

# ROUTLEDGE HANDBOOK OF POLITICAL ISLAM

This updated, second edition of the *Handbook of Political Islam* covers a range of political actors that use Islam to advance their cause. While they share the ultimate vision of establishing a political system governed by Islam, their tactics and methods can be very different. Capturing this diversity, this volume also sheds light on some of the less-known experiences from South East Asia to North Africa.

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- Geographical spread of Islamist movements
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- Terrorism
- Attitudes towards democracy
- Relations between Muslims and the West in the international sphere
- Challenges of integration
- Gender relations

Capturing the geographical spread of Islamism and the many manifestations of this political phenomenon make this book a key resource for students and researchers interested in political Islam, Muslim affairs and the Middle East.

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# ROUTLEDGE HANDBOOK OF POLITICAL ISLAM

Second edition

*Edited by Shahram Akbarzadeh*

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# HAMAS ACCORDING TO HAMAS

## A reading of its Document of General Principles

*Jean-François Legrain*

### Introduction

The Islamic Resistance Movement “Hamas” is a Palestinian Islamic national liberation and resistance movement. Its goal is to liberate Palestine and confront the Zionist project. Its frame of reference is Islam, which determines its principles, objectives and means (Article 1).

The promulgation on May 1, 2017 by the Islamic Resistance Movement-Hamas of its “Document of General Principles and Policies” (*Wathīqat al-Mabādi’ wa-l-Siyāsāt al-‘Ammah – وثيقة المبادئ والسياسات العامة*)<sup>1</sup> aims to mark a significant step in its historical trajectory as it was adopted by its representative bodies after years of debates, amendments, etc. This Document testifies to the internal balance of power as Khaled Meshaal leaves the leadership of the Political Bureau he has chaired since 1996 and where Yahya al-Sinuwar, head of the armed wing, has recently won the internal elections for the general direction of the movement in Gaza. It also and above all reflects, though without any reference, the experience gained through the thirty years of its existence as Hamas, plus the forty years previous to then, since the establishment of the Palestinian branch of the Association of Muslim Brothers in which the movement is inscribed.<sup>2</sup>

By designating its text as a “*wathīqa*” (document), Hamas refers somewhere to his 1988 “*mūthāq*” (Charter)<sup>3</sup> even if linguistically the *wathīqa* is supposed to be less binding and fixed. For that matter, Khaled Meshaal emphasizes that this new text would be called to be amended, supplemented, or even replaced according to the realities and interests of the nation.<sup>4</sup> As a result, many analysts have read the Document in the light of the Charter, at the risk of forgetting that, if it can be read together with the Charter, it can also be compared with other documents which, like it, could serve as an inspiration or a deterrent, emanating from Hamas itself, as from other structures such as the Palestine Liberation Organization (PLO).

Article 1 of the Document proposes Hamas’s definition of itself which, by what it states and what it omits, offers in short the continuities, evolutions, ruptures and ambiguities of which the whole Document testifies. The purpose of this chapter, therefore, will make cross-references both within the Document itself and between it, on the one hand, and the Charter and other Hamas communiqués and statements, not to mention the 1968 PLO Charter,<sup>5</sup> on

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the other hand, in order to understand what the movement wants to emphasize in its similarities to, as well as differences from, its own past history and/or its rivals.

### **What the Document states**

#### *The resistance and liberation of Palestine*

Palestine holds the central place within this Document, its mention being associated with the principle of liberation. The “resistance” was the *raison d’être* of the movement from its origin and as such mentioned in its name, “Movement of the Islamic resistance” (*Harakat al-Muqâwamah al-Islâmiyyah* – حركة المقاومة الإسلامية), Hamas (حماس) being the acronym. To resistance to the Zionist project, the Document henceforth adds “liberation” of the land, two inseparable objectives, to be developed in the frame of reference that is Islam.

Hamas defines itself in Arabic as “an Islamic national Palestinian movement of liberation and resistance.” It thus displays its Islamic specificity while claiming a certain community of identity with the Palestinian nationalist formations. Its self-definition in English, however, is quite different since Hamas acts as a “Palestinian Islamic national liberation and resistance movement.” This ambiguity could lead to a misinterpretation, making Hamas a Palestinian version of the Islamic movements.

Even if it was absent from the Charter, this self-qualification of Hamas as a “liberation movement” appears periodically as early as the 1990s. However, where nationalist organizations use the grammatical form *tahrîr* – تحرير, the action of liberation being done without more definition of its actor, Hamas uses the form *taharrur* – تحرر, the action being the work of Palestine itself. This liberation, according to Article 25, will be carried out through the “armed resistance” as “the strategic choice for the protection of the principles of the Palestinian people.” Expressed in these terms, this choice is recent, undoubtedly related to the intifadas and the succession of wars in Gaza. Asserting that “Resisting the occupation with all means and methods is a legitimate right guaranteed by divine laws and by international norms and laws,” the same article maintains the validity of the strategy that the movement had adopted through the last two decades by organizing, for example, suicide operations. On the other hand, the term “jihad,” which appeared in one form or another on 36 occasions in the Charter, has not completely disappeared from the Document, even though it is used only once in Article 23 according to which “Resistance and jihad for the liberation of Palestine will remain a legitimate right, a duty and an honour for all the sons and daughters of our people and our Ummah.”

According to Article 24, “The liberation of Palestine is the duty of the Palestinian people in particular and the duty of the Arab and Islamic Ummah in general. It is also a humanitarian obligation as necessitated by the dictates of truth and justice.” The Document, however, gives no justification for this duty, when Article 14 of the Charter made liberation “an individual religious obligation incumbent upon every Muslim wherever he may be.”

### **Palestine and Palestinians**

The definition that the Document gives of the “land” (the object of Articles 2 and 3) and the “people” (Articles 4 to 6) clearly seeks to escape history.

If “Palestine is the land (*ard* – أرض) of the Arab Palestinian people” according to the Preamble, for Article 1 of the PLO Charter, however, “Palestine is the homeland (*watan* – وطن) of the Arab Palestinian people.” When the homeland reflects history, the land seems to escape history. The “borders” (it is specifically the term *hudûd* – حدود) which is used in the

### *Hamas according to Hamas*

Arabic version of Article 2, where the English version uses a less precise verbal form: “extends from”) of Palestine surely refers to those that were established by the great Powers at the end of the First World War: “Palestine, which extends from the River Jordan in the east to the Mediterranean in the west and from Ras Al-Naqurah in the north to Umm Al-Rashrash in the south, is an integral territorial unit.” Hamas, however, refrains from mentioning any historical condition that may have presided over this delimitation as “Palestine is the Holy Land, which Allah has blessed for humanity” and “within Palestine there exists Jerusalem, whose precincts are blessed by Allah”<sup>6</sup> (Article 7). Referring to the same geographical contours on the ground, the PLO’s Charter, for its part, does not hesitate to refer to history, asserting that “Palestine, with the boundaries it had during the British Mandate, is an indivisible territorial unit.”<sup>7</sup>

The only references to history made by the Document can be found in Article 18 which, however, makes clear distinctions. The only history qualified to be remembered and magnified is the ancient religious one as Palestine was

the Muslims’ first Qiblah and the destination of the journey performed at night by Prophet Muhammad, peace be upon him. It is the location from where he ascended to the upper heavens. It is the birthplace of Jesus Christ, peace be upon him. Its soil contains the remains of thousands of Prophets, Companions and Mujahidin.

All contemporary historical decisions concerning Palestine, for their part, are “considered null and void: the Balfour Declaration, the British Mandate Document, the UN Palestine Partition Resolution, and whatever resolutions and measures that derive from them or are similar to them.”

In general, the Document justifies Palestinian rights by shifting history to rely on “facts” described as “natural”, for example when it asserts that “The Palestinian cause in its essence is a cause of an occupied land and a displaced people” (Article 12). In fact, “The right of the Palestinian refugees and the displaced to return to their homes ... is a natural right, both individual and collective” and this natural right “is confirmed by all divine laws as well as by the basic principles of human rights and international law.”<sup>8</sup> The concept of “natural right” however is not new to Hamas and is used to describe both “the right of our people to liberation (*taharrur*), return and establishment of the State”<sup>9</sup> as well as the right of refugees and the resistance to the Occupation<sup>10</sup>. In the same vein, the Document claims the universality of the question of Palestine beyond its Arab status and its Islamic status and finds this on humanity since “Jerusalem ... has a religious status, historical and cultural, Arab, Islamic and human (*insâni* – انساني)” (according the Arabic version of Article 10) and that “The liberation of Palestine ... is also a humanitarian (*insâniyyah* – انسانية) obligation as necessitated by the dictates of truth and justice” (Article 24).

The definition of “Palestinian people” refers both to the nation (“Arab”) and the territory (“Palestinian”). By asserting, however, that Palestine is “the land of the Arab Palestinian people,” the Document reverses the hierarchy that Article 1 of the 1968 PLO Charter established between its Arab status and Palestinian status by referring to “Palestinian Arab people.” The use of the expression “Arab Palestinian people” is new to Hamas. It seems, however, to be the case only in the Document itself. The territorial link makes the Palestinian and this one has only the qualifier of Arab in the absence of any confessional mention. The definition of the Palestinian people given in the Document, however, is religious in some respects, since it uses the expression “our [my emphasis] nation,” that is, an Arab *and* Islamic one.

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Concerning the “Palestinian people,” the relationship between the Document and the PLO Charter is almost systematic, both of which reflect an approach that could be described as essentialist. Referring to “Palestinity” (*al-shakhsiyyah al-filastīniyyah* – **الشخصية الفلسطينية**), both Charter and Document go far beyond the mere approach in terms of nationality and/or legal status. The definition given to “Palestinians” in Article 4 of the Document reproduces in almost identical terms Article 5 of the PLO Charter by making them Arabs who lived in Palestine until 1947 and anyone born after this date whose father is Palestinian. In the same way, the inalienable character of Palestinity beyond occupation and banishment almost literally replicates the PLO Charter.

Without explicit parallel in the latter but in full agreement on the substance with it, Article 6 of the Document gives a definition that one could describe with humor as “laic and democratic”: “The Palestinian people are one people, made up of all Palestinians, inside and outside of Palestine, irrespective of their religion, culture or political affiliation.”

Some reading might suggest the possibility of recognizing the existence of Jewish Palestinians, as does Article 6 of the PLO Charter, which states that “The Jews who had normally resided in Palestine until the beginning of the Zionist invasion will be considered Palestinians.” There is nothing to suggest that this could be conceivable, and the Document, for that matter, refrains from mentioning any historical presence of Jews in Palestine.

Nor are Christian Palestinians named as such, even if Christendom is mentioned on the occasion of citing the holy places. The document thus sets back from various statements such as that made Khaled Meshaal in 2012<sup>11</sup> who spoke about “the unity of the Palestinian people, both Muslims and Christians.” Article 8 simply emphasizes that “Islam is a religion of peace and tolerance. It provides an umbrella for the followers of other creeds and religions who can practice their beliefs in security and safety.” With this affirmation, Islam thus retains its ultimate reference status and it is to Islam and not to democracy that “followers of other creeds and religions” (and not citizens, believers or not) owe “security and safety.”

The fact that the two Articles devoted to defining Hamas’s approach of Islam are under the heading “Islam and Palestine” (Articles 8 and 9) might lead one to believe that it refuses to consider that Palestinians can legitimately develop others. According to the first paragraph of Article 8, “By virtue of its justly balanced middle way and moderate spirit, Islam – for Hamas – provides a comprehensive way of life and an order that is fit for purpose at all times and in all places.” This is manifest influence of Chaykh Yusuf al-Qardawi.<sup>12</sup> Coming from the Muslim Brotherhood’s school of thought, the chaykh, born in Egypt, has been living in Qatar since the 1960s from where he enjoys an international audience. The idea that Islam provides a way for the comprehensiveness (*shumūl* – **شمول**) of life is the first of the twelve principles of Islam developed by Hasan al-Banna, the founder of the Muslim Brotherhood. The *wasatiyyah* – **وسطية**, meanwhile, refers to the Qur’an, 2, 143, whose reading makes Muslims the “balanced nation.” Following the thought of Chaykh al-Qardawi, it evokes the idea of a certain “centrist” orientation in relation to dogma (neither moral laxness nor over-zealous religious rigor) which politically refers to the idea of “moderation.” This notion is central to Hamas’s self-understanding when coming face-to-face with jihadist Salafism. Never named in the Document, the latter is nevertheless present, for example, when Article 9 states that “Islam is against all forms of religious, ethnic or sectarian extremism and bigotry.”

### ***The conflict and its resolution***

For Hamas, the struggle concerns the “Zionist project,” beyond the State of Israel mentioned once in Article 18 and appears in quotation marks, where it is considered that



### *Hamas according to Hamas*

“The Israeli entity is the plaything of the Zionist project and its base of aggression.” It is “a racist, aggressive, colonial and expansionist project based on seizing the properties of others; it is hostile to the Palestinian people and to their aspiration for freedom, liberation, return and self-determination” (Article 14), and “The Zionist project also poses a danger to international security and peace and to mankind and its interests and stability.” In vocabulary as well as in concept, these articles are very close to Article 22 of the PLO Charter and certain standards of the 1970s.

Affirming that “its conflict is with the Zionist project not with the Jews because of their religion” (Article 16), the Document states that it “rejects the persecution of any human being or the undermining of his or her rights on nationalist (ethnic, *qawmi* – قومى), religious or sectarian grounds” (Article 17). It recalls, on occasion, that “it is the Zionists who constantly identify Judaism and the Jews with their own colonial project and illegal entity” (Article 16), that “the Jewish problem, anti-Semitism and the persecution of the Jews are phenomena fundamentally linked to European history and not to the history of the Arabs and the Muslims or to their heritage,” and that it is “with the help of the Western Powers” that the Zionist movement “could occupy Palestine” (Article 17). This is the institutional response that has long been called for by many leaders of the movement to counter the accusations of anti-Semitism that it has been subjected to on the basis of the Charter. However, The Palestine Information Center, Hamas’s unofficial website, since at least August 2004,<sup>13</sup> as well as Khaled Meshaal’s 2010 interview in *al-Sabil* and another in 2012,<sup>14</sup> and the presentation of Hamas offered by its official website in 2015,<sup>15</sup> have all expressed the same ideas in almost identical terms.

If the Document states that “The establishment of ‘Israel’ is entirely illegal” (Article 18), it is not exempt from the essentialist approach of the conflict with Israel that could be already noted at the end of Article 7, which speaks of the determination of the people of Palestine to defend the truth “until the Promise of Allah is fulfilled,” an inspired expression of the Qur’an 16,33. The secular approach, expressed in terms of illegality, in fact, is advanced only by the English version of the Document; where the Arabic version uses the adjective “*bâtîl*,” also used in Article 19 and then rendered in English by the term “illegitimate” to qualify “occupation, settlement building, Judaization or changes to its features or falsification of facts.” There is no doubt that the authors of the Document, like many of its Arabic-speaking readers, have in mind here the habitual use of the term based on the Qur’an 21,18 and 31,30, which opposes the *bâtîl* – الباطل, the deceptive illusion, to the *haqq* – الحق, the truth, the reality (God is *haqq*: Koran 10,32; 22,6; 24,25). Some Qur’anic comments interpret this opposition as being that which differentiates the ephemeral and the permanent, the Evil and God.

### *The State along the 1967 Lines*

Article 20 develops this principle of the illegality of the creation of Israel and presents its consequences. The first part of the Article merely repeats the principles already stated: “no part of the land of Palestine shall be compromised or conceded” and rejection of “any alternative to the full and complete liberation of Palestine, from the river to the sea.” The second part of Article 20 is the one that has elicited the most numerous comments and misinterpretations:

Hamas considers the establishment of a fully sovereign and independent Palestinian State, with Jerusalem as its capital along the lines of the 4th of June 1967, with the

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return of the refugees and the displaced to their homes from which they were expelled, to be a formula of national consensus.

Unlike Palestine, which, according to Article 2, has “borders,” as we have seen, the State presented as a formula of consensus does not have any, only those drawn by the “lines” (*khutût* – خطوط) inherited from the ceasefire of 1949. Hamas is perfectly faithful to its traditional approach to the issue. However, Hamas refrains from explaining its basics as before made of some reading of the Koran and the Islamic tradition: the negotiation of the frontier would be a denial of the Islamity of Palestine, hence the refusal of the legitimacy of the 1947 partition; the acceptance of a State along the lines of the ceasefire, on the other hand, is only the expression, objective but reversible, of a simple balance of power, hence the legitimacy of a de facto armistice without a de jure recognition of Israel. It is, therefore, a false object of satisfaction or dissatisfaction for those who say that Hamas would have endorsed the two-state solution which, in fact, implies the definitive existence of “borders” that are safe and recognized to use the dedicated expression.

By adopting the traditional vocabulary of international relations to express positions that are not unlike that of the PLO of the 1970s, the Document abandons the terms that Hamas used in the 1990s and early 2000s based on exemplarity of prophetic conduct and expressed in terms of *hudnah* – هدنة (armistice) and *sulh* – صلح (conciliation). In reference to the negotiation of the Hudaybiyya treaty between the Prophet and the Quraysh tribe, Chaykh A. Yasin thus proposed in November 1993 a ten-year *hudnah*.<sup>16</sup> The proposal was reiterated in January 2004 by his short-lived successor Dr. Abdelaziz Rantisi and its content was in all respects similar to what the Document proposes as the State that is a formula of national consensus. The initiative was performed again in November 2006,<sup>17</sup> the last use of the term in this context. In the field of military engagement from Gaza, Hamas took the initiative for a first 45-day *hudnah* in June 2003, but broke it after a succession of Israeli operations. The term was abandoned in 2005 in favor of *tahdi'ah* – تهدئة (lull), whose doctrine is developed by Article 26: “Managing resistance, in terms of escalation or de-escalation, or in terms of diversifying the means and methods, is an integral part of the process of managing the conflict and should not be at the expense of the principle of resistance”; unilateral or negotiated sometimes with the help of Egypt, the “lulls” followed each other from 2005 to 2014.

### ***The PLO and the PA***

Unlike the Arab resolutions that since 1974 have made the PLO “the only legitimate representative of the Palestinian people,” Article 29 of the Document considers it as “A [my emphasis] national framework for the Palestinian people.” In spite of this reservation, the Document considers that “It should therefore be preserved, developed and rebuilt on democratic foundations so as to secure the participation of all the constituents and forces of the Palestinian people, in a manner that safeguards Palestinian rights.” Article 30 goes on to stress “the necessity of building Palestinian national institutions on sound democratic principles, foremost among them are free and fair elections.” However, the text refrains from specifying whether these institutions should be inside or outside the PLO.

Asserting that “the Oslo Accords and their addenda contravene the governing rules of international law in that they generate commitments that violate the inalienable rights of the Palestinian people” (Article 21), the Document offers a distant position of any invective, even if it qualifies the “security coordination” as “collaboration.” The Article is to be compared with Article 31, which claims that the PA “is to serve the

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Palestinian people and safeguard their security, their rights and their national project,” a somewhat contradictory requirement with the condemnation of its basic principles set forth herein.

### *The Palestinian State*

The PA's position is to be read in relation to Article 27 according to which “A real State of Palestine is a state that has been liberated. There is no alternative to a fully sovereign Palestinian State on the entire national Palestinian soil, with Jerusalem as its capital.” First, it aims to describe everything that is not the State of Palestine proclaimed by the PNC in Algiers in 1988. In relation with Article 20, it also means that the State defined to be a formula of national consensus does not meet the conditions of the “real” State. It can be read, finally, as defining the expected goal of liberation. The claim of a State is not new in Hamas's speech even though it was not included in the Charter which only envisaged the solution of the Palestinian question from the point of view of a return to Islamic sovereignty.

However, at no time does the Document advance a requirement of Islamity of that State. If Article 27 of the Charter regarded the PLO as Hamas's “closest of the close,” it devoted its longest development to stressing its distance from its conception of the secular State: “The fruit of the intellectual invasion suffered by the Arab world since the defeat of the Crusaders and which have strengthened and continue to strengthen Orientalism, mission work and imperialism.” Hamas, however, has never shown itself to be uncomfortable with the place accorded to Islam by the Basic Law of the PA voted for by the Fatah-dominated Palestinian Legislative Council (PLC), which sticks to making Islam the official religion and “a [and not the] main source of legislation.” Thus since 2007, in Gaza, none of the laws passed by the PLC really breaks with this practice of being almost consensual in matters of religion. Hamas, therefore, did not implement the political program of the Bloc of Change and Reform presented in the legislative elections of January 2006 aimed at “making Islamic sharia ‘the main source of legislation’ [original emphasis] in Palestine.”<sup>18</sup> Considering these institutions, the influence of religion, in fact, can be read through the encouragement given to the development of conflict resolution mechanisms in the framework of *Islah* (conciliation) committees set up by the Palestinian Scholars' League, a group which is close to Hamas, in response to the problems faced by the civil judicial system legally linked to the presidency.

### *What the Document omits*

Making the liberation of Palestine the focus of its Document, Hamas has opted to ignore any development regarding the modalities of its implementation that it would conduct itself if we make an exception of its mention of armed resistance as a strategic choice.<sup>19</sup> The Document, for example, restricts itself with Articles 33 and 34 when mentioning in a general way the role that the various elements of civil society could play in the project of resistance, liberation and the construction of the political system.

### *The Document's humanitarian, popular, political and religious commitments*

Surprisingly, the Document completely ignores aspects of its practices for which it has no reason to be ashamed. Nothing is said, for example, of its commitment to the prisoners while the Bloc of Change and Reform: 2006 mentioned in its Article 9 that “the question

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of prisoners and detainees is one of the priorities of Palestinian action and is part of national sovereignty.” The Document likewise ignores the very term “negotiation” (*mufāwadah* – **مفاوضة**) even though Hamas has been practicing this since its origins, provided that it excludes the domain of sovereignty, especially regarding the question of prisoners.

Furthermore, according to PIC in 2004, Hamas is “a popular and national resistance movement that is working to create conditions conducive to the realization of the liberation of the Palestinian people.”<sup>20</sup> This type of commitment does not appear in the Document, even though it has been reactivated since 2018 in support of the movement granted to the “Great March of Return,” a civil society initiative launched on the occasion of the seventieth anniversary of the *nakba* through a series of demonstrations and confrontations along the border between Gaza and Israel.

Moreover, at no time does the Document explain Hamas’s political commitment to the institutions of self-government. Articles 21 and 23, quoted earlier, merely recall that the Oslo Accords contradict Palestinian rights without explaining how its participation in elections and its management of power could be linked to the quest for liberation. In the program of the Bloc of Change and Reform: 2006, however, it was made clear that

Hamas believes that its participation in the legislative elections at that time and in the light of the reality experienced by the Palestinian question is part of its overall program for the liberation of Palestine and the return of the Palestinian people to their country and country.

Nothing, finally, suggests that Hamas could be a “government party” as part of the expected State. Likewise, nothing is said from an organizational point of view on the relationship between its political and military wings, that is, Hamas and its al-Qassam Brigades.

More surprising perhaps is the near-silence observed regarding its religious commitment. Dedicated to resistance and liberation, Hamas specifies as seen before that “Its frame of reference is Islam, which determines its principles, objectives and means.” One could therefore legitimately include preaching (*da’wah* – **دعوة**) among its means and Islamization among its objectives. Such a mission, however, is not specifically mentioned. Does the Document renounce the consideration that Islam is a (the?) favorable condition for liberation? No doubt this isn’t the case if one refers to the definition given in Article 8 of Hamas’s conception of Islam as providing “a comprehensive way of life.”

Article 6 of the Charter, for its part, affirmed that Hamas is a movement that “works toward raising the banner of God on every inch of Palestine” and Article 12 made patriotism (*wataniyyah* – **وطنية**) “an article of the religious profession of faith” [*‘aqīdah* – **عقيدة**]. The resistance against the occupier was then active practice of the faith and preaching was its preparation. Still in 2005, Hamas presented itself as “a movement of resistance that works for the liberation of the earth and man.”<sup>21</sup> Such an approach was only the result of the conception then explicitly developed by Hamas. The Charter, for example, gave the motivation for the creation of Hamas in Article 9: that “Islam had disappeared from the reality of life.” Its objectives, therefore, were: “to fight the lie (*al-bātil* – **الباطل**), to defeat it and to destroy it so that the truth (*al-haqq* – **الحق**) can reign.” As a consequence, Article 15 of the Charter held that “in the minds of all Muslim generations the cause of Palestine must be a religious cause which requires appropriate treatment on that basis.” In 2013, former Prime Minister Ismail Haniyyeh still claimed that “Hamas presented a new model of national action” which he defined as “a combination of resistance, *da’wah* activities, relief work, popular work, political action, and intellectual action.”<sup>22</sup>

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### *Hamas's affiliation with the Muslim Brotherhood*

At no time does the Document remind us that Hamas's commitment is part of the history of all those which preceded it, nor does it recall its achievements and its tutelary figures. The absence of the mention of the Association of Muslim Brotherhood is therefore just a part of this silence even if it has been underlined by many analysts. For the Charter, Hamas was "one of the wings of the Muslim Brotherhood in Palestine," the "Movement of the Muslim Brotherhood [being] a world organization" (Article 2), when Hamas's slogan in Article 8 was that of Muslim brothers. The question of the amendment of the Charter, including the break of the links with the Association of the Muslim Brotherhood, had been asked at the beginning of 1993, the object of shuttles between the leaders on the ground in Palestine and the banned ones in Marj al-Zuhûr in Lebanon.<sup>23</sup> The debate was then linked to the establishment of an Islamic State in Palestine and the imperatives of clarifying and improving Hamas's relations with its Palestinian partners, the PLO in particular, as well as its Arab and Western interlocutors.

The question of the links between Hamas and the Muslim Brotherhood is complex because of the plurality of the parties involved.<sup>24</sup> There is no doubt that Hamas, through history and ideology, has links with the Egyptian Association. The Muslim Brotherhood was born in Ismailia in Egypt and the establishment of the Association in Palestine from 1935 onward was due to Abderrahman al-Banna, the brother of Hasan, the Brotherhood's founder. In addition, the body of Hamas's ideological references is populated by the great names of the Egyptian Association.

There is also no doubt that the Palestinian Association and Hamas have links with the Egyptian-controlled international leadership of the Muslim Brotherhood. A member of "*Tandhîm Bilâd al-Shâm*" (Organization of the Levant) since its creation in 1977, Hamas obtained emancipation in 2008 (or 2011 or 2013, according to the sources) due to its own importance, and it was directly attached to the Guidance Office in Cairo. The real prerogatives of the latter, however, have always been subject to debate, and in 2017, we did not really know what the Association had become because of the Egyptian government's repression. Without forgetting the undeniable immediate diplomatic interest in Hamas's relations with Egypt, this silence seems rather to refer to the will to claim the independence of decision of the movement, as well as to endorse any interference in external affairs. In 2015, for example, Hamas's self-styled presentation on its official website said:

Hamas's decision stems from its leadership, leadership institutions and from the top interest of its people and the requirements of the Palestinian cause. No one interferes in its decisions and it has no organizational overlap with any organization, party or state whatsoever.<sup>25</sup>

But it is only a silence and not a denial of history or a break. As Khaled Meshaal, in his 2017 interview emphasizes,<sup>26</sup> Hamas is in the legacy of the Muslim Brothers' ideology, a legacy of which the Document sometimes suggests, such as Articles 8 and 9 mentioned above and devoted to the vision that Hamas proposes to Islam.

### **Conclusion**

At the end of this reading of the Document, it is clear that, taken separately, none of the points raised is really new. The text merely reiterates (without copy and pasting) statements and positions already issued long ago, but omits to mention some that are still held. Its

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originality is due to the lack of explicit religious references and the multiplicity of nods to the positions held by the PLO in the 1970s. The only novelty lies in the mention of armed resistance as a strategic choice.

A superficial reading could lead to the conclusion that Hamas's thinking has been secularized. Given the "resistance" of some concepts to "purification", this secularization would, however, still be in the process of being developed. But this is not the case. The Document is a complex and even subtle text beyond its formal imperfections and its silences are just as meaningful as its statements. Far from a secular approach, the Document's authors appear to have simply chosen to silence the religious foundations of assertions expressed mostly in secular terms. The reading grid offered by Meshaal in his 2017 interview thus reveals its relevance by making the Document the combined fruit of fidelity to invariants (*thawâbit* – ثوابت) and openness (*infitâh* – انفتاح) in the consideration of realities (*wâqîʿ* – واقع).

The silence of the Document on the Charter and Khaled Meshaal,<sup>27</sup> which avoids the question of its repeal can only refer to the fact that it is *not* repealed. Only its anti-Semitic aspects can be considered as such, since the Document explicitly expresses an entirely different position. All the other provisions upon which the Document remains silent, on the other hand, can be considered as still valid, as are the numerous communiqués and declarations of the last three decades. All these texts constitute the real body of references that are always relevant when each of the assertions of the Document finds its roots and its justifications in them. The treatment of the question of the links with the Association of the Muslim Brotherhood is therefore significant of the report in general maintained by the Document with the inheritance of the movement: silence does not mean denial. Therefore, the Document is not the result of a decision comparable to that adopted by the Tunisian al-Nahda Party at its May 2016 congress which had then chosen to abandon *da'wah* in favor of democratic politics, Islam being no longer considered "the solution" but *one* [my emphasis] reference. It was prohibited for party members to engage in charitable and religious activities.

Anxious to avoid what some would characterize as religious narrow-mindedness, the Document opted for a form of thought that could be described as a-historical. Renouncing all Qur'anic and prophetic citation but also any reference to both the Palestinian experience and its own in terms of resistance, it has, we would say, reified the question of Palestine. It is the land that is mentioned even before the people, a geographical entity with eternal limits, and the right attached to it, itself eternal, is "natural", the divine Scriptures being only its confirmation (not the source).

All this brings us back to the questions of the conditions of writing the Document and the identity of the intended target. Published on the occasion of the change of president of the political bureau, the Document does not seem deeply dependent on this event because its process of writing was initiated several years earlier. Deeply anchored in the Palestinian political landscape, Hamas is not fighting for its survival even though its banishment by a part of the international scene and the economic and political blockade of Gaza has undeniably weakened it. So why produce this text at this time? There is no doubt that the Document reflects the experience gained during the decade of their exercise of power but also and especially the military commitment, in the context of the wars recently waged by Israel. In this context, the target is probably not the basis of the movement already formed and informed, nor the leaders of the PLO and the PA, which have for years been impeding all attempts at reconciliation. Israel is no more targeted as the Document does not constitute "an initiative" as Meshaal pointed out.<sup>28</sup> The expansion of the movement's recruitment base in the absence of a truly charismatic leader therefore remains. To all those disappointed with nationalism as embodied for decades by the PLO and the PA, especially to young people, Hamas proposes that they join its ranks.

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Above all, it offers them a chance to contribute to the armed struggle, the only path chosen for liberation, by providing them an approach to the conflict, lightened by its religious references and rich in references to the PLO before Oslo. It was incumbent, moreover, on Hamas to give some pledges of good conduct to the Egypt of Marshal A.F. al-Sissi. Some considered that, with the Document, the theologian had given way to the politician. The evaluation seems true as soon as it is made clear that the politician acted in proximity with the soldier without ever denying his theological knowledge.

In this context, the Document could express a sort of bet on the future, when the generation of PLO and PA president Mahmoud Abbas, and PNC speaker Salim Zaanoun, eventually fades away and as the annexation to Israel of new Palestinian lands is announced periodically. While the PLO and the PA are unable to offer a vision of the future, trapped by the only logic of survival in the preservation of acquired status, Hamas aims to restore depth to the policies it has enacted in Gaza.

### Notes

- 1 Originals in Arabic and English on the official website of Hamas, available at <http://files.hamas.ps/doc/>. The publication of the text was accompanied on May 1 by a press conference of Khaled Meshaal given in Doha and broadcast by the channel Al-Jazeera, available at [www.youtube.com/watch?v=GvPQ\\_L1BKeI](http://www.youtube.com/watch?v=GvPQ_L1BKeI). A source mentioned below as Meshaal: 2017.
- 2 Among the many analyses that have been proposed of the Document, it seems relevant to me to distinguish: Issam M.A. Adwan, "Hamas Charter: Changes and Principles," *Politics and Religion Journal* 13, no. 1 (2019): 15–37; Amira Hass, "Why Hamas' new charter is aimed at Palestinians, not Israelis," *Haaretz*, May 3, 2017, available at [www.haaretz.com/misc/article-print-page/.premium-1.786870](http://www.haaretz.com/misc/article-print-page/.premium-1.786870); Khaled Hroub, "A Newer Hamas? The Revised Charter," *Journal of Palestine Studies (JPS)* XLVI, no. 4 (2017): 100–111; Menachem Klein, "Religion out, nationalism in: Will Hamas' charter divide the movement?," *972 Mag*, May 14, 2017, available <https://972mag.com/religion-out-nationalism-in-will-hamas-charter-divide-the-movement/127298>; Mohsen Mohammad Saleh, "On the Debate Regarding Hamas's Political Document," *Political Analysis, Al-Zaytouna Centre for Studies and Consultations*, June 15, 2017, available <https://eng.alzaytouna.net/2017/06/15/political-analysis-debate-regarding-hamass-political-document-dr-mohsen-mohammad-saleh/>
- 3 Original in Arabic, available at [www.aljazeera.net/specialfiles/pages/0b4f24e4-7c14-4f50-a831-1ea2b6e73217d](http://www.aljazeera.net/specialfiles/pages/0b4f24e4-7c14-4f50-a831-1ea2b6e73217d), and English translation by Muhammad Maqdsi (Islamic Association for Palestine), in *Journal of Palestine Studies* XXII, no 4 (1993): 122–134.
- 4 Interview with Meshaal in 2017 at 0'22". See Note 1.
- 5 Original in Arabic, available at [http://info.wafa.ps/ar\\_page.aspx?id=4921](http://info.wafa.ps/ar_page.aspx?id=4921), and English translation by The Avalon Project, "The Palestinian National Charter: Resolutions of the Palestine National Council July 1–17, 1968," available at [http://avalon.law.yale.edu/20th\\_century/plocov.asp](http://avalon.law.yale.edu/20th_century/plocov.asp).
- 6 The English version ignores the religious connotations suggested by the expression "*Aknāf Bayt al-Maqdis*" (الكناف بيت المقدس). Referring to "Islamic law," Article 11 of the Charter made Palestine "an Islamic Waqf [trust] land for all generations of Muslims until the day of resurrection," a concept ignored by the Document.
- 7 Hamas, however, limits Palestine with the Jordan River when the PLO at that time left open the interpretation as to the possible inclusion of Transjordan. Article 1 of the Basic Law of the Palestinian Authority (PA) refrains from specifying the boundaries of Palestine.
- 8 As the natural law is confirmed by "divine laws," when the Zionist project denies these rights it goes against the revelation that the people it claims to represent have benefitted from.
- 9 Communiqué of April 29, 1999 marking the end of the interim period, available at <https://hamas.ps/ar/post/1033/>.
- 10 Communiqué of May 15, 2004 marking the commemoration of the *nakba*, available at <https://hamas.ps/ar/post/903/>.
- 11 Contribution to the conference organized in Beirut on November 28 and 29, 2012, published under the title of "The Islamists in the Arab World and the Palestinian Issue, In Light of the Arab Uprisings," a kind of preliminary draft of the text of 2017, available at <https://eng.alzaytouna.net/>

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- 2013/03/19/khalid-mishal-hamas-political-thought-and-stances-in-light-of-the-arab-uprisings/. 1/12, a source mentioned below as Meshaal: 2012.
- 12 Sagi Polka, " Hamas as a Wasati (Literally: Centrist) Movement: Pragmatism within the Boundaries of the Sharia," *Studies in Conflict and Terrorism* 42, no. 7 (2019): 683–713.
  - 13 The text was still online ten years later, available at [web.archive.org/web/20040810034859/http://www.palestine-info.com/arabic/hamas/who/who.htm](http://web.archive.org/web/20040810034859/http://www.palestine-info.com/arabic/hamas/who/who.htm). A source mentioned below as PIC: 2004.
  - 14 In *Al-Sabīl*, Amman. Interview published in several episodes in July 2010 and gathered in one volume by the PIC, see in Arabic at [www.palinfo.com/Uploads/Models/Media/old/oldimages/sfiles/2010/augest/khaled\\_meshaal\\_interview\\_assabeel.net.pdf](http://www.palinfo.com/Uploads/Models/Media/old/oldimages/sfiles/2010/augest/khaled_meshaal_interview_assabeel.net.pdf), and English translation by the Afro-Middle East Centre (AMEC), " Hamas's Mesha'al lays out new policy direction," August 30, 2012, available at <http://amec.org.za/palestine/item/976-hamas-mesh-al-lays-out-new-policy-direction.html>. A source mentioned below as Meshaal: 2010.
  - 15 The Arabic page was created by March 25, 2015, available at <https://hamas.ps/ar/page/19/>, and the English page " The Islamic Resistant Movement," no later than June 28, 2015, available at <https://hamas.ps/en/page/2/>. Both were still online as of 2019.
  - 16 *Al-Hayât* (London), November 1, 1993, available at [www.alhayat.com/article/1871405/](http://www.alhayat.com/article/1871405/).
  - 17 *Al-Hayât al-Jadīda*, December 24, 2006; English translation in Yigal Carmon and C. Jacob, " Alongside Its Islamist Ideology, Hamas Presents Pragmatic Positions," *MEMRI, Inquiry & Analysis Series*, no. 322, February 6, 2007, available at [www.memri.org/reports/alongside-its-islamist-ideology-hamas-presents-pragmatic-positions](http://www.memri.org/reports/alongside-its-islamist-ideology-hamas-presents-pragmatic-positions)
  - 18 Original in Arabic, available at <http://islah.ps/new2/?news=128>, and English translation in Khaled Hroub, " A 'New Hamas' through Its New Documents," *Journal of Palestine Studies* 35, no. 4 (2006): 6–27. A source mentioned below as Bloc of Change and Reform: 2006.
  - 19 However, unlike several earlier statements like Meshaal: 2010 which only corroborated its traditional field politics, Hamas refrains from recalling here that it is limiting its struggle to that against the occupier.
  - 20 See Note 13.
  - 21 " Hamas' Political Vision," available at <https://intilaqa.hamas.ps/28/page/word/w3.html>.
  - 22 Isma'il Haniyyah, " Hamas: An Analysis of the Vision and Experience in Power," 2013. Interview published in its English version in Mohsen Mohammad Saleh, *Islamic Resistance Movement-Hamas: Studies of Thought and Experience* (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2014), 3.
  - 23 *Al-Hayât*, April 7, 1993.
  - 24 For example, Muhsin Sâlih, " The track from the Palestinian Muslim Brotherhood to Hamas" (in Arabic), *al-Jazeera*, December 28, 2016, available at [www.aljazeera.net/knowledgegate/opinions/2016/12/28](http://www.aljazeera.net/knowledgegate/opinions/2016/12/28)
  - 25 Mirroring this demand for independence, Article 37 states that the movement " opposes intervention in the internal affairs of any country," a commitment already posted on the official website of the movement from 2015. The lesson was probably learned from the Jordanian experience: accused of having unduly taken control of the Jordanian Association of the Muslim Brotherhood, Hamas had been led to emancipate itself from the "*Tandhûm Bilâd al-Shâm*" as we have seen below.
  - 26 See Note 1: 2017 interview at 0'59.
  - 27 See Note 1: 2017 interview at 1'29".
  - 28 See Note 1: 2017 interview at 1'28".



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