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Author(s): Menachem Klein

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Hamas in Power

Menachem Klein

This article challenges the static approach to Hamas as a simple fundamentalist organization by analyzing its political documents. It shows that Hamas' Islamist ideology has not prevented it from moving from fundamentalism to radicalism. Hamas has innovated ways of allowing its leaders to declare or acquiesce in political positions that contradict its fundamentalist creed. Hamas accomplished this change in the course of a domestic debate. The international boycott of its government did not create the change — Hamas began to talk in two voices before winning the 2006 elections.

In his new book *How to Cure a Fanatic*, Amos Oz creates a dichotomy between fanaticism on the one hand and pluralism and tolerance on the other. Fanatics, Oz writes, believe that a sacred or utopian end justifies all means. Zealous, simple-minded, and self-righteous, “very often the fanatic can only count up to one, two is too big a figure for him or her.”¹ Citing his childhood in Jerusalem and labeling himself a recovered fanatic, Oz claims expertise in comparative fanaticism. Fanatics lack imagination and humor, he maintains. Both these skills require relativism, the ability to see oneself as others do, not only as one sees oneself. Instead, the fanatic imposes conformity and uniformity. Fanaticism, Oz argues, is the desire to force other people to change.

Hamas was established as a typical fundamentalist movement and, by definition, fundamentalists are fanatics. They are uncomplicated and despise diplomatic gimmicks. The Islamic Charter of 1988,² Hamas' founding document, which calls for the destruction of Israel, is a fundamentalist document. The Charter, and the horrific suicide bombings that Hamas has perpetrated, have solidified the movement's fanatical image.

Since it entered the political arena, winning 76 of 132 seats in the 2006 Palestinian parliamentary elections, Hamas has given numerous indications that, in practice, it has ceased to be a fanatic and fundamentalist organization, unable to distinguish between principle and practice. It has demonstrated a willingness to change its positions on fundamental issues and even to take public stands in contradiction of its Islamic Charter. This does not mean that Hamas has become a moderate force. It has not revoked the Islamic Charter, and its leaders continue to speak the language of fanaticism, alongside that of pragmatism. Such a dichotomy can be manifested in a single day by a single person, as was the case with the newly-elected Hamas Foreign Minister of the Palestinian Authority, Mahmud al-Zahar, on April 27, 2006. First, he declared that Israel would forever remain “our” enemy. On the other hand, he also said that he is not opposed to negotiating with Israel, if the talks can lead to satisfactory results. Neither

Dr. Menachem Klein is a Senior Lecturer in the Department of Political Science at Bar-Ilan University, Israel. His book, *A Possible Peace Between Israel and Palestine: An Insiders' Account of the Geneva Initiative*, is forthcoming in September by Columbia University Press.

1. Amos Oz, *How to Cure a Fanatic* (Princeton: Princeton University Press, 2006), p. 51.

2. Hamas, “Islamic Charter,” <http://www.myisraelsource.com/content/charterhamas>.

does he object to third-party mediation on the terms of opening peace talks that have as their goal the achievement of justice for the Palestinians.³

According to Martin Seliger, a fundamental ideology is comprised of a cluster of principles of belief and absolute goals, as well as a perceived means of achieving them. An operative ideology, on the other hand, involves a justification appended to a policy that is being implemented — a policy whose political effects contradict or significantly deviate from the overall vision. The two types of ideology also differ in their time dimension. The dominant time range in fundamental ideology is long-term, whereas operative ideology focuses upon the immediate past and future. The fundamentalist seeks far-reaching visionary ends, and sets policy accordingly, whereas the pragmatist minimizes the overall vision in his or her attempt to respond to the constraints of contemporary circumstances. Instead, the pragmatist hopes to bring about improvements in the present reality, while confronting the political and social pressures in the context of which the organization operates.⁴

Seliger concludes that the tension between fundamental and operative ideologies is especially evident in national movements. It is all the more powerful in a religious national organization such as Hamas. The organization's leaders are forced to achieve immediate goals at the expense of long-term objectives. At the same time, they cannot entirely forsake their principles. The result is a complex network of relations between the two ideologies. There are three possible models for these relations. The two ideologies may complement each other; one may dominate the other; and in relations of conflict, there is a rift between the two. In most cases, politicians do not entirely favor the total triumph of one of the ideologies, so they develop mechanisms of arbitration and reconciliation that bridge between the operative and the fundamental. Politics then center around a constant process of reciprocal bargaining between fundamental and operative ideologies.

My aim here is to challenge the static approach to Hamas by analyzing Hamas documents and their contexts. My analysis shows that Hamas' Islamist ideology has not prevented it from changing and moving from fundamentalism to radicalism. Hamas accomplished this change in the course of a domestic debate. The organization was able to manage its crisis and resolve its internal disagreements without splitting. The international boycott of its government did not create the change — Hamas began to speak in two voices before winning the 2006 elections. Neither was Fatah's reaction to its loss of power a constructive force that encouraged Hamas to continue reforming its ideology and to move from radicalism toward pragmatism.

AGENTS OF POLITICAL ACTION

From its inception, Hamas has had both political goals and built-in methods by which it has pursued those goals and adjusted itself to changing circumstances. In other words, Hamas always had a number of political “agents of change” and “agents of ac-

3. Tzvi Bar'el and Arnon Regular, “*Al-Zahar: Eini Mitnaged Lemasa Umatan im Israel*” [“I Do Not Oppose Negotiation with Israel,” *Ha'aretz*, April 27, 2006.

4. Martin Seliger, “Fundamental and Operative Ideology: The Two Principal Dimensions of Political Argumentation,” *Policy Science*, Vol. 1 (1970), pp. 325-338.

tion.”

In classical Islam, religion is tied to politics.⁵ The connection is even tighter in radical, fundamentalist Islam, which aims to achieve an unambiguous political goal — the overthrow of a heretical regime and its replacement with Islamic rule. Furthermore, as a Palestinian movement, Hamas seeks national liberation from Israeli occupation. Another agent is Hamas’ principle of *sabr* (patience, forbearance). *Sabr* means endurance and staying power on the way to an Islamic Palestine. One of the most popular expressions used by Hamas spokesmen and writers is “*Allah ma’ al-sabarin*,” “God is with the patient.”⁶ The emphasis on patience allows Hamas to build itself up as a movement that claims that it does not allow the present to be ground down between the glory of the past and the vision of the future. Hamas holds to its revolutionary goals but pushes them off into the long run. It supports the realization of partial objectives, distinguishing between those that are possible and those that, in current circumstances, are unrealistic. These latter ones will be achieved in generations to come. Searching for a balance between its need to be effective here and now and its need to remain faithful to its overarching ideological and strategic goals, Hamas created a framework of time in which political activity and tactical flexibility are the rule of the day. During this period, the movement supports the building of a Palestinian-Islamic society and state. It views the liberation of the territories occupied by Israel in 1967 as a stage in the liberation of Palestine as a whole.⁷

Since it was founded, Hamas has shown that it adjusts its positions and displays flexibility in light of the Palestinian consensus in the Occupied Territories. Hamas is a political and social organization, so its activists encounter the general public each day in its religious, educational, and welfare institutions, and are aware of what the public thinks. It could be said that the public-at-large is no less a foundation of Hamas’ existence than the ideology of the movement and its leadership. In practice, Hamas’ leadership has deferred to public opinion in the interpretation of the national interest. The voice of the masses, in its view, is the expression of God’s will. Therefore, Hamas accepted the authority of the Palestinian Authority when it was founded in 1994, even though, in Hamas’ view, it was born of the sin of the Oslo Accords. Hamas submitted to the Palestinian Authority because of the public’s support of the latter and in obedience to its taboo against civil war.⁸ Shaykh Yassin even headed an official Hamas delegation to the session of the PLO’s Central Council in April 1999, thereby giving his own

5. Wilfred Cantwell Smith, *Islam in Modern History* (Princeton: Princeton University Press, 1957), p. 36.

6. Uri Nir, “*Orekh Ruah VeKama Sipukei Beinayim*” [“Patient and Few Interim Achievements”], *Ha’aretz*, January 5, 1995.

7. Reuven Paz, *Sleeping with the Enemy: A Reconciliation Process As Part of Counter-Terrorism: Is Hamas Capable of ‘Hudna?’* (Herzliya: The International Policy Institute for Counter-Terrorism, 1998), p. 4; Jawad al-Hamadi and Iyad Barghouthi, *Dirasa fi’l-Fikr al-Siyyasi li-Harkat al-Maqawimah al-Islamiyya Hamas 1987-1996* [*Studies in the Political Thought of Hamas 1987-1996*] (Amman: Markaz Dirasat al-Sharq al-Awsat, 1996), pp. 66, 120-122, 125-135.

8. Menachem Klein, “Competing Brothers: The Web of Hamas-PLO Relations,” *Terrorism and Political Violence*, Vol. 8, No. 2 (Summer 1996), pp. 111-132; also published in Efraim Inbar and Bruce Maddy-Weizman, eds., *Religious Radicalism in the Greater Middle East* (London: Frank Cass, 1996), pp. 111-132.

stamp of legitimacy to that body.⁹ A later instance was the reaction to the terrorist attacks of September 11, 2001. In light of Palestinian and international outrage against Islamic terror, two Hamas leaders, Isma'il Abu-Shanab and Hasan Yusuf, announced that Hamas was prepared to suspend its suicide attacks on condition that Israel not attack it. They were unambiguous about the reason for this offer — the organization acted in accordance with the Palestinian people's interests, and suicide bombings were now opposed to that interest. "The movement does not live on the moon ... and acts in accordance with the national consensus," they declared.¹⁰ Another case in point is when Hamas agreed to the *tahdiyya*, or calm, initiated by Mahmud 'Abbas (Abu Mazen) after he was elected President of the Palestinian Authority in January 2005. The purpose was to allow Israel to evacuate its Gaza Strip settlements quietly the following summer and to enable the Palestinians to conduct local and general elections.

It is important to note that Hamas has a tradition of lively political debate in which its members express positions that differ from those of the Islamic Charter. Even in its early years, some of the movement's central figures, and especially its charismatic leader and founding father, Shaykh Yassin, voiced quite divergent views (I will discuss this period at length elsewhere). They supported Hamas' participation in the parliamentary elections of 1996, and so for all intents and purposes made their peace with the establishment of the Palestinian Authority by the Oslo Accords. They also mapped out, in different versions, the outlines of a hostile coexistence treaty with Israel, conditioned on Israeli withdrawal to its borders on the eve of the 1967 War. Shaykh Yassin spoke of a cease-fire lasting 10-15 years, to be renewed automatically, in exchange for a full Israeli withdrawal from the territories it occupied in 1967. Hamas would not, however, recognize Israel, give up the right of Palestinian refugees to return to their original homes, or cease to call for the liberation of the "1948 territories" — that part of Mandatory Palestine that became the state of Israel after the cease-fire agreements of 1949.

The effectiveness of these agents varies with Hamas' circumstances. The Oslo Accords and the Palestinian and international support they received were the kind of

9. "Hamas: Divrey Hasheikh Yassin Batelevisia Hayu Gibuv Devarim Lelo Shahar" ["Hamas: Shaykh Yassin Statements on Israeli TV Were Nonsense"], *Ha'aretz*, May 5, 1996; Bechor Gai, "Hanhagat HaHamas Bashtahim Maskima Lehimana Mepeilut Tzvait Mitoch Ezori Harashut" ["Hamas Leadership in the Territories Agrees to Hold Armed Struggle from the Palestinian Authority Areas"], *Ha'aretz*, October 10, 1995; Yerah Tal and Amira Hass, "CNN: Erev Nission Hahitnakshut Hetzia Hamas LeIsrael Hafsakat Hapiguim L-10 Shanim" ["CNN: On the Eve of the Assassination Trial, Hamas Offered to Israel to Stop the Attacks"], *Ha'aretz*, October 6, 1997; Amira Hass, "Hamas: Hamafteah Lahafuga Beyedi Israel" ["Hamas: the Key to Ceasefire is in Israel's Hand"], *Ha'aretz*, October 8, 1997; Danny Rubinstein, "Rantisi Hetzia Hasakat Esh Yamim Ahadim Lifnei Hapigua Bamidrahov" ["Rantisi Offered Ceasefire Few Days Before the Attack in the Pedestrian"], *Ha'aretz*, 9, 1997; "Israil wa-Amrica Turahiban" ["Israel and America Congratulate"], *Al-Quds*, April 30 1999, p. 1; "Al-Malik Husayn: Naqaltu Ila Israil Ard Hamas" ["King Husayn: I Delivered Hamas' Offer to Israel"], *Al-Quds*, October 9, 1997; "Al-Sheikh Ahmad Yassin Za'im Hamas Liatba'ih Tawq'i Hudna Ma' Isra'il Mumkin" ["Hamas Leader Shaykh Ahmad Yassin to His Followers: It's Possible to Sign a Ceasfire"], *al-Wassat*, November 1, 1993, pp. 10-19; "Al-Wasat Tunshir Awraq Hamas al-Sirriyya" ["Al-Wasat Reveals Hamas' Secret Documents"], *Al-Wasat*, December 25, 1995, pp. 16-18; "Al-Wasat Tunshir Awraq Hamas al-Sirriyya" ["Al-Wasat Reveals Hamas' Secret Documents"], *Al-Wasat*, January 1, 1996.

10. Amira Hass, "Bahamas Lokchim Becheshbon Hadrisha Lehafsik Hapiguim" ["Hamas Takes into Account the Demand to Hold the Attacks"], *Ha'aretz*, September 23, 2001.

circumstance that confront Hamas with the need to come to terms with the PLO's success, or else become irrelevant. Another entirely different set of circumstances came into being in 2000 — Fatah's decline, increasing public support of Hamas, and Israel's unilateral withdrawal from Southern Lebanon.

DILEMMAS OF POLITICAL CONSTRUCTION

At the beginning of 2002, Egypt sought to achieve an internal Palestinian concord on a long-term ceasefire with Israel. The initiative was the subject of debate within Hamas. Hamas leader 'Abd al-'Aziz Rantisi conditioned a ceasefire on the end of the occupation and the creation of a balance of terror with Israel. The conflict was between unequal sides, Rantisi acknowledged, and the public was weary of the struggle, but the Palestinians should not surrender and agree to a unilateral cessation of hostilities. Public opinion should be respected only with regard to deferring the campaign to liberate the 1948 territories, not with regard to the 1967 territories. In contrast, Isma'il Abu-Shanab, one of the founders of Hamas, took a more moderate and diplomatic position. The Palestinians should declare a unilateral ceasefire in order to reveal the true face of Sharon and the "road map," the conditions laid down by President Bush for restarting negotiations between the Palestinians and Israel to achieve a final status agreement.¹¹

This effort stalemated until 2005 when, with Israel's impending unilateral withdrawal from the Gaza Strip, Hamas accepted the Egyptian proposal. The question that preoccupied Hamas was what role it would have in the regime after the withdrawal. In a document they wrote and sent to Hamas activists, Isma'il Haniyya and Mahmud al-Zahar, two of the movement's senior leaders in the Gaza Strip and later Prime Minister and Foreign Minister, respectively, distinguished between, on the one hand, an Israeli withdrawal conducted as part of an agreement with the Palestinian Authority, including security understandings about acting against their movement, and on the other hand, a withdrawal without an agreement. A withdrawal in the framework of an agreement would not allow Hamas to participate in running the Gaza Strip, because Hamas would boycott any agreement with Israel. In that case, it would seek to make political gains outside governing institutions — through its presence on the street and the enlistment of public opinion. But if the withdrawal were entirely unilateral, Hamas would allow its members to be integrated into Palestinian Authority ministries and administrative bodies in the liberated Gaza Strip. They could also run in local and labor union elections, and join military and police units in traditional police roles, but not in positions that involved cooperation with Israel. At this stage, the Hamas leadership still did not sanction participation in Palestinian Authority general elections.¹²

Hamas decided to take part in the elections because it wanted to take advantage of its growing popularity, and also as an insurance policy against repressive measures that the Palestinian Authority was liable to take against it. Building on its success in local elections, Hamas wanted to take advantage of popular support for its claim that Israel's

11. Amira Hass, "*HaDiagnoza shel HaDoctor Rantisi*" ["Dr. Rantisi's Diagnosis"], *Ha'aretz*, June 20, 2003.

12. Arnon Regular, "*Hamas: Nishtatef Bashilton Raq Behimatqut Had Tzdadit*" ["Hamas: We Will Enter the Authority Only if Israel Disengages Unilaterally"], *Ha'aretz*, August 15, 2004.

unilateral withdrawal from the Gaza Strip was a response to the armed struggle it and Islamic Jihad had waged. Fatah's policy of negotiation and diplomacy had not gotten Israel out of Gaza, Hamas argued. Furthermore, Fatah was losing support because of its internal chaos, corruption, and the dysfunction of the institutions of government, manned mostly by Fatah members and supporters. Hamas also feared that, after the elections, President 'Abbas and his military apparatus would, in response to Israeli and American pressure, move to suppress the organization. Unlike his predecessor, Yasir 'Arafat, 'Abbas explicitly opposed the armed Intifada. His election after 'Arafat's death impelled Hamas to seek a political insurance policy in the form of parliamentary immunity.

As election day approached, Hamas found itself faced with an increasing number of dilemmas. Should it hold fast to its pure ideology or, at the very least, not block the possibility of implementing the Islamic Charter? Should it officially end its armed struggle in exchange for entering the political system? Did its participation in the elections not grant legitimacy to the Oslo Accords? Organizationally, Hamas considered to what extent the burden of building a political party structure would weigh on itself, and whether it was worthwhile in order to expand its social and educational-religious work via a political party that would be part of the establishment. The organization's goal was to be represented in Parliament, in the oversight branch of government, not the executive branch.¹³ As a whole, Hamas knew where it was going and was aware of the organizational and ideological price it would have to pay for full politicization. There were two ways of thinking in the organization. The extreme position was supported by the "outsiders" — Hamas officials outside the Occupied Territories — Khalid Mish'al and 'Imad al-'Alami. It viewed the armed struggle as the major tool and sought to minimize the price of politicization. The diplomatic-pragmatic approach was supported among the outsiders by Mish'al's deputy, Abu Marzuq, and by the insiders Hasan Yusuf and Isma'il Haniyya. This latter group wanted Hamas to integrate completely into the Palestinian governing system and into the PLO. Some prominent insiders, such as Mahmud al-Zahar, vacillated between these two approaches. Muhammad Nazzal said that Hamas did not want to come to power by parliamentary means, was not prepared to participate in a government based on the Oslo principles, and did not want to negotiate with Israel.

In putting together its slate of candidates, Hamas had to decide whether to become more flexible in its positions and its discourse. The question was whether its central leaders would become part of the list or would be left outside of the political swamp so that they could preserve their ideological purity. Instead of placing its leaders on the slate, Hamas considered running a list of technocrats and second-tier members of the organization, which could be overseen by remote control. The danger of doing this was that the ideological leaders could lose their authority or find themselves at odds with the politicians elected by the public. The Hamas leadership thus decided, after due deliberation, to place its senior leaders (Isma'il Haniyya, Mahmud al-Zahar, Hamid Beitawi of Nablus, Shaykh Hasan Yusuf of Ramallah, and Ahmad Baher of Gaza) on the list, alongside prominent figures from its charitable and religious-educational

13. "Nazal li-l-Ayyam: Hamas Lan Tusharik Fi'l-Hukuma" ["Nazzal to Al-Ayyam: Hamas Will Not Join the Cabinet"], *Al-Ayyam*, March 15, 2005, p. 1.

institutions, wives of prisoners and of men killed by Israel, and professionals who had ties to Hamas, even if they were not full-fledged activists. The result was a party that did not advocate the rule of religious figures but which was certainly a party of religious people. It was composed of officials and activists employed by Hamas and its associated organizations, yet ones who did not play manifestly religious roles. Of the movement's 34 candidates in Hebron, Tulkarem, and Gaza, seven had doctoral degrees and three masters degrees (most of these taught Islamic studies), four were engineers or doctors, and six were prisoners or relatives of prisoners or people killed in the Intifada. Only two were professional politicians.¹⁴

Hamas' entire leadership thus decided to construct a party in which the movement's leadership provided the principal political weight. They also decided to run on a platform that diverged from the Islamic Charter (see below), even if they did not renounce it. Hamas entered the election campaign united, meaning that it was able to exert party discipline over its members. It fielded the same number of candidates as the number of seats it sought to contest, thus guaranteeing that none of its supporters' votes went to waste. Fatah, in contrast, was divided. Members and supporters angry at not being included on the official list of candidates ran on competing slates or as independents. Jerusalem, for example, had six seats in the Palestine Legislative Council (PLC), two of which were reserved for Christians. Hamas, assuming it had little support among Christians, ran four candidates. All four were elected. Fatah ran six official candidates, but another 19 independent candidates were identified with Fatah. The city of Gaza had eight seats, and Hamas won all of them. Fatah had eight official candidates, but another 16 members of Fatah ran there as independents.¹⁵ Hamas went into the election seeking to do as well as it could, never imagining that it would defeat Fatah so decisively.

On the eve of the elections, the common wisdom in Hamas was that Fatah would win and the new Palestinian cabinet would renew talks with Israel. In that case, Hamas' leaders wondered, should they join the government? Did Hamas want to veto the results of negotiations, or the very fact of engaging in them? Al-Zahar and most of the external leaders objected to membership in a government that would negotiate with Israel, and this position was accepted, with some conditions, by Haniyya and Abu Marzuq. Al-Zahar and his colleagues argued that Hamas should be a strong and aggressive opposition and ally itself with the Popular Front for the Liberation of Palestine, Fatah rebels, and independents. Those who took the second approach believed that the movement could join a Fatah government, taking control of important social and economic ministries, on condition that they could veto any diplomatic initiative with Israel. If the movement's senior leaders refused to join the government, the ministerial portfolios could be taken by professional figures who were tied to Hamas and who enjoyed public

14. "Al-Zahar wa-Haniyya wa-Siam wa Yusuf Fi Muqadimat Qimat Hamas Li'l-intikhabat" ["al-Zahar, Haniyya, Siam and Yussuf on the Top of Hamas List"], *Al-Ayyam*, December 1, 2005, p. 1; "Hamas Tunshir Asma' Murashihiha" ["Hamas Publishes Its List"], *Al-Ayyam*, December 5, 2005, p. 1; Arnon Regular, "Hamushim MehaFatah Hishaltu Al Misradei Va'adat Habehirof" ["Fatah Armed Men Took Over the Elections Committee Offices"], *Ha'aretz*, December 14, 2005; Arnon Regular, "HaMatarah: 60 Ahuzho MeMoshavei HaParliament, Lo Batu'ah Shehi Dimyonit" ["The Goal: 60% of Parliament Seats, Not Sure It's Impossible"], *Ha'aretz*, December 11, 2005.

15. Arnon Regular, "HaFatah Mefutzal HaHamas Tzafui Leharviach" ["Fatah Is Divided, Hamas Is Expected to Gain"], *Ha'aretz*, January 24, 2006.

prestige.¹⁶

In conclusion, the development of the Hamas leadership's views on organizational issues shows that it has deliberately revised positions as the movement has become more deeply involved in politics. It also shows that the issues under debate themselves changed. The debate over organizational-political questions did not divide the movement despite their disagreements and despite their fundamentalist starting point. On the contrary, the organizational framework grew even stronger as a result. Deep involvement in national politics moved the focus of activity in the Palestinian territories and obliterated the wedge between the outside leaders (Hamas' Political Bureau and top leadership) and the inside leaders (who operate the organization and maintain contact with the public at large) that had previously characterized the debate within Hamas. The geographic divide between outside and inside was replaced in two ways: first by the difference between radicals and pragmatists in both places; and second, by the division between its cabinet and PLC members whose main concern is political and semi-independent armed groups with operational orientation that do not always follow the instructions of the movement's leadership.¹⁷

IDEOLOGICAL CHANGES: THE DIFFERENCES BETWEEN THE ISLAMIC CHARTER AND HAMAS' POLITICAL DOCUMENTS

The political documents produced by Hamas are not cut from a single fabric. Most of them are collective and authoritative documents placed in the movement's name before Palestinian and international political actors.¹⁸ A minority are drafts leaked to the media — with the leaks themselves being evidence of disagreements.¹⁹ In addition, there are statements given to Arab and international media, expressing positions that diverge from the Charter. The plurality of voices proves that there is no close central policing of ideas in Hamas. At the same time, Hamas members stand united behind any document or approach with the leadership's imprimatur. There have been no splits, and no one disagreed when Haniyya and al-Zahar presented documents that diverge from the Islamic Charter before potential coalition partners, on the table of the President and Parliament, and in an official letter to the Secretary-General of the United Nations.²⁰

16. Regular, "*HaMatarah: 60 Ahuzho;*" *al-Zahar wa-Haniyeh;*" Arnon Regular, "*Hamas Mitmoded Be-56 Rashuiot Umitlabet Legabi Hemshech Hapiguim*" ["Hamas Runs in 56 Localities and Debates on Continuing Attacks"], *Ha'aretz*, September 29, 2005.

17. Tzvi Bar'el, "When Yussuf Al-Qoqa Became Shahid," *Ha'aretz*, June 20, 2006.

18. Isma'il Haniyya, "*Nass al-Bayan al-Wizari wa-al-Tashkiliyya al-Wizariyya li-Hukumat Haniyya*" ["Text of the Ministerial Agreement and the Formation of the Ministry of the Haniyya Government"], <http://www.maannews.net/ar/do.php?name=News&file=print&sid=23249>; Isma'il Haniyya, "*Mashru' al-Barnamaj al-Siyyasi li-Hukumat al-Itilaf al-Watani*" ["Plan of the Political Program of the National Coalition Government"], http://www.palestine-info.net/Arabic/palestoday/report2006_1/16_3_06.html and <http://www.jmcc.org/new/06/mar/hamasprog2.htm>.

19. Isma'il Haniyya, "*Al-Mabadi' al-'Ama li-Barnamaj Hukumat Hamas*" ["Principles of the Program of the Hamas Government"], *al-Ayyam* and *al-Quds*, March 12, 2006. Isma'il Haniyya, "*al-Mabadi' al-'Ama li-Barnamaj Hukumat Hamas*" ["Principles of the Program of the Hamas Government," Draft B], <http://www.ynet.co.il> (in Hebrew).

20. Mahmud al-Zahar, "Letter written by Palestinian Minister for Foreign Affairs to UN Secretary-General Kofi Annan," <http://www.jmcc.org/new/06/apr/zahharlet.htm>, April 4, 2006.

This demonstrates that the movement has procedures for making decisions in a way that allows its members to stand together despite their disagreements.

The differences between the party's platform and the Islamic Charter do not represent an attempt at deception or the empty and unconsidered use of words. They are a product of a change and modification of lines of thought as a part of the process by which Hamas has become a political movement. It is important to stress that the Islamic Charter was not revoked by Hamas, but at the same time it is impossible to ignore the fact that it is not cited in any of the movement's political texts. This is not a trivial matter, given the Charter's constitutive status as Hamas' founding document. The failure to refer to it is an admission of the inconsistency — if not the contradiction — between the Charter and Hamas' current political documents. It could be argued that they constitute two different, coexistent levels of discourse, a division of labor between strategy and tactics. The Charter, in this reading, states matters of principle, while the political documents address practice. But analysis of the contents of the two types of documents proves that, in some cases, there are sharp discrepancies between them. They are much sharper than they could be if indeed a dichotomy between theory and practice was enforced by a strong central leadership in which there were really no serious disagreements.

Hamas did not run in the elections under its own name. Instead, the slate it sponsored was called the Change and Reform Party. Change and Reform's 2006 platform is written in an idiom that stands in sharp contrast to the high, idealistic language of the Islamic Charter of 1988. The Charter contains many quotes from the Qur'an and from Hasan al-Banna, the founder of Egypt's Muslim Brotherhood. These make the text into an all-encompassing vision or prophecy. In the Change and Reform platform, however, only the epigraph is from the Qur'an. The time dimension of the Islamic Charter is ahistorical, encompassing everything from the time of the Prophet Muhammad to the present day. The present is not presented as a legitimate framework of time on its own terms; it is linked to the past and recreates it. The constitution that appears in the Charter is the Qur'an, and dying in the name of Allah is the movement's most sublime aspiration. None of this appears in the party platform. Neither does the platform contain the Charter's declaration of the goal of establishing a Muslim state.

The Charter is a classically radical and fundamentalist document, focused entirely on prophecy and war. But the party platform is focused on Palestinian society's current circumstances. The Charter places great emphasis on *jihad* — holy war. It presents *jihad* as the only solution to the Palestinian problem and as a personal obligation of every Muslim. But the party platform uses the term *jihad* only once — in the 12th of its 20 sections, devoted to the issue of women, and in the context of women's equality in the *jihad*. The platform opposes normalization with Israel, calls for halting military cooperation with it, and declares that the occupation is to be opposed by all means. The authors of the platform chose only to hint at military actions and the armed struggle, and also left the door open to legitimizing the diplomatic process — something unthinkable to the authors of the Islamic Charter.

Emphasizing the need to liberate the 1967 territories, the platform states that the party does not give up the Palestinian right to the 1948 territories nor the demand to allow all refugees to return to their homes and property. The distinction between the 1967 and 1948 territories was the basis of the PLO's staged plan of 1974 and contradicts one

of the fundamental principles of the Palestinian Charter, which stated that Palestine is a single, integral unit. A similar principle, in the framework of a religious discourse, appears in the Islamic Charter.²¹ When the party platform makes this distinction, it contradicts this principle. At the same time, it is important to note that the discrepancy between the two texts is not unbridgeable — it can be done using the same methods that the PLO developed in the mid-1970s in order to link the staged plan with its own charter.²²

The Islamic Charter was meant to be a substitute for and counter-document to the Palestinian Charter, published by the PLO in 1964. In contrast to the Islamic Charter's intention of creating an alternative to the PLO, Hamas wants to enter the PLO. The party platform emphasizes the PLO's primacy over the Palestinian Authority and states that the PLO should direct the Palestinian Authority. Hamas demands that the Fatah leadership adhere to the understandings reached between it and Fatah at their talks in Cairo in March 2005,²³ and accept into the PLO's institutions the same proportion of Hamas representatives that the movement achieved in the elections. Hamas hoped to achieve a majority in the PLO by allying with Fatah's external opposition and use this to influence the conduct of affairs in the Palestinian Authority. Hamas did not conceive that the opposite would happen, and that Fatah, after losing the elections, would block Hamas' way into the PLO and use the PLO to exert its influence over a Palestinian Authority led by Hamas.

The Islamic Charter stresses pan-Islamic and pan-Arab goals, and sees Hamas as the vanguard in their achievement. Religion, and the religious ideal, are the supreme values in the Charter, which lacks any pragmatic or quotidian dimension. Patriotism exists only within a religious framework. The text directs its gaze out towards the conflict with the enemy. When the Charter looks inward, it sees society only from the angle of combat — that is, it seeks to prepare society to battle Israel and the West and educate its young people in Islamic values. The election platform, in contrast, focuses on the issues of Palestinian society, areas in which Hamas has proved itself more successful than Fatah and the Palestinian Authority. The platform promises a war on poverty, crime, and corruption, as well as administrative reform, stronger local government, and reduction of the central government's powers. This is further proof that Hamas was preparing

21. Hamas' Islamic Charter seems to preclude any eventual recognition of Israel through its Article 11: "The Islamic Resistance Movement believes that the land of Palestine has been an Islamic Waqf throughout the generations and until the Day of Resurrection, no one can renounce it or part of it, or abandon it or part of it. No Arab country nor the aggregate of all Arab countries, and no Arab King or President nor all of them in the aggregate, have that right, nor has that right any organization or the aggregate of all organizations, be they Palestinian or Arab, because Palestine is an Islamic Waqf throughout all generations and to the Day of Resurrection." But the PLO Covenant, though justified differently, also precluded compromise so long as the PLO adhered strictly to it. Both movements have moved away gradually from the romantic and holistic view expressed in each of their founding documents. Hamas, "Islamic Charter," <http://www.myisraelsource.com/content/charterhamas>.

22. Klein, "Competing Brothers: The Web of Hamas-PLO Relations."

23. Under which Fatah and Hamas agreed upon a ceasefire with Israel, as well as the ability of Hamas to run in the local and general elections and the terms under which Hamas would integrate into the PLO. "*I'lan al-Qahira yu'akid darurat istikmal al-islamiat al-shamila*" ["Cairo Declaration Stresses the Need to Conclude Comprehensive Reforms"], *al-Quds*, March 18, 2005, p. 1.

itself to be an opposition party that would exploit its gains in local elections to strike at the establishment led by Fatah.

The section of the Islamic Charter devoted to education addresses only religious education, alongside study of the enemy so as to know how to fight it effectively. The society described in the Charter is a dedicated, cohesive, religious society at war. That is not the nature of the society that appears in the party platform, which is described as open and exposed to the West. The platform recognizes the current character of Palestinian society as heterogeneous and not religiously extreme. It supports democratic procedures and freedom of expression. The platform also recognizes the fact that Palestinian society seeks Western higher education. The platform does not reject modern Western education, but restricts it to the technological field. It distinguishes between unacceptable Western values and Western technology, which should be adopted. This is an artificial distinction dating from the 18th century, at the painful time when the Islamic world found itself facing the West's military might. The distinction did not succeed in preventing Westernization and secularization. The use of the same trope today testifies to the lack of a better alternative. The platform is positive on freedom of thought and expression, but it is not tolerant of Western values or culture and calls for purging them from the educational system.²⁴ It views the family as the cultural unit that educates, instills values, and passes on the nation's heritage and history to the younger generation.²⁵ This differs from open, secular, Western society, in which the family and the head of the family lose their places to other socializing agents, such as the street and mass culture icons. In Western society, according to the platform, each individual decides what is good for him. The party fears the penetration of secular Western values and seeks to shut the doors of the home and the family to keep such influences out.

In the legal sphere, the party platform states that *Shari'a* (Islamic religious jurisprudence) should become the major source of legislation. In this, the party rejected the common Islamist slogan of "Islam is the solution" and the demand to impose the entire *Shari'a* here and now. Instead, the platform cites a formulation accepted in Arab countries ruled by non-Islamist regimes. With the clear goal of functioning as an aggressive opposition party that exposes the Fatah regime's weak points, the platform states its allegiance to the rule of law. It promises to replace temporary laws, promulgated by the PLC until permanent legislation could be passed.²⁶ It also promises to end military and administrative anarchy, end the practice of holding prisoners without trial, establish a strong and independent judiciary not subject to the dictates of the executive branch, establish a strong supreme court, guarantee freedom of speech and communication, and recognize individual rights. In all of these provisions, Hamas sought not only to highlight Fatah's ineptitude, but also to insure its own freedom of action in the face of possible oppression by the Fatah regime. For the same reason, the platform cites the

24. It is interesting to note that, while the party platform devotes a great deal of space to education, Haniyya included only one general sentence on the subject in his inauguration speech. He said only that the educational system needed to be revitalized, and that it had to be developed through the use of new research, while preserving self-identity.

25. The Islamic Charter restricts women to classic female roles as mothers who raise fighters and as housewives, while the party platform speaks of gender equality.

26. Nathan J. Brown, *Palestinian Politics After the Oslo Accords: Resuming Arab Palestine* (Berkeley: University of California Press, 2003), pp. 94-137.

need to guarantee religious figures the right to preach, and to prevent the security forces from intervening in religious matters.

Hamas' metamorphosis was sweeping, and Fatah figures were aware of this and acknowledged it. Muhammad Abu-Tir, the number two man on the Hamas national slate, declared that the change was fundamental and strategic, not tactical. The term *muqawama* (resistance), did not necessarily mean armed resistance, he testified.²⁷ Mahmud al-Zahar went so far as to say he was willing to revise the Islamic Charter: "The Hamas Charter is a subject that is open to interpretation, it expresses a political and social position based indirectly on the Qur'an. There is no debate over the Qur'an itself, but over the Charter's political position and vision. If I were to tell you that the Charter could be changed, it would immediately be interpreted as a concession and as the collapse of Hamas' principles. No one is now considering a change in the Hamas Charter, but in principle that is not impossible."²⁸

THE CHARTER VERSUS OTHER POLITICAL TEXTS AND HAMAS' HETEROGENEOUS POLITICAL DISCOURSE

Hamas' political texts (its party platform, main leaders' speeches and interviews, texts of agreements discussed with Fatah, etc.) differ from the Islamic Charter first and foremost in that most of them are pragmatic and action-directed, rather than theological and ideological. They address means and ends, stages, and the needs of the hour. This contrasts with the Charter and with extremists who do not distinguish between tactics and strategy or between politics and theology. Hamas leaders use these texts to check and move away from the Charter's principles in order to respond to the needs of the present. Second, these texts recognize that there is a lacuna between the organization's starting positions and both the national consensus and the structure of Palestinian society. Hamas leaders are unwilling to impose their starting position and so enter into confrontation with their society. Instead, they adjust themselves to that society and influence it. Hamas emphasizes its commitment to society's prevailing mores — democracy, aspects of technological-Western education, defense of the rights of Christians, gender equality, separation of powers, and freedom of speech. Third, its political statements seem to place the burden of proof of flexibility on Israel. This derives not only from lack of faith in Israel's intentions, but is also a means of easing the burden of change that Hamas is undergoing. Why agonize over changing positions if there is no Israeli partner in any case? Fourth, the political texts focus on the 1967 territories. Fifth, a great deal of emphasis is placed on internal issues, changes in government structure and administration, the rebuilding of institutions, respecting civil rights, fighting corruption, separating powers, and ending chaos.²⁹ While Fatah prides itself on its foreign policy achievements, Hamas wants to build its government and support on an active domestic policy and a foreign policy that waits for a sign from Israel.

27. Arnon Regular, "Mispar 2 Bereshimat Hamas: Nenahel Masaumatan Tov Yoter Meaherim" ["Number Two in Hamas: We Will Negotiate Better Than Others"], *Ha'aretz*, January 15, 2006.

28. Arnon Regular, "Al Zahar Meayem Nahtof Od Israelim" ["Al-Zahar Threatens We Will Kidnap More Soldiers"], *Ha'aretz*, October 26, 2005.

29. Haniyya, "Nass al-Bayan;" Haniyya, "Mashru' al-Barnamaj."

Hamas' top officials voice a variety of positions on political questions, and it is not unusual to hear contradictory voices. Most of the disagreement centers on whether Hamas may itself negotiate a permanent status agreement with Israel, and under what conditions. Hamas sees no obstacle to Fatah officials, President 'Abbas first and foremost, carrying out negotiations, if the talks lead to different results than in the past. In light of the failure of the previous negotiations, the burden of proof lies with those who advocate a solution to the Palestinian problem without resorting to armed resistance. They should present their achievements and Hamas will then study the matter.³⁰

The Hamas leadership is prepared in principle to reach interim or partial arrangements with Israel, including the establishment of a Palestinian state within the 1967 borders.³¹ The strategic goal is to liberate Palestine, but if Israel has a proposal to make in that direction in the framework of negotiations in which "we can achieve even some of our rights — we will think it over," al-Zahar has declared.³² A partial agreement, serving as a stage in a process, is acceptable to Hamas on condition that it be approved by the people. Partial realization does not obviate rights and does not mean sacrificing the right of return to territories that have not been liberated.³³

Similarly, there is no debate within Hamas about the possibility of negotiating over day-to-day affairs, such as transit permits for merchandise and workers, and the transfer of the tax monies that Israel collects for the Palestinian Authority. According to PLC member Yehiya Musa, such matters will be dealt with pragmatically.³⁴ Khalid Mish'al declared: "We will not recognize the occupation, but we are realistic and pragmatic and know that things are done by agreement and gradually. Hamas will deal with the Palestinian Authority's obligations pragmatically, without giving up its principles."³⁵

Continuation of the ceasefire does not require negotiation because it is the maintenance of an existing situation. But, Hamas says, it is conditioned on Israeli reciprocity. The principle of armed resistance does not mean that the timing of attacks cannot be affected by practical considerations, and a ceasefire does not mean conceding the right to resist by all means, and the right to respond to Israeli aggression. The ceasefire is a means, just as armed resistance is a means, and not an end in itself.³⁶

Khalid Mish'al and al-Zahar rejected direct talks with Israel on a permanent status agreement on the grounds that this would constitute recognition of the occupation. They declared that Hamas will not agree to an end of hostilities, will not agree to disarm, and will not change its fundamental positions that all of Palestine is holy Muslim territory and that there should be no negotiations with Israel.³⁷ But two members

30. Haniyya, "al-Mabadi al-A'ma."

31. Arnon Regular, "Al Zahar Meayem."

32. Al-Jazeera, October 22, 2005, in American Task Force for Palestine Daily News, October 24, 2005; Amira Hass, "Efshar Lahsokh Dam VeZeman; Azvu Otanu BeGevulot 67 VeLo Tehiyeh Lachem 'Avodah" ["You Can Save Blood and Time, Leave Us in '67 Borders and You Will Not Have to Operate"], *Ha'aretz*, February 5, 2006.

33. Haniyya, "Al-Mabadi al-'Ama;" Haniyya, "Nas al-Biyant."

34. Hass, "Efshar Lahsokh."

35. Arnon Regular, "Mishal: Nityahes Ma'asit Leheskemim Haqayamim" ["Mishal: We Will Relate Practically to the Existing Agreements"], *Ha'aretz*, January 29, 2006.

36. Haniyya, "Al-Mabadi al-'Ama;" Haniyya, "Al-Mabadi al-A'ma" (Draft B).

37. Regular, "Al Zahar Meayem."

of the PLC, Muhammad Abu-Tir and Yehiya Musa, did not categorically reject direct negotiations with Israel. According to the pragmatic view in Hamas, negotiating with Israel is not a matter of principle, nor is it deplorable. Negotiations are a way of achieving national goals. In contrast, those who forbid negotiations with Israel maintain that conducting direct talks constitutes a violation of the red line. Israeli withdrawal will be achieved by negotiations through a third party and not by direct talks with Israel. In light of these disagreements, the spokesmen for the pragmatic approach emphasize those positions on which they will not compromise, and where talks with Israel need to lead — to a complete withdrawal to the June 4, 1967 lines, including in Jerusalem, release of all prisoners, and dismantlement of the separation fence.³⁸

These documents stress the return of refugees to the homes and property they lost. However, Hamas does not insist on a mass return all at once. The documents state that any partial return does not mean concession on the right of return to other parts of the land. If there should be a proposal that ensures the realization of national interests, it can be the subject of negotiation.³⁹ According to Hamas, the right of return is an individual right that negotiators have no right to concede or exchange for collective return. Hamas made this principle part of its unilateral ceasefire (*tahadiyya*, calm) of March 2005, which Hamas declared in conjunction with Fatah. Fatah had to agree to this provision, even though it contradicted the platform on which 'Abbas was elected in the presidential elections three months previously. Hamas' approach also runs counter to the Arab League's peace plan — a contradiction of which Hamas is well aware. Hamas faces a dilemma between the importance it attaches to the right of return and the importance it attaches to the Arab and Muslim world as Palestine's strategic depth. Hamas has no way to bridge this gap and is grappling with how to accept the Arab plan.

Hamas leaders who would permit talks with Israel stress the style and structure of the negotiations they would engage in, in contrast with those Fatah conducted. By laying out its own red lines, it implies that Fatah has overstepped them. Hamas never tires of voicing its fundamental criticism of Fatah's conduct. This is of redoubled importance because of the political contest Hamas is engaged in against Hamas and President 'Abbas.

This emphasis on the difference with Fatah is apparent even in the position of Hamas leaders on the type of accord that does not require negotiation but rather constitutes a continuation of the situation created by the unilateral ceasefire declared by each of the contending sides in April 2005. Hamas portrays Fatah as holding back on attacks on Israel and displaying diplomatic and military weakness by giving up the armed struggle as Israel continues to engage in military aggression. Hamas declares that its own ceasefire is conditioned on the absence of attacks by Israel.

Hamas spokesmen stress the need to conduct contacts with Israel differently from

38. Regular, "Mispar 2;" Arnon Regular, "Haniyeh: Lo Nevater Al Yerushalyim Vehashiva" ["We Will Not Give Up Jerusalem and the Right of Return"], *Ha'aretz*, January 27, 2006; Regular, "Mishal: Nityahes;" Arnon Regular, "Iran Hetzia Siyua Kalkali Larashut Behnhagat Hamas" ["Iran Offers Economic Aid to Hamas-Led Authority"], *Ha'aretz*, February 23, 2006; Hass, "Efshar Lahsokh;" "Khaled Mish'al: La Salam Qabal al-Insihab al-Israeli Min al-Arabi al-Muhtala A'm 1967" ["Khalid Mish'al: No Peace Before Israeli Withdrawal from 1967 Occupied Territories"], *Al-Quds*, March 5, 2006; Haniyya, "Al-Mabadi' al-'Ama;" Haniyya, "Nass al-Bayan."

39. Haniyya, "Al-Mabadi' al-'Ama;" Haniyya, "Al-Mabadi' al-'Ama" (Draft B).

what the PLO has done. The PLO negotiated from a position of inferiority, so Israel could dictate the outcome and maintain the occupation. Hamas, on the other hand, wants negotiations based on a position of equality and mutual obligations.⁴⁰ This structure enables Hamas to view the Arab and Muslim world as an alternative strategic depth, in place of the one that Fatah sought to construct in Europe and the US. Hamas stresses this in order to underline that it differs from Fatah.⁴¹ “We do not provide political positions free of charge,” said Haniyya.⁴² Similar to this is its attitude to agreements signed between Israel and the Fatah government. Hamas seeks to show that it will not trudge blindly down the rut dug by Fatah. Hamas leaders emphasize that these agreements will be examined in light of the interests of the Palestinian people and will not automatically obligate the Hamas government.⁴³ Hamas makes similar arguments about the recognition of international decisions on the Palestinian issue laid on their doorstep by ‘Abbas, Arab leaders, and the international community. Hamas spokesmen say that they must be selective with regard to the content of these decisions, rather than accept them without discrimination, because some run counter to the interests of the Palestinian people. Furthermore, Israel is in any case not acting in accord with them, so there is no point to acceptance.⁴⁴

In other places, the formulation is that the Hamas government will accord them great respect, while protecting the interests of the Palestinian people.⁴⁵ Here Hamas hints at its willingness to accept, in practice, at least some existing decisions. It understands that it cannot play international politics and entirely ignore the accepted rules of the game. This contrasts with the Islamic Charter, which indicates that, according to Hamas, Islamic Palestine dwells alone and takes no account of other nations. Hamas spokesmen declare that their movement is prepared to cooperate with the international community to bring an end to the occupation, to remove Israeli settlements, and to bring Israel to withdraw fully to the 1967 lines. Then calm and stability will prevail in the region.⁴⁶ Foreign Minister al-Zahar made the point more explicitly to UN Secretary-General Kofi Annan, saying that Hamas sought to open a constructive dialogue with the “Quartet” — the four-party body, composed of the US, the EU, the UN, and Russia, charged with promoting President Bush’s road map and brokering a peace agreement.

In short, Hamas seeks to follow the diplomatic route, with the purpose of achieving peace and stability in the area. It is Israel’s actions and aggression that are making it impossible to achieve a peace based on a two-state solution, according to al-Zahar’s letter. Al-Zahar’s statements assume that Arab and Islamic strategic depth is insufficient, and that it needs international backing in order to cope with its negative image, the boycott of the movement, and the US and Western prohibition against diplomatic contacts with Hamas. Prime Minister Haniyya gave expression to this in the speech he

40. Haniyya, “*Al-Mabadi’ al-‘Ama*” (Draft B); Hass, “*Efshar Lahsokh*,” “*Khaled Mish’al: La Salam Qabal al-Insihab al-Israeli*.”

41. Haniyya, “*Mashru’ al-Barnamaj*,” Haniyya, “*Al-Mabadi al-‘Ama*.”

42. International Crisis Group, “Palestinians, Israelis and the Quartet: Pulling Back from the Brink,” *Middle East Report*, No. 54 (June 2006), p. 9.

43. Haniyya, “*Mashru’ al-Barnamaj*,” Haniyya, “*al-Mabadi al-‘Ama*.”

44. Haniyya, “*Al-Mabadi’ al-‘Ama*.”

45. Haniyya, “*Nass al-Bayan*,” Haniyya, “*Mashru’ al-Barnamaj*.”

46. Haniyya, “*Mashru’ al-Barnamaj*.”

made when he presented his cabinet. There he addressed the pan-Arab efforts to help the Palestinian people achieve their rights. He stated that his government welcomed any Arab initiative that would bring about the establishment of a fully sovereign Palestinian state with its capital in Jerusalem. In other words, Haniyya accepted the Arab League's peace plan, without the section that dealt with refugees and without an end to claims against Israel. He even notes that Israel rejected the plan. His claim, then, is that the obstacle to the Arab League plan is not Palestinian, but Israeli.⁴⁷ Later, Deputy Prime Minister Nasser al-Din Shair and Hamas spokesman Ghazi Hamad confirmed that Hamas was debating whether to adopt the Arab League plan, but "the question of recognizing Israel is rejected. We are for solutions which do not renounce Palestinian principles."⁴⁸

A similar contradiction can be seen in statements made by PLC member Riad Mustafa. He declared: "I say unambiguously — Hamas does not and never will recognize Israel." But, following that, he said that President 'Abbas had the right to negotiate with Israel. If negotiations by the President can produce a peace agreement, and if a popular referendum approves it, "the Palestinian national institutions will endorse them even if it includes Palestinian recognition of Israel; we would of course accept their verdict."⁴⁹

Alongside their declarations that Hamas will not recognize Israel, the movement's spokesmen also voice an opposite position that does not, in principle, rule out recognition of Israel. Member of Parliament Yehia Musa, for example, has made four contradictory claims. First, he said, recognition is not impossible in principle, but it cannot be presented to Hamas as a precondition for ending the financial and political boycott of the organization. Second, negotiation does not first require recognition; talks can be held between enemies. Third, it is impossible to recognize Israel because recognition means legitimizing the circumstances of its founding, and of all the actions it has taken to harm the Palestinians and dispossess them of their land. This final sweeping understanding of recognition contradicts his previous claims, as well as his final one: the PLO has in any case already recognized Israel, so the question is no longer germane.⁵⁰ Hamas' official documents propose another solution to the recognition question. According to these, the question will not be decided by Hamas. Since recognition would come in the name of the entire Palestinian people, the decision would be made in a plebiscite to be conducted among all Palestinians.⁵¹

Hamas officials have made frequent use of the term "end of the occupation," a term that is part of the Middle Eastern and international political lexicon. For the PLO and the rest of the world, the term signifies the two-state solution and the occupation referred to is that of the territories Israel acquired in the war of 1967. In the Hamas discourse,⁵² there is a question as to whether it refers to the end of the occupation of the 1967 territories or also to the territories that became the state of Israel in 1948 — as the Islamic Charter maintains. To put it another way, the question is whether occupation is

47. Haniyya, "*Nass al-Bayan*."

48. Agence France Presse, April 26, 2006.

49. International Crisis Group, "Palestinians, Israelis and the Quartet," p. 9.

50. Hass, "*Efshar Lahsokh*."

51. Haniyya, "*Al-Mabadi' al-'Ama*."

52. Haniyya, "*Al-Mabadi' al-'Ama*."

a fundamental characteristic of Israel, meaning that ending the occupation requires the political destruction of Israel, or whether Hamas recognizes Israel as a state like any other state within its 1948 borders, which then proceeded to occupy territories in 1967. This question is linked to the issue of Palestinian self-determination. To what extent does actual Palestinian self-determination (as opposed to historical ties) apply to the 1967 territories alone? Israel's reluctance to end the occupation of all the 1967 territories, as opposed to just some of them, makes it difficult to distinguish between the state of Israel and the occupation, and pushes Hamas in the direction of the Islamic Charter. This question does not always arrive because it is context-dependent, and in most cases the context is an agreement regarding the 1967 territories, tied together with stress on the Palestinian connection to the 1948 territories.⁵³

Hamas began using the word "peace" only slowly — it was not at first part of the organization's vocabulary. The first to use the word, hesitantly, was Khalid Mish'al, during his official visit to Moscow in March 2006. There he declared that, if the red lines were met — that is, if Israel would state its willingness to withdraw to the 1967 borders, allow the refugees to return, dismantle the separation fence, and free all Palestinian prisoners — then "we, for our part, will take significant steps to ensure peace."⁵⁴ The term appeared subsequently three times in the speech that Prime Minister Haniyya made when he presented his cabinet to Parliament. Haniyya said that his government expects the international community, and the Quartet in particular, to act to achieve a comprehensive and just peace in the region. His government "will make every possible effort to reach a just peace in the region, a peace that will end the occupation and restore the rights of their Palestinian owners."⁵⁵ Moreover, the term "peace" appears several times in the letter that al-Zahar sent to the UN Secretary-General:

We also expect from the international community ... to work with this government ... on the path towards achieving peace and stability in the region ... Our government is ready to start a serious and constructive dialogue with the United Nations and with the various countries of the world to reinforce world peace and security and to achieve peace and stability in our region on the basis of a just and comprehensive solution ... We like all other people in the world are looking forward to living in peace and security.⁵⁶

It should be noted that the word "peace" appears here without any mention of an adjacent Israel, as in the Fatah formation. However, the letter implies that a two-state solution is acceptable to Hamas, since it declares that the occupation "will totally destroy any hopes to achieve the settlement and peace based on the two-state solution."⁵⁷

CONCLUSION

Despite its fundamentalist origins, Hamas has developed its own arbitration

53. Haniyya, "*Mashru' al-Barnamaj*."

54. "*Mish'al La Salam*."

55. Haniyya, "*Nass al-Bayan*."

56. al-Zahar, "Letter written by Palestinian Minister for Foreign Affairs."

57. al-Zahar, "Letter written by Palestinian Minister for Foreign Affairs."

mechanism to negotiate the middle ground between its religious ideology and its need to play the political game and, now, to govern. While retaining its authoritative statement of its fundamentalist creed, the Islamic Charter, it has innovated ways of allowing its leaders to declare or acquiesce in political positions that contradict its creed.