role was a

complementary one, and these various customary dispute resolution regimes were subject to strict control by the Jordanian authorities.

However, in the Gaza Strip the roles of the three traditional judicial figures – the makhatir, the quda ashairi and the rijal al-islah – developed differently from the West Bank under Jordanian control. The Egyptian administration of Gaza retained the entire British jurisprudence system and allowed the various informal regimes to function freely.[16] The governor was instructed by Cairo to meet regularly with the quda ashairi and the rijal al-islah and to assist them in urgent matters.[17] One rajul al-islah explained the limited intervention by the Egyptian authorities: 'One single police car used to enforce order in the whole of the two governorates of Khan Younis and Rafah. Fear used to deter everybody and entrench the law.'[18] In contrast to the situation in the West Bank where Jordan kept strict control, the informal regimes in Gaza grew stronger and more independent under Egyptian administration.

There were several factors pushing Gazans to favour informal dispute resolution practices over the formal court system. First, the rapid increase in population following the Nakba caused poverty, a rise in unemployment and worsening economic conditions in the coastal territory. This attracted Gazans to the informal practices as a cheaper and quicker alternative to the slow and expensive court system. Second, in Gaza the practice of urf was firmly rooted in tradition – partly because of its proximity to the Negev desert and Sinai Peninsula where Bedouin traditions had been strong, and partly because the refugees fleeing the Nakba who had settled in the strip were of Bedouin origin. The links between the Gazans and the population of northern Sinai would remain strong. One Gazan rajul al-islah told the author that social disputes and efforts to resolve them continued to cut across borders.[19] Egyptian and Gazan rijal al-islah were often known to each other and, throughout their countries' shifting political fortunes, had continued to cooperate to resolve disputes that involved hamail from both sides of the border.

Gaza's Judicial System Under Israeli Occupation

After a period of laxness under Egyptian rule, the Israeli occupation of Gaza (1967–94) brought substantial changes to the judicial system. The former Egyptian administration was overhauled, placing the Israeli

military in charge of the formal court system and ending the bulk of its cooperation with the informal regimes. Israel neglected to address the excessive burden now placed on the courts. According to legal specialist Samer Fares, during the occupation a simple case would take 3–5 years to reach a verdict.[20] In Gaza (and similarly in the West Bank), this led to a dramatic increase in the use of the informal regimes. The Palestinian population mistrusted the military-controlled courts, and the pressured social situation in the territories following the Israeli occupation was not conducive to the slow and inefficient resolution of disputes. Eventually, social unrest came to a head and with it the eruption of the first intifada in 1987.

In the intra-Palestinian turmoil during the intifada, the practice of urf became an important issue. The upcoming younger generation leading the intifada saw both strengths and weaknesses in the customary practices. While they recognised their effectiveness and cohesive effect on society as a whole, at the same time they were critical of those charged with administering the system. The makhatir, rijal al-islah and quda ashairi had all come to be viewed as partial and corrupt figures who did little to justify their elevated positions in society.[21] The tradition of inheriting these positions was viewed as unhealthy, as it reinforced the familial hamaili structures. The solution chosen by the intifada leaders was to form *lijan al-islah* (s. *lajnat al-islah*), central committees overseeing customary legal practices – retaining the power of urf, but excluding the negative influence wielded by the traditional judicial figures. As a result, the establishment of lijan al-islah meant the introduction of a fourth actor to join the three traditional ones (makhatir, rijal al-islah and quda ashairi) – the young political activists of the intifada who constituted these committees.

While these new faction-based committees retained some of the traditional figures, they were predominantly headed by prominent young activists. The formation of the lijan al-islah can be seen as an adaptation of the traditional legal structures to the social and political realities of the times. Turning to the lijan al-islah when a tool for the establishment of social order or dispute resolution was required was both an act of practicality and of symbolism. The lijan al-islah became a symbol and representation of popular resistance to the Israeli occupation. According to Samer Fares, 'Rather than being subject to the Israeli court system, Palestinians resorted to a socially sanctioned, community-based

system of resolving disputes that addressed their concerns and with which they could identify'.[22]

At the time of the first intifada, Hamas had been one of the fiercest critics of the traditional administrators of urf. To the Islamists, the makhatir, rijal al-islah and quda ashairi represented the traditional familial order which ran counter to Hamas's agenda of putting factional identity and, in particular, the people's *Islamic* identity, in first place. The practice of urf was seen by Hamas as standing in opposition to this goal and in the way of a future society based on sharia.[23] However, as the intifada continued, Hamas came to respect the power of this institution and the meaning it had for Palestinians.[24] During the first intifada, Hamas came to accept lijan al-islah as the lesser of two evils – a hamail-based society versus one influenced by Israel.[25] In a time of crisis, the apparent effectiveness and power of the lijan al-islah would be seen as leaving a deep impression on Palestinian life and culture. Notably, it offered a means by which the older, customary methods of dispute resolution could make a smooth transition into contemporary Palestinian society. As Hillel Frisch observed: 'So prevalent did customary law become during the intifada that progressive Palestinians have portrayed customary law as an integral part of Palestinian culture that must be cultivated and utilised in building a new social order.'[26]

Approaches to Customary Law Under the PA

If the leadership of the first intifada had taken the first step towards institutionalising customary legal practices, the newly established PA took a decisive second step. At the time of the PA's formation in 1994, urf was being widely practised in the Palestinian territories, partly via the lijan al-islah, partly via the makhatir, rijal al-islah and quda ashairi still practising out in the villages. One of the tasks of the PA was to take over control of the courts from the Israeli military administration. However, instead of establishing a new, independent Palestinian judiciary of its own, the PA began to support and encourage the use of urf. As the promulgation of relevant laws, the training of judges and the growth of essential infrastructure failed to occur, it became increasingly clear that the creation of a formal judiciary was not a priority for the PA.[27] Instead, the PA engaged in work with the territories' informal judicial regimes and representatives through the new national

authority's local gubernatorial representatives. Local governors helped encourage the use of customary practices – for instance, by issuing formal authorisations and documents designed to help informal practitioners cut through red tape.[28]

Most governorates also had a legal department which regularly worked to settle disputes.[29] According to legal specialist Asem Khalil, one reason for this was the fact that the PA had not been given control of the entire West Bank, East Jerusalem and the Gaza Strip, but only exercised its authority to varying degrees in each of the three areas.[30] However, by working with the informal legal regimes already in place, the PA could to some extent bypass the Israeli administration. Through these informal channels, the PA found that it could exert its control over all of Areas A, B and C, simply by having a hand in the rule of (informal) law and thus binding its practitioners closer to it.[31] One practical reason was that these men were civilians and so they could move relatively easily between these different areas. In general, the governing style of President Yasser Arafat was characterised by a reliance on the traditional familial structures of society to support his administration.[32] Supporting the practice of urf was a consolidation of that system. Arafat himself, as well as representatives from his office, played a direct role in the system by participating in *sulh* ceremonies (customary social reconciliation rituals) and by contributing to the *diyya* (compensation payments) in cases that were politically significant.[33]

The PA's support for the informal judicial system was formally recognised through the establishment of a Department for Tribal Affairs within the President's Office.[34] This department sought to regulate the framework and procedures for informal justice in Palestine and to act as an administrative centre for its practitioners. It issued directives determining who could qualify as a rajul al-islah or qadi ashairi and the types of cases they were allowed to adjudicate or arbitrate. It also introduced a common terminology for the work of these informal regimes. In order to communicate with, contain and regulate the now numerous actors within this field, the Department for Tribal Affairs set up a new PA-supported lijan al-islah for each governorate. They were given wide-ranging jurisdiction, including both criminal and civil disputes.[35]

Nevertheless, controlling this informal sector was difficult. Being a figure to whom people turned for help with social problems and

disputes was associated in the Arab world with the highest social status. But a social mechanism that worked to increase the power of the individual also, by definition, undermined that of the state. So, when a new category of people rose to power by virtue of their positions within the bureaucratic structures of the PA – for instance, the security services – it added yet another, fifth, category of practitioners of informal justice. These new figures had to share space and compete with all the other categories, traditional and more modern, for the same type of work: the makhatir, rijal al-islah, quda ashairi, members of the revolutionary lijan al-islah during the intifada, and prominent young activists in the various factions to whom people entrusted their problems.

In addition, during the intifada the notion of institutionalising the practice of customary dispute resolution through lijan al-islah had gained ground. Lijan al-islah were already being used as the institution of preference by several of the PA's departments and by most of the political factions. In the Gaza Strip, there were several independent lijan al-islah working under the Ministry of Awqaf and Religious Affairs, the Ministry of Social Affairs and the Ministry of the Interior. The three biggest factions, Fatah, Hamas and Palestinian Islamic Jihad, also had their own lijan al-islah. In some of Gaza's urban centres, local neighbourhood lijan al-islah had even been established.[36] As a consequence, the new lijan al-islah that were set up in the governorates by the PA had difficulty competing with the vast array of mediation and arbitration services already in place.

The Impact of the Intifadas: Cementing the Use of Customary Practices

The post-Oslo years saw a gradual decline in the efficiency of the formal judicial system in Palestine. Arafat's rule was largely based on informal loyalties and patron-client relationships, which sat closer to customary practices than to the formal system.[37] Modernising the formal justice system remained a low-level priority as the security situation gradually deteriorated. Israeli military incursions and the closing down of villages for security reasons increased. These closures exacerbated the isolation of the villages from the central authority in Ramallah, once again forcing local communities to cope on their own.

Eventually, growing social disparities and the restrictions placed on the powers of the PA contributed to a second uprising. This time, however, the al-Aqsa intifada was as much an internal revolt against the failures of the PA as it was a rebellion against the Israeli occupiers.[38] With it came the wide-scale destruction of infrastructure; courthouses and police stations were torn down or set ablaze, severely affecting the formal judicial system. The chaotic security situation increased the number of social disputes resolved through violence, underlining the urgent need for effective judicial regimes, whether formal or informal, to re-establish social order. Once again, in the absence of a state authority with the ability to take control, Palestinians resorted to customary methods of managing their disputes.

If the 1987 intifada and, later, the PA's establishment of the Department for Tribal Affairs had constituted the first and second evolutionary steps in the institutionalisation of customary judicial practices, the al-Aqsa intifada became the third and final step, cementing this process. During the al-Aqsa intifada, the community-based lijan al-islah of the first intifada were reactivated and set about dealing with the vast backlog of cases in the formal courts.[39] The pressing need for dispute resolution regimes, taken together with the fact that the lijan al-islah had showed itself to be one of the few institutions in the Palestinian territories with sufficient resilience to continue operating in times of crisis, meant that the power and influence of these committees was difficult to disregard. It could be argued that the institution of the lijan al-islah rose to prominence during the al-Aqsa intifada, to the extent that it came to be viewed as the primary vehicle of social order in Palestine.[40] By not prioritising independent formal courts and by officially, as well as practically, giving its support to the informal legal mechanisms, the PA had made itself dependent on them for its continuing exercise of power. The inevitable result was an undermining of its own authority. Eventually, in the eyes of Palestinians in general and Gazans in particular, these informal methods for resolving legal disputes emerged as the only real guarantor of communal order and peace in post-Oslo Palestine.

Hamas had come to accept the practice of the lijan al-islah, but only because at that time these committees provided the sole alternative to the corrupt and Israeli-influenced judicial system run by the PA. However, for Hamas, customary practices such as the lijan al-islah

emphasised a body of social values which ran counter to its own ideology and political interests.[41] The increasing popularity of the lijan al-islah was re-activating traditional notions of family affiliation and urf, as opposed to those emphasised by Hamas, factional affiliation and Islamic principles. As a grassroots movement, however, Hamas listened to the will of the Palestinian people and did not overtly oppose the use of customary practices. It should also be noted here that Hamas itself was no stranger to these practices. Back in the early days of Shaykh Ahmed Yassin, his dawa activities centre, Mujamma al-islami, had been a keen purveyor of such customary practices, offering mediation and arbitration services to the people of Gaza.[42]

It was not until Hamas rose to power and took over responsibility of the PA for itself that the growing sphere of informal judicial practices became a direct challenge. As a result of the deteriorating security situation across the territories, Hamas had run on a ticket promising the re-establishment of law and order. In Gaza in particular, curbing the reigning security chaos would be the benchmark by which the new government's success, or failure, would be determined. Success here would also be symbolically important, sending a clear signal to the Palestinian people that Hamas could succeed in areas where Fatah had previously failed. Bringing back law and order to Palestine was also the prerequisite for Hamas to be able to carry through its other reforms.

When the new Hamas government took office, however, the gradual growth of customary practices in Palestinian society threatened its control. Three main obstacles could be identified. The first was a general disrespect for the rule of law that had taken hold among large segments of the population. In the absence of a strong government under the PA, the rule of law had given way to the laws of the jungle, as exemplified by the Dughmush debacle (discussed in the previous chapter) and by the increased autonomy and militancy evident among several of Gaza's clans. The second obstacle was the inefficiency of the existing judiciary. By 2007, residents had lost trust in both the impartiality and efficiency of the formal court system to resolve either criminal cases or civil disputes. After filing a lawsuit, plaintiffs found that years could pass without any resolution in sight.[43] The third obstacle constituted the most deeply rooted part of the challenge faced by the government. The lawlessness on the streets and lack of trust in the courts had pushed Gazans into relying on customary methods for resolving disputes.

The widespread use of these customary practices had evolved into an informal judicial system in its own right, operated by civil society and unaffected by formal legal mechanisms. The popularity of the informal system undermined government efforts to improve the performance of the formal judiciary. Clearly, the prevalence of customary practices and informal judicial systems was threatening the new Hamas adminis- tration's authority. Hamas feared that, just as these informal practices had been used as a revolutionary tool in the past, during the al-Aqsa intifada, so they could be put to the same use again, but this time against the Hamas government.[44]

Justice Versus Communal Harmony: Adapting to a Chaotic Reality

Hamas's perception of the use of informal judicial practices was closely linked to Gazan society's increasing acceptance of the blurring of the concepts of 'justice' and 'communal harmony'. In the midst of the reigning social and political chaos the administration of justice, the rule of law and its enforcement by an independent formal judiciary remained a distant aspiration for Gazans. Instead, the resolution of legal disputes through customary practices and the restoration of 'communal harmony' gradually came to fill the vacuum.

Customary law (urf) which constituted the basis for customary dispute resolution in the region, had developed as a result of the harsh realities of life in historical Palestine and the Levant. Early on, one's very survival could depend on the balance of power struck between the many extended families and their members in a given locality. No one, except for a few prominent elders, had any mandate to exercise authority over other people. Individuals were equals and when this integrity was compromised, one had the customary right to restore it through compensatory measures.[45] This was a basic principle behind urf – 'an eye for an eye, a tooth for a tooth'. Another principle was the promotion of strong group cohesion among families.[46] Equality and balance between opposing extended families was enforced by the support offered to an individual involved in a dispute. When a dispute arose, urf prescribed that the disputant's family members had to come to his defence. Unlike judicial philosophy in, for instance, Europe and North America, Levantine customary law (urf) pivoted around the rights and

obligations owed by the hamula and ashira, not by the individual. The *legal person* was always the extended family as a whole. The extended families were collectively responsible for the actions of any of their members and, contrariwise, were collectively offended when one of their members was subject to violence.[47]

As seen above, the informal legal traditions of the Palestinians lingered on as a result of centuries of enfeebled state structures. These customs, together with long periods of weakened central authority, affected Palestinians' understandings of justice. From a Western judicial perspective, the concept of justice relates to an individual's perception of being treated fairly by other members of society and by the state. Western justice puts the individual at the centre; what is understood to be 'just' is what protects the individual and his/her rights against intrusions by the collective. However, such an understanding presumes the existence of a stable and reliable state authority. Without a certain level of communal security, the Western idea of justice becomes obsolete and impossible to enforce. As a prerequisite of human civilisation, security is among the first things that humans strive for, before other interests can be pursued. Hence, justice is secondary to communal security. Logically, when security is absent (when life is threatened), justice will matter less.

Considered against the backdrop of the continuing security crisis, Gaza's strong customary legal traditions had focused on achieving communal harmony, rather than strict justice. While maintaining communal harmony through informal customary means failed to deliver true justice, it did at least constitute a tool with which Gazans could control their society and with which communal order could be maintained at an acceptable level, enabling them to get on with their lives. Through the extensive use of customary practices in the past, and the reality that these were the only reliable alternative in place, perceptions of right and wrong became increasingly linked to the preservation of communal harmony, rather than justice per se. Claims by any member of society, irrespective of whether they were just or not, were rejected by the collective if they risked threatening the settled social order. As one of Gaza's makhatir explained, 'If you demand your rights without showing flexibility in your position and respect for the other disputant, you are wrong and disrespectful of social order'.[48]

In the absence of a working formal justice system, Gazan society reverted to a community in which its members bore collective responsibility for social order. Justice was replaced by communal harmony. This was achieved through a form of justice that was negotiated along customary lines, in particular discussion and mediation. Compensatory measures, such as monetary payments and promises to be respectful to those offended and ask their forgiveness (elaborated in the next section), replaced the binary rulings of 'right' and 'wrong' – or 'innocent' and 'guilty' – familiar from a formal judicial system and its imposition of punishments.

A long history of settling disputes and conflict had helped shape a collectivist approach among Gazans to the ordering of society. To survive in such an environment, people needed each other. This manifested itself in a sense of collective responsibility for one's peers, extended family and the broader community. In times of dispute, one was obligated to assist others without delay, aware that such help would be reciprocated when needed. Refusing to do so signalled an unwillingness to be part of society, of the group, and resulted in others turning their backs on the defaulter.[49] It was a question of the individual's accountability to the wider community. Clan elder Elias Jabbour underlined the strong sense of collectivism in Palestinian society:

> The concept of individualism is very weak. [In] Western culture, the individual is more accountable. Where there is less collective responsibility, there are fewer pressures to control personal acts, and often unsocial behaviour is reinforced by eliminating the community's role in enforcement and obligation. [In Palestinian society] it is always the responsibility of the community as a whole to deal with the acts of its individual members.[50]

The importance of the collective for the individual has affected Gazans' understanding of the concept of justice. In a society with strong state structures and a strong sense of individualism, justice is largely a matter between the state and the individual. By contrast, in a society where an enfeebled state authority has been replaced by a strong sense of communal responsibility, as in Gaza, justice becomes a personal matter. Every act becomes something which will not only be assessed by the rules of the state, but by how it affects one's peers. Justice becomes a

relative concept, a matter of personal opinion and ultimately the outcome of negotiations. In this kind of society the concepts of justice and communal harmony draw close together and the differences between them blur, simply because formal justice becomes less important.

Gazan Perspectives on the Dynamics and Resolution of Disputes

As Gaza's informal methods of customary dispute resolution have played a crucial role in Hamas's understanding of social order and the imposition of justice, it is necessary to explore these practices in further detail. Gazans refer to customary dispute resolution as *sulh* (social reconciliation). Its various steps, institutions and rituals play shrewdly on the strings of *sharaf* (honour/pride), harnessing social pressure to lead the disputants into reconciliation with one another. Sulh, however, did not imply unconditional forgiveness, as it has sometimes been portrayed as meaning.[51] Rather, the kind of justice achieved through sulh was reconciliation *by negotiation*. The disputants agreed to reconcile on the basis of certain conditions involving monetary compensation, sharaf and the risk of shame. According to Gazan lawyer Younes Taharawi, the sulh process was set within a wider concept known as *wasata* (mediation) – a more accurate characterisation of sulh itself.[52]

Where relevant, the hamail of the victim and those of the perpetrator were both parties to the dispute. From a Gazan perspective, all disputants, regardless of whether or not their actions were against the law, had interests and needs which had to be addressed if social order was to be restored. In principle, the cause of a temporary disturbance to communal harmony – whether it be a murder, theft, rape or some lesser crime – did not matter when it came to the applicability of sulh. Sulh was always considered as a possible option.[53] In what follows, a case of a killing is used to illustrate the procedure followed when the social fabric was disrupted, as in Gaza killings were considered to be the most difficult cases to resolve.[54] The high level of difficulty involved in resolving a dispute over murder or manslaughter forced the rijal al-islah and the disputants involved to draw on all the resources available to them and thus serves as a particularly good example. In the detailed analysis that follows, the various stages of the sulh process in relation to a murder committed in pre-2006 Gaza are first described.

The Sulh Process in the Gaza Strip

The first twenty-four hours after a killing had occurred were the most critical. This period was referred to as *fawrat al-dam* (the eruption of blood). During this time, the local community was thrown back into a chaotic state of insecurity. The killer and the men of his hamula knew that they could expect retaliation through *thar* (blood revenge) by any of the men of the victim's hamula.[55] Before the killer asked for sulh to be initiated, the victim's hamula had the lawful right to retaliate according to urf. According to customary logic, it was their social responsibility to seek vengeance in this way until the killer showed his intent to seek sulh. To minimise the risk of thar, the killer and his male kin would try to find a mediator as soon as possible who could speak on their behalf. Traditionally, they would go from house to house in the village, hiding from possible pursuers, begging for someone to represent them, admitting to and regretting the crime.[56] The initiation of the process in this way by the killer's family was a key factor. To begin the process of mending broken social bonds, it was essential that a direct willingness to reconcile be displayed.

When the begging ritual had been completed, the *muslih* (the pre-appointed mediator) of the perpetrator's extended family notified the killer that he had agreed to represent him. Depending on the gravity of the case and the social importance of the victim's family, the muslih would decide to either work alone or form a *jaha* (a committee of elders) to gain increased negotiating leverage. The jaha would consist of the most notable figures in the community. Once the jaha had been formed, the men would go and visit the victim's family. They embodied the community's collective responsibility for social harmony.[57] The jaha would ask the victim's family to set aside their legitimate rights according to urf, that is to avenge their loss through the taking of blood. The social pressure exerted by the jaha on the bereaved family was enormous, and the jaha members well knew what strings to pull.[58] They appealed to the family sharaf by lowering or 'humiliating' themselves through symbolic behaviour – waiting outside the house until they were let in, beseeching the family while adopting a stance appropriate to social inferiors, and using *lugha hilwa* (their most polite language).[59] After having appealed in this way to family sharaf, the jaha hoped to persuade the head of the victim's family to agree to embark on and be a

party to the reconciliation process. The first step on the way to the restoration of communal harmony had been taken. Acceptance of sulh also meant the creation of a *hudna* (informal armistice), which ended the period of fawrat al-dam and, if it lasted, would hinder the pursuit of thar.

According to tradition, the informal armistice of hudna should cover the burial and mourning period so as to prevent attempts at retaliation.[60] Often right after the burial, the jaha would approach the victim's family once again to request a more permanent truce. This reinforcement of the hudna was referred to as *atwa* (time out, respite) and constituted the midpoint of the sulh process leading up to its final phase. It formalised the oral armistice, usually with a monetary guarantee. The sum of money paid by the killer's family to the victim's family during atwa was intended to emphasise both their remorse and their willingness to compensate for the killing. While money plays a central role in any society, here, in the context of compensation, its use was symbolic and would increase the chances of a successful outcome. As one elder from Gaza put it, 'When a man's sack [of money] is empty, his disadvantage increases.'[61] The boost to a family's sharaf gained from participation in a sulh process was exploited by the jaha to heighten the sense of increased social standing experienced by both parties. This was done, for instance, by publishing the atwa agreement in the local newspaper.

During this period, the jaha conducted a type of shuttle diplomacy between the two parties. As opposed to the atwa agreement, these talks were not public and took place in the privacy of the families' homes. The muslih Mukri al-Hadi described how he conducted such negotiations:

As a mediator I seek to cajole the parties into reconciling with each other. I start by trying to find out the facts. I then ask questions about what their demands would be to agree to a reconciliation. I try to get a feel for what values matter the most to them. Some people hold their standing among the other village men as crucial, others are very religious and think that respecting Islam is the most important factor. It is an individual thing, but once I have understood what their driving forces are I know what tactics to use to talk them into reconciliation. For instance, with those who demand honour I can show extra politeness and respect. With very religious people, I use religious arguments from the Qur'an about

the need for making peace. Little by little I advance towards a set
of conditions which is acceptable to both families.[62]

Through adroit manoeuvring based on past experience, the jaha would
usually manage to shift the disputants from their entrenched positions.
One of the crucial matters to be agreed was the amount of diyya to be
paid to the victim's family. A willingness to make a compensatory
payment, together with the restoration of sharaf, were the two essential
requirements for achieving sulh.[63]

When the private negotiations had come to an end, when diyya and
the other conditions for a final agreement had been agreed, the sulh
ritual could take place. This final ritual was relatively dramatic as it
brought the reconciliation process to a head. It was the first time the
families of the killer and the victim had met face-to-face and talked
directly to each other following the crime. It was the most public event
in the entire process. As Elias Jabbour put it, 'Everybody should see it,
know its terms and everyone should be a witness.'[64] The jaha had also
made efforts to secure the presence of as many of the area's important
figures as possible at the ceremony. Following a round of ceremonial
handshakes, the diyya would be passed to a representative of the victim's
family. The money had been collected from the killer's entire extended
family, embodying their acceptance of collective responsibility. The
collective payment of diyya also served to spread the severe impact such a
payment would otherwise have made on a single family.

The whole process of sulh could be described as a negotiated transfer
of sharaf back to its previous state, re-establishing a sense of balance in
the community and thereby bringing about the restoration of communal
harmony. Anthropologist Sharon Lang has argued that three basic
elements are necessary to restore sharaf during the sulh process. First, the
show of remorse made by the killer's family: while it cannot restore
sharaf on its own, this action serves to lower the temperature and ease the
emotional tensions between the disputants. Second, the jaha's show of
elaborate respect towards the victim's family: this level of courtesy is
normally shown only to people with the same social status and so is
flattering to the receiver. It will boost the family's perception of its
sharaf. Third, the participants' understanding of *musalaha* (the act of
reconciliation) as the highest and ultimate show of sharaf: the victim's
family is made aware by the jaha that the performance of musalaha is the

most honourable of acts. It is an opportunity to raise the family's social standing in the community.[65]

In other words, the sulh process constitutes an effective method of converting humiliation into honour, without pushing one of the parties to the outside and leaving it vengeful. Anthropologist Laurie King-Irani sums up the process: '[Sulh] is not to judge, punish or condemn the offending party but rather to preserve the good names of both the families involved and to reaffirm the necessity of ongoing relationships within the community. The sulh ritual is not a zero-sum game.'[66]

Foreshadowing a New Order: the Case of Yusra al-Azami

Informal judicial methods are about restoring harmony and the sense of social balance in the community. It also implies a relative, as opposed to an absolute, understanding of the concept of justice. A 'successful' resolution or verdict was one that restored communal harmony, not necessarily that satisfied the demands of strict justice. In addition, as seen above, the practitioners of informal forms of dispute resolution are sensitive to matters of social position and patronage. This meant, in turn, that the outcome of a given case could to some extent be determined by exerting social and political pressure on the muslih, jaha or other mediating actors. In other words, customary dispute resolution has a strong political component and, in Palestine, has always been closely linked to the political struggle. Anthropologist Tobias Kelly notes that political factors often affect the choice of how, where and with whom parties choose to resolve a dispute.[67] Skilful manoeuvring can open the door to politically motivated manipulation of both legal and factual circumstances.[68]

This observation brings the analysis back to the question of Hamas's attitude to the use of customary dispute resolution practices. In Gaza prior to the legislative elections 2006, the political stakes were rising as Hamas appeared to be shifting its position on participation in parliamentary politics. The year before, the coastal territory had seen the victory of Hamas-affiliated candidates in the municipal elections and a unilateral Israeli withdrawal from its settlements there. In Gaza, however, the security situation was out of control, leaving customary dispute resolution as one of the few (if not the only) functioning

mechanisms for upholding social order. Examining Hamas's response to this situation, only months away from entering governmental office, provides further insights into its understanding of how social instability was to be combatted and what role customary dispute resolution practices should play in this.

Hamas's pre-government role in securing public order is illuminated by its involvement in a dispute that attracted much public attention at the time, the case of Yusra al-Azami, which unfolded during a period that was particularly sensitive for Hamas. As Hamas was about to run in the legislative elections later that year, the movement came under close public scrutiny. Gazans were keen to observe Hamas's position in relation to the security situation in general and this incident in particular. The public was looking for possible indications of what Hamas would be like in government. It was clear that Hamas's behaviour during this time, particularly its actions and manoeuvrings during the al-Azami dispute, had the potential to harm the movement's image among Gazans. Hamas was about to run in the legislative elections on a ticket calling for democratic governance and the return of the rule of law to Palestinian society. Resorting to violence and calling for sharia would clearly run counter to the image the movement was trying to spread. For a very public case like that of Yusra al-Azami, closely followed by Palestinians and the international community alike, the use of either violent measures or religious manoeuvrings on the part of Hamas was hardly to be expected. However, the events that unfolded offer a rather different picture.

Yusra al-Azami of Beit Lahia

In the evening of 8 April 2005, one of Hamas's 'vice and virtue' units on patrol in Gaza spotted a possible case of immoral behaviour involving two couples walking together on the beach. One of the women was Yusra al-Azami, a 22-year-old student at the Islamic University living in Beit Lahia. The Hamas patrol approached the couples and, according to eyewitnesses, began to harass them verbally and beat them up.[69] What the Hamas fighters did not know, and the men tried to explain, was that both couples were engaged and soon to be married. The outing to the beach had also been approved by the parents of the two girls, who were sisters. The harassment escalated and Yusra, her sister and their fiancés

ran to their car to escape. On their way back to the Azami family home, they were overtaken and fired at by the fighters who had chased them in their own vehicle. The driver of the couples' car, Yusra's fiancé Ziad, was injured and Yusra herself suffered fatal gunshot wounds. According to fellow students who witnessed what followed, Yusra's body was then pulled from the car and mutilated with clubs and iron bars. Gazans reacted with abhorrence: 'What they did to the body while it was lying on the ground was barbaric. This does not represent Islam.'[70]

The incident sparked widespread fury in Gaza and a statement was issued by the Association of the People of Jaffa the following day. It denounced the murder and described it in symbolic terms as 'an attack on the sharaf of Palestine'. According to the statement, following their arrest the alleged perpetrators claimed that they belonged to Hamas and merely acted on the orders of their superiors. The Jaffa statement demanded a full inquiry to establish the truth of what had happened and even named the five Hamas men involved, as well as the officer whose orders were allegedly being followed. It demanded that those found to have been involved in the murder must be disavowed by Hamas and severely punished.[71] The association then called for representatives from the killers' families to state their position on these demands. If they failed to cooperate, the family of the victim, the Azami family, would be obliged to act on its own and use its 'legitimate' right to take thar.[72]

Hamas's initial response was to deny any connection with the killers. Later the same day, though, Hamas changed its approach and announced that the alleged killers were members of Hamas but that they had acted on their own, without any orders from the leadership. Hamas, furthermore, called for the dispute to be resolved through sharia, not urf (i.e. religious law, not customary clan-based law). Meanwhile, the political temperature was rising as the Fatah-dominated PA police forces were putting pressure on Hamas. A PA police spokesperson stated: 'They [the perpetrators] all belong to a Hamas unit that claims it wants to enforce Islamic values in the Gaza Strip. We hope Hamas will help us track down the murderers and bring them to trial.'[73] Several of the other factions issued similar statements, criticising Hamas for its recklessness and irresponsible behaviour.

Behind the scenes, the families of the perpetrators had contacted the families of the victims to try to initiate a sulh process. A week after the killing, the families of both sides announced that they had agreed to

engage in such a process and that the case did not need to be dealt with through the formal judicial system. Instead, a reconciliation agreement would be sought by means of a ruling from a group of Islamic scholars based on sharia. According to Hamas leader Ismail Ashqar, 'Hamas is doing its best to solve the problem and has convinced the two parties, Yusra's family and the parents of the armed men, to solve the case according to sharia.'[74] Prior to its decision, the victim's family had been visited by Hamas leaders offering to pay the atwa, and insisting that a reconciliation settlement should be based on a *hukm shari* (sharia ruling).[75] While Yusra's family had at first rejected the atwa, they now agreed to accept the outcome of a hukm shari.[76]

Shortly after the hukm shari had been issued, the families involved agreed to the terms of the ruling and to make sulh. A reconciliation agreement was signed and published in the newspapers stating that all parties had accepted the hukm shari without pressure from outside. It also called on the formal judiciary to equally respect the hukm shari, to release those in custody and to stop pursuing any other individuals involved in the incident.[77] In the public sulh ceremony that followed, large numbers of important local figures participated in addition to the men of the extended families involved: Gaza notables, rijal al-islah, Hamas leaders and Islamic scholars. Several community leaders made speeches congratulating the families on their reconciliation agreement and the fact that they had chosen to respect the hukm shari. Finally, Hamas held a celebration to mark the resolution of the dispute.[78]

Dispute Resolution Hamas-Style

The killing of Yusra and the negative publicity it brought came at a politically inconvenient time for Hamas. Municipal elections were just around the corner and participation in elections to the PLC was being considered as a real possibility. As Hamas saw it, its political opponents had tried to exploit the murder case in an attempt to show what Hamas's understanding of Islamic values would mean to ordinary Gazans if they won.[79] Whether or not this was true, Yusra's case had nevertheless revealed a violent side to Hamas, running counter to its public position on intra-Palestinian violence and particularly on the possession and use of arms (an important issue for Gazans in the elections).

The violent side of the movement that was exposed by the case was an embarrassment to Hamas, partly because of its efforts to reassure Western observers of its predominantly social agenda, partly as it sought to win over hesitant voters in the upcoming legislative elections.[80] The leadership had needed to exercise damage limitation, eventually shifting its official position from denying any involvement to admitting that the gunmen belonged to the movement. Hamas's spokesperson, Mushir al-Masri, made no bones about the fact that Yusra had been shot by Hamas fighters on the lookout for immoral conduct: 'The gunmen had not known that the couples were betrothed. The brothers who did this made a mistake. There was a suspicion of immoral behaviour.'[81]

The key issue here, though, was not the use of violence and the killing of Yusra *per se*. Rather, it was the fact that Hamas perceived 'immoral' behaviour to be an element in the chaotic security situation in Gaza, and even partly responsible for it. When Hamas attempted to rectify the security problem, it chose as a first measure to crack down on immoral behaviour, rather than on other offenders – of whom there were many – whose behaviour might be more clearly judged as criminal. Hamas's understanding of what was 'immoral' encompassed everything that failed to conform with Islamic values; such behaviour was equivalent to illegal acts, thus justifying the use of force.

Officially, Hamas did not take up a role as a party to the dispute, leaving it as a matter to be resolved between the families of the victims and those of the perpetrators. However, Hamas's continuing efforts at damage limitation included approaching the families of the victims to offer compensation payments for their loss. Hamas leaders appeared to have pressured these into agreeing to a customary resolution of the dispute and dropping their formal claims with the PA police. By avoiding the resolution of the matter in court and resorting to customary practice, Hamas had a chance to influence the outcome. Arranging to have the questions of guilt and compensation referred to a committee of Islamic scholars whilst retaining its popular image as Gaza's principal guardian of Islamic values, Hamas could expect a relatively favourable ruling.

This was eventually the way things turned out. The hukm shari presented the case in a light that was favourable to both the perpetrators and to Hamas. According to the ruling, only one person was shot, which was accidental, and the shooter had acted on his own. Moreover, one

third of the hukm shari dealt with establishing Hamas's lack of culpability and the group's full cooperation in the investigation of the case.[82] The Islamic scholars' ruling that only half of the normal diyya had to be paid bolstered the view that the killing had been accidental. In the past, Hamas had not favoured customary dispute resolution procedures, as they tended to consolidate the familial structures of Palestinian society at the expense of factional allegiances. Now, the group appeared to be exploring new ways of ensuring social order, where Islamic values could be combined with customary practices and, at the same time, work to Hamas's advantage. As islamologist Jan Hjärpe put it, 'It is interesting to see how Hamas has let the meaning of these concepts [urf and sharia] slide.'[83] The procedure followed in Yusra's case was a clear indication of Hamas's willingness to conflate the two approaches. It was also an indication of how Hamas perceived and prioritised the concepts of justice and communal harmony. Hamas's approach to implementing social order in Gaza was highly pragmatic and not restricted by democratic norms and principles. By making use of customary practices, but replacing the customary code (urf) with the Islamic code (sharia), Hamas came up with a combination which was favourable to its own purposes.

In Yusra's case, the framework for resolving the dispute was a customary one, ending with sulh and the traditional ceremonies for reconciliation. The content of the process, however, differed from its original customary form. The traditional mediation process undertaken by a rajul al-islah was replaced with a religiously based ruling. In addition, this ruling was not issued by one of the existing sharia courts in Gaza, but by a committee that was unofficially constituted and consisted exclusively of Islamic scholars. The make-up of the committee was unusual, as such scholars would normally only participate in judicial procedures as mediators, not as arbitrators or judges. While Yusra's case was handled according to the broader framework of customary dispute resolution, the final judgement was delivered in accordance with sharia law.

Hamas clearly wanted society to submit to the laws of Islam and not to the PA's formal judicial regimes, not even to sharia as interpreted by the sharia courts. The fact that the hukm shari referred to sharia and the Qur'an as the sole source of law supports this claim, as does the tribunal's determination of the half diyya. Valuing the blood of a

woman to be worth half that of a man reflected an older, more traditional interpretation of sharia than that usually applied by the sharia courts of the time. Ruling that a half diyya should be paid to the bereaved family – that is, applying a more literal and 'purer' interpretation of sharia – signalled an unwillingness on the part of Hamas to submit to any other judicial body, formal or informal. According to anthropologist Lynn Welchman, in this case '[Hamas] sought the substantive application of Islamic law while adapting processes of informal customary dispute resolution in order to present the result as sulh (reconciliation)'.[84]

CHAPTER 6

THE NEW POLITICAL ORDER
AND THE JUDICIAL SYSTEM

It was not until after the ouster of Fatah in June 2007 that the Hamas government in Gaza finally was able to address the security situation in a more unconstrained and comprehensive way. A major problem was the bureaucracy, whose workings continued to stall as civil servants loyal to Fatah went out on strike. Their ranks included the PA security forces and many of the coastal territory's police officers. Even though Fatah had been ejected from Gaza, the conflict continued by other means. The Ramallah government threatened to stop paying government salaries and to withhold the pensions of Hamas civil servants in Gaza. Although Hamas offered to continue these payments, its civil servants remained anxious about reprisals from Ramallah. Refusing to follow the instructions of the new government, the majority of officials employed under the previous Fatah-led PA simply had to be replaced.[1]

A similar fate awaited many employed by the judiciary, who refused to deal with criminal cases as this meant cooperating with Hamas's Executive Forces (EF), which had pursued many of their Fatah colleagues with brutal determination. The fact that the courts were now only dealing with civil cases further hindered the Hamas government in its efforts to improve the security situation. Criminals were operating freely in Gaza and clan violence continued unpunished. Based on directives from the Supreme Judicial Council in Ramallah, Gaza's Attorney General Ahmad al-Mughanni and his public prosecutors were forbidden from cooperating with any branch of the Hamas government, thus

bringing both court hearings and the enforcement of judicial rulings to a standstill.[2] The Hamas administration's response was to assert that, on the basis of the Palestinian Basic Law, the Ministry of Justice was responsible for maintaining functioning courts in Gaza. The Hamas government explained that it therefore had no choice but to suspend Attorney General Mughanni.

Shortly afterwards, the EF raided the office of the Attorney General and closed it down. Mughanni himself was arrested but later released. Over 200 prosecutors and administrators were ordered by the Hamas government to leave their workplace and not to come back.[3] However, Gaza's judges did not accept the government's move and overruled this mass dismissal as unconstitutional. In September 2007, the Hamas administration resolved the deadlock by simply creating a new body to replace the Higher Judicial Council, which it named the Higher Justice Council. Its new chief, Abd al-Raouf al-Halabi, installed himself as head of Gaza's Supreme Court, taking over his new quarters with an armed escort.[4] When the judges were given the choice of following Halabi's orders or be suspended, they all chose the latter option. Hamas's actions were naturally not appreciated by these ousted judges, prosecutors and lawyers. As former Attorney General Mughanni put it, 'Hamas in Gaza did not respect the independence of the judicial system. They cancelled it and appointed new people.'[5]

Hamas's New Order

Having done away with the old order, the Hamas government began a comprehensive restructuring of Gaza's judiciary. New public prosecutors were appointed, as well as a new Attorney General, Ismail Jaber. To get Gaza's judiciary working again, Hamas also needed new judges to head up its operation. Recruitment was difficult, as many of the candidates under consideration lacked the proper experience.[6] Jaber led the appointment process personally, bringing in people who were experienced practising lawyers. Many had also been professionally active in one or other of Gaza's lijan al-islah.[7] It is interesting to note here how the Hamas government appeared to have entrusted the territory's customary institutions with providing the knowledge base for the reconstruction of Hamas's formal judicial system. Naturally, these appointments became a source of widespread criticism. It was argued

that all these new employees, judges as well as legal staff, were affiliated with Hamas.[8]

By February 2008, however, Gaza's judiciary was operational again. Although now staffed by a relatively inexperienced work force, the courts began to deal with the immense backlog of cases. Judges were reported as working longer hours than before, yet being paid half the salaries of their predecessors. One Gazan lawyer noted that although 'most judges work with sincerity and dedication, the long hours they are forced to work affect their performance and cause exhaustion.'[9] According to another lawyer, the administration of justice was improving: 'Under Fatah, the police would carry out rulings against the poor, not against the rich and powerful. The corruption was terrible. This is changing with Hamas. The courts are working better than before the takeover.'[10] However, yet another lawyer begged to differ: 'These courts are Hamas courts and not legal ones. They were formed in violation of the law and their judges are breaking the law.'[11]

According to a 2009 United Nations report on access to justice in the Palestinian territories, the Hamas government had contravened a series of laws, including the Judicial Authority Law, the Formation of the Courts Law and the Palestinian Basic Law.[12] Opinions differed on the professionalism and impartiality of the courts. Nevertheless, most Gazans seemed to agree that their effectiveness had greatly improved.[13] At the time, in an environment marked by constant turmoil, effectiveness was valued more highly than legal niceties.

The two other arms of the formal justice system, the sharia courts and the military courts, were restructured in ways similar to the statutory ones.[14] The religious judges were ordered to stop working and their offices were closed down. Hamas later asked them to return to work under the administration of the new Hamas government. All but one judge declined the offer; the rest remained at home, receiving their salaries from Ramallah. It might be seen as a surprising move by an Islamist government to close down its sharia courts. However, while these courts made judgements on the basis of sharia law, their jurisdiction was limited to family related matters. This ran counter to Hamas's broader view of how sharia was to be practised. Although the sharia court reopened with newly appointed judges, it failed to retain its former high status. The head of the Supreme Council for Sharia Justice, Hassan al-Joujou, complained that the sharia courts were receiving less

and less support from the Hamas government. According to al-Joujou, funding was lacking, judges received insufficient training and the sharia courts were generally being treated with less respect by the people.[15] In an effort to restore their status, the arm of the police forces charged with enforcing criminal and civil court orders was asked to assist in the enforcement of the sharia courts' rulings as well. This development indicated that the sharia courts were moving towards inclusion in the non-religious sphere of the judiciary.

During the same period, the military courts underwent a similar restructuring – from military to civil status. The military courts were reactivated by the Hamas government together with the statutory and sharia courts following the ouster of Fatah in June. While Palestinian law only permitted security personnel and security-related matters to be subject to military law, in practice this changed under Hamas.[16] Following the reactivation of the military courts, Hamas-appointed Chief Military Prosecutor Amin Nofal began allowing an increasing number of cases involving civilian criminals to be heard in the military courts. These cases were not related to either internal or external security matters.[17] They were arguably referred to the military court simply because this institution had the authority to hand down harsher punishments than the civil courts, including capital punishment. This development led to a further blurring of the boundaries between the military, civil and religious judicial systems. Maintaining strict separation between the three systems was clearly not a priority for the Hamas government. Political scientist Yezid Sayigh noted that a draft law was even being considered by the PLC (in Gaza) to bring the three existing systems into a single integrated body, under the authority of the Higher Justice Council created by Hamas.[18]

A Temporary Solution Made Permanent: the Lijan al-Islah

While the justice system was being reorganised, Gaza's anarchic security situation continued unabated. Since their electoral victory, Hamas leaders had found themselves increasingly busy acting as mediators between disputing hamail.[19] The turmoil that engulfed Gaza in June 2007 added further to the growing number of disputes in need of resolution. Many of the new cases related to intra-factional violence, as well as to acts of civil disobedience and illegal strikes carried out by civil

servants and security forces personnel. Interior Minister Siam's answer was a complete replacement of the territory's formal regimes by a number of newly constituted dispute resolution committees in the form of lijan al-islah.[20] Siam's move was announced as an emergency measure, to save Gaza's judicial system which was on the verge of collapse. Abd al-Raouf al-Halabi, head of the new Higher Justice Council, described the introduction of the lijan al-islah as a necessary move: 'It was a vital stopgap. We couldn't leave Gaza without a functioning judiciary.'[21]

The drafting of a constitution and procedures for the new lijan al-islah was supervised by Marwan Abu Ras, a leading Islamic cleric and a PLC member for Hamas. Abu Ras headed the Gazan division of Rabitat ulama filastin (the body representing Palestinian Islamic scholars), from whose numbers the chairmen and most of the members of these lijan al-islah were drawn.[22] With Hamas-affiliated clerics leading the committees, the government ensured its control over the system and could confidently promote the use of sharia as the legal base for its judgments. In addition, the use of lijan al-islah had support in the Arbitration Act, part of the Palestinian Basic Law. The Act allowed arbitration outside the formal courts and was the legislation on which the corresponding PA committees had been based. However, the legislation only allowed for the hearing of relatively simple cases, where both parties had agreed on this form of dispute resolution. Contrary to that, Hamas's lijan al-islah dealt with a wide variety of cases including criminal, commercial, land and family disputes, clearly exceeding the limits of any existing legislation. According to a report by the International Crisis Group:

> Hamas was running some 30 committees in its territory which loosely applied Islamic codes. [In] contrast to the formal sector, judgments were quickly rendered and implemented by Hamas's own forces. The system operated under Hamas's executive control, eroding any semblance of judicial independence.[23]

It should be noted that the lijan al-islah operating under the Hamas government were not the same as the judicial committees of the same name set up earlier by the PA's Department for Tribal Affairs. While the title lijan al-islah (reconciliation committees) remained unchanged, this form of judicial practice, popular in Palestine since the intifadas, was

now subject to a different set of rules. The earlier PA committees had comprised a broad range of local figures and professionals including members of several of the political factions. In addition, as legal counsel Areej Odeh explained, the legal basis for their work and the procedure they followed was relatively flexible, based on either urf or sharia or a combination of both.[24] The PA had organised its lijan al-islah under the territories' governorates, giving local governors a key role in dispute resolution while serving as a link between the committees and the government. The Hamas administration changed this arrangement by reconstituting the lijan al-islah under the auspices of the Rabitat, and allowing only Hamas affiliates to be active as rijal al-islah. According to one Gazan rajul al-islah who had served on one of the PA committees, 'At the beginning of Hamas's rule the lijan al-islah set up by the PA were prevented from working. Only the Rabitat and the makhatir affiliated with Hamas were allowed.'[25]

The government finally put an end to the role of the governors with their removal and detention in 2008. After the criminal courts had resumed their operations, the lijan al-islah were instead placed under the supervision of Gaza's Ministry of the Interior. Although initially claimed as a temporary measure, the committees were now made permanent and placed under the supervision of a newly formed body called the General Administration for Clan Affairs and Social Conciliation.[26] It was led by the Hamas affiliate and rajul al-islah Abu Nasser al-Kujuk and tasked with administering customary dispute resolution, similar to the way in which Arafat's Department of Tribal Affairs had functioned. However, as Yezid Sayigh has noted, the sway held by Kujuk's unit over the work of the lijan al-islah gradually diminished and its role was supplanted by Marwan Abu Ras and his Rabitat.[27]

In 2010, Siad Siam's successor Fathi Hamad reaffirmed the positive stance on the use of lijan al-islah held by the Hamas government and the Ministry of the Interior. The interior minister urged Gazans to seek to resolve disputes using customary methods as their first option, seeking the involvement of the police and the formal courts only as a last resort.[28] Informal practices were to remain an important means for the Hamas government to secure social order. Eventually, they would overtake the various arms of the formal judicial system and became the method of preference for both the government and the public alike.

Key Players in the Re-ordering of Gazan Society

When the formal judicial system had been made operational again, it began to operate in tandem with its informal replacement. Gaza's enforcement agencies were becoming increasingly efficient and social order was improving for the first time since the eruption of the al-Aqsa intifada almost a decade earlier.[29] Law and order was little by little returning to a society torn apart by crime, inter-factional and inter-familial disputes. This positive trend was short-lived, however, as Israel launched its Operation Cast Lead in December 2008. The IDF operation included massive bombardments of strategic targets, including critical civil infrastructure. A vast number of governmental buildings were flattened. The parliament building as well as the justice and interior ministries were severely damaged. Most of the security forces' facilities, court houses and police stations were also hit and rendered unusable.[30] A majority of the criminals detained by police earlier in the year were now at liberty again; they either escaped from their cells during air raids or were released from Gaza's central prison before it was bombed into rubble.[31]

Eventually, when the dust settled in early 2009, it became clear that the large-scale destruction of buildings and the loss of staff and materials had set back the government's attempted reform of the judiciary to the situation as it was before 2007. Among the things that had disappeared were criminal records, legal archives and other carriers of institutional memory. Much of the Hamas government's initial efforts had literally gone up in smoke. This included not only the necessary infrastructure but also sections of the workforce, including police officers, prosecutors, lawyers and clerks, who had been either killed or injured or simply gone missing during the conflict.[32] With important sectors of the judiciary shattered, Gaza's informal judicial institutions once again presented themselves as a practical alternative.

Following Operation Cast Lead, customary methods of dispute resolution were once again enrolled by the Hamas government as a vital element in Gaza's recovery. The government continued to support these customary practices, partly because they had been shown to be the most reliable methods available. The situation in Gaza after Cast Lead resembled the position the PA found itself in during the al-Aqsa intifada. According to one Gazan rijal al-islah, after the war the Hamas

government authorised a greater number of traditional practitioners than ever before.[33] The government now also allowed increased interaction, even cooperation, between the formal and informal judicial institutions in Gaza. There were six actors in particular that had now come to dominate the informal justice scene. They varied in their character, the methods they used for resolving disputes and the different levels of formal status they enjoyed.

Rijal al-Islah: Dispute Resolution Notables

In Gaza, the definition of rijal al-islah (s. *rajul al-islah*) was relatively broad, embracing a variety of figures involved in informal dispute resolution. As in the rest of the Palestinian territories, rijal al-islah were involved in resolving disputes by acting as intermediaries. Their method was not to arbitrate but to reconcile disputants by finding a middle ground which could satisfy both parties. Their objective was to achieve reconciliation rather than focusing on a particular source of law. According to Gazan rajul al-islah Saif al-Din Aburamadan, 'a rajul al-islah is tasked by the community with restoring communal harmony. This is his primary goal. There is no preset formula for a solution and we have great flexibility to use whatever arguments and sources of law are needed to reach conciliation.'[34]

As the authority of the rijal al-islah lay in the skilful use of various forms of social pressure to coerce and cajole the disputants, their social standing in society was crucial. Their authority derived from several potential sources – having wealth, being backed by a large hamula or having an important professional position that could boost respect. The social status necessary for their work implied that the cast of characters making up the rijal al-islah would change depending on the particular ideals that were being promoted in society at a given time. With Hamas in government, a new group of influential individuals were replacing the rijal al-islah who had been active under the Fatah-led PA. Their wealth, informal contacts with various state institutions and solid backing by the movement supplied the Hamas leaders with the necessary social authority to cajole and coerce conciliation.

There had always been different traditions of rijal al-islah familiar to the Palestinian community. Some were known for their emphasis on sharia, others for urf and others again for combining the two codes.

The Hamas government in Gaza actively supported the tradition which was known to favour sharia. This move was partly related to the fact that Hamas members had the strongest leverage over the conciliation process while Hamas remained in power, and partly because choosing sharia-oriented rijal al-islah was a symbolic act, designed to show support for the new rulers. As a consequence, rival traditions of rijal al-islah, including individuals affiliated with Fatah or with the old system of makhatir, lost their influence. According to an unnamed rajul al-islah from the sharia school, 'A rajul al-islah requires knowledge and morals and should be aware of the demands of religion and its teachings so he would fear God when doing his work and consider the interest of society.'[35]

Muhakimun: Arbitrators

In contrast to the rijal al-islah, who could be described as mediators, the muhakimun (s. *muhakim*) were arbitrators functioning as semi-formal judges. In Gaza, there were three types of actors practising arbitration: quda ashairi, lawyers and Islamic scholars. The quda ashairi belonged to the traditional Bedouin tribes who had usually inherited their position as muhakimun by succession. They specialised in arbitrating on the basis of urf. Quda ashairi drew on the local variety of urf used in their geographical area and ashira of origin. Thus, within this tradition there were variations in the codes that these tribal arbitrators could apply. At the other end of the spectrum were the Islamic scholars, who arbitrated solely on the basis of sharia. In between were the lawyers who specialised in Palestinian civil law and commonly arbitrated in disputes of a corporate nature.

The Hamas government exerted its control over the muhakimun by requiring them to seek individual approval and register with the Ministry of Justice. According to one Gazan muhakim, in this way the administration effectively influenced their practice of arbitration.[36] Quda ashairi using local urf inconsistent with the Hamas government's values, as well as Islamic scholars who had parted ways with Hamas, could be excluded from the muhakimun cadre.

Majalis Aili: Extended Family Councils

In a society where extended family affiliations mattered, the main council of the extended family, majlis aili (pl. *majalis aili*), constituted a

central node of power.[37] The council served as the family's representative in its relations with the outside world, as well as overseeing financial matters and dealing with internal disputes. The importance Hamas placed on subjugating the hamail to its will was manifested in the movement's initial actions in government. One of the first measures it employed, in order to assert its authority, had been to take on the feuding hamail.[38] A decree was issued by the government ordering all the hamail in Gaza to restructure their majalis aili; all hamail were to have reconstituted and functioning majalis aili by the end of September 2011.[39] In the work that followed within each hamula, those members who were Hamas affiliates pressed for changes to the make-up of the majalis which would increase Hamas's influence in the council. As a member of one majlis hamuli put it: 'There is politics in this process as Hamas wants to control as many representatives there as possible.'[40] By having its members in the majalis aili, Hamas could be informed of the issues that were being discussed within the different hamail and influence the decision making process in their respective majalis hamuli. Such decisions included forming positions on political questions, the make-up of lijan al-islah dealing with internal disputes, serving as the family's advocate in external disputes, and controlling payments from the hamula funds, including diyya and dawa.

Shurtat al-Dakhiliyya: the Security Service

Hamas's police forces for internal security matters, Shurtat al-dakhiliyya, played a key role in maintaining the social order. While the parties involved in informal dispute resolution would always deny that they coordinated their activities with the Shurtat, it nevertheless participated both in terms of enforcing the rulings handed down by the informal institutions and in the dispute resolution process itself. In practice, no informal bodies could operate in Gaza without both the knowledge and the direct approval of the Shurtat.[41] Like the earlier Fatah-led PA security services, the Hamas Shurtat was happy to support the informal institutions, especially dispute resolution practices, as long as such activities did not interfere or conflict with its own work.

Often, the Shurtat would provide active assistance to the informal institutions. This direct involvement could be initiated either by the Shurtat itself or at the request of the rijal al-islah dealing with the case in

question. In cases where disputants were unwilling to reconcile, rijal al-islah could contact the Shurtat, which would then assist them by putting pressure on the parties involved, through intimidation or coercion, to 'listen to reason'.[42] There were also cases where rijal al-islah would ask the Shurtat to provide them with protection against aggrieved disputants. The Shurtat would assist, for instance, by holding an offender and some of his male relatives in 'protective custody' until the parties to the case had reconciled. In such cases, the intention was not primarily to hold suspects whilst awaiting formal trial. Rather, as Asem Khalil explained, 'individuals were detained to deter thar and to pressure the disputants to agree to a sulh'.[43] Another way that the Shurtat could assist rijal al-islah was by giving them access to government files relating to the disputants.[44]

Jamiyya Makhatir Filastin: Association of Arbitrators and Mediators in Palestine

The rijal al-islah and muhakimun of Gaza were collectively represented by a non-governmental body known as Jamiyya makhatir filastin, or the association of arbitrators and mediators in Palestine. The use of the term makhatir did not as before refer only to the traditional concept of family heads, but had acquired the broader meaning of 'informal dispute resolvers'. These comprised all the prominent figures involved in informal dispute resolution in the community. The Jamiyya was tasked with training rijal al-islah and muhakimun and was recognised by the Ministry of the Interior as a central body to consult when dispute resolution was required. The association could set up lijan al-islah or send out individual rijal al-islah depending on the nature of the dispute in question. Like several of the other key players described here, its members also enjoyed close operational cooperation with the territory's law enforcement agencies. According to the head of the Jamiyya in Gaza, Saif al-Din Aburamadan:

> Cases can be referred from the police or from individuals. We will then distribute them to the appropriate lijan al-islah for a resolution. If one lajnat al-islah fails to resolve a dispute, the case is referred to another for a fresh attempt, and so on. In the end every problem in society has a solution at our door. The problems we take on include criminal, commercial, family and land disputes.[45]

However, there was a significant political divide within the association between the rijal al-islah and muhakimun who supported the Hamas government, on the one hand, and those who supported the Fatah-led PA in Ramallah, on the other. There was limited cooperation between these two sides. During the first three years of Hamas's rule, the government had prevented the Fatah-affiliated rijal al-islah from operating. Following Operation Cast Lead, however, the government encouraged all rijal al-islah to be active, but sought to influence them in different ways to apply more sharia and less urf in their deliberations.[46]

Rabitat Ulama Filastin: Association of Islamic Scholars in Palestine

The final and most prominent actor was the association of Islamic scholars in Palestine, Rabitat ulama filastin. The Rabitat in Gaza was led by Marwan Abu Ras, popularly referred to by Gazans as 'Hamas's mufti'. According to a member of the Rabitat, most of its members were doctoral graduates of Islamic studies at the Islamic University in Gaza and all were members of Hamas.[47] Membership of the Rabitat was usually a secondary, non-profit position for those with jobs in the government bureaucracy. One Rabitat member interviewed worked as director of administration and management in one of Gaza's municipalities.[48] According to political scientist Yezid Sayigh, the Rabitat had been promoted by Hamas as far back as in the 1990s, to compete with Yasser Arafat's Department of Tribal Affairs.[49] The Rabitat's growing influence in Gaza had gradually enabled it to supersede the Hamas government's own replacement for Arafat's bureau, the General Administration for Clan Affairs and Societal Conciliation. Since its inception, the members of the association had held semi-formal roles, providing the sharia courts with judges and offering arbitration services supported by the Palestinian Basic Law on the basis of sharia. It had also provided religious guidance to the government in more general matters. Individually, its members were in great demand among Gazans as trusted community arbitrators and mediators.

Under the Hamas government, however, the Rabitat was given an increasingly formal role. In 2011, it had an organisational structure similar to a department of the Ministry of the Interior, consisting of four distinct divisions: the Reform Division, engaged in mediation; the

Division of Forensics, for adjudication; the Fatwa Division, for religious guidance; and the Preaching Division, for supervising the content of the sermons preached in Gaza's 1,000 mosques.[50] Legal specialist Ghassan Faramand argued that the Hamas government's (and the Rabitat's) ambition was for the Rabitat to become the judicial standard-bearer of Gazan society:

> In Gaza now there is a clash between the customary dispute resolvers and the Rabitat. The Rabitat wants to shape customary dispute resolution practices to suit sharia rules. The aim of the Rabitat is to become the first and most important body to which proposed laws are submitted for consideration. They would ensure that all new legislation is in line with sharia. The Rabitat in Gaza wants to be able to say, 'we are the sole judges, not only for family law but for all cases of social conflict'.[51]

Among several avenues of influence over the informal judicial system, the Rabitat was granted a supervisory role over all the lijan al-islah by the government. Thanks to its exclusive right to fill the chair positions on the 41 committees with its own scholars, the Rabitat could control the role and development of the customary dispute resolution system.[52] As the Rabitat reserved the right to take over politically sensitive cases, or cases which had failed to be resolved by any of the local committees, the association was thereby effectively in charge of the lijan al-islah system. As one Gazan religious scholar observed: 'The Rabitat holds regular meetings for the lijan al-islah to ask questions and to find out what they need to do to be more effective. The Rabitat is the head and the lijan al-islah are the body in the Gaza Strip.'[53]

Main Pathways for Customary Dispute Resolution in Gaza Under Hamas

This section focuses on the ways in which the six actors introduced above participated and interacted in the customary dispute resolution processes in Gaza. As seen above, the Hamas government first attempted to revive the formal judiciary. However, several factors made its re-introduction difficult. These included the long turnaround times in the courts, the fact that the entire judiciary had been newly appointed by Hamas, as

well as the official and unofficial costs involved when turning to the police or the courts for help. Informal dispute resolution traditions were deeply rooted in Palestinian society and therefore remained the avenue of preference for many Gazans. According to Gazan lawyer Younes Taharawi, 'People prefer the informal way of resolving their disputes rather than going to the courts or the police.'[54]

Itself a grassroots movement, Hamas was aware of the public's mistrust of the formal judicial system. So, instead of allowing only the formal courts to operate, alienating the many people who preferred the informal system, the Hamas government opted for controlling the informal system and shaping it to fit its own ideals. According to Younes Taharawi, 'the Hamas government started to encourage the informal institutions on a broader front to complement the deficiencies of the courts. However, everything that happened had to have the approval of the government.'[55] Due to Gazans' lack of trust in formal judicial institutions as well as their inefficiency, the formerly minor role of the informal institutions grew in scope and in many cases came to replace the formal system completely. As the situation developed, the Hamas government appeared to be prioritising the restoration of order and 'communal harmony' between Gazans, rather than achieving 'justice,' strictly interpreted, through rulings by the courts. The Hamas government allowed for two major methods of customary dispute resolution to be practised.

Method One: *Tahkim* (Arbitration)

The first method, *tahkim* (arbitration), involved resolving a dispute by leaving its actual settlement to be decided by a third party. It had its roots in the Bedouin practice of the Palestinian quda ashairi, to whom disputants could turn for a settlement based on urf. In its contemporary form in Gaza, tahkim was initiated by contacting a muhakim. He could be either a member of the Jamiyya or Rabitat. Depending on the scope and complexity of the case, the muhakim could comprise either a single individual or a larger committee made up of several muhakimun. In any case, the muhakimun needed approval from the Ministry of Justice to practise. In this way Hamas could exert its influence by, for instance, installing its own supporters as committee chairs.[56] Hamas permitted the practice of tahkim based on both urf and sharia.

As the penal traditions differed between the two sources of law, choosing one was often a tactical decision, depending on one's own role and the type of dispute under consideration. Choosing sharia could be favourable as the ruling was more predictable. Sharia, on the one hand, prescribed clear punishments, predictable levels of compensation in terms of diyya and a predetermined set of solutions depending on the nature of the problem. Urf, on the other hand, was more unstructured regarding possible solutions, but also more flexible in allowing a wider range of outcomes.[57] If a disputant approached the Jamiyya for assistance with tahkim, their members were open to arbitrating on the basis of either sharia or urf, depending on the preference of the parties involved. The Rabitat, however, only accepted tahkim based on sharia. The procedures used in tahkim were followed in all cases of criminal, commercial, family and land disputes – basically all types of dispute – except those involving physical injury. One representative example of a Gazan engaging in tahkim to resolve a dispute is the case of Abir from Khan Younis.

Abir Ali of Khan Younis (Example of Tahkim)

In 2010, returning to Gaza from the UAE after several years working there, Abir realised that his brother Younis had not reinvested the money that Abir had been remitting to him. According to Abir, the brothers had agreed that Younis would purchase land around Khan Younis on his behalf. Now it seemed as if Younis had spent all the money on his own household instead. Considering ways of getting his money back, Abir reckoned that going to court would only provide him with a slim chance of success. In any case, the dispute could well drag on for years, leaving him without any funds at all in the meantime. In addition, court fees and the cost of legal representation would take a large bite out of any compensation the court might award him. Instead, he contacted a muhakim who suggested submitting the case to a government-approved committee of muhakimun for tahkim. The decisions of informal arbitration bodies in Gaza were legally binding and, for the process to be initiated, both disputants first needed to pledge their commitment to the procedure chosen. Accepting the method of tahkim proposed by his brother, Younis also agreed that the source of law applied was to be urf.

When the muhakimun came back with their ruling, they directed Younis to repay half of the total amount that Abir had remitted to him from the Emirates. This was a disappointment to Abir as he had forfeited half of his money, as he said, 'without having done anything wrong'. Because the work of the muhakimun was subject to supervision by the formal court system, there was still the possibility of getting the ruling annulled and reviewed. A disputant had the right to appeal a tahkim ruling and if successful get the case referred back to the muhakimun for reconsideration. Although Abir filed a complaint with the courts, he was unsuccessful and was forced to accept the original ruling, which was then enforced on his brother by the police.[58]

Method Two: *Wasata* (Mediation)

The second informal method of resolving disputes was *wasata* (mediation). The practice of wasata and its goal, sulh, was deeply rooted in Gazan society, long before its politicisation in the institution of lijan al-islah. However, the contemporary practice of wasata in Gaza had changed considerably from its traditional form. Depending on the agent chosen as mediator, the content of wasata would differ. As shown earlier, before it came to power Hamas's attitude to wasata had gradually shifted, from ambivalence and suspicion to support. While wasata remained an informal practice, in which agreements were not legally binding (as opposed to tahkim), a number of agents were approved by the Hamas government to practise it. Although these agents were all appointed from rijal al-islah, they each had different backgrounds. While they might be members of the Jamiyya or the Rabitat, they could also be non-affiliated family heads, factional leaders or other respected figures in the community. Gazans required a rajul al-islah to at least 'have clean hands, clean mouth and tongue; have a good financial position; be a member of a strong family or tribe that would support him and stand by him; have good relations with official institutions in the governorate and with the security forces'.[59] Such a judgement of course lay in the eye of the beholder and therefore alternative candidates were sought.

There were three different categories of agents that a disputant could turn to in the Gaza Strip when seeking wasata. The first and most simple category involved approaching a single rajul al-islah, who could proceed relatively freely in regard to customs and sources of law. His task was to

reconcile disputants using any of the tools at his disposal. Cases involving land, commercial or certain kinds of family related disputes, which did not involve bodily injury or certain political sensitivities, could be dealt with by individual rijal al-islah. As Saif al-Din Aburamadan explained, a mediator could be any person who enjoyed a high degree of respect within the community.[60] In practice, though, the near complete political domination of Hamas in Gaza restricted the selection process. To muster the leverage and authority required for a given negotiation process, a mediator needed strong contacts both with the government and the formal institutions of the judiciary.

However, agreements achieved through wasata were not enforceable through the formal judicial system and were completely dependent on the degree of commitment shown by the disputants. The degree of commitment to the process and its outcome reflected the disputants themselves and, in turn, the choice of rajul al-islah. Simpler cases allowed for a wider variety of rijal al-islah to be considered, even non-Hamas affiliates such as Fatah members or independents. The importance given to the social standing of the rijal al-islah increased with the level of complexity of the case. With Hamas in power, mediators who were members of the Hamas movement were considered as having superior leverage and were therefore most in demand as rijal al-islah.

More complex and politically sensitive cases, especially when they involved physical injury, demanded the use of more than one rajul al-islah. The second and third agents of wasata were the two different types of lijan al-islah introduced after Hamas had come to power. As seen above, the Hamas government had embraced the concept of lijan al-islah and reconstituted the committees with members close to the movement.[61] Initially, the lijan al-islah that had been supported by the Fatah-led PA were disbanded and Hamas only allowed its own replacement committees to operate. By 2010, however, some of the former PA-led committees had been allowed to resume their work. These were referred to by Gazans as the *lijan al-islah of the national factions*, and their members were rijal al-islah who were either politically independent or affiliated with one of the factions. None of them were affiliated with Hamas. Although Hamas had eased its restrictions, Kamel Hatauna, the head of of these committees, observed that: 'The rijal al-islah in Gaza are still divided into two parties, one affiliated with Hamas and one with

the PA. The two sides [lijan al-islah of Hamas and lijan al-islah of the national factions] cannot work together. There is limited cooperation.'[62]

These two types of lijan al-islah constituted two separate agents of wasata. The question of which type to choose when in need of wasata largely depended on one's religious piety and what faction one supported.[63] Individuals or families with non-existent or weak links with Hamas naturally believed they would be discriminated against by the Hamas-affiliated lijan al-islah and turned to the lijan al-islah of the national factions instead. However, Hamas's lijan al-islah were relatively popular among Gazans. The number of cases resolved, as reported by the Rabitat, rose from 6,000 in 2008 to over 10,000 in 2009.[64] While the lijan al-islah of the national factions restricted themselves to urf and to traditional wasata practices, the Hamas-affiliated committees constituted a revival of the lijan al-islah-concept which lay closer to Islam.[65]

By 2011, 41 Hamas-affiliated lijan al-islah were operating with approximately 700 rijal al-islah.[66] The inhabitants of each neighbour-hood in Gaza knew the location of their nearest lajnat al-islah and the head of each family had the phone numbers of its members saved in the address book on his mobile phone.[67] In the case of Gaza City, the urban area was divided into seven neighbourhoods, each with its own lajnat al-islah. The Hamas-affiliated imam of the neighbourhood mosque led the work of the lajnat al-islah and supervised its membership of locally based but Hamas-friendly individuals, together with the leadership of the Rabitat.[68] As Hamas leader Ghazi Hamed argued, this organisational model served to counter the independence of the territory's strong hamail and prevented powerful families from dominating the informal judiciary.[69] It also worked to advance the use of sharia – as a general framework for the deliberations of the rijal al-islah as well as the choice of legal code.

The nature of the wasata practised by the Hamas-affiliated lijan al-islah was a departure from the original concept of these committees. Traditional wasata had involved mediation through an intermediary engaged by voluntary disputants. The intermediary carried only as much power to resolve the dispute as the disputants or the local community granted him. However, the new committees set up by Hamas introduced the concept of the 'Will of God' as a coercive factor. The Will of God was argued to be stronger than any other element, trumping traditionally

important factors such as the equal power of the disputants and flexibility in finding ways to reach sulh. Instead, the lijan al-islah of Hamas became the accepted interpreter of God's will and could dictate what the 'right' (or just) outcome of the wasata should be. In this way, the two practices of wasata and tahkim became less distinct than before. Hamas's lijan al-islah could practise both methods, or a combination of the two. The case of Yusra al-Azami mentioned above was one early example of this.

According to the Rabitat, there were only two acceptable ways of carrying out informal dispute resolution in Gaza. Extreme penalties derived from either urf or sharia, such as forced exile or compensatory mutilations, were prohibited. As it was interpreted by the Rabitat (and hence by Hamas), sharia only allowed for either of two outcomes: 'elimination' or 'satisfaction'. As a representative of the Rabitat explained, 'Elimination means giving disputants their rights exactly according to sharia.'[70] In most cases, this meant paying diyya by following the amount of compensation proscribed in the Qur'an for the particular offence. By contrast, 'Satisfaction means that conciliation will include complete forgiveness between the disputants.'[71] Thus, forgiveness or diyya were the two possible outcomes, forgiveness (without other compensation paid) being the most desirable option from the Rabitat's point of view.

While these outcomes, in principle, were similar in both traditional wasata and with the lijan al-islah of the national factions, the lijan al-islah of Hamas emphasised Islam as a main reference point and source of leverage in their work. In Gaza under Hamas especially, adhering to the word of God – in other words, signalling one's piety – boosted a disputant's sharaf more than anything else. The rijal al-islah, who in the case of the Hamas-affiliated lijan al-islah were mostly Islamic scholars, based their own legal reasoning on the Qur'an and quoted Qur'anic verses to motivate disputants to engage in the process. The central role of sharia in Hamas's informal dispute resolution regime is demonstrated in the case of a homicide discussed in the following section.

Ali Abu Matar of Shaati Refugee Camp (Example of Wasata)

On 21 September 2007, 19-year-old Ali Abu Matar, an officer in Hamas's EF, was standing at his post outside the Martyrs' Mosque in the Shaati refugee camp. The Martyrs' Mosque was a critical site to protect,

not only because of its symbolic religious importance, but also its proximity to Prime Minister Ismail Haniyeh's private home. It was the neighbourhood mosque that Haniyeh belonged to and the place where he went for prayers. For any remaining militants opposed to Hamas, this was the place to strike to show that the new government was not yet in control of the strip. As the call to prayer came from the minarets that Friday while Abu Matar stood guard, masked gunmen appeared and fired towards the mosque. Abu Matar was severely wounded, and a few days later succumbed to his gunshot wounds. Eventually, the EF managed to catch the men who had carried out the attack. The public part of the dispute (between the state and the offenders) was settled by placing the offenders in police custody, but without setting a date for the trial or a time limit for their detention. In addition, Abu Matar's family demanded thar from the killers' families. By continuing to detain Abu Matar's killers, however, the government prevented the possibility of a retaliatory attack against the offenders.

The dispute was taken on by the neighbourhood lajnat al-islah in the Shaati refugee camp. Following nearly two years of pledges by the committee's rijal al-islah to Abu Matar's family, Abu Matar's father agreed to engage in wasata. The rijal al-islah, led by Hamas member Abu Imad Baroud, further persuaded both the victim's and the killers' families to accept that the lajnat al-islah would rule by issuing a verdict based on sharia. The disputants agreed and a hukm shari was eventually issued obliging the disputants to reconcile and forgive each other. Public speeches made during the final ceremony on 19 March 2010 illustrated how Hamas motivated both the process and the committee's verdict. Notable figures in attendance included Minister of Justice Faraj al-Ghoul, Police Commander Jamal al-Jarrah, Head of General Administration for Clan Affairs and Social Conciliation Abu Nasser al-Kujuk, head of the Shaati refugee camp lajnat al-islah Abu Imad Baroud, and Yassin al-Astal of the Rabitat.

The ceremony was led by Yassin al-Astal, who underlined the need for sulh practices by reciting verses from the Qur'an as well as referring to 'the sufferings of the Palestinian people' and the urgent need for unity in the Gaza Strip.[72] Al-Astal's central theme was that unity was the foundation of social progress. In his speech, Justice Minister Ghoul stressed the importance of following the path of Islam, and for victims to forgive and perpetrators to accept their punishment. Further, Abu

Imad Baroud, representing the lajnat al-islah, spoke on behalf of the Abu Matar family and the other parties, expressing their mutual commitment to the verdict issued by the lajnat al-islah, namely sulh by elimination. Thus, forgiveness was enjoined following the payment of diyya and the release of the killers from detention without having to be tried in a formal court.[73]

Interaction of Formal and Informal Judicial Regimes

While in theory Gaza's formal and informal judicial systems remained as separate bodies operating independently of one another, there was in practice frequent interaction between the two. As the Hamas government consolidated its control of Gaza, the boundaries that had separated the two systems were eroding and a symbiotic – sometimes even cooperative – relationship was developing. From a legal theoretical perspective, the Palestinian Basic Law was based on the same fundamental ideas as those found in the Western legal tradition. Hence, a crime involved two sets of rights, public and private. The public set of rights was 'owned' by the state and the private set of rights by the victim. The former involved the state's right to punish an offender in the interest of its people and protect them from future harm. The private set included the right to compensation, paid by the perpetrator to the victim, commensurate with the offence committed.

Wasata and tahkim were both methods for settling private rights. However, the popularity of these practices among Gazans, together with the Hamas government's growing support for them, were eroding the boundaries between formal and informal regimes. In other words, the difference between satisfying public and private rights was being erased. While the same tendency had been observed in the West Bank, it became more marked in Gaza under Hamas. As the cases described above have illustrated, the Hamas government's primary concern was with private rights. The government was even prepared to relinquish its public rights in a formal court of law, provided that the victim or victim's family agreed to waive their rights within the formal system.[74]

Under Hamas, however, criminal cases were commonly dealt with *both* by wasata through the lijan al-islah to settle the element of private rights *and* by a formal court to settle the public part.[75] In considering a case that went through both systems, the two judicial regimes would

interact in several respects. In this interaction, though, it was always the informal institutions that would influence the formal system, not the other way around. As Asem Khalil noted, 'You will never find cases where the informal regimes refer to or take into consideration what the formal courts say.'[76] There were three main points of interaction between the two systems:

A *first point of interaction* occurred when the accused could show the (formal) court that he was engaging in wasata. If the accused showed a willingness to address the private interests of the victim, he would be given various privileges. For instance, an accused person in custody had to stay there until his family provided the court with a document showing that an atwa had been agreed upon with the victim's family. This showed that his family had engaged in a sulh process and would take responsibility for his actions from now on. The accused was now placed under the direct supervision of his majlis aila, lessening the risk of further upsetting the victim's family.[77]

The period before the accused was released from custody and before his family had provided an atwa document served yet another purpose. The fawrat al-dam, the legitimate period for thar, ended with the signing of the atwa. This meant that if the accused remained in custody during this entire period he was out of reach of the victim's family and, thus, the risk of a vengeance killing or attack decreased.[78] This practice also included not proceeding with the case until the atwa document had been presented to the court. This further encouraged the family of the accused to proceed with wasata so as not to leave their relative in the harsh conditions of custody longer than necessary. It also served the purpose of freeing up cells in detention centres, as well as relieving the backlog in the courts.

A *second point of interaction* related to the extent of the accused's engagement in the informal system and the effect of this on the penalty handed down by the formal court. If the accused could show that he had engaged in wasata, and then had also succeeded in reaching a sulh agreement, his punishment would be reduced. Saif al-Din Aburamadan noted that, when this occurred, 'It was common practice that punishments for killings were reduced from lifetime to 6–7 years imprisonment.'[79] According to Ghassan Faramand, for both practical and jurisdictional reasons, the formal courts usually awaited sulh before ruling in a case.[80] This kind of *mitigation practice* also served a practical

need by alleviating the pressure on already crowded prisons and, importantly, it had legal authority in Palestinian law. Sulh was considered a legitimate reason for mitigation as it implied that the victim and/or victim's family had forgiven the accused. Palestinian law even stipulated that, in certain types of cases, if the victim pardoned the accused, the case was to be dismissed and the accused set free. Sulh as a reason for mitigation was further supported by Palestinian case law, which asserted that a victim's waiving of his/her personal rights must result in reduced punishment. A refusal to accept thar or any other form of compensation for an offence was understood as relinquishing one's private rights. Thus, even though sulh itself was not mentioned in Palestinian legal texts, its components – for instance, the concepts of personal forgiveness and surrendering one's private rights – were enshrined in the legal codes.[81]

The close relationship of the two judicial regimes in Gaza under Hamas was further demonstrated by the quasi-formal documents issued as outcomes of both wasata and tahkim. The lijan al-islah affiliated to the Hamas government presented pre-printed coupons to the court as proof of engaging in wasata. Similarly in tahkim, the muhakimun issued a *sakk al-tahkim al-shari* (legitimate arbitration instrument) to be used in court in the event of an appeal against the judgment of the arbitrator.[82] As Asem Khalil noted, 'The informal settlements were used by the courts to minimise the risk of new crimes.'[83]

A *third point of interaction* relates to interference by the Shurtat in the work of both the formal and informal systems. Law enforcement in Hamas's Gaza had indeed grown more efficient than it had been under the Fatah-led PA. However, the increased effectiveness of the security services and their support for the formal courts' work was not comprehensive in its scope. Many Shurtat officers were (former) militant activists and fighters whose primary focus was the Israeli enemy and not petty crime inside Gaza. Officers simply urged disputants in cases involving minor criminal offences to solve such problems through their neighbourhood lijan al-islah instead of the courts.[84] The Shurtat themselves could also refer a criminal offence to the lijan al-islah if they saw fit. By acting in this way, as the long arm of the government, the Shurtat effectively pointed out to Gazans the dispute resolution institutions which were approved of by the Hamas government.

By pointing litigants to the lijan al-islah, the Shurtat was indirectly interfering with the work of the formal courts. While their actions certainly relieved the pressure on the court system, at the same time they effectively undermined the courts' authority. This undermining was further heightened by the largely independent behaviour of the Shurtat. They would commonly detain individuals, disregard procedure and ignore court orders to satisfy their own interests.[85] At times, the Shurtat even acted directly to strengthen the informal judiciary, for instance, by assisting the lijan al-islah with arrests and detentions at their request. Senior Shurtat officers were frequently present at atwa and sulh ceremonies and sometimes even served as members of the committees themselves. The Shurtat worked in tandem with the lijan al-islah by detaining disputants in order to protect them or pressure the parties into an agreement. 'Protective assistance' was provided in cases where security was required and, at the other end of the scale, a laxness in enforcing the law was demonstrated in situations when it served the rijal al-islah.[86] The Shurtat cooperated with both the formal and the informal judicial regimes, affecting their ability to exert their authority. While this cooperation had the indirect effect of weakening the authority of the formal courts, it worked directly to strengthen the (informal) lijan al-islah affiliated with Hamas.

These close links between the formal and informal systems, together with the Hamas government's formalisation of customary legal practices, becomes particularly problematic when seen from the perspective of the rule of law. Political scientist Nathan Brown has pointed out several problems with the level of involvement seen in Gaza:

[First,] the involvement of executive branch organs [the police and security services] in judicial matters was a clear violation of the principle of separation of powers. [Second,] the mediators did not stop at offering their services to willing disputants but actively pressured parties to drop litigation already before the courts. Third, Palestinian lawyers and judges regarded the involvement of official organs as based on personal connections and social position and therefore as likely to treat the powerful far better than the weak. Fourth, many criticised the training of the mediators, regarding them as unqualified for such work and unfamiliar with the law. Finally, in the view of lawyers and judges, the application

of mediation to criminal matters circumvented legal penalties and personalised justice, transforming it from a state concern into a family matter.[87]

Hamas's Combination Formula for Re-Establishing Social Order

By the end of 2012, the Hamas government's efforts to end the chaotic security situation and restore law and order to the Gaza Strip had been largely successful.[88] While the coastal territory was still far from crime-free, the deteriorating situation evident up till mid-2007 had unquestionably been turned around. It was fair to say that the Hamas government was now in full control of the territory's internal security situation. Offenders were caught and made to answer for their actions before a court or committee. Their verdicts were then swiftly enforced by the government's police forces. However, while the Hamas government argued that it had managed to return law and order to Gaza, the question was what these terms had come to mean in practice, and how the concept of law and order had been locally applied by Hamas.

As seen above, the Hamas government had approached the challenge of social disorder through the *combined* use of formal and informal judicial institutions. However, this formula had not been a self-evident choice when Hamas first entered office. Although the Islamist movement had initially been critical of customary practices, Hamas and its leaders were intimately familiar with them. Most of them had grown up in villages where such practices were extensively used. They understood the logic behind them – that the extended family was the strongest unit of society and that social order was achieved through families exercising their collective responsibility.[89]

However, Hamas had previously emphasised factional loyalty as the key determinant of identity, not family membership. Loyalty to the extended family undermined Hamas's need to strengthen the sense of factional loyalty among the people. Therefore, while aware of Palestinians' intimate bond with their judicial traditions, Hamas's position on customary institutions had been ambivalent, at times unequivocally negative, prior to entering government. On assuming office, its sceptical position had lingered on. In the first place, the new Hamas government had seen the Fatah-led PA's extensive use of customary dispute resolution as a symbol of the old order and the corrupt rule

of its main political competitor. Yasser Arafat's Department for Tribal Affairs had also worked to incorporate the informal regime into the formal system, thereby increasing the government's control and influence. As Hamas saw it, the current representatives of the informal system, for instance the rijal al-islah and quda ashairi, were all loyalists of the Arafat regime.[90]

Hamas was also critical of the use of customary methods from a strictly ideological perspective. It was not in the spirit of Islam and not in accordance with sharia principles to resolve disputes based on urf.[91] The logic of customary dispute resolution was not fully aligned with the measures prescribed by Islam. The customary approach involved either leaving disputants to resolve their problems on their own through mediation (wasata), or handing the case over to a third party to adjudicate between them (tahkim). As some members of Hamas asked, 'Where was God in this process?'[92] From an Islamic point of view, judging others could only be done by God himself (or his messengers). Allowing customary methods to play a decisive role in the ordering of society was simply not in accord with Hamas's Islamic vision of how the state should function.

Before 2007, the practice of customary dispute resolution had gradually led to the establishment of an alternative authority that thrived independently, in parallel to the formal system imposed from above by the PA. In the meantime, while Palestinian legislators had been fighting over who should control the PA, society had been coping on its own and had become increasingly difficult to control from above. This kind of civil society, operating free from governmental influence, ran counter to Hamas's ambitions to end the anarchic security situation and to begin implementing its own reform programme. Ultimately, an independent civil society would threaten Hamas's position as the sovereign holder of power.

Eventually, however, the Hamas government's solution to this challenge involved a complete reversal of its earlier, unfavourable view of customary dispute resolution methods. While the efficiency of the formal judiciary had indeed improved considerably following Hamas's initial legal reforms – for instance, in terms of enforcing the rulings of the courts – the courts' backlogs were still enormous. For ordinary Gazans, resolving a dispute through the courts remained both time-consuming and expensive in relation to customary practices. The newly reformed judiciary was also perceived by Gazans as an uncertain force in

terms of the rule of law, as the former judges had been replaced by new and relatively inexperienced candidates.

As the Hamas government was beginning to grasp the possibility that its restructured judiciary would not be able to fully replace the informal system, it had also observed how deeply these customary institutions were rooted in Gazan society.[93] Noting the high level of trust that Gazans attached to the lijan al-islah and other customary practices, Hamas saw in them a way of reaching and controlling society, on the Gazans' own terms.[94] So, instead of continuing to oppose the informal system, Hamas now took a novel approach that treated the formal and informal systems as complementary, rather than conflicting.[95] However, this new approach did not mean that the informal institutions were left to operate independently. Hamas sought to actively influence and control the practices and decisions of these institutions. By ensuring that individuals loyal to Hamas were appointed as rijal al-islah, as members of the lijan al-islah and as representatives to the majalis aila, the government could reach into the hearts and minds of Gaza's extended families. With footholds in all of these institutions, together with the movement's already strong grip on the territory's neighbourhood mosques, Hamas now established a strong platform from which to direct Gazan society.[96]

Through its softened approach towards the informal judiciary and its inside influence in the customary institutions, the Hamas government blurred the lines between formal and informal, bringing together practices from both sides of the divide. The Ministry of Justice exercised control over the informal sector by being involved in appointments and verification of permits for the rijal al-islah. The law enforcement agencies, police and security forces assisted in various ways in encouraging and enforcing the proceedings and rulings of wasata and tahkim. Neighbourhood mosques became key hubs for the gathering of information about congregation members and the vetting of applicants for positions within the government bureaucracy.[97] In addition, local leaders of the Hamas movement across Gaza constituted an important link between the formal and informal sectors. Their links to the sources of political power and the leverage they could apply made them popular participants in all of the customary institutions.

With the formal and informal institutions now brought closer to each other, the Hamas government handed the key role to the Rabitat.[98] The Rabitat became the long arm of the Ministry of Justice in the work of

supervising and managing the informal judiciary. Any judicial practice outside the sphere of the formal institutions needed the blessing of the Rabitat. This support could be *direct*, for instance in the form of Rabitat members who were seconded to the lijan al-islah, or by using (Hamas-affiliated) imams as rijal al-islah for wasata. It could also be *indirect*, through the presence of its members at sulh and other dispute settlement ceremonies. Without the blessing of the Rabitat, dispute settlements and rulings were not regarded as legitimate and therefore, in practice, not binding on the parties involved. The territory's police forces would, to a lesser extent, assist in enforcing such 'unblessed' settlements.[99]

The bringing together of the different regimes under the Rabitat involved more than a blurring of the boundaries between the two, where one complemented the other. The informal judicial methods, as they came to be practised under Hamas, were also modified in relation to the traditions that had formed them. While the outer frameworks of wasata and tahkim remained similar to their predecessors, their content was heavily influenced by Islamic principles.[100] The Rabitat, for instance, urged that dispute settlements be based on a hukm shari, a religious ruling, rather than be subject to the negotiation-like sulh process. The application of sharia (religious law) was favoured, and urged, instead of urf (customary law). While cases of wasata and tahkim were being presented to the formal judicial institutions and the public as having been successfully resolved through customary practices, their resolution had usually involved substantial elements of sharia. The informal system was being used as a way of embedding and legitimising the increased application of sharia in Gazan society in response to pressure from below.[101]

As it turned out, the Hamas government's solution to the problem of re-establishing order in Gaza, its 'combination' formula, went beyond merely allowing the formal and informal systems to interact in a complementary manner. It also gave the informal institutions the more prominent role, spearheaded by the Rabitat. While the Hamas government was emphasising the importance of both 'law' and 'order,' the prominent role given to the informal institutions, and particularly to the Rabitat, resulted in sliding definitions of these key terms.

To take the construction put on 'order' first, the prominent role given to the informal judicial system meant that the social domain was identified as the primary source of communal disorder and, hence, the place where it could be countered.[102] As the informal system was based

on the idea that the social order was upheld through collective responsibility, this collectivist perspective came to define the Hamas government's understanding of order. Order as understood in the informal judicial system was the equivalent of harmony in the collective. This concept of communal harmony stood in stark contrast to the notion of justice for the individual. Although individual rights were not disregarded by Hamas, they were still considered to be secondary to the re-establishment of order. As Hamas saw things, it was the establishment of order, achieved through the restoration of communal harmony, that would ensure respect for the rights and freedoms of the individual (and not the other way around).

Turning to 'law', outwardly at least, this was was still based on the (formal and secular) Palestinian Basic Law. The Hamas government claimed that the formal judiciary continued to follow and rule according to this legislation. A 2009 UN report, however, pointed out that the government had breached several of the laws it claimed to follow, including the Judicial Authority Law, the Formation of the Courts Law and the Palestinian Basic Law itself.[103] Within the informal institutions, an increased application of sharia was evident. It came at the expense of urf, which had thus far been the traditional code of application in the informal regimes. In the cases of wasata and tahkim, most notably, the Rabitat and its religious scholars, now serving as rijal al-islah and committee members in the informal institutions, urged Gazans to choose to resolve their disputes on the basis of Islamic principles and law. In its efforts to enforce the law in Gaza, the Hamas government was implementing sharia as the de facto legal code of the informal system whilst upholding the Palestinian Basic Law as the legal framework of the formal system.

While it interpreted 'order' in terms of communal harmony and 'law' in terms of an increased application of sharia, at the same time the Hamas government was also claiming to safeguard the civil liberties and human rights of the individual. The government argued that the guarantee of these rights and freedoms was embedded in the very meanings it attached to the concepts of law and order. As Interior Ministry official Ihab al-Ghussein explained, 'a universal human rights discourse is acknowledged but not really necessary since our faith deals appropriately with issues of human rights.'[104]

CHAPTER 7

ISLAMIST GOVERNANCE
HAMAS-STYLE

The broader and central concern of this book is the rise of Islamists to power and the local Palestinian translation of Islamism from theory into practice. As seen in chapter one, one of the most contentious questions in the academic debate in this area is whether Islamism is in any sense compatible with liberal democracy. This debate, however, has mostly concerned the ideological content (input) of Islamism, and much less has been said about Islamists' actual practices (output). While the ideological positions held by Islamists are of course not without importance here, a simplistic equation of 'input' with 'output' must be avoided.

As goes for all political ideologies, they are underpinned by utopian visions. A given ideology is made up of a set of theoretical ideas about what an ideal society would be like – that is, a society *beyond* reality. This means that while most political ideologies are radical and dogmatic by nature, they do not usually translate into the same dogmatism in practice. This consideration makes ideology a less useful yardstick when assessing the degree of compatibility between Islamism and liberal democracy. This book argues that such an assessment should rather be made on the basis of how Islamism is shown to manage the test of power. How Islamists govern, how they choose to deal with the many opportunities and constraints that come with holding public office, constitutes a litmus test of what they are capable of in practice and what they are not.

While, in its broader scope, this book is concerned with the translation of Islamist ideas into practice, its more precise focus is

limited to those Islamists who have achieved public office *by democratic means*. While this approach leaves fewer empirical cases to study, it underlines an important distinction. When investigating the degree to which Islamists are capable of acting as good democrats,[1] among the many types of Islamists that span the spectrum, those who have achieved public office by democratic means must be considered the most likely to have this capability.

Being among this group of possible candidates, however, Hamas in Gaza would have been picked as one of the less likely Islamist groups to proceed in a democratic direction. While by 2006 Hamas itself had expressed a desire to respect democratic principles, it was subjected to extreme political pressures from both international and domestic forces. A point of particular interest here, in addition to its own claims to govern democratically, is Hamas's emphasis on its Islamic identity. The new government declared that Islamic values would underpin all its political action. Hamas further argued that Islamic and democratic values could coexist within the same framework, and announced that it would create an 'Islamic democracy' in Palestine.

Given the first apparent proofs of its ability – abiding by democratic procedures during the 2006 elections; embracing democratic principles in its public statements; and asserting in its government manifesto that Islam and democracy are compatible – Hamas, as the first case of an Islamist group achieving power by democratic means in the Arab world, constituted an experiment and a showcase of how Islamist governance might turn out in practice.

Running parallel to the much debated issue of Islamism and its compatibility with liberal democracy, the core values of Hamas itself have also been a matter of great contention. In 2016 – still an armed movement, asserting its right to violent resistance against Israel and the perpetrator of suicide bombings in the past – some argue that Hamas is fundamentalist in outlook, inherently violent and incapable of change. Others, however, assert that Hamas is just as capable of change and pragmatism as any other political movement.

These two pivotal issues – of Islamism in general and Hamas in particular – led to the dual aim of the book seeking to engage in both debates. This aim, in turn, led to the major question that has guided the analysis throughout: How can Hamas's governance in Gaza be characterised and understood? This chapter addresses that question

more directly than hitherto and seeks to answer it in light of the new findings presented here.

How the Hamas Government Responded to the Key Challenges of Power

This book has analysed Hamas's governance in Gaza and its response to three key challenges by first regarding the notion of 'response' as having two components – perception and practice. On the one hand, perception implies a *subjective angle of observation* which here has involved Hamas's own assessment of its situation and way of making sense of the challenge in question. Practice, on the other hand, involves an *objective angle of observation* – the perspective from which different observers, notably the Gazans themselves, experienced and described how the Hamas government met these challenges.

This particular approach has been adopted here because of a tendency in the study of Islamists, particularly of Hamas, to over-objectify these groups and to disregard their status as research *subjects*.[2] Such objectification has then led to a neglect of the fact that the Islamists under study are nothing other than groups of human beings sharing similar political goals and interests. Therefore, the courses of action that these Islamists choose to pursue are unlikely to be static and predetermined – neither by virtue of their ideological foundations nor by the structural circumstances in which they find themselves. Ultimately, Islamist behaviour is the product of the thinking and feeling of the human beings that constitute these groups. By taking such an approach, *action* can be more closely related to *meaning* and thereby give a deeper understanding of the phenomenon under review.[3] The book's empirical findings are presented in the following three sections.

Relating to the Political System: Hamas's Response to its First Key Challenge

In terms of perception, the rift between Hamas and Fatah ran deeper and was more ideological than being merely the outcome of the current political situation. Hamas differed fundamentally from Fatah on ideological questions and understood a future Palestinian state in

different terms. While Fatah sought the establishment of a Palestinian state with (secular) nationalist ideas, Hamas did not see Palestine as belonging only to the Palestinian people, but first and foremost to God himself. Hamas understood the Palestinians' right to the land in terms of their role as custodian in the service of the rightful (divine) owner, not as being the owners themselves. It was from this perspective, a deeply rooted religious-nationalistic understanding of the character of a future Palestinian state, that Hamas perceived and judged the Fatah party and its actions.

The complete mistrust with which Hamas viewed Fatah by 2006 was not a novel perspective, but had been accumulating since the movement's inception. Except for temporary alliances during the intifadas, there had never been a time when the two factions stood united. When the PLO/Fatah had approached Israel and negotiated the establishment of a Palestinian state, for Hamas this had not only been a matter of betrayal of the Palestinian cause, but something worse. It had been an act of heresy, something *haram* (forbidden by God). As Hamas perceived it, Fatah's apparent readiness to make concessions to Israel during the Oslo years and, later, its close cooperation with Israel and its allies in the international community in regard to internal security matters, showed that Fatah was not to be trusted.

However, it was also from this same religious–nationalistic perspective, which included democratic ideals held in parallel to its commitment to the establishment of an Islamic state, that Hamas eventually found ideological (and rhetorical) justification for the movement to enter parliamentary politics and run in the 2006 legislative elections. Hamas chose to enter a political system which, in its view, had been established on the basis of the PLO/Fatah's collaboration with the enemy and which Hamas had spent several decades opposing. The institutions of the PA had been founded on a Fatah-Palestinian recognition of Israel's right to exist. Agreeing to work within that framework would mean a de facto recognition of Israel and of the peace process. The choice to participate, nevertheless, was a demonstration by Hamas that it had come to terms with the political realities of the Oslo Accords and the state-building process that had followed their signing.

However, following its electoral victory in 2006 Hamas found itself in an extraordinarily pressured situation which was not conducive to

further democratisation. While Hamas believed that Palestine should be governed by the Palestinian people through elected representatives in a democratic system, at the same time it considered that the existing system stood on unjust and corrupt foundations. In addition, although Hamas appeared to have come to terms with the PA, it was yet to realise that working within a parliamentary system also required far-reaching cooperation with the other actors within it. For Hamas, this meant cooperating with a counterpart whom it regarded as uninterested in power-sharing and was even seeking its elimination.

Even before Hamas sought to relate to Fatah as an opposition party, it deeply mistrusted Fatah and suspected it of conspiring against it. In other words, Hamas entered government believing in the idea of the PA but not in cooperating with any of the external actors involved, notably Israel. Hamas also entered government without any faith that the one party that would play the most important role in opposition would be prepared to share power and to abide by the rules of the democratic game. From the outset, the prospects for the development of a democratic two-party system in Palestine were less than slim. Such was the dominant view within Hamas as it formed its first cabinet and took up the reins of government.

The political situation as it then unfolded became, in the eyes of Hamas, a clear confirmation of the picture it had formed. Although Hamas had been voted into power by popular mandate, all but the Palestinian people themselves were reluctant to recognise it as the legitimate holder of power. Instead, the international community acted to hinder the new government by freezing its funding and imposing on it a non-speech policy. Fatah, on its part, ordered civil servants loyal to the party within the bureaucracy not to carry out instructions from the new Hamas ministers. Furthermore, and most importantly, Fatah refused to hand over control of the PA's security forces.

Added to this political standoff, the increasing number of street skirmishes between activists and an accelerating tone of incitement in the media (from both sides) contributed to Hamas's perception of itself as the victim of an international conspiracy, led by Israel. When Hamas's own military forces eventually acted and ousted Fatah from Gaza, the decision to act was based on this increasingly paranoid perspective. Hamas believed that its position in power was being threatened and sought a way to end the paralysis inflicted on its government. In the eyes

of the Hamas leadership, the situation as it was left them with little choice. As Hamas interpreted events, ousting Fatah was necessary to pre-empt a coup d'état that it perceived was already in the making.

In terms of its practices, Hamas worked hard to re-establish its image and position as the legitimate government following its ouster of Fatah. When President Abbas appointed a new caretaker government in Ramallah, the Hamas government in Gaza declared his presidential decree unconstitutional, pointing to what was stipulated in the Palestinian Basic Law regarding emergency rule. Referring to the constitution and democratic principles in general was a recurring practice by the Hamas government. It demonstrated that, in one sense at least, Hamas valued the democratic framework and was eager to be viewed as a legitimate and democratic administration. It would become characteristic of the Hamas government to make efforts to retain the democratic framework and the formal institutions of the Palestinian political system, while attaching less importance to the extent to which its actual governance embodied democratic ideals and practices. Hamas respected democratic institutions as such but, to a lesser extent, saw the necessity to fill them with real liberal and democratic content.

An example of this was the resumption of the work of the PLC. The parliament was urged to reconvene just a few months after Fatah had been forced to leave Gaza. Apparently, it was important for Hamas that a parliament existed and was in session. However, its independence from the executive in terms of its constitution and operation appeared to be of lesser interest. The MPs who constituted the Gaza-based PA were almost exclusively representatives from Hamas's own Change and Reform List. The opposition had none of its legislators present, and the bills that were ratified, in particular the government's annual budget, were debated only by members of the ruling party.

If Hamas's calls for a democratic state were sincere, but the influence of Fatah was perceived as too much of a threat, one would expect that once that influence had been removed, more democratic practices would follow in the domestic sphere. This was, however, not the case. The government proceeded to rule with little regard for civil liberties and human rights. Hamas professed a high regard for the constitutional rights of its citizens in public, while in practice frequently resorting to repression and extra-judicial practices. Those members of the opposition who had remained in Gaza after the summer of 2007 experienced severe

limitations on their liberty of movement, freedom of expression and freedom of assembly.

Although in its public statements the government gave assurances that Fatah politicians were free to work, citizens were free to hold demonstrations and journalists were free to write and publish what they wanted, these words had less meaning in practice. In reality, the remaining Fatah politicians were subject to severe restrictions when they wished to leave or re-enter Gaza. Their requests to hold demonstrations were regularly turned down and their offices were repeatedly searched by the security service. In the realm of the media, the distribution of Fatah-aligned newspapers was prohibited, gag orders were placed on journalists reporting on certain politically sensitive topics, social media sites were scrutinised for comments criticising the government and those responsible for such postings were taken in for questioning.

Despite these internal developments, a limited but functioning cooperation developed between the Gaza section of the PA and its Ramallah counterpart. This cooperation could be seen in policy areas that were not directly related to Hamas's security concerns. As the Hamas government was coming under increased popular pressure over the deteriorating humanitarian situation in Gaza, it allowed limited lower-level contacts between its own Ministry of Education and Health and its Fatah-led counterpart in Ramallah. This cooperation resulted in the transfer of seriously ill patients and the redistribution of medicines, as well as the coordination of final exams and the issuing of diplomas to students.

In the same way, when popular pressure demanded an end to its standoff with Fatah, Hamas eventually agreed to concessions. The Cairo Agreement, which was concluded between the two parties following a wave of popular uprisings in the Arab world, promised power-sharing arrangements and the renewed formation of a national unity government, this time organised by independents. Subject to sufficient popular pressure, Hamas showed that it was indeed able to take a more pragmatic attitude towards the opposition. In the end, though, neither side showed a readiness to concede on the two pivotal issues – ending the remaining claims to blood revenge through social reconciliation, and finding a formula that would integrate both factions' armed units into a single force.

Countering Violent Radicalisation: Hamas's Response
to its Second Key Challenge

In terms of its perception, Hamas initially saw the armed radical groups springing up in Gaza as brothers-in-arms in its resistance against Israel. When Hamas assumed power, however, it began to regard them in a different light. What had previously been seen as welcome contributions to the struggle against a common enemy now became a liability to its governance of Gaza. Hamas's perception of these groups was two-fold. On the one hand, it saw them as a military threat to its rule and position in power. On the other hand, Hamas had a special kinship with the Salafi-Jihadis which was manifested on the religious level. Although their activities in Gaza were seen as a threat to internal security, the Salafi-Jihadis were not dismissed as mere criminals but were rather seen as misguided Muslim brothers. While Hamas's perception of the Salafi-Jihadis was hard-headed, it did include the view that they could be 'turned' if subjected to religious education.

When it was discovered that their own movement was a major source of defectors to the Salafi-Jihadi groups, it became clear to the Hamas leadership that local Salafi-Jihadism was not merely a threat to security. The Salafi-Jihadi groups were challenging Hamas on something that was crucial to its own ideology, its religious credentials. From Hamas's point of view, the Salafi-Jihadis' attitude was simply a result of their poor and misguided knowledge of Islam. Nonetheless, the Salafi-Jihadi challenge was more dangerous to Hamas than any breach of Gaza's internal security – the movement's very identity was at stake.

In terms of its practices, Hamas first set out to crush the Salafi-Jihadis by force and even sought to eliminate them altogether. Gradually, however, the government's approach shifted, from a strategy of confrontation and elimination to one of containment and assimilation. During the first two years, Hamas attempted to halt the Salafi-Jihadi groups' activities through violent crackdowns, mass detentions and harsh interrogations. In this campaign against the militants, the government's internal security forces were given a free hand to act beyond any constraints that the law might impose on them. The government's response was aimed at consolidating its own power base with no regard paid to the human rights of their opponents. While to some extent this repressive approach

persisted throughout the period covered by this book, it was replaced in part by a less harsh response.

This shift in approach followed Hamas's realisation that the issue was more complex than it had first anticipated. Hamas's links with these militant groups were not only ideological in nature, but also reached deep into the movement's own membership. Two years into its rule, the repressive measures that had first been employed did not appear to be achieving the required results. The government was facing an opponent just as ideologically radical and convinced of its own truth as Hamas itself. The fact that several of the militants being pursued by Hamas's security forces were shown to be former colleagues made the situation even more delicate. Internally, it raised questions about the magnitude of Salafi-Jihadi sympathies inside its own movement.

As part of the new approach, Hamas gave up its objective of eliminating the Salafi-Jihadi groups and opted for containment instead. Hamas sought to appeal to the common ideological and religious base in Islam that it shared with the Salafi-Jihadis. While they were still treated harshly when arrested and during interrogations, detained militants were now treated more as 'patients' and less as common criminals. Their cells were more comfortable than those of other detainees and they generally endured shorter periods of detention. Usually, these prisoners were the subject of a court order that specified their detention period. Hamas's most progressive measure was the introduction of a prison-based deradicalisation and re-education programme. In it, Hamas-affiliated imams engaged the detainees in study circles and one-on-one dialogues, where their violent, radical ideas were questioned and they took part in discussions about 'correct' interpretations of Islam.

Hamas's new approach also included a movement-wide screening programme where members were monitored and interviewed about their views on Salafi-Jihadi activities. The civil servants and Hamas members who were judged to be at risk of defecting to Salafi-Jihadism were enrolled in a preventive education programme. Once again, Hamas had displayed a far-reaching pragmatism in devising measures that went beyond the obvious and traditional in order to handle challenges to its authority. This gentler rehabilitation approach, where offenders were treated like patients, was reminiscent of the ways in which many Western democracies were also addressing the problem of violent radicalisation and violent extremism.

Re-establishing the Social Order: Hamas's Response to its Third Key Challenge

In terms of its perception, Hamas interpreted Gaza's anarchic security situation as the consequence of external pressures, notably the Israeli occupation and its discriminatory actions. However, Hamas also pointed to the 'immoral behaviour' of the Palestinians themselves as a major cause of the social disorder plaguing Gaza. From the point of view of Hamas, although law and order might be more difficult to re-instate as the result of worsening external factors, the decision ultimately lay in the hands of the individual citizen. When Hamas sought ways to re-establish order in the territory, it targeted ordinary Gazans who were failing to conform to what Hamas considered to be Islamic norms and codes of conduct. As Hamas saw it, the domestic causes of social disorder were rooted in residents' lack of strong religious faith and a widespread disrespect for the moral and ethical norms of Islam. The solution to the law and order problem thus lay in a revival of popular piety and respect for religion. In this sense, Hamas's perception of the issue had a faith-based dimension and was directly related to the movement's Islamist ideals.

In addition to following Islamic norms and codes of conduct, Hamas emphasised the need to re-establish law and order in the territory. The movement's concept of law and order, however, differed from more conventional interpretations. Hamas viewed the establishment of social order as a prerequisite to enable the rule of law, whereas a democratic approach to law and order would reverse these priorities – respect for civil liberties and human rights would come first. While Hamas did seek to re-establish order for the benefit of the people of Gaza, it did not consider that it had the luxury of making respect for citizens' rights its top priority. The order that Hamas sought was understood more in collectivist terms than would be the case in a liberal democracy.

Instead, Hamas's notion of order lay closer to the collective concept of communal harmony. Just as this concept plays an important role in self-help societies, Hamas's perception of social order was similarly related to the strong sense of maintaining social cohesion and harmony within the collective. The collective, here the citizens of Gaza, was in Hamas's eyes to be charged with bearing the ultimate responsibility for upholding social order. Residents should strive for peace and harmony among

themselves, even if this meant accepting infringements of their own civil and political rights. In Hamas's Gaza, justice for the individual was subordinated to peace within the collective. While respect for the rights and freedoms of the individual was not completely ignored by Hamas, they were considered to be an effect, rather than a prerequisite, of the 'correct' ordering of society. As Hamas saw it, it was the re-establishment of communal peace and harmony among Gazans that would in the end guarantee respect for the rights and freedoms of the individual – not the other way around.

In terms of its practices, the Hamas government successfully brought the chaotic security situation to an end and re-established social order in Gaza. Hamas's eventual solution to the problem involved a 'combination' formula in which the informal institutions of customary dispute resolution were allowed to operate in tandem with the formal judicial system. While this formula did not ensure the rule of law, it addressed the urgent need to provide Gazans with dispute settlement services and thus led to increased levels of social order. A central aspect of the government's innovative solution was the comprehensive restructuring of both the formal and the informal judicial systems. These reforms gave the government increased influence and control over the way in which the two systems operated and exerted their respective judicial powers. In the critical security situation that existed in Gaza, Hamas prioritised the effective operation of the judiciary, formal and informal, thereby ensuring that the judiciary remained independent of the executive.

The formal system was restructured and streamlined, notably by replacing all the former judges and prosecutors with a new set of employees who agreed to work under the new administration. The informal regime of customary dispute resolution practitioners was brought under the administrative control and supervision of the Ministry of the Interior. The main body charged with practising customary judicial methods, the lijan al-islah, was also moved from the governorates and placed under the auspices of the Muslim scholars' association. The Hamas government did have support in the Palestinian Basic Law under the Arbitration Act to use lijan al-islah, but only to resolve legal disputes in the family and social spheres. However, Hamas's reconstituted lijan al-islah dealt with cases of all kinds, including criminal, commercial, land and family disputes.

While the use of lijan al-islah had initially been a temporary emergency measure, they were eventually made permanent as an equal alternative to the formal courts. As many Gazans preferred the informal institutions to the formal court system, by expanding this informal system Hamas saw a way of connecting with and controlling the community on its own terms. From initially restricting customary dispute resolution services to Hamas's own constituted lijan al-islah, the government gradually shifted its position to allow a broader array of institutions and practitioners. Under the control of the government, the two judicial systems were transformed into complementary administrators of 'justice', rather than the competing institutions they had been before. In formal terms, the two systems remained separate and operated independently of one another. In practice, though, their operations were marked by extensive interaction and, even, at times, cooperation.

The most important mark made by Hamas on the administration of justice in Gaza was the increased application of sharia. Hamas's reconstitution of the lijan al-islah had put the Muslim scholars' association in a position where they could control these committees' practice of informal justice. The Muslim scholars, who became members of the various lijan al-islah and eventually formed a majority on them, urged both the committees and their clients to use sharia as the legal basis for their rulings, rather than urf, which was traditionally the code used for customary dispute resolution. Disputes resolved through the lijan al-islah or rijal al-islah were then presented to the public and the formal courts as having been resolved using customary measures. In reality, though, the resolution of these cases had been based on sharia and had depended on the religiously based rulings of Islamic scholars. The Hamas government's call for Gazans to make more use of the informal system, together with the increased influence it had granted to the Muslim scholars' association, led to sharia being increasingly embedded and legitimised in the judicial process.

Characterising and Understanding Hamas's Brand of Governance

The previous sections provided a preliminary answer to the major question posed in this book – 'How can Hamas's governance in Gaza be

characterised and understood?' – by summarising the Hamas government's responses to its key challenges. Based on these findings, this section continues to address the book's question by discussing the Hamas government's responses in relation to the four governing styles that constitute the theoretical framework for the analysis.

This book took as its point of departure a discussion of Hamas's understanding of democracy and democratic practices, considered both internally and externally, in the way that it ascended to power within the Palestinian political system. Inside Hamas, democratic practices had been a primary mode of expression ever since the movement's inception in 1987. Both the leaders who constituted the *maktab al-siyasi* (highest political office) and the many representatives elected to the *majalis al-shura* (consultative councils) were chosen by the rank and file through elections across the whole movement. When policy shifts of a strategic nature were proposed by the political leadership, these proposals were followed up by broadly based and robust internal debates and then finally voted on by the elected representatives of the top-level majlis al-shura. As with many other issues that were the subject of internal debate within Hamas, the movement's shift to parliamentary politics in 2006 had been preceded by such a democratic decision making process.

Once in power, Hamas confirmed its adherence to the principles of democracy with explicit references in documents and speeches to 'public liberties and individual rights', 'administrative and judicial reform', 'fighting corruption' and dealing with 'healthcare issues'. Among these references, the notion of 'religious guidance' was also to be found. In parallel with its claims of democratic governance, Hamas asserted that Islam would underscore every aspect of its administration. Palestinian society was to be Islamised, although in a gradual way and with the consent of the people. The references to Islam made by Hamas were explicit and relatively frequent – for instance, calling for sharia to become the principal source of legislation in Palestine. According to the movement's leaders, the democratic principles and the Islamic values that it espoused were fully compatible and could coexist within a single framework, that of Islamic democracy. Given that Hamas had already shown that it was capable of internal democracy, this assertion foregrounded the question of whether the movement was now also ready to adopt a democratic code of conduct in its external relations.

Hamas's Perceptions: Characteristic Features

To all appearances, the Hamas government was interested in power-sharing with the opposition when it entered the parliamentary system. Hamas had gone through a long process of internal debate before declaring itself ready to stand in the 2006 elections. It understood the meaning of political participation and had accepted the new realities that came with the Oslo Accords. Hamas did not appear to have sought public office merely as part of a new strategy to seize power. Comparing the atmosphere within Hamas in 1996 to that in 2006, a significant internal change had clearly taken place. Relatively soon after its electoral victory, however, Hamas's old suspicions of Fatah as untrustworthy and treacherous were renewed when Fatah refused to accept its new role in opposition. Hamas's mistrust of Fatah was reaffirmed when loyalists in the bureaucracy were ordered to go on strike and disregard the instructions of the new Hamas ministers. In other words, although Hamas's perceptions of 'political participation' had initially been more democratic than authoritarian, this outlook changed as it was confronted with a less than democratic reality.

In striking contrast to its relationship with the parliamentary system, Hamas's perceptions of violent radicalisation moved in the other direction, from a strongly authoritarian attitude to a more democratic stance. The limited success it had experienced in taking an exclusively repressive approach to the more extreme Islamist militant groups operating on Gaza, together with the realisation that the problem also had a significant internal dimension, altered the Hamas government's perceptions. The Salafi-Jihadis came to be understood not as a single homogenous group that threatened the security of the state, but rather as misguided individuals and the victims of poor (religious) education. Hamas came to perceive the Salafi-Jihadis as fellow citizens and Muslim brothers, rather than foreign fighters without rights or any entitlement to respect. While they were still considered a threat, this threat came to be perceived as arising from within, not as some sort of foreign conspiracy. In this sense, then, Hamas's perceptions became more democratic and less authoritarian.

In the government's attempts at restoring social order in Gaza, the development of its perceptions followed a similar trajectory to that taken in regard to the parliamentary system. Hamas had initially seen the

formal judicial system as the only acceptable avenue to re-establishing order. Eventually, however, Hamas came to view the imposition of social order as more important than the rule of law and respect for the rights and freedoms of the individual. The serious internal security situation in Gaza, continuing backlogs in the courts, residents' widespread mistrust of the formal system and the destruction of critical infrastructure after Operation Cast Lead together led Hamas to view informal judicial practices in a more favourable light.

Despite the serious question marks over its wholesale replacement of judges and prosecutors, the Hamas government had nevertheless initially considered the formal (secular) judiciary to be the sole judicial authority of the (de facto) state. This was a reflection of the government's democratic, rather than its authoritarian, impulses. When Hamas later began to embrace the informal system as a parallel structure, it entailed abandoning the rule of law, strictly interpreted, in favour of a new order based on collective responsibility. Encouraging increased use of informal practices was, nevertheless, equally driven by the will of the people – this shift in approach could also be understood in terms of Hamas's sensitivity to public opinion. In other words, both democratic and authoritarian features were evident here.

This shift in stance was also characterised by religious motivations. In relation to the parliamentary system, Hamas's Islamist ideology manifested itself only as one of a number of factors underscoring its deep mistrust of and rift with the opposition party. In the other two major challenges it faced, however, the religious element was more prominent. It was most marked in Hamas's view of violent radicalisation. As Hamas saw it, the local Salafi-Jihadi movement was the product of poor religious education and its practitioners were theologically confused brethren rather than treacherous enemies. First and foremost, violent radicalisation was seen as the manifestation of a growing social and behavioural problem. It was not the product of treason and enmity, as Fatah's opposition was.

Similar to violent radicalisation, social disorder was also considered to be the consequence of a misconception of the true meaning of Islam. While Hamas laid some of the blame for the social problems faced by Palestinians on the Israeli occupation, it largely regarded violent radicalisation as the consequence of theological flaws and a failure to adhere to the norms and principles of Islam. The ongoing social disorder

in Gaza was understood simply in terms as a form of disloyalty to God; committing a criminal offence was ultimately an act of disobedience to God. The Hamas government's choice to prioritise collective peace and harmony over the rights and freedoms of the individual should thus be understood from a religious point of view. It was a greater observance of Islamic values and norms that would, eventually, lead to a greater emphasis on individual rights.

Thus, in relation to the Hamas government's own perceptions of the challenges it faced, they appear to have been *more religious than secular* and *more democratic than authoritarian*. It means that if the analysis was restricted to only look at perceptions, Hamas's governing style would correspond more to the Islamic-Theocratic and the Demo-Islamic styles than to the Secular-Authoritarian and the Secular-Democratic ones, all of which were introduced in chapter one.[4] The Hamas government's (initial) view of how it might act once in power has little in common with the complete lack of interest in democratic principles represented by the Secular-Authoritarian style. Hamas's governing style was, nevertheless, also quite far from the secular and liberal values that signify the Secular-Democratic style. Of the Islamic-Theocratic and the Demo-Islamic styles, it most closely resembles the latter.

As seen above, the Hamas government viewed Islamic values and the authority of God as pivotal in its understanding of the challenges it faced. However, while Hamas sought to re-establish social order based on Islamic values and norms, it remained sensitive to public opinion and frequently reviewed its policies when they came under heavy criticism. In other words, in the case of Hamas there was a link to the people and an ear to the ground which corresponded more to the Demo-Islamic style than to the Islamic-Theocratic one.

Hamas's Practices: Characteristic Features

In terms of its actual practices, however, the Hamas government's responses to the challenges it faced demonstrated a stronger authoritarian streak than an emphasis on perceptions alone would suggest. As seen in this book's analysis, the Hamas government sought to uphold the institutional framework of the PA. These efforts included the strengthening of law enforcement capabilities, reinstating the PLC and streamlining the criminal court system. The government was also

committed to basing its decisions on the constitution, the Palestinian Basic Law. When public criticism was directed against human rights abuses, Hamas was swift to counter any claims of wrongdoing on its part – these were met with dismissals and excuses, blaming any mistakes on individuals. However, although the Hamas administration talked about democracy, any system resembling liberal democracy failed to materialise in reality. While Hamas attached importance to the democratic institutional framework, it made few efforts to fill it with any real liberal democratic content. An example of this was its reinstating of the PLC, while at the same time ignoring the fact that the opposition was not able to have any of its representatives in the chamber.

The rehabilitative approach it took to the Salafi-Jihadis and the 'softer' measures it adopted to counter violent radicalisation can be seen from a similar perspective. Treating the Salafi-Jihadis as victims and 'patients' rather than as common criminals looked democratic at first glance. The prison-based deradicalisation programme, as well as Hamas's wider counter-radicalisation efforts, carried many of the hallmarks of similar programmes in other countries where they are commonly considered to be an expression of liberal democracy.[5] However, these 'democratic' practices were implemented in combination with repressive methods that lacked any concern for human rights. The government's 'softer' measures were not driven by any increased respect for the individual but by its own immediate need to find effective methods to handle an emerging threat. These were merely *de facto* democratic practices aiming at enabling the government to consolidate its power base rather than the advancement of civil liberties and individual rights. Hamas's ability to change its tactics, from coercive to persuasive, should rather be read as a display of flexibility and far-reaching pragmatism.

The means used by the government to restore social order further confirms this picture – of a governing style coated with a democratic varnish but with little liberal democratic substance beneath the surface. While Hamas kept the formal judicial system in place and allowed it to remain independent, at the same time it developed the informal judicial institutions and encouraged their increased use. These institutions did not administer justice based on the rule of law but rather on negotiated settlements, where the disputants were required to compromise their

legal rights. Through its increased employment of this system, Hamas re-established a sort of communal harmony, but failed to deliver justice for the individual.

Hamas also allowed the formal and informal systems to interact, sometimes even to cooperate. This further weakened the rule of law and turned justice into a relative concept in Gaza. As there was no formal subordination of the formal to the informal institutions, superficially the Hamas government's re-ordering of society presented a relatively democratic image to the world. Underneath, however, the everyday practice of law and the avenues open to individual Gazans to seek their rights in legal disputes presented a very different picture. Again in matters involving constitutional rights, Hamas was shown to be flexible and pragmatic, making use of the means available. In choosing such an approach, Hamas showed that the wider social order mattered more than concern for the individual rights and freedoms of residents.

As with Hamas's perception of the challenges facing it, religious traits were also to the fore in the way these challenges were dealt with. The religious dimension was evident both in the way Hamas handled the Salafi-Jihadis and the means it chose to restore law and order to Gaza. In the case of the Salafi-Jihadis, the religious element was seen in the design of the prison-based deradicalisation programme. One of its main components was religious counselling by Hamas-affiliated imams who led lectures and discussions inside the prisons. In restoring law and order to Gaza, the religious element was best manifested in the prominent role given to the Muslim scholars' association. In their supervisory role, the Muslim scholars stamped their mark on the ways in which informal dispute resolution was practised. The informal judicial system in Gaza changed under Hamas in several key respects – in terms of who the practitioners were (imams were favoured over secular makhatir), in terms of the practices they pursued (religious rulings were favoured over negotiated settlements) and in terms of the code that was applied (sharia was favoured over urf).

Thus the Hamas government's practices were similar to its perception in that they also appeared to be *more religious than secular* – that is, driven more by religious than secular motivations. When considering its practices in terms of the other variables, however, they appeared to be *more authoritarian than democratic*. If only the element of perception is considered, then Hamas's governing style should be placed somewhere

between the Islamic-Theocratic and Demo-Islamic ideal type styles, perhaps closer to the latter. However, when Hamas's practices are taken into account, this first assessment needs some adjustment. First, the judgement made above that Hamas's governing style corresponds neither to the Secular-Authoritarian nor the Secular-Democratic style can be confirmed. However, perception was shown to translate into more authoritarian practices, with little noticeable emphasis on civil liberties and individual rights.[6] These authoritarian traits, together with the religious emphasis that has also been identified, place Hamas's governing style closer to the Islamic-Theocratic style than an assessment of perception alone would indicate.

Islamist Governance Hamas-Style

However, the religious characteristics displayed by the Hamas government were not aimed at directly establishing an Islamic state. They were instead part of a more discrete, though reasonably active, pursuit of Islamic norms and values. There was no evidence that the Hamas government was seeking to reform the institutions of the state in any formal way where, for instance, un-elected religious institutions would take precedence over elected ones. It nevertheless awarded the association of Muslim scholars in Gaza a semi-formal role through which they could exert increased influence over society.[7] These considerations suggest that Hamas's governing style does not fully correspond to the Islamic-Theocratic type. Being both *religious* – but only up to a point – and *authoritarian* – but still showing certain democratic traits – Hamas's governing style must be situated mid-way between the Islamic-Theocratic and Demo-Islamic ones. Figure 7.1 shows the position of Hamas's governing style in relation to all four ideal type styles identified.

The foregoing discussion has shown that Hamas's self-proclaimed Islamic democracy translated in practice into a type of Islamist governance which was neither entirely Islamic nor particularly democratic. While it did contain both Islamic and democratic characteristics, in practice, Hamas's governance failed to deliver fully on its promises. At the start of its administration, Hamas had promised that Islam would underscore every aspect of its governance and even that sharia would become the principal source of legislation in Palestine. In practice, the Islamic
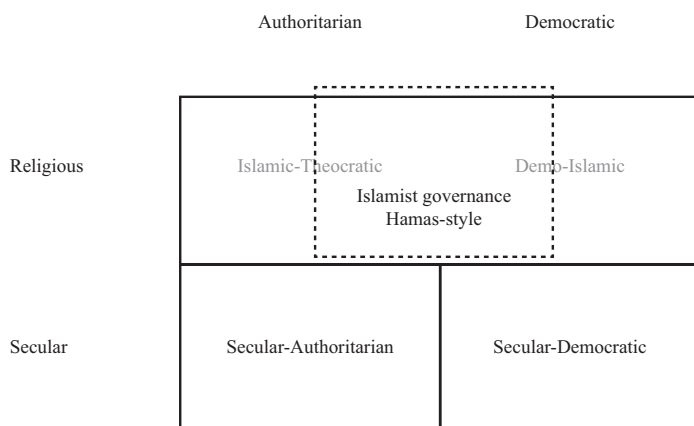
Figure 7.1   Islamist governance Hamas-style.

elements in the Hamas administration amounted to limited attempts at imposing Islamic codes of conduct in the public sphere. There were, nevertheless, some more visible changes in the judicial sphere. While the introduction of sharia to the formal judicial system never materialised, both Islamic legal procedure and Islamic codes of practice were increasingly used by the informal judiciary.

The more neglected of Hamas's two promises, however, was that of democratic governance. Although the Hamas government adhered to the democratic institutional framework – at least in its best moments – it never succeeded in filling that framework with content grounded in liberal democratic values and principles. Rather, in government Hamas appeared to be driven by one concern above all others, the consolidation of its own position in power.[8] Concerns such as safeguarding residents' civil and political rights,[9] together with the introduction of sharia and other electoral promises, were of secondary importance. While Hamas's responses to the challenges it faced, at some times, appeared to be influenced by Islamic norms and, at others, by democratic principles, such factors were subordinated to policies that were primarily aimed at strengthening the administration's grip on power and control over the people of Gaza.

Clear about its main objective of building an impregnable power base, Hamas was prepared to adopt policies necessary to achieve this aim. When and if such policies could go hand in hand with Islamic

norms and would not counteract democratic principles, this was seen as an additional benefit. The policy approaches that were selected and practised by the Hamas government should be understood as an expression of a governing style that was wholly flexible and pragmatic.[10] As long as the government's policies and practices followed the logic of power consolidation, the extent to which they were Islamic, secular, authoritarian or democratic appeared to matter much less. Islamist governance Hamas-style was characterised by a multi-faceted and ideologically unprincipled governing style that was adaptable to the circumstances at hand. As far as the academic debate was concerned, it was an approach which would leave both 'Islamic theocrats' and 'Secular democrats' largely disappointed.

Islamists in Power: Either Islamic Theocrats or Secular Democrats?

In the two previous sections, the major question posed in this study was answered by first presenting the empirical findings and then relating these to the four ideal type governing styles described in the analytical framework. This section further answers to this question by considering Hamas's governance from the perspective of the two broad schools of thought on Islamists in power.

As noted earlier, scholars are divided over what happens when Islamists achieve power. The small number of cases available for investigation, together with the divergent circumstances of those that can be studied, have so far thwarted consensus on the subject. Opinions are divided over whether Islamists who achieve power by democratic means will change or be changed by their new role in government. The major divide in this debate has been characterised in terms of two contrasting positions, as discussed below.

Islamic theocrats, on the one hand, will attempt to change the political system with a view to establishing an Islamic-modelled theocracy. Democracy will be abolished and replaced by coercive and authoritarian rule. These Islamists will force through an ideologically driven dogmatic agenda that pays little heed to the will of the people and citizens' rights. It will further entail the introduction of sharia to all parts of society, political institutions as well as the public and private spheres. Religious law will supersede secular laws, rules and norms.

Secular democrats, on the other hand, will embrace democratisation and pluralism. Earlier dogmatic positions will be replaced by more moderate political behaviour. This type of Islamist governance will be characterised by sensitivity to the popular will and the rights and freedoms of the individual. Here, the role of Islam is merely symbolic and serves as an instrument to legitimise the party in power, delegitimise the opposition and mobilise the populace. If these Islamists fail to meet the expectations and needs of the people, their popularity will decrease and they will ultimately agree to hand over power to the opposition.

Signs of Formal and Systemic Change

In order to determine whether either of these positions corresponds to the Palestinian case, Hamas's record in government is first assessed on the basis of its formal decisions and actions. This approach will produce a relatively dispassionate and less detailed perspective. Aspects to be considered include political developments under Hamas's administration, reforms introduced by the government, the policies it pursued, the choices of action it made in response to various challenges and the changes it attempted to make to the political system and its institutions.

Seen in the light of these formal characteristics, the reader is presented with a government which first ousted its political opposition but then sought to adhere to the democratic institutional framework, even working to reinforce it. Hamas made great efforts to re-establish its democratic legitimacy in the eyes of the world (with or without any real democratic intent) after Fatah had been ousted. It upheld the institutional framework of the PA and was careful to ensure that its actions were seen to be grounded in the constitution. Hamas also reconvened the Palestinian parliament, although without Fatah present, and allowed it to process bills such as the government's annual budget. It also reinstated the formal judicial system, albeit staffed by employees loyal to Hamas, after it had been restructured and streamlined.

Further still, Hamas embarked on a reconciliation process with Fatah that eventually led to the signing of an agreement with substantial concessions on both sides. While Hamas appeared to be more committed to upholding the form of the democratic institutional framework, rather than its content, these actions showed that it still had an interest in

keeping to that framework. There did not seem to be any fundamental changes to the political system on the horizon in Hamas's Gaza. Institutionally speaking, at least, democracy was not being abolished.

Unlike Islamic theocrats, Hamas's agenda did not appear to include replacing the current political order with one based on sharia. There were no formal changes made to the (secular) constitution that subordinated it and its institutions to religious law or any type of religious authority. There were, however, some attempts by the government to impose Islamic norms of belief and conduct on Gazans. Women were told to wear the hijab in schools and at university; men and women were separated in public places; young men were discouraged from wearing baggy trousers and hair gel; women were prohibited from smoking shisha in public places; and professionals appearing in court were obliged to wear Islamic traditional clothing. While the government was responsible for introducing these measures, they nevertheless appeared to be acts of symbolism rather than the bearers of any deeper message. Always sensitive to popular opinion, the government was quick to retract such measures whenever the public voiced its disapproval.

Although this body of evidence suggests that Hamas were not Islamic theocrats, neither did the movement's experience in Gaza point to Hamas turning into Secular democrats. While the Hamas administration retained the democratic institutional framework, the government filled it with little democratic content. Power-sharing arrangements were never achieved with any of the other factions; the reconvened PA included mostly Hamas-affiliated legislators; and the restructured judiciary was staffed only by Hamas loyalists. Most importantly, the relationship between the government and its constituency remained undemocratised. The government's main concern appeared to be the consolidation of its power base.

At the same time, the conflict with Hamas's political rivals in Ramallah continued and plans for a national unity government (comprising independents) and legislative elections were constantly being postponed. The government's respect for civil liberties and human rights were frequently voiced in public statements but continued, in practice, to be subordinated to its perceived need for greater levels of social control. The most blatant example of this was the extensive rights given to the police and security services in their treatment of citizens and in cooperating with other government institutions, all in the name of

internal security. Thus, when considering the Palestinian experience from the perspective of these two major schools of thought – 'Islamic theocrats' and 'Secular democrats' – there is little evidence of either. Based on the observations and analysis made over the course this study, Hamas's governance style did not conform to either of the two major positions proposed by the conventional scholarship on Islamists in power.

Signs of Informal and de Facto Change

Hence, if the evidence of any formal and systemic changes by the Hamas government is weak, does that then mean that there was no Islamisation[11] or moderation[12] whatsoever in the Palestinian case? So far in this chapter, both Islamic and democratic traits in Hamas's governance have been identified. In relation to the present discussion, this might suggest that some features of *both* Islamisation *and* moderation could be detected, even though they were not evident from the formal perspective considered above. If so, it would mean that, unlike the stark theoretical opposition of Islamic theocrats vs Secular democrats, Islamisation and moderation would not constitute mutually exclusive concepts. In order to shed more light on this possibility, the study's empirical findings are revisited for a final time in what follows. Here, the emphasis is placed on *informal* features, in terms of both the government's perceptions of its position and the actual practices that were employed.

In the previous discussion, the Hamas government's relationship to the opposition was seen in terms of a (secular) authoritarianism lacking any element of either Islamisation or moderation. The violent ouster of Fatah appeared to be a clear sign of the absence of moderation. However, seen from a perspective emphasising the twin notions of perception and practice, Hamas appeared to have set out with the intention of participating in a two-party system. The authoritarian traits that were undeniably evident in the government's behaviour could instead be understood as responses to a self-perception of being under threat and the victim of an international conspiracy. From this perspective, the violent expulsion of Fatah was not the first step in dismantling the democratic system. Rather, Hamas perceived it as a necessary, pre-emptive, measure to rid the government of its paralysis

and to prevent an imminent coup d'état. In addition, ousting Fatah appeared to have been initiated by Hamas's military wing and not by the government itself. It was not until a few days after Fatah's expulsion that its fighters' actions were embraced by the government.

From this perspective, then, Hamas's ouster of Fatah must be seen in a different light; it cannot simply be taken as evidence that Hamas would have no truck with moderation. Rather, Hamas's relations with the opposition (following Fatah's expulsion) could be described as a somewhat more moderate stance than before. While sporadic repression continued, Hamas nevertheless moved towards a more relaxed relationship with the opposition. One example of this was the limited but developing cooperation between some government ministries and their counterparts in Ramallah. This gradual relaxation of tensions also led to peaceful negotiations between the two parties. It even led to substantial concessions that eventually culminated in the Cairo Agreement, even though the agreement eventually failed to materialise.

In the government's response to the Salafi-Jihadi threat, the formal perspective outlined above also pointed to a (secular) authoritarianism without notable elements of either Islamisation or moderation. However, when the focus is shifted to notions of perception and practices, both elements become evident. Following its clashes with Jund Ansar Allah, Hamas adopted a new approach to the Salafi-Jihadi groups. Its earlier, repressive, response was replaced with a kid-glove approach which entailed regarding the Salafi-Jihadis as 'patients' and brothers rather than as criminals. These patients needed to be treated and cured, not (only) punished. This change of approach, moving away from coercion and changing Hamas's perception of these individuals, was clearly an example of moderation. There were different reasons why this change took place, and they did not necessarily reflect an embracing of liberal values on the part of Hamas. Nevertheless, disregarding the underlying reasons, this new approach to the militant problem still constituted moderation.

The presence of Islamisation also becomes clear when the formal approach is complemented by more detailed observations. Hamas's perception of the root causes of the Salafi-Jihadi problem were understood in religious terms. The 'treatment' offered by its deradicalisation efforts provided the 'patients' with the right religious environment and guidance.

While Hamas's response continued to include elements of repression, the Salafi-Jihadis now received religious education and counselling from imams inside the prisons. The government believed that these militants could be brought back into the Hamas fold if they were to receive a sound education in the precepts of Islam. These observations provide examples of both Islamisation and moderation, here working side by side.

In relation to the restoration of law and order, the formal perspective had pointed to the existence of moderation of a sort, but in the absence of Islamisation. This observation was based on Hamas's re-activation of the formal (secular) judiciary, without introducing any additional or formal elements of sharia. However, when the focus is put on perception and practice, elements of both were indeed present in relation to the judicial system. Initially, the revived religious dispute resolution committees (lijan al-islah) were intended as an emergency measure while the formal system was being restructured. When the formal judiciary was brought back into operation, however, it failed to meet the needs of Gazans. An urgent need for more dispute resolution facilities and a local preference for using informal methods led Hamas to permit their use on a broader scale. While this was not the government's first choice, it eventually succumbed to the needs and wishes of residents. It can be seen as yet another example of moderation in the way the administration actually behaved.

However, Hamas also saw in the informal system a convenient avenue for introducing Islamic norms and practices into Gazan society. When the government asserted its control over the system, it favoured Hamas-affiliated imams as rijal al-islah and encouraged settlements to be based on sharia rather than traditional customary law (urf). Hence, while the formal judiciary under Hamas remained independent and secular (at least as seen from the outside), the practice of law and order in Gaza was undergoing a change that could be described as an informal kind of Islamisation. As with Hamas's response to the Salafi-Jihadis, here too, Islamisation and moderation proceeded hand in hand.

Islamic Theocrats or Secular Democrats?: Concluding Remarks

The first part of the foregoing argument demonstrated that the Hamas government failed to show any formal characteristics that would link it

with either the Islamic theocrat or Secular democrat schools of thought. Viewed from the formal and institution-centred perspective favoured by both these schools, Hamas appeared to neither advance any Islamic influence of the political system nor to further any democratisation of it. However, as was concluded above, Hamas's governance in Gaza still cannot be properly understood without taking certain Islamic and democratic elements into account. While there were few formal changes made to the Palestinian political system, some salient features of Hamas's approach to governance fade into the background when its role is seen only in terms of the Islamic theocrats-vs-Secular democrats dichotomy.

In the second part of the argument, however, adopting a perspective that takes account of both the government's perception of the challenges it faced and its practices in response, a somewhat different picture of Hamas emerged. As shown above, while no formal or systemic changes were detectable, elements of both Islamisation and moderation were present, working *in parallel*. In contrast to the way in which the dichotomous notions of Islamic theocrat and Secular democrat have been understood, Islamisation and moderation as observed here do not appear to be mutually exclusive concepts. This further strengthens the argument that Islam and authoritarianism, on the one hand, and liberal democracy and secularism, on the other, need to be decoupled from each other when studying Islamists in power.

The ways in which the Hamas government allowed Islam to influence Gazan society were *neither formal nor merely symbolic*.[13] Islamisation under Hamas involved the real but mainly informal influence of Islam, exerted both in the public and the political spheres.[14] Islamic norms and principles were embedded in informal practices and clerics were given semi-formal roles in this process, giving them considerable influence in the community. Such Islamising practices were then used as levers for reforming society and for Hamas to consolidate its power base. However, they were not used to create an Islamic state ruled by sharia, in the formal meaning of the term.[15] This study also detected a *de facto* form of Islamisation where residents conformed to Islamic norms of conduct out of their own 'free will', unwilling to risk the consequences if they failed to comply.[16] If accepting the broader meanings of these terms, the Palestinian experience included *both* a substantial Islamisation process *and* a lesser (albeit existent) process of moderation.[17]

Islamists in Power and the Palestinian Experience:
a Wider Discussion of the Book's Findings

The Palestinian experience shows that not all Islamists are the same. Hamas can neither be equated with extreme movements like Al Qaeda or Daesh nor with very moderate groups like the Nahda party in Tunisia. The Palestinian case shows that Islamist ideology does not comprise a rigid set of rules but rather a loosely structured framework with much room for interpretation. Hamas's understanding of what its Islamic values would allow it to do differed greatly from the dogmatism of groups such as Al Qaeda and Daesh. There are enormous variations in how Islamist ideals such as the notions of 'Islamic state' and 'sharia rule' are understood and implemented by different Islamist actors. These variations point to the existence of a broad spectrum of Islamists who cannot easily be assessed solely with regard to their theoretical ideals. This, in turn, supports the assertion that, to advance the scientific understanding of Islamists, scholars rather need to investigate the Islamists' actual behaviour. The theoretical limitations to democratisation found in Islam or Islamism – assuming such barriers exist – say very little about Islamist capacity and intent in practice.

It also seems that the difficulty in relating the Palestinian experience to the entrenched sides in the Islamism debate has more to do with the dominant Western understanding of democracy than with any distinctive characteristics of Islamists themselves or with the circumstances of the case that has been studied here. When scholars ask whether Islamism is compatible with democracy, it is the concept of *liberal* democracy that they most often have in mind.[18] Arguably, such a question will always be impossible to answer affirmatively, even if one was to substitute Islamism with another ideology, for instance nationalism or communism. The concept of liberal democracy carries within it a tension and a certain amount of contradiction.[19] Safeguarding liberal values on the one hand, and consistent adherence to democratic procedures on the other, are not fully compatible. There is always a potential clash of values when liberalism is combined with democracy. The West has attempted to bridge this gap by invoking a model that it calls liberal democracy.

The concept of liberal democracy handles this conflict by giving the values of liberalism more weight than those of democratic procedure.

In other words, liberal behaviour takes precedence over democratic behaviour. The existence of this underlying tension and contradiction constitutes an obstacle to further understanding groups like Islamists. This becomes visible in situations where parties whose liberal ideals can be questioned still choose to participate in elections and win a popular mandate.[20] It becomes even more problematic when these parties also continue to follow democratic procedures. To some extent, Hamas in Palestine constitutes one such case, the Muslim Brotherhood in Egypt another.[21] This book has shown that Hamas does not question the concept of democracy as such, rather it has been concerned to advance its own idea of democracy – an Islamic democracy. However, Hamas's actions on the ground have often clashed with liberal principles. In this sense – while neither a case of Islamic theocrats nor Secular democrats – Hamas, in some ways, is the *Islamic democrat* it claims to be. It seeks to be procedurally democratic, although not liberal in either ideology or practice.

As seen above, questions about the democratic capacity of Islamists that seek to probe more than the procedural aspect of democracy are problematic. Such questions reflect a Western political outlook and system of values. The combination of the two concepts, liberalism and democracy, is more value-laden, politicised and rhetorical than it is objective and sincere.[22] The element of paradox in the questions asked about Islamists' democratic capacity must, logically, lead to negative answers. While questions about the extent to which Islamism is compatible with liberal values should not be avoided, the questions posed in this debate need to be divided into two parts.

In investigating the relationship between Islamism and democracy, questions about respect for democratic procedure, on the one hand, and respect for liberal values, on the other, should at first be asked separately. To know whether Islamists are capable of participation in democratic systems, one needs to ask questions about their track record in relation to democratic procedure. To find out if the values of Islamism correspond to those of liberalism in practice, one needs to ask questions about the value of the individual in relation to different groups in society and the interests of the state in practice.

It must furthermore be considered how each of these two sets of questions is relevant to assessing Islamist political participation as well as how they relate to one another. What is important to know about Islamists who participate in political systems? Is it more important to

first know if they can be good liberals rather than good democrats, or vice versa? Most analysts would agree that adhering to democratic procedures and participating in the political system is a prerequisite for safeguarding the values of liberalism. Arguably, a commitment to democratic procedures precedes any embrace of liberal values – the former has often shown to lead to the latter. A respect for liberal values is something that can be gradually fostered and conditioned through the restraints inherent in participation in the democratic process. Thus, the first and most relevant question to ask about new actors in the political system must relate to their ability to act as good *procedural* democrats. Without this capacity, their chances of also, eventually, becoming good liberal democrats are most likely very slim.

When asked this question in relation to the Palestinian experience, the Islamists interviewed for this book demonstrated that they both could accept the reality of a democratic framework for political life and were beginning to respect the procedures required to operate within it.[23] In this sense, to some extent, the Palestinian Islamists studied here were relatively close to becoming good procedural democrats.

There is, however, one crucial requirement that remains to be fulfilled if this is to become a reality. The ultimate test for a democrat – even only for a procedural one – is to show that one is not only able to achieve power democratically, but is also ready to cede power when the loyalty and trust of the electorate have been lost.[24] While Palestinian Islamists have so far demonstrated that they can play by the democratic rules of the game when achieving governmental office, it now remains to be seen whether they are also willing to call new elections to the PLC and be held accountable by those who once voted them into office. Accepting electoral defeat and ceding power – perhaps ultimately handing over power to non-Islamists – is a necessary development and the next test at hand in Palestine.

NOTES

Foreword

1. Ziad Abu Amr, 'Shaykh Ahmed Yassin and the Origins of Hamas', in R. Scott Appleby, *Spokesmen for the Despised* (Chicago: Chicago University Press, 1997).
2. Summary of a longer quotation based on the work of West Bank sociologist Basem Jarrar. In Islam, the number 19 is considered to be a holy number. The ways in which it is believed to be numerologically encoded in verses in the Qur'an are considered a mathematical miracle.
3. Jeroen Gunning, *Hamas in Politics: Democracy, Religion, Violence* (London: Hurst, 2009).

Chapter 1   Islamists in Power by Democratic Means: Hamas in Palestine

1. See Michael Schulz, 'Hamas between sharia rule and demo-Islam', in Ashok Swain et al. (eds.) *Globalization and challenges to building peace* (London: Anthem, 2007), p. 211.
2. The Oslo Accords comprise Oslo I (1993) and Oslo II (1995): *Oslo I*, also referred to as the Declaration of Principles, stipulated the establishment of a Palestinian National Authority responsible for the administration of parts of the Palestinian territories, as well as the withdrawal of the Israeli military presence within these areas. *Oslo II*, also referred to as the Interim Agreement on the West Bank and the Gaza Strip, divided the Palestinian territories into three separate areas, Area A, Area B and Area C, in which the level of self-government in relation to Israeli military administration varied.
3. See Manal Jamal, 'Beyond Fateh corruption and mass discontent: Hamas, the Palestinian left and the 2006 elections', *British Journal of Middle Eastern Studies*, (July 2013).
4. See for instance International Crisis Group, 'Inside Gaza: The challenge of clans and families', Middle East Report no. 71 (2007).

5. Excerpts from the Hamas-led government's reform programme entitled 'Government Platform' can be found in Khaled Hroub, *Hamas: A beginner's guide* (London: Pluto, 2006).

6. Ibid., p. 148.

7. Excerpt from the Hamas-led government's reform programme entitled 'Government Platform' found in ibid.

8. In this book, the term 'liberal democracy' refers to representative democratic procedure in combination with the values of liberalism – the protection of the rights and freedoms of the individual.

9. Excerpt from the Hamas-led government's 'Elections Manifesto for Change and Reform' in ibid., p. 144.

10. Excerpt from the Hamas-led government's reform programme entitled 'Government Platform' can be found in Khaled Hroub, 'A "New Hamas" through its documents', *Journal of Palestine Studies*, 35 (2006).

11. For further discussion of Hamas's perspective on democracy, see Michelle Pace, 'Democracy in Palestine and the Middle East peace process', *British Academy Review*, June (2009), pp. 35–7. See also Khalid Amayreh, 'Hamas debates the future', Conflicts Forum Monograph, Conflicts Forum (2007), pp. 11–12.

12. Michael Schulz's interview with an unnamed Hamas leader, quoted in Schulz, 'Hamas between sharia rule and demo-Islam', p. 196.

13. According to Khaled Hroub, the distinctive development of Palestinian society under Hamas, in terms of Islamisation, is in need of further research. See Khaled Hroub, 'Hamas: Conflating national liberation and socio-political change' in Khaled Hroub (ed.) *Political Islam: Context versus ideology* (London: Saqi Press, 2010), p. 181.

14. As argued in John Voll and John Esposito, 'Islam's democratic essence', *Middle East Quarterly*, 1 (1994), pp. 3–11.

15. Such a thesis has for instance been advanced in Jennifer Noyon, *Islam, politics and pluralism: Theory and practice in Turkey, Jordan, Tunisia and Algeria* (London: The Royal Institute of International Affairs, 2003).

16. See for instance Daniel Brumberg (1997) and Adrian Karatnycky (2002).

17. See for instance Matthew Levitt (2006), Boaz Ganor (2007) and Jonathan Schanzer (2008).

18. See for instance Azzam Tamimi (2007), Sara Roy (2011) and Anders Strindberg (2011).

19. See 'Hamas official confirms indirect talks with Israel', *Maan News Agency* (17 February 2013).

20. Scholarly discussions of Hamas can be divided into several categories based on their approach to the movement. They range from, at one end of the spectrum, *essentialist approaches* (Levitt 2007, Schanzer 2008) that claim that the movement has an inherently violent character, to *structuralist approaches* (Tamimi 2007, Chehab 2007, Roy 2011) that interpret Hamas's behaviour as the result of Israeli occupation and international isolation. Between these

extremes can be found *ideationalist approaches* (Nusse 1998, Irving-Jensen 2009) which interpret Hamas through its Islamist ideology and Islamic character, and *rationalist approaches* (Mishal & Sela 2006, Steinberg 2008, Berti 2013) which interpret political behaviour as the product of clear-cut cost–benefit calculations. Yet another cluster of scholars have adopted *pluralist approaches* (Hroub 2006, Gunning 2007, Milton-Edwards 2010) employing combinations of thought, practices and circumstances.

21. This expression is used in Ahmet Kuru, 'Muslim politics without an Islamic state' (Doha: Brookings, 2013), p. 8.

22. See Gudrun Krämer, 'Visions of an Islamic republic: Good governance according to the Islamists', in Muhammed Hafez (ed.) *The Islamic world and the West* (Frankfurt: Fisher, 2000), p. 35.

23. See Alon Liel, *Demo-Islam: Islamic democracy in Turkey* (Tel Aviv: Hebrew University in Jerusalem Press, 2008).

24. See Giampaolo Calchi Novati and Stefano Bellucci, 'Islamic governance in Algeria and Sudan', *Mediterranean Quarterly*, 12 (2001).

25. Schulz, 'Hamas between sharia rule and demo-Islam', p. 211.

26. Author's interview, name withheld, Damascus (March 2010).

27. Hamas is classified a 'terrorist organisation' by the US, the EU, Israel, Canada, Jordan, Egypt and Japan.

28. Many other states take the opposite position and consider Hamas's (armed) struggle to be legitimate. These states include Iran, Syria, Turkey, Russia and China.

29. Author's interview, name withheld, Doha (January 2013).

30. For a discussion of this argument, see for instance Jeroen Gunning, 'Hamas: Talk to them', *OpenDemocracy* (18 April 2008).

31. In this book, the term 'Islamism' refers to the ideology of Islamists and denotes 'an ideology based on Islam as a guide to political action'.

32. Anders Strindberg and Mats Wärn, *Islamism: Religion, radicalization and resistance* (Cambridge: Polity, 2011), p. 4.

33. For the broader debate on Western scholars' perspectives on the East, see for instance Edward Said, *Orientalism* (London: Penguin, 1983).

34. Samuel Huntington, 'Will more countries become democratic?', *Political Science Quarterly*, 99 (1984), p. 208.

35. Fareed Zakaria, *The future of freedom: Illiberal democracy at home and abroad* (New York: W.W. Norton, 2007).

36. This book concurs with the broader definition of Islamists proposed by Rex Brynen et al. (2012) – 'movements that aim to apply Islam to public and private life'.

37. Qur'anic verse 2:213, cited in James Piscatori, 'Islamists in power', *Oxford Islamic Studies Online* (2012), p. 1.

38. See Malin Wimelius, 'On Islamism and modernity: Analysing Islamist ideas on and visions of the Islamic state', Doctoral Thesis, Department of Political Science, Umeå University (2003).

39. For further discussion, see Jillian Schwedler, *Faith in moderation: Islamist parties in Jordan and Yemen* (Cambridge: Cambridge University Press, 2006).

40. As similarly argued in Ihsan Dagi, 'Turkey's AKP in power', *Journal of Democracy*, 19 (2008), p. 25.

41. Graham Fuller, *The future of political Islam* (New York: Palgrave Macmillan, 2003) p. 118.

42. The two basic lines of investigation concentrate on *ideology* on the one hand and *practices* on the other.

43. A similar characterisation of the scholarly debate and its division into two main schools of thought can be found in James Piscatori, 'Islamists in power', *Oxford Islamic Studies Online* (2012). Piscatori uses the terms 'Talibanisation' and 'moderation' to denote these two opposed positions.

44. The proponents of this view include Daniel Pipes (1997), Bassam Tibi (2008), Bernard Lewis (1996), Martin Kramer (2001), Daniel Brumberg (1997), Georg Sørensen (2008) and Adrian Karatnycky (2002).

45. Daniel Pipes, 'The Western mind of radical Islam' in Martin Kramer (ed.) *The Islamism debate* (Tel Aviv: Tel Aviv University Press, 1997), p. 54.

46. They include François Burgat (1997), Graham Fuller (2003), Gudrun Krämer (2000), Olivier Roy (1997), John Esposito (2002), Lisa Anderson (1995), James Piscatori (2012) and Jillian Schwedler (2006).

47. Graham Fuller, 'Islamism(s) in the next century' in Kramer, *The Islamism debate*, p. 153.

48. Such a problematisation is precisely what many scholars have called for. On 'the need to problematise the secularisation credo' see Jeroen Gunning, *Hamas in politics* (London: Hurst, 2007), pp. 11 and 273.

49. Islamic traits are held to fall into two categories: active and passive. *Active expressions of religion*: Government governs society through religious rulings, fatwas, and exercises authority though sharia courts. State institutions, notably the judiciary, are subordinated to religious authority. Recommendations and rulings of the religious institutions, notably the ulama, take precedence. Implementation and assertion of sharia-related laws and norms. Punishments follow hudud-logic (an eye for an eye). *Passive expressions of religion*: Permitting religious family law. Allowing sharia courts for family law. Introduction of conservative dress codes and codes of conduct based on Islamic norms. Use of religious rhetoric and references to religious texts in the official political discourse.

50. Indicators of democratic traits include the following. Equal rights of all citizens and the abolition of distinctions between elite and non-elite groups, men and women. Government sensitivity to the popular will and respect for public opinion. Relations with the opposition based exclusively on the 'tools of democracy' such as negotiation, bargaining, effective electioneering and coalition-building. No limitations on opposition parties to operate openly, free public debate, no censorship. Equal and free access to courts with secular, civil and independent judges. Rule of law, predictability of

rulings, presumed innocence until proven otherwise. No arbitrary arrests or detention, no (extra-judicial) use of violence, no executions and no capital punishment. Educative and rehabilitative measures implemented during imprisonment.

51. As argued in Kuru, 'Muslim politics without an Islamic state', pp. 7–8.

52. These 12 themes are: maintaining ideological purity and legitimacy; implementation of sharia; law and order; basic freedoms; equality and citizenship; parliamentary system and its actors; use of violence; economics and banking; civil society; internal dynamics; education; and relations with other countries.

53. See for instance Jeroen Gunning (2007), Michael Schulz (2007), Khaled Hroub (2006), Jonathan Schanzer (2008) and Pamela Scholey (2008).

54. See for instance Beverley Milton-Edwards (2014), Are Hovdenak (2009), Bernadetta Berti (2011) and Zaki Chehab (2007).

55. See for instance Yezid Sayigh (2011), Paola Caridi (2010), Are Hovdenak (2009) and Beverley Milton-Edwards (2007).

56. While these are considered to be key aspects of Hamas's governance, other relevant elements include organisational structure, ideology, welfare activities, internal representation and dispute resolution, relations with Israel, strategies relating to the peace process and international relations.

57. On respecting human rights while countering violent radicalisation, see Magnus Ranstorp and Paul Wilkinson, *Terrorism and human rights* (London: Routledge, 2009).

58. On the necessary elements for a state formation to function and the 'state triangle', see Barry Buzan, *People, states and fear* (London: Harvester Wheatsheaf, 1991).

59. While the conflict between between Fatah and Hamas has stalled the process, both parties continue to reaffirm their intentions to hold new elections.

60. Hamas has already proved its ability to abide by the procedural rules of democracy. This is therefore no longer an issue of primary research interest.

61. Larry Diamond, 'The global state of democracy', *Current History* (December, 2000), p. 414.

62. Perception in this sense includes both the particular challenge under consideration and the actors it involves.

63. For a similar argument, see for instance Roxanne Euben (1999), Michelle Pace (2009) and Mats Wärn (2012).

64. Adam Dolnik, 'Up close and personal: Conducting field research on terrorism in conflict zones', in Adam Dolnik (ed.) *Conducting terrorism field research: A guide* (New York: Routledge, 2013), p. 225.

65. It was especially rewarding to interview these individuals on the first day of the month. Although government salaries are supposed to be paid out on the last day of the month, in reality they are often delayed. Discontented with their employer, people became more willing to talk about their work and the practices of the government.

66. See for instance Michelle Pace, 'An "Arab Spring" of a different kind? Resilience and freedom in the case of an occupied nation', *Mediterranean Politics*, 18 (2013).

67. These interviews were not conducted exclusively with men. The interviews with female respondents, however, were often informal and undertaken on condition of anonymity.

Chapter 2   Gaining Power and Relating to the Opposition

1. Electoral results in the 2006 elections to the Palestinian Legislative Council (132 seats in total): Change and Reform List/Hamas (74), Fatah (45), Martyr Abu Ali Mustafa (3), The Alternative (2), Independent Palestine (2), Third Way (2), Independent candidates (2).

2. Pamela Scholey, 'Palestine: Hamas's unfinished transformation', in Jeroen de Zeeuw (ed.) *From soldiers to politicians* (Boulder: Lynne Rienner, 2008), p. 138.

3. Author's interview with Nour Odeh, Ramallah (2 October 2010).

4. Author's interview with Hamas member no. 1, Gaza Strip (April 2011).

5. Ahmed Yousef, 'Pause for peace', *New York Times* (1 November 2006).

6. Scholey, 'Palestine: Hamas's unfinished transformation', p. 140.

7. Ismail Haniyeh quoted in ICG, 'Palestinians, Israel and the Quartet', Middle East Report No. 54 (2006), p. 3.

8. Riad Mustafa quoted in ibid.

9. The Arab Peace Initiative offers the full normalisation of relations between all Arab states and Israel in exchange for a complete Israeli withdrawal from the West Bank and East Jerusalem, including a 'just settlement' of the issue of Palestinian refugees.

10. See 'Hamas leader acknowledges reality of Israel', *The Guardian* (10 January 2007).

11. See Nina Musgrave, 'Hamas and the West: An assessment of Quartet policy towards Hamas', Doctoral Thesis, Department of War Studies, King's College London (2015).

12. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).

13. Author's interview with Nour Odeh, Ramallah (2 October 2010).

14. PNA civil servant quoted in ICG, 'Palestinians, Israel and the Quartet', p. 7.

15. At that time, the Palestinian security forces consisted of the Presidential Guard, National Security, General Intelligence and Preventive Security organisations.

16. The Cairo Declaration, issued 19 March 2005, was a six-point statement agreed to by thirteen Palestinian factions. In addition to the common claims for the establishment of a sovereign state, three of the points reflected the specific issues at stake in relations between Fatah and Hamas: the necessity of holding local and legislative elections; amendment of the legislative elections law; membership of all factions in the PLO; and avoidance of

resorting to violence to resolve inter-factional disputes. The Cairo Declaration of 2005 should be distinguished from the later Cairo Agreement of 2011.

17. Ghazi Hamed quoted in ICG, 'Palestinians, Israel and the Quartet', p. 7.
18. Ibid.
19. Beverley Milton-Edwards and Stephen Farrell, *Hamas: The Islamic resistance movement* (Cambridge: Polity, 2010), p. 273.
20. Public statement by Khaled Meshaal, Damascus (21 April 2006). The text is transcribed in MEMRI, 'Translation of Meshaal's speech', Dispatch No. 1146 (2006).
21. See David Rose, 'The Gaza Bombshell', *Vanity Fair*, (April 2008).
22. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).
23. Milton-Edwards and Farrell, *Hamas: The Islamic resistance movement*, p. 284.
24. ICG, 'After Gaza: Engaging Hamas', Middle East Report No. 68 (2007), p. 9.
25. Paola Caridi, *Hamas: From resistance to government?* (Jerusalem: Passia, 2010), p. 258.
26. Hani Qawasmi quoted in ICG, 'After Gaza', p. 9.
27. Hamas leader quoted in ibid.
28. Author's interview with Qassam fighter, Gaza Strip (September 2011).
29. Ibid.
30. Interview with Hamas leader, name withheld; transcript on file with the author.
31. Author's interview with Qassam fighter, Gaza Strip (September 2011).
32. Islam Shahwan quoted in ICG, 'After Gaza', p. 11.
33. Author's interview with Hamas leaders, Gaza Strip (April 2011).
34. Farhat Asad quoted in Caridi, *Hamas: From resistance to government?*, p. 256.
35. Author's interview with Paola Caridi, Jerusalem (23 September 2010).
36. ICG, 'After Gaza', p. 14.
37. PCHR, 'Black pages in the absence of justice', Report (2007), p. 23.
38. Ibid.
39. Ibid.
40. Ibid.
41. Qassam Brigades commander quoted in Milton-Edwards and Farrell, *Hamas: The Islamic resistance movement*, p. 291.
42. Official statement by Hamas 11 June 2007, quoted in PCHR, 'Black pages in the absence of justice', p. 25.
43. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).
44. Islam Shahwan quoted in Milton-Edwards and Farrell, *Hamas: The Islamic resistance movement*, p. 289.
45. Ismail al-Ashqar quoted in ibid.
46. Are Hovdenak, 'The Public Services under Hamas in Gaza', PRIO Report, Peace Research Institute Oslo (2010), p. 11.
47. Ibid., p. 12.
48. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).

49. Hamas leader quoted in ICG, 'After Gaza', p. 20.

50. The National Conciliation Document, also known as the Prisoners' Initiative, was an effort by the five most prominent political figures in Israeli detention at the time. The document's 18 points called for the establishment of an independent Palestine based on pre-1967 borders, the right of return of refugees and the confirmation of the PLO as being the sole representative of the Palestinian people. It also called for the president to conduct peace negotiations with Israel but simultaneously pledged the right to armed resistance as long as the occupation continued.

51. Ibid.

52. Human Rights Watch, 'Abusive system: Failures of criminal justice in Gaza', Report (September, 2012), p. 15.

53. For instance, in addition to being prime minister, Haniyeh also held the foreign affairs and finance portfolios.

54. Art. 45 cited in HRW, 'Abusive system: Failures of criminal justice in Gaza', p. 14.

55. Art. 67 cited in ibid.

56. Hovdenak, 'The Public Services under Hamas in Gaza', p. 13.

57. Ibid.

58. ICG, 'Ruling Palestine I: Gaza under Hamas', Middle East Report, No. 73, p. 12.

59. Ibid.

60. Hovdenak, 'The Public Services under Hamas in Gaza', p. 13.

61. For further details, see Fares Akram, 'Gaza: Hamas lawmakers approve large budget deficit', *New York Times* (31 December, 2013).

62. One example of the latter was a bill giving women the right to use their maiden names in the Hamas government's official registry.

63. On 19 September 2007, the Hamas government issued Order 128/2007, an intra-governmental instruction to the security forces to respect Gazans' civil and political rights. The government ordered all its employees to respect the equal rights of citizens and particularly their 'political and media freedoms', 'political diversity' and 'right to hold demonstrations'.

64. Author's interview with Fatah leader, Gaza Strip (April 2011).

65. Author's interview with 15 March Movement leader, Jabaliya (September 2011).

66. This ban was rescinded in May 2014.

67. Author's interview with Fatah member, Gaza City (September 2011).

68. Ihab al-Ghussein quoted in HRW, 'Internal fight: Palestinian abuses in Gaza and the West Bank', p. 60.

69. Author's field observations, West Bank and Gaza (August and September 2011).

70. Author's interview with Hamas member no. 1, Gaza Strip (April 2011).

71. Author's field observation, Gaza Strip (April 2011).

72. See Cooley and Pace, 'Consociation in a constant state of contingency?'.

73. Author's interview with ministry civil servant, Gaza City (April 2011).

74. Hovdenak, 'The public services under Hamas in Gaza', p. 18.
75. UNRWA official quoted in Hovdenak, 'The public services under Hamas in Gaza', p. 18.
76. Interview with Hamas official, name withheld; transcript on file with the author.
77. Ministry official quoted in Hovdenak, 'The public services under Hamas in Gaza', p. 20.
78. Ibid.
79. Ibid.
80. Author's field observation, Gaza Strip (April 2011).
81. Salah Azzam quoted in Hovdenak, 'The public services under Hamas in Gaza', pp. 20–1.
82. Ibid., p. 21.
83. Author's interview with Basem Naim, Gaza City (9 April 2011).
84. Hovdenak, 'The public services under Hamas in Gaza', p. 18.
85. Ibid.
86. Press conference with PCHR official, Gaza City (19 April 2009).
87. Hovdenak, 'The public services under Hamas in Gaza', p. 19.
88. Ibid.
89. Ibid.
90. Ibid.
91. Ibid., p. 21.
92. Ibid.
93. Private hajj office owner quoted in ibid., p. 19.
94. Author's interview with Hamas leader no. 4, West Bank (October 2010).
95. Ibid.
96. Ibid.
97. Author's interview with Jamil Rabbah, Ramallah (2 October 2010).
98. Author's interview with Hamas leader no. 4, West Bank (October 2010).
99. Author's interview with 15 March Movement leader, Gaza City (March 2011).
100. Ismail Haniyeh quoted in MEMRI, 'Hamas's Gaza – Four years later', Inquiry and Analysis Report No. 710 (2011), p. 6.
101. Mahmoud Abbas quoted in 'Hamas, Fatah make overtures under pressure', *Maan News Agency* (18 March 2011).
102. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).
103. Robert Malley, 'The Arab Spring is driving the Hamas-Fatah unity deal', *The Washington Post* (4 May 2011).
104. Khaled Meshaal quoted in Jonathan Halevi, 'Why Palestinian reconciliation leads to a Hamas takeover of the PLO', *Jerusalem Viewpoints*, 587 (2012), p. 5.
105. Mahmoud Zahar quoted in 'Hamas: Unity does not mean we take on Fatah's platform', *Maan News Agency* (26 May 2011).
106. Ibid.
107. Salah al-Bardawil quoted in Halevi, 'Why Palestinian reconciliation leads to a Hamas takeover of the PLO', p. 6.
108. Ibid.

109. ICG, 'Palestinian reconciliation: Plus ça change', Middle East Report No. 110 (2011), p. 6.

110. Ibid.

111. Author's interview with Hamas member no. 8, Gaza Strip (September 2011).

112. Hamas's politburo would eventually relocate to the Qatari capital, Doha.

113. Egyptian intelligence official quoted by ICG, 'Palestinian reconciliation: Plus ça change', p. 4.

114. The five individuals concerned were Maamoun Abu Shahla, Faisal Shawa, Mohsen Abu Ramadan, Abu Hassan and Sharhabil al-Zaim (Eyad Sarraj and Rajah Sourani were also part of this group but did not travel to Cairo).

115. ICG, 'Palestinian reconciliation: Plus ça change', p. 7.

116. Robert Fisk's interviews with members of the Palestinian Forum for Independents, in 'Revealed: The untold story of the deal that shocked the Middle East', *The Independent* (7 June 2011).

117. Ibid.

118. Author's interview with Eyad Sarraj, Gaza City (April 2011).

119. ICG, 'Palestinian reconciliation: Plus ça change', p. 8.

120. MEMRI, 'The Fatah-Hamas reconciliation', Report no. 699 (2011), p. 2.

121. Ibid.

122. Shlomo Brom, 'The Fatah-Hamas reconciliation agreement', *INSS Insight* (2011), pp. 2–3.

123. Mahmoud Zahar quoted in MEMRI, 'The Fatah-Hamas reconciliation, p. 5.

124. Ismail Haniyeh quoted in ibid.

125. Part of the text of the Cairo Agreement, freely translated into English by the author.

126. Author's interview with Eyad Sarraj, Gaza City (April 2011).

127. ICG, 'Palestinian reconciliation: Plus ça change', p. 8.

128. Hamas leader quoted in ibid., p. 12.

129. Ibid., p. 13.

130. Ibid., p. 12.

131. Hamas leader quoted in ibid.

132. Author's interview with Omar Abd al-Razeq, Ramallah (6 October 2010).

133. Khaled Meshaal quoted in ICG, 'Palestinian reconciliation: Plus ça change', p. 12.

134. Hamas official quoted in ibid.

135. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).

136. Author's interview with Yohanan Tzoreff, Jerusalem (18 September 2011).

137. Author's interview with Asem Khalil, Ramallah (21 September 2011).

138. See 'Al-Wadiyya: Social reconciliation meeting delayed until June', *Maan News Agency* (25 December 2011).

139. Yasser al-Wadiyya quoted in ibid.

140. An unnamed Gazan quoted in ICG, 'Palestinian reconciliation: Plus ça change', p. 17.

141. Ibid.

142. 'Al-Wadiyya: Social reconciliation meeting delayed until June'.

143. Author's interview with member of a lajnat al-islah, Gaza City (September 2011).

144. For further details see Mahdi Abdul Hadi, ed., *Palestinian security sector governance: Challenges and prospects* (Jerusalem: PASSIA, 2006). See also Brynjar Lia, *A police force without a state: A history of the Palestinian security forces in the West Bank and Gaza* (Reading: Ithaca, 2006).

145. Hamas leader quoted in ICG, 'Palestinian reconciliation: Plus ça change', p. 17.

146. Ibid.

147. 'PCHR: Hamas detaining Fatah affiliates in Gaza', *Maan News Agency* (28 December 2011).

148. 'Fatah, Hamas continue to exchange accusations', *Maan News Agency* (21 January 2012).

149. The Cairo Agreement was followed by two further agreements, the Doha Declaration of February 2012 and the Shaati Agreement of April 2014.

150. Author's interview with Abed Sattar Qasem, Nablus (30 September 2010).

Chapter 3   Radicalisation and the Emergence of Splinter Groups

1. Author's discussion with a group of students at the Islamic University, Gaza City (11 April 2011). Author's field observations, Gaza Strip (March 2011).

2. Author's field observations, Gaza Strip (March 2011).

3. Ibid.

4. Ibid.

5. For further details see Yoram Cohen et al., 'Deterred but determined: Salafi-Jihadi groups in the Palestinian arena', *Policy Focus* No. 99, The Washington Institute for Near East Policy (2010), p. 28.

6. See for instance Magnus Ranstorp, *Understanding violent radicalisation: Terrorist and jihadist movements in Europe* (London: Routledge, 2010), p. 2.

7. Ibid.

8. Arab World for Research and Development, 'Palestinian youth: Politics, information and media – results of an opinion poll', Report, Ramallah (2008).

9. Author's field observation, Gaza Strip (August 2011).

10. Ranstorp, *Understanding violent radicalisation*, p. 3.

11. Examples of Salafi-Jihadi-initiated spirals of violence included the escalation of tensions with Israel in March 2011 and again in November 2012.

12. Author's interview with Qassam fighter, Gaza Strip (September 2011).

13. Paul McGeough, *Kill Khalid: The failed Mossad assassination of Khalid Mishal and the rise of Hamas* (New York: New Press, 2009), p. 31.

14. Khaled Hroub, 'Salafi formations in Palestine and the limits of a de-Palestinised milieu', *Holy Land Studies*, 7 (2008), p. 158.

15. Ibid.

16. Wahabism is an Islamic movement that seeks to return to the earliest fundamentalist interpretations of Islam, as seen for example in the writings of the medieval scholar Ibn Taymiyya.

17. The term *Salafism* is used hereafter to denote the Wahabi-Salafi school of thought.

18. ICG, 'Understanding Islamism', Middle East Report No. 37 (2005), pp. 9–10.

19. Author's interview with Hasan Jaber, Gaza City (7 September 2011).

20. Author's interview with Matti Steinberg, Jerusalem (20 September 2011).

21. Author's field observation, Gaza Strip (April 2011).

22. UNRWA Press Release No. HQ/G/01/2006 (3 January 2006).

23. Author's interview with Asraf Jumaa, Rafah (13 April 2011).

24. Author's interview with Salafi-Jihadi fighter, Rafah (September 2011).

25. Author's interview with al-Aqsa Martyrs' Brigades fighter, Gaza City (April 2011).

26. See Adnan Abu Amer, 'Up close and personal with Hamas's Mourabitoun unit', *al-Monitor Palestine Pulse* (13 November 2013).

27. Author's interview with Qassam fighter, Gaza Strip (September 2011).

28. Author's field observation, Gaza Strip (April 2011).

29. Author's interview with Qassam fighter, Gaza Strip (September 2011).

30. Author's interview with Hasan Jaber, Gaza City (7 September 2011).

31. Within Hamas, this relatively undefined group of individuals were known as *Jaljalat*, 'rolling thunder', in reference to the violent lyrics of a song played in a famous video of a Gazan 'martyr' made before his death in a suicide attack.

32. Author's interview with al-Aqsa Martyrs' Brigades fighter, Gaza City (April 2011).

33. Ibid.

34. Katia Clarens, *Une saison à Gaza: Voyage en territoire assiégé* (Paris: JC Lattès, 2011), p. 321.

35. Author's field observation, Gaza Strip (March 2011).

36. Author's discussion with a group of young men, Rafah (April 2011).

37. Ibid.

38. Author's interview with Israeli security operative, Jerusalem (22 September 2011).

39. Author's interview with Salafi-Jihadi fighter, Gaza Strip (September 2011). One example of such a group was Taliban Filastin, with its seventeen-year-old spokesperson Abu Osama.

40. Author's interview with Hazem Balousha, Gaza City (6 September 2011).

41. Reuven Paz, 'Jihadis and Hamas' in Combating Terrorism Center, 'Self-inflicted wounds: Debates and divisions within al-Qaida and its periphery', Harmony Project Report (2010).

42. Author's interview with Muhammed Mohanna, Gaza City (7 September 2011). The consolidation of the various Gazan Salafi-Jihadi groups would later be (almost) achieved through the foundation of majlis al-Shura al-Mujahidin fi Bayt al-Makdis.

43. Farez al-Ghoul's interview with Salafi-Jihadi fighter, Rafah (21 February 2010).

44. Farez al-Ghoul's interview with Salafi-Jihadi fighter, Gaza City (June 2011).

45. Ibid.

46. ICG, 'Radical Islam in Gaza', Middle East Report No. 104 (2011), p. 18.

47. Author's interview with Salafi-Jihadi fighter, Gaza City (April 2011).

48. Author's interview with internal security officer, Gaza City (September 2011).

49. ICG, 'Radical Islam in Gaza', p. 23.

50. The author's estimate of Salafi-Jihadi numbers is based on his interviews. Note the higher estimate of 2,500–3,000 in Benedetta Berti, 'Hamas's internal challenge', *Strategic Assessment*, 14 (2011), p. 75.

51. Author's interview with Mohammed Mohanna, Gaza City (7 September 2011).

52. Author's interview with Hamas leader no. 9, Gaza Strip (September 2011).

53. Ibid., no. 2, Gaza Strip (April 2011).

54. Author's interview with Nathan Thrall, Jerusalem (14 September 2011).

55. Interview with Ahmed Yousef quoted in Clarens, *Une saison à Gaza*, pp. 291–2.

56. Author's discussion with Gazi Hamed, Gaza City (12 April 2011).

57. Mahmoud Zahar quoted in ICG, 'Radical Islam in Gaza', p. 23.

58. In the author's interview with Ahmed Yousef, he hinted that particular Islamising policies had been implemented in order to appease Hamas's Salafi critics.

59. Author's field observation, Gaza Strip (September 2011).

60. Author's interview with humanitarian aid official, Jerusalem (September 2011).

61. Early Islamist groups in Palestine included the Islamic National Association, the Muslim Youth Association and the militant group Izz al-Din al-Qassam (active against British and Zionist forces in the 1930s), and later, the Muslim Brotherhood, Hizb ut-Tahrir and the Palestinian Islamic Jihad movement.

62. Hroub, 'Salafi formations in Palestine and the limits of a de-Palestinised milieu', p. 160.

63. Ibid., p. 162.

64. Similar attitudes were encountered during the author's research for this book. Author's field observation, Gaza Strip (March 2011).

65. Farez al-Ghoul's interview with Naim al-Laham, Khan Younis (May 2010).

66. Author's field observation, Gaza Strip (April 2011).

67. Farez al-Ghoul's interview with Naim al-Laham, Khan Younis (May 2010).

68. Farez al-Ghoul's interview with Yassin al-Astal, Rafah (May 2010).

69. Ibid.

70. Ibid.

71. Hasan Jaber, 'Salafis of Gaza: Common vision and various societies', *al-Ayyam* (3 May 2007).

72. Hroub, 'Salafi formations in Palestine and the limits of a de-Palestinised milieu', p. 175.

73. Following the author's interviews, he concluded that al-Maqdisi was not only the most severe but also the most popular cleric among local Salafi-Jihadis.

74. Author's field observation, Gaza Strip (September 2011).

75. Author's interview with Hamas leader no. 10, Gaza Strip (April 2011).

76. Khalid Amayreh, *Hamas and al-Qaida: The prospects for radicalisation in the Palestinian occupied territories* (Beirut: Conflicts Forum, 2007), p. 4.

77. Author's inteview with Matti Steinberg, Jerusalem (20 September 2011).

Chapter 4   The Deradicalisation of Islamists by Islamists

1. ICG, 'Radical Islam in Gaza', p. 8.

2. The operation was dedicated to Abu Samhadana who had been killed in an Israeli airstrike some weeks before.

3. On 18 October 2011, Shalit was eventually released in a prisoner exchange after more than five years in captivity.

4. Cohen et al., 'Deterred but determined', p. 17.

5. Ibid.

6. ICG, 'Radical Islam in Gaza', p. 8.

7. Cohen et al., 'Deterred but determined', p. 16.

8. Marwan Abu Ras quoted in Are Hovdenak, 'Al-Qaida – a challenge for Hamas?', FFI Report No. 92, Norwegian Defence Research Establishment (2009), p. 28.

9. ICG, 'Inside Gaza: The challenge of clans and families', p. 14.

10. Alan Johnston, *Kidnapped and other dispatches* (London: Profile, 2007), p. 81.

11. ICG, 'Inside Gaza: The challenge of clans and families', p. 14.

12. Donald Macintyre, 'Tape provides first evidence that BBC reporter was taken', *The Independent* (10 May 2007).

13. ICG, 'Inside Gaza: The challenge of clans and families', p. 14.

14. ICG, 'Radical Islam in Gaza', p. 9.

15. Al-Maqdisi was a prominent militant who had returned to Gaza after fighting with Al Qaeda and the Taliban against the US-led coalition forces in Afghanistan.

16. Steven Erlanger, 'Hamas takes step to force release of BBC reporter', *New York Times* (3 July 2007).

17. Johnston, *Kidnapped and other dispatches*, p. 82.

18. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).

19. Mitchell Prothero, 'Kidnapped BBC man's fate hangs on clan feud', *The Observer* (1 July 2007).
20. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).
21. 'The kidnappers will keep their weapons', *al-Quds al-Arabi* (7 July 2007).
22. Author's field oberservation, Gaza Strip (August 2011). Following the verdict of the committee was seen as a customary and symbolic act of respect towards society as a whole.
23. Author's interview with member of the Rabitat, Gaza City (September 2011). The committee representatives were Ahmed Jaabari for the Qassam Brigades, Gazi Hamed for Hamas and Abu Mujahid for the PRC.
24. Quoted from 'BBC journalist freed in Gaza', *New York Times* (4 July 2007).
25. 'The kidnappers will keep their weapons', *al-Quds al-Arabi* (7 July 2007).
26. 'BBC correspondent Alan Johnston is freed', *Ma'an News Agency* (4 July 2007).
27. In 2008, the total death toll in the Gaza Strip was 204 and the number of people kidnapped stood at 164. In 2007, the corresponding figures were 510 and 372 respectively. In 2006, they were 269 and 104; and in 2005, 101 and 23. Statistics according to MCHR, 'Jungle of guns and laws of the jungle', Report (2007); additional figures for 2008 from MCHR's office in Gaza.
28. Author's interview with Qassam fighter, Gaza Strip (September 2011).
29. Ibid.
30. Khaled Banat, also known as Abu Abdullah al-Suri, had left Gaza a few years earlier to fight alongside Bin Laden in Afghanistan.
31. Farez al-Ghoul's interview with Salafi-Jihadi fighter, Rafah (21 February 2010).
32. Abd al-Latif Mousa was also known as Abu al-Nur al-Maqdisi.
33. Hasan Jaber, 'Jund Ansar Allah: New Salafi organisation appears in southern part of the Gaza Strip', *al-Ayyam* (23 December 2008).
34. Cohen et al., 'Deterred but determined', p. 23.
35. Interview with Salafi-Jihadi fighter, cited in ICG, 'Radical Islam in Gaza', p. 12.
36. Farez al-Ghoul's interview with Salafi-Jihadi fighter, Rafah (21 February 2010).
37. As noted in Cohen et al., 'Deterred but determined', p. 23. Jund Ansar Allah's website is http://janah.ps.
38. ICG, 'Radical Islam in Gaza', p. 12.
39. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).
40. ICG, 'Radical Islam in Gaza', p. 12.
41. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).
42. MEMRI, 'The final sermon of Rafah Shaykh Abu al-Nour al-Maqdisi', Special Dispatch No. 2527 (2009).
43. Farez al-Ghoul's interview with Salafi-Jihadi fighter, Gaza City (24 February 2010).
44. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).

45. 'The final sermon of Rafah Shaykh Abu al-Nour al-Maqdisi', Special Dispatch No. 2527, *MEMRI* (9 September 2009).

46. As reported in ICG, 'Radical Islam in Gaza', p. 13.

47. Death toll as reported by MCHR, 'OPT: 26 die in Rafah clashes', Report, August (2009).

48. Author's field observation, Rafah (April 2011). The observation refers to the restoration of the buildings.

49. Author's interview with Hazem Balousha, Gaza City (6 September 2011).

50. Statement by the Ministry of Justice posted on the Hamas government's website, www.pmo.gov.ps.

51. In 2008, Prime Minister Haniyeh awarded Arrigoni a Palestinian passport as a symbol of his support.

52. Huda Elian as quoted in The Electronic Intifada's (www.electronicintifada.net) posting of 18 April 2011.

53. Author's interview with Gazan friend of Arrigoni, Gaza City (5 September 2011).

54. Hisham al-Saidani was also called Abu Walid al-Maqdisi.

55. ICG, 'Radical Islam in Gaza', p. 16.

56. Author's interview with Fares Akram, Gaza City (6 September 2011).

57. 'al-Masada media publishes biography of imprisoned militant leader', *SITE Intelligence Group* (21 April 2011).

58. Author's interview with Hamas leader no. 10, Gaza Strip (April 2011).

59. 'Tawhid and Jihad group releases video of shelling of Nahal Oz settlement', *SITE Intelligence Group* (11 April 2011).

60. See 'Salafi group: Hamas detained leader', *Maan News Agency* (4 March 2011).

61. Author's interview with local journalist covering the Arrigoni case, Gaza City (September 2011).

62. According to the prosecutor's investigation, these individuals were Bilal al-Omari, Mohammad al-Salfiti, Tamer al-Husasna and Khader Ijram. Two of them were Qassam fighters and one was a firefighter with the civil defence forces.

63. Interestingly, their social network included members of the Qassam Brigades, the civil defence forces, the expatriate community and the local Salafi-Jihadi networks. See Michele Giorgio, 'Vik Arrigoni, oggi il processo', *Il Manifesto* (7 September 2011).

64. Tarek Aadel Khalifa, 'Prosecution No. 69/2011', al-Majdal Military Court, Gaza City (2011).

65. Video clip of Arrigoni on www.youtube.com, accessed on 15 April 2011.

66. Mahmoud Zahar quoted in Rami Almeghari, 'Gaza protests murder of Italian activist', *The Electronic Intifada* (18 April 2011).

67. PCHR Report, April (2011).

68. Statement by Rabitat ulama filastin, quoted in Almeghari, 'Gaza protests murder of Italian activist'.

69. Author's interview with Hamas leader no. 9, Gaza Strip (September 2011).

70. Author's field observation, Gaza City (September 2011). The author participated in the court hearings in person.

71. Khalifa, 'Prosecution No. 69/2011'. Case hearings in 2011: 8 September, 22 September, 3 October and 20 October.

72. 'Killers of Italian activist die in Gaza raid: Hamas', *Reuters* (19 April 2011).

73. Khalifa, 'Prosecution No. 69/2011'.

74. Author's interview with local journalist covering the Arrigoni case, Gaza City (September 2011).

75. Author's field observation, Gaza City (September 2011).

76. See 'Arrigoni murder suspects retract "coerced" confessions', *Maan News Agency* (25 September 2011).

77. Mahmoud al-Salfiti and Tamer al-Husasna were sentenced to life imprisonment, Khader Ajram to 10 years' imprisonment and Amer Abu Ghoula to one year's imprisonment. Later, al-Salfiti and Abu Ghoula would join the growing stream of Gazan Salafi-Jihadis who travelled to Syria to fight in the civil war.

78. Clarens, *Une saison à Gaza*, p. 56.

79. Author's interview with Hazem Balousha, Gaza City (6 September 2011).

80. Ismail Haniyeh quoted in MEMRI, 'Hamas's Gaza – Four years later', p. 6.

81. Fathi Hamad quoted in ibid., p. 8.

82. Author's interview with Hamas leader no. 2, Gaza Strip (April 2011).

83. Yezid Sayigh, 'We serve the people: Hamas policing in Gaza', Crown Paper No. 5 (2011), p. 18.

84. Ibid.

85. MEMRI, 'Hamas's Gaza – Four years later', p. 8.

86. Sayigh, 'We serve the people', p. 18.

87. Author's interview with Yoram Schweitzer, Tel Aviv (15 September 2011).

88. An outfit consisting of tunic and trousers typically worn by the Afghan mujahedin.

89. Author's field observation, Gaza Strip (2011). Observations from 2010 in Clarens, *Une saison à Gaza*, p. 56.

90. Sayigh, 'We serve the people', p. 5.

91. Hovdenak, 'The public services under Hamas in Gaza', p. 53.

92. Sara Roy, *Hamas and civil society in Gaza: Engaging the Islamist social sector* (Princeton: Princeton University Press, 2011), p. 223.

93. Author's discussion with a group of students, Gaza City (12 April 2011).

94. The author accessed online Jihadi chat fora to follow discussions on Hamas.

95. Farez al-Ghoul's interview with 'Abu Suhaib', Rafah (21 February 2010).

96. Author's interview with Hamas leader no. 2, Gaza Strip (April 2011).

97. Ibid., no. 11, Gaza Strip (April 2011).

98. Ibid., no. 10, Gaza Strip (April 2011).

99. Confirmed by interviews with Fathi Hamed, Muhammad Lafi and Ayman Batniji, quoted in ICG, 'Radical Islam in Gaza', pp. 20–1.

100. Author's interview with Hamas leader no. 10, Gaza Strip (April 2011).

101. For further details regarding Hamas's influence over the Gaza mosques, see Hazem Balousha, 'How Hamas uses mosques to garner support', *al-Monitor Palestine Pulse* (25 July 2013).

102. Benedetta Berti, 'Hamas's internal challenge: The political and ideological impact of violent Salafist groups in Gaza', *Strategic Assessment,* 14 (2011), p. 79.

103. Sayigh, 'Hamas rule in Gaza: Three years on', p. 4.

104. Farez al-Ghoul's interview with Naim al-Laham, Khan Younis (May 2010).

105. Sayigh, 'We serve the people', p. 15.

106. Author's interview with Gazan imam, Gaza City (April 2011).

107. Author's interview with Hamas leader no. 7, Gaza Strip (September 2011).

108. Author's interview with Israeli security operative, Jerusalem (22 September 2011).

109. Author's interview with Qassam fighter, Gaza Strip (September 2011).

110. Based on the various figures given in interviews, the number of suspended Qassam fighters is estimated to have been 30–50.

111. Author's interview with Qassam fighter, Gaza Strip (September 2011).

112. Ibid.

113. Author's interview with Fares Akram, Gaza City (6 September 2011).

114. Author's interview with Salafi-Jihadi fighter, Rafah (September 2011).

115. Author's interview with humanitarian aid official, Jerusalem (September 2011).

116. Ibid.

117. Author's interview with Hamas leader no. 7, Gaza Strip (September 2011).

118. Author's interview with internal security officer, Gaza City (September 2011).

119. Former security detainees Ahmed Agiza and Muhammmed al-Zery interviewed in *Svenska Dagbladet* 22 August 2011.

120. Author's interview with Hamas leader no. 11, Gaza Strip (April 2011).

121. Anne Speckhart, 'Prison and community-based disengagement' in L. Fenstermacher et al., 'Protecting the homeland from international and domestic terrorism threats', US Government White Paper (2010), p. 348.

122. Author's interview with Hamas leader no. 10, Gaza Strip (April 2011).

123. Basem Naim quoted in ICG, 'Radical Islam in Gaza', p. 21.

124. On de-radicalisation, see Tore Bjørgo and John Horgan, *Leaving terrorism behind: Individual and collective disengagement* (London: Routledge, 2009).

125. Ibid.

126. For further details of the Saudi programme, see Christopher Boucek, 'Extremist re-education and rehabilitation in Saudi Arabia', *Terrorism Monitor*, 5 (2007).

127. Ibid., pp. 1–2.

128. Ibid.

129. Boucek, 'Counter-radicalisation and extremism disengagement in Saudi Arabia', p. 373.

130. Author's interview with Hamas leader no. 11, Gaza Strip (April 2011). See also the Political and Moral Guidance Commisson's website: www.gca.gov.ps. It should be noted here that respondents – Hamas leaders as well as government

employees – used different terms to describe Hamas's deradicalisation measures. While some simply called it a 'programme', many referred to it instead in terms of 'treatment' or 're-education'.

131. Sayigh, 'We serve the people', p. 90.
132. Ibid.
133. Author's interview with Hamas leader no. 7, Gaza Strip (September 2011).
134. The programme was intended to re-educate 'misguided' individuals held in Gaza's detention centres and have them embrace what was considered moderate Islam. See Luay Ammar, 'Tens of detainees released while lectures are organised to raise awareness of others', *Filisteen al-Muslima*, 27, p. 49.
135. Izzat al-Rishiq quoted in Are Hovdenak, 'Al-Qaida – a challenge for Hamas?', FFI Report 2009/00092 (2009), p. 32.
136. Author's interview with humanitarian aid official, Jerusalem (September 2011). The new detention centres were located in Gaza City (2), Khan Younis (1), Nuseirat (1), and Jabaliya (1). In 2011, there were approximately 1,800 detainees held in the West Bank and 1,200 in Gaza.
137. MEMRI, 'Hamas's relations with Islamic Jihad and Salafi-Jihadis', p. 7.
138. Ibid.
139. See 'On the inside: Gaza's prisons for collaborators', *Sydney Morning Herald* (30 October 2010).
140. ICG, 'Radical Islam in Gaza', p. 20.
141. Ibid.
142. Author's interview with humanitarian aid official, Jerusalem (September 2011). Prior to the opening of the new centres, detainees had been held in Gaza City's old, over-crowded prison and in the strip's numerous police stations.
143. Farez al-Ghoul's interview with 'Abu Muaz', Gaza City (24 February 2010).
144. Author's interview with humanitarian aid official, Jerusalem (September 2011).
145. Farez al-Ghoul's interview with 'Abu Suhaib', Rafah (21 February 2010).
146. Boucek, 'Counter-radicalisation and extremism disengagement', p. 370.
147. Author's interview with Sidney Jones, Jakarta (1 February 2009).
148. Magnus Ranstorp's interview with Muhammed Sueb, Jakarta (1 February 2009).
149. Author's interview with Gazan imam, Gaza City (April 2011).
150. Author's interview with Nathan Thrall, Jerusalem (14 September 2011).
151. Ammar, 'Tens of detainees released while lectures are organised to raise awareness of others', p. 49.
152. Author's interview with Fares Akram, Gaza City (6 September 2011).
153. Farez al-Ghoul's interview with 'Abu Muaz', Gaza City (24 February 2010).
154. Author's interview with Hazem Balousha, Gaza City (6 September 2011).
155. Author's interview with Nathan Thrall, Jerusalem (14 September 2011).
156. Author's interview with Hasan Jaber, Gaza City (7 September 2011).

157. 'The political direction of the northern Gaza Strip opened faith convention for police managers', announcement by the Ministry of the Interior at www.moi.gov.ps, accessed 21 September 2011.

158. Farez al-Ghoul's interview with 'Abu Muaz', Gaza City (24 February 2010).

159. Author's interview with Andreas Indregard, Jerusalem (5 October 2010).

160. Author's interview with Nathan Thrall, Jerusalem (14 September 2011).

161. Balousha, 'How Hamas uses mosques to garner support'.

162. Author's interview with Hamas leader no. 11, Gaza Strip (April 2011).

163. Marwan Abu Ras quoted in Hovdenak, 'Al-Qaida – a challenge for Hamas?', p. 32.

164. Michael Irving Jensen, 'Re-Islamising Palestinian society "from below": Hamas and higher education in Gaza', *Holy Land Studies*, 5 (2006), p. 73.

165. ICG, 'Radical Islam in Gaza', p. 24.

166. Author's interview with Hamas leader no. 7, Gaza Strip (September 2011).

167. ICG, 'Radical Islam in Gaza', p. 24.

168. Hovdenak, 'The public services under Hamas in Gaza', p. 53.

169. Author's interview with university student, Gaza City (August 2011).

170. Author's interview with mukhtar, Gaza City (September 2011).

171. Author's interview with Hazem Balousha, Gaza City (6 September 2011).

172. ICG, 'Radical Islam in Gaza', p. 23.

173. Ibid.

174. Ibid.

175. Sayigh, 'We serve the people', p. 90

176. Ibid.

177. 'The political direction is celebrating the graduation of a series of reading courses in jurisprudence', Ministry of the Interior, www.moi.gov.ps, 18 September 2011.

178. Sayigh, 'We serve the people', p. 92.

179. Ibid.

180. Ibid., p. 91.

181. Ibid., p. 92.

182. Balousha, 'How Hamas uses mosques to garner support'.

183. Author's field observation in a Gaza mosque, Gaza Strip (April 2011).

184. 'The political direction of northern Gaza Strip opened faith convention for police managers', Ministry of the Interior, posting on www.moi.gov.ps, 21 September 2011.

185. Ibid.

186. Ibid.

Chapter 5   Social Order in the Midst of Political Chaos

1. Robert Terris and Vera Inoue-Terris, 'A case study of third world jurisprudence – Palestine: Conflict resolution and customary law in a neopatrimonal society', *Berkley Journal of International Law*, 20 (2002), p. 469.

2. Author's interview with family elder, Jabaliya (September 2011).

3. Lacking a state of their own, the common traditions of the people help to hold them together. Customary methods of maintaining and restoring communal harmony are part of this.

4. This study does not make any claims for Palestinians in general, or Gazans in particular, as culturally unique. Rather, this section seeks to show that the experience of living under continually changing state administrations has led Palestinians, and particularly Gazans, to adopt distinctive perceptions and priorities with respect to justice and justice-making.

5. It is a common belief that informal methods of justice-making only exist in rural areas of Palestine such as al-Khalil (Hebron) in the south and Jenin in the north. However, scholarship has shown that, even under Ottoman rule, customary dispute resolution was also practised extensively in urban centres in Palestine. See Haim Gerber, *State, society and law in Islam: Ottoman law in a comparative perspective* (Albany: State University of New York Press, 1994).

6. These Ottoman reforms, known as *Tanzimat*, were introduced in 1839.

7. Birzeit University Institute of Law, 'Informal justice: Rule of law and dispute resolution in Palestine', Report, Birzeit University (2006), p. 30.

8. Haim Gerber cited in Hillel Frisch, 'Modern absolutist or neopatriarchal state building? Customary law, extended families, and the Palestinian Authority', *International Journal of Middle East Studies*, 29 (1997), p. 345.

9. The hamail were sedentary peasant clans that jointly cultivated agricultural lands in Palestine.

10. The makhatir held leading positions as judges, town mayors and city councilmen. They also served as informal arbitrators. Their wealth and power gave them high social status and made them local kings of sorts.

11. See for instance the British Mandate Law of Civil Contraventions no. 36, regulating *diyya*, blood money.

12. Birzeit University Institute of Law, 'Informal justice', pp. 31–2.

13. Samer Fares et al., 'The sulh system in Palestine: Between justice and social order', *Practicing Anthropology*, 28 (2006), p. 23.

14. Birzeit University Institute of Law, 'Informal justice', pp. 33–4.

15. Hillel Frisch cited in Terris and Inoue-Terris, 'A case study of third world jurisprudence', p. 470.

16. Formally, the All-Palestine Government was in place in Gaza between 1949 and 1959.

17. Birzeit University Institute of Law, 'Informal justice', p. 34.

18. Gazan rajul al-islah quoted in Birzeit University Institute of Law, 'Informal justice', p. 34.

19. Author's interview with Gazan rajul al-islah, Gaza City (September 2011).

20. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 23.

21. Terris and Inoue-Terris, 'A case study of third world jurisprudence', p. 471.

22. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 24.
23. Author's interview with Hamas leader no. 4, West Bank (October 2010).
24. Ibid.
25. Ifrah Zilberman cited in Terris and Inoue-Terris, 'A case study of third world jurisprudence', p. 471.
26. Frisch, 'Modern absolutist or neopatriarchal state building?', p. 347.
27. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 24.
28. Birzeit University Institute of Law, 'Informal justice', p. 37.
29. Author's interview with Areej Odeh, Ramallah (21 September 2011).
30. The Oslo Accords divided the Palestinian territories into three separate areas with varying levels of self-administration: Area A was under PNA control, Area B under shared Israeli military and PNA control, and Area C under full Israeli military control.
31. Author's interview with Asem Khalil, Ramallah (21 September 2011).
32. See Said Aburish, *Arafat: From defender to dictator* (London: Bloomsbury, 1998).
33. Birzeit University Institute of Law, 'Informal justice', p. 38.
34. President of the Palestinian National Authority, 'Presidential decree No. 161', *Palestinian Gazette*, 20 February 1995.
35. 'Memorandum No. 230', internal document at the Department for Tribal Affairs, dated 28 October 2003.
36. As reported by Birzeit University Institute of Law, 'Informal justice', p. 59.
37. Aburish, *Arafat: From defender to dictator*.
38. Author's interview with Yohanan Tzoreff, Jerusalem (18 September 2010).
39. Author's interview with rajul al-islah, Gaza City (September 2011).
40. Ibid.
41. Author's interview with Hamas leader no. 4, West Bank (October 2010).
42. Mishal and Sela, *The Palestinian Hamas: Vision, violence and coexistence*, p. 21.
43. Hani Albasoos, 'The judicial sector', in Are Hovdenak (ed.), 'The public services under Hamas in Gaza', Report no. 3, Peace Research Institute Oslo, p. 29.
44. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).
45. Historically it was in relation to men, not women, that 'scores' were calculated in regard to who qualified when compensatory measures were considered.
46. This family solidarity is often referred to as *asabiyya* by anthropologists.
47. Terris and Inoue-Terris, 'A case study of third world jurisprudence', p. 466.
48. Author's interview with Sayf al-Din Aburamadan, Gaza City (5 September 2011).
49. Author's interview with hamula elder, Gaza Strip (September 2011).
50. Elias Jabbour, *Sulha: Palestinian traditional peacemaking process* (Montreal: House of Hope Publications, 1996), p. 71.
51. Author's interview with Abu Rami al-Digges, Jabaliya (4 September 2011).
52. Author's interview with Younes Taharawi, Gaza City (5 September 2011).

53. Ibid.
54. Author's interview with rajul al-islah, Gaza City (September 2011).
55. According to traditional urf, a killing could only be compensated by a killing – the logic of thar.
56. Jabbour, *Sulha: Palestinian traditional peacemaking process*, p. 27.
57. Author's interview with Samir Lubbad, Jabaliya (31 August 2011).
58. Readers should imagine the most respected figures in their community coming to their house, asking them to do them a favour.
59. Jabbour, *Sulha: Palestinian traditional peacemaking process*, p. 32.
60. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 22.
61. Author's interview with family elder, Jabaliya (September 2011).
62. Author's interview with Mukri al-Hadi, Raqqa (6 April 2010).
63. Jabbour, 'Sulha: Palestinian traditional peacemaking process', p. 41.
64. Ibid., p. 51.
65. Sharon Lang, *Sharaf politics: Honor and peacemaking in Israeli-Palestinian society* (New York: Routledge, 2005), pp. 87–90.
66. Laurie King-Irani, 'Rituals of reconciliation and processes of empowerment in post-war Lebanon' in W. Zartman (ed.) *Traditional cures for modern conflicts* (Boulder: Lynne Rienner Publishers, 2000).
67. Tobias Kelly, 'Law, culture and access to justice under the Palestinian National Authority', *Development and Change*, 36 (2005), pp. 865–86.
68. Ibid.
69. Ghazi Hamed, 'A murder in Gaza', *Palestine Report* (20 April 2005).
70. Khaled Abu Toameh, 'Woman walking with fiancé murdered', *Jerusalem Post* (12 April 2005).
71. Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', p. 8.
72. Ibid.
73. Police spokesperson quoted in Toameh, 'Woman walking with fiancé murdered'.
74. Hamed, 'A murder in Gaza'.
75. This is traditionally a judgment of the penalty to be imposed, decided on by a committee of Islamic scholars.
76. The ruling was issued on 30 April 2005 by a committee of Islamic scholars.
77. Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', p. 10.
78. Ibid.
79. Hamed, 'A murder in Gaza'.
80. Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', p. 11.
81. Mushir al-Masri quoted in Donald Macintyre, 'Hamas admits its gunmen shot betrothed woman in honour killing', *Independent* (13 April 2005).
82. A full translation of the hukm shari into English is provided in Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', pp. 9–10.

83. Jan Hjärpe noted further: 'It is important to analyse how the terms are allowed to slide in how they are understood and used in the particular context constituted by the Gaza Strip.' Author's correspondence with Jan Hjärpe (26 January 2012).
84. Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', p. 17.

Chapter 6   The New Political Order and the Judicial System

1. At the end of 2015, these officials still remained without work in their homes in Gaza and continued to receive their salaries from Ramallah.
2. Albasoos, 'The judicial sector', in Hovdenak, 'The public services under Hamas in Gaza', p. 32.
3. Ibid., p. 33.
4. ICG, 'Ruling Palestine I: Gaza under Hamas', p. 13.
5. Ahmad al-Mughanni quoted in Hovdenak, 'The public services under Hamas in Gaza', p. 41.
6. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).
7. Six months after the takeover in June 2007, Hamas had appointed 24 new judges. Reported in ICG, 'Ruling Palestine I: Gaza under Hamas'.
8. Albasoos, 'The judicial sector', in Hovdenak, 'The public services under Hamas in Gaza', p. 33.
9. Gazan lawyer quoted in ibid.
10. Gazan lawyer quoted in ICG, 'Ruling Palestine I: Gaza under Hamas', p. 13.
11. Ibid.
12. UNDP, 'Access to justice in the Palestinian territories', Programme of Assistance to the Palestinian People Report, United Nations (2009), p. 12.
13. Author's interview with Gazan lawyer, Gaza City (September 2011).
14. The formal justice system in the Gaza Strip comprised three types of courts: (i) Administrative, civil and criminal courts; (ii) Sharia courts for family related matters; and (iii) Military courts that dealt with matters of 'homeland security'.
15. Sayigh, 'We serve the people', p. 83.
16. One notable example of this change in practice is the case of the murder of Vittorio Arrigoni described in chapter five.
17. Author's field observation at the Majdal Military Court, Gaza City (September 2011).
18. Sayigh, 'We serve the people', p. 83.
19. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).
20. Albasoos, 'The judicial sector', in Hovdenak, 'The public services under Hamas in Gaza', p. 38.
21. Abdel Raouf al-Halabi quoted in ICG, 'Ruling Palestine I: Gaza under Hamas', p. 13.
22. Author's interview with member of the Rabitat, Gaza City (September 2011).

23. ICG, 'Ruling Palestine I: Gaza under Hamas', p. 13. In 2009 the number of Hamas-led lijan al-islah in the Gaza Strip had risen to 36, and in mid-2011 to 41.

24. Author's interview with Areej Odeh, Ramallah (21 September 2011).

25. Author's interview with rajul al-islah, Gaza City (September 2011).

26. Sayigh, 'We serve the people', p. 78.

27. Ibid.

28. 'Minister of the Interior opened a police station north of Gaza', Ministy of the Interior, website posting at www.moi.gov.ps, 21 July 2010.

29. Author's interview with Hamas leader no. 5, Gaza Strip (September 2011).

30. United Nations Human Rights Council, 'Human rights in Palestine and other occupied Arab territories', Report of the United Nations Fact Finding Mission on the Gaza Conflict, United Nations (2009).

31. Author's interview with Ministry civil servant, Gaza City (April 2011).

32. Ibid.

33. Author's interview with rajul al-islah, Gaza City (September 2011).

34. Author's interview with Saif al-Din Aburamadan, Gaza City (5 September 2011).

35. Birzeit University Institute of Law, 'Informal justice', p. 62.

36. Author's interview with Gazan muhakim, Gaza City (September 2011).

37. The *aila* (extended family) was the branch of the hamula that included the first and second cousins of its male members, and whose *majlis aili* (extended family council) was its ruling body under the hamula leader.

38. 'The clans of Gaza take on the men of Hamas', *Financial Times* (22 November 2008).

39. Author's interview with hamula elder, Gaza City (September 2011).

40. Author's interview with Samir Lubbad, Jabaliya (31 August 2011).

41. Author's interview with internal security officer, Gaza City (September 2011).

42. Birzeit University Institute of Law, 'Informal justice: Rule of law and dispute resolution in Palestine', pp. 95–6.

43. Author's interview with Asem Khalil, Ramallah (21 September 2011).

44. Birzeit University Institute of Law, 'Informal justice', p. 96.

45. Author's interview with Saif al-Din Aburamadan, Gaza City (5 September 2011).

46. Author's interview with rajul al-islah, Gaza City (September 2011).

47. Author's interview with member of the Rabitat, Gaza City (September 2011).

48. Sayigh, 'We serve the people', p. 78.

49. Ibid.

50. In 2011, according to the Hamas Ministry of Awqaf and Religious Affairs, the total number of mosques in the Gaza Strip stood at 1,000, of which 870 were registered with the ministry.

51. Author's interview with Ghassan Faramand, Ramallah (19 September 2011).

52. Sayigh, 'We serve the people', p. 78.
53. Author's interview with member of the Rabitat, Gaza City (September 2011).
54. Author's interview with Younes Taharawi, Gaza City (5 September 2011).
55. Ibid.
56. Author's interview with rajul al-islah, Gaza City (September 2011).
57. On the differences between sharia and urf, see Fadwa al-Labadi, 'Case History: Diya between Sharia and Customary Law', in L. Welchman (ed.) *Women's rights and Islamic family law* (London: Zed Books, 2004).
58. Case description provided by the Palestinian Center for Democracy and Conflict Resolution in Gaza City.
59. These are the characteristics of a rajul al-islah according to Palestinians in the Gaza Strip and West Bank. For further details, see Birzeit University Institute of Law, 'Informal justice', p. 62.
60. Author's interview with Saif al-Din Aburamadan, Gaza City (5 September 2011).
61. Albasoos, 'The judicial sector', p. 38.
62. Author's interview with Kamel Hatauna, Gaza City (5 September 2011).
63. Author's interview with Asem Khalil, Ramallah (21 September 2011).
64. Reports by Rabitat ulama filastin quoted in Sayigh, 'We serve the people', p. 79.
65. Albasoos, 'The judicial sector', p. 59.
66. Author's interview with member of the Rabitat, Gaza City (September 2011).
67. Author's interview with family elder, Jabaliya (September 2011).
68. Author's interview with member of the Rabitat, Gaza City (September 2011).
69. Ghazi Hamed quoted in Sayigh, 'We serve the people', p. 80.
70. Author's interview with member of the Rabitat, Gaza City (September 2011).
71. Ibid.
72. See 'Rabitat ulama filastin concludes conciliation between families', *al-Resalah* (20 March 2010).
73. See 'Ali Abu Matar was martyred', Communiqué issued by the information office of the Qassam Brigades, Gaza Strip (24 September 2007).
74. Many cases still went before the courts, resulting in even greater backlogs.
75. Author's interview with Hamas member no. 8, Gaza Strip (September 2011).
76. Author's interview with Asem Khalil, Ramallah (21 September 2011).
77. Author's interview with internal security officer, Gaza City (September 2011).
78. Author's interview with Samir Lubbad, Jabaliya (31 August 2011).
79. Author's interview with Saif al-Din Aburamadan, Gaza City (5 September 2011).
80. Author's interview with Ghassan Faramand, Ramallah (19 September 2011).
81. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 24.
82. The *sakk al-tahkim al-shari* stated the name of the arbitrator and the content of his ruling.

83. Author's interview with Asem Khalil, Ramallah (21 September 2011).
84. Author's interview with internal security officer, Gaza City (September 2011).
85. Author's field observations, Gaza Strip (March through September 2011).
86. Author's interview with internal security officer, Gaza City (September 2011).
87. Nathan Brown, *Palestinian Politics after the Oslo accords* (Berkeley, CA: University of California Press, 2003), p. 39.
88. The same conclusion is drawn by Sayigh in 'We serve the people'.
89. Author's interview with Hamas member no. 6, Gaza Strip (April 2011).
90. Ibid.
91. Sayigh, 'We serve the people', p. 79.
92. Author's interview with member of the Rabitat, Gaza City (October 2011).
93. Author's inteview with Hamas leader no. 5, Gaza City (September 2011).
94. Author's interview with Asem Khalil, Ramallah (21 September 2011).
95. Salem, 'Informal justice', p. 5.
96. Fares et al., 'The sulh system in Palestine: Between justice and social order', p. 25.
97. Balousha, 'How Hamas uses mosques to garner support'.
98. Sayigh, 'We serve the people', p. 79.
99. Author's interview with internal security officer, Gaza City (September 2011).
100. Albasoos, 'The judicial sector', p. 38.
101. Welchman, 'The Bedouin judge, the Mufti, and the Chief Islamic justice', p. 17.
102. Sayigh, 'We serve the people', p. 38.
103. UNDP, 'Access to justice in the Palestinian territories', p. 12.
104. Ihab al-Ghussain quoted in Sayigh, 'We serve the people', p. 37.

Chapter 7   Islamist Governance Hamas-Style

1. The expression 'good democrats' is closely related to the notion of 'good governance' and is used in this book to denote a behaviour that conforms with liberal democratic values and principles.
2. Cf. Anders Strindberg and Mats Wärn, *Islamism: Religion, radicalization and resistance* (Cambridge: Polity, 2011), p. 4.
3. A similar approach is taken by Roxanne Euben, *Enemy in the mirror: Islamic fundamentalism and the limits of modern rationalism* (Princeton: Princeton University Press, 1999), pp. 46–7.
4. The four governing styles that constitute this book's framework of analysis were introduced and described in chapter one, pp. 5–6.
5. This study found similarities between the Saudi programme and that introduced by Hamas. The Saudi programme is considered to be one of the most progressive of its kind in the Arab world and to have been modelled on European best practice in this area. See Boucek, 'Jailing Jihadis: Saudi Arabia's special terrorist prisons'.

6. Cf. Milton-Edwards, 'The ascendance of political Islam: Hamas and consolidation in the Gaza Strip', p. 1598.
7. Cf. Sayigh 'We serve the people', p. 78.
8. Ibid.
9. This disregard for individual rights is also noted in Tariq Mukhimer, *Hamas's rule in Gaza: Human rights under constraint* (New York: Palgrave, 2012), pp. 127–31.
10. Cf. Mishal and Sela, *The Palestinian Hamas: Vision, violence and coexistence*, p. 48.
11. Islamisation is here understood as 'the introduction of practices by the government that are related to sharia and increase the influence of Islam in society'.
12. Moderation is here understood as 'the introduction of practices by the government that conform to liberal democratic values and principles'.
13. The type of Islamisation introduced by Hamas only partly resembled the 'logic of the state' and 'single party' development prescribed in Roy, *The failure of political Islam*, p. 195.
14. Hamas's semi-informal (but nevertheless active) approach to the introduction of Islamic values went beyond the 'passively secular' stance of the type of Islamist governance described in Kuru, 'Muslim politics without an Islamic state', p. 2.
15. The Palestinian experience corresponds to the 'subtle Islamisation' described in Juris Pupcenoks, 'Democratic Islamization in Pakistan and Turkey: Lessons for the post-Arab Spring Muslim world', *Middle East Journal*, 66 (2012), p. 273.
16. The prevalence of this de facto Islamisation in Gaza is also pointed out in Hroub, 'Hamas: Conflating national liberation and socio-political change', p. 181.
17. This study's conclusions about the role of Islam in Hamas are similar to, and even go beyond, those of Jeroen Gunning: 'religion helps to conceal Hamas's ambitions for power'. See Gunning, *Hamas in politics*, p. 267.
18. A similar questioning of 'how liberal democracy has come to symbolise an ideal, or universal set of values' is found in Michelle Pace, 'Liberal or social democracy? Aspect dawning in the EU's democracy promotion agenda in the Middle East', *The International Journal of Human Rights*, 15 (2011), p. 801.
19. Cf. Richard Bellamy and Peter Baehr, 'Carl Schmitt and the contradictions of liberal democracy', *European Journal of Political Research*, 23 (1993), p. 163.
20. This dilemma has recently been discussed in reference to Egypt: 'its politics is dominated by democrats who are not liberals and liberals who are not democrats.' See Samer Shehata, 'In Egypt, democrats vs. liberals', *New York Times* (2 July 2013).
21. Cf. Shadi Hamid, *Temptations of power: Islamists and illiberal democracy in a new Middle East* (Oxford: Oxford University Press, 2014), pp. 188–9.
22. A similar argument is made in Amr Sabet, *Islam and the political: Theory, governance and international relations* (London: Pluto Press, 2008), pp. 202–3.

23. Compare Calchi Novati's and Belluchi's argument that 'Western democracy does not fit into an Islamic governance construction [but that] alternate forms of good governance may exist.' Giampaolo Calchi Novati and Stephano Bellucci, 'Islamic governance in Algeria and Sudan', *Mediterranean Quarterly*, 12 (2001), pp. 112–13.

24. Cf. Fuller, The future of political Islam, p. 118.

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Amayreh, Khaled (2010) Journalist, Hamas affiliate, The Palestinian Information Centre, Dura/Hebron, 7 October.

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Iala, Kei (2009) Shaykh, Vice Head of Nadlatul Ulama (NU), Yogakarta, 3 February.

'Ibrahim' (2011) Imam, Senior member of Rabitat ulama filastin, Gaza City, 1 October.

Indregard, Andreas (2010) Senior Analyst, International Crisis Group ICG, Jerusalem, 5 October.

'Ishmael' (2016) Security Coordinator, Gaza border security specialist, Eshkol Regional Council, Givat Magen, 10 May.

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Jaber, Ibrahim (2011) Deputy Minister of National Economy, Hamas government, Palestinian National Authority, Gaza City, 12 April.**

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Khalil, Asem (2011) Professor, Legal specialist in informal justice, Centre of International Studies, Birzeit University, 21 September.

Klein, Menachem (2016) Professor, Department of Political Studies, Bar Ilan University, Tel Aviv, 16 May.

Lafi, Mohammed (2011) Deputy Head of Internal Security, Hamas government, Palestinian National Authority, Gaza City, 12 April.**

Lubbad, Bashar (2011) Social media activist, Member of 15 March Movement, Jabaliya, April and September.

Lubbad, Samir (2011) Hamula notable, Family head, Former member of Lubbad hamula committee, Jabaliya, August and September.

Matar, Mohammed, 'Abu Yazan' (2011) Human rights activist, Leader of Gaza Youth Breaks Out GYBO, Gaza City, April.

Miqdad, Mohammed (2011) Professor, Department of Political Science, Islamic University, Gaza City, 11 April.

Mishal, Shaul (2010) Professor, Department of Political Science, Tel Aviv University, Tel Aviv, 16 September.

Mohanna, Muhammed (2011) Journalist, Specialist in Gazan Salafi-Jihadi groups, Gaza City, 7 September.

Mounir, Gayer 'Abu Ashraf' (2010) Activist, Former Spokesperson of Palestinian Prisoners' Families' Association, Jerusalem, 18 September.

'Muhammed' (2011) Salafi-Jihadi fighter, Member of Taliban Filastin, Khan Younis, 31 August.

Naim, Basem (2011) Minister of Health, Hamas government, Palestinian National Authority, Gaza City, 9 April.***

Nairat, Raed (2010) Assistant Professor, Department of Political Science, al-Najah National University, Nablus, 3 October.

Nusseibeh, Lana (2013) Ambassador, Director of Policy and Planning Division, United Arab Emirates Ministry of Foreign Affairs, Abu Dhabi, 22 January.**

Odeh, Areej (2011) General Counsel, Advisor to President of Palestine, Head of Ramallah and al-Bireh Governorates Legal Department, Palestinian National Authority, Ramallah, 21 September.

Odeh, Nour (2010) Director, Palestinian Government Media Center, Spokesperson, Palestinian National Authority, Ramallah, 2 October.

Othman, Othman (2010) Assistant Professor, Department of Islamic Studies, al-Najah National University, Nablus, 30 September.

Qasem, Abed Sattar (2010) Professor, Department of Political Science, al-Najah National University, Nablus, 30 September.

Qwaider, Asma (2011) Assistant Secretary, Security committee of the 2009 Hamas-Fatah Cairo talks, Gaza City, April and October.

Rabah, Jamil (2010) Director, Pollster specialising in Palestinian society, Head of Near East Consulting, Ramallah, 2 October.

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Sarraj, Eyad (2011) Psychiatrist, Founder of Gaza Community Mental Health Programme, Leader of group of independents working for intra-Palestinian unity, Gaza City, April and September.

Sarraj, Nalan (2011) Human rights activist, Member of 15th March Movement, Gaza City, March and April.

Schweitzer, Yoram (2011) Senior Researcher, Institute for National Security Studies INSS, Tel Aviv, 15 September.

Sela, Avraham (2010) Professor, Department of International Relations, Harry Truman Institute, Hebrew University of Jerusalem, Jerusalem, 4 October.

Shikaki, Khalil (2016) Director, Pollster specialising in Palestinian society, Head of Palestinian Center for Policy and Survey Research PCPSR, Ramallah, 12 May.

Steinberg, Matti (2011) Professor, Department of International Relations, Harry Truman Institute, Hebrew University, Jerusalem, 20 September.

Stock, Nathan (2016) Senior Analyst, Director of The Carter Center Israel-Palestine Field Office, Ramallah, 13 May.

Sueb, Muhammed (2009) Director, Head of Corrections Division, Indonesia Ministry of Justice, Jakarta, 1 February.

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