

Hamas's Resistance to the Oslo Agreement.

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TABLE OF CONTENTS:

ACKNOWLEDGEMENTS.....	5
ACRONYMS AND CLARIFICATIONS.....	5
Chapter 1. INTRODUCTION	7
1.1. Research Question.....	7
1.2. Presentation of the Chapters.....	9
1.3. Method	10
1.4. Primary and Secondary Sources, Risks and Weaknesses.....	11
1.5. Terms and Limitations	17
Chapter 2. BACKGROUND.....	19
2.1. The Muslim Brotherhood.....	19
2.1.1. The <i>Intifada</i> and the Establishment of Hamas.....	20
2.2. Nationalism.....	22
2.3. The Relationship with the PLO.....	23
2.4. Acceptance of UN Resolutions and Shift in Politics.....	25
2.5. The Charters and Constitutions of the PLO, Fatah and Hamas.....	27
2.6. Israel, Hamas and the PLO.....	29
2.7. External Factors of Influence.....	31
2.8. Summary.....	32
Chapter 3. THE OSLO AGREEMENT AND THE REACTIONS.....	33
3.1. Hamas's Reactions.....	37
Chapter 4. POLITICAL REASONS OF OPPOSITION.....	39
4.1. Refugees.....	39
4.2. Future Palestinian State.....	42
4.3. Economy.....	46
4.4. Inconsistency with UN Resolutions.....	47
4.5. Summary.....	49
Chapter 5. TACTICAL REASONS OF OPPOSITION.....	50
5.1. The Relationship between Hamas and the <i>Intifada</i>	50
5.1.1. Status of Mass Organization in Peril.....	53
5.2. Restraints on Military Activity.....	55
5.2.1. Pragmatism.....	60
5.3. The Question of Palestinian Representation and Relations with the PNA.....	63
5.4. Summary.....	70
Chapter 6. RELIGIOUS REASONS OF OPPOSITION.....	71
6.1. Religion and Nationalism.....	71
6.2. Jerusalem.....	78
6.3. Final Battle.....	81
6.4. Summary.....	83
Chapter 7. CONCLUSION.....	85
7.1. The Most Important Reason of Resistance.....	86
7.2. Relevance and Lesson Learned.....	90
7.3. Outlook.....	90
LIST OF REFERENCES.....	93

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Marte Fritzen Buan,
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Acronyms and Clarifications.

DOP - Declaration of Principles

JMCC – Jerusalem Media and Communication Center

PLO - Palestine Liberation Organization

PNA - Palestinian National Authority

PNC - Palestinian National Council

UNLU - United National Leadership of the Uprising

Some of the articles found on the internet do not have page numbers. If they were divided into numbered chapters I used these as references in the text. Four articles did not have numbered chapters either and in these cases I put the name of the chapter in which the text I was referring to could be found, in footnotes.

Due to the very frequent use of the Hamas Charter and the Declaration of Principles throughout the entire thesis I will, apart from the first time mentioned, refer to these sources without the year in which they were published.

Hamas's Resistance to the Oslo Agreement.

1. Introduction.

On September 13, 1993 the Declaration of Principles (DOP), otherwise known as the Oslo agreement, was signed by Israel and representatives from the Palestine Liberation Organization (PLO). The agreement represented a breakthrough in the stalled peace process of the difficult Israel-Palestinian conflict, and was both enthusiastically supported and heavily criticized. This thesis deals with the opposition to the agreement, seen from the perspective of one actor; Hamas, the Islamic Resistance Movement, which was one of the movements most firmly opposed to the agreement. I chose to focus upon Hamas because since the time of its creation it has grown to become a very important actor in the Israel-Palestinian conflict. During its time of existence it has taken large steps into the Palestinian political arena, which for a long time was dominated by the PLO's struggle against Israel. It has demonstrated itself as a strong and potent force that possesses the ability to destroy possible peace arrangements if it is in the movement's interests. It has representatives abroad and supporters in both Arab countries and in other countries with Muslim communities.

1.1. Research Question.

What were the main reasons for Hamas's opposition to the Oslo agreement? This is what this thesis strives to find out. In the extensive literature on the subject three factors that can explain the movement's resistance stand out. These are political, religious and what I have chosen to call tactical reasons of opposition. In identifying Hamas's reasons to oppose the Oslo agreement one must look at all these factors because the issue is very complex and the research question necessitates a multifaceted answer. The thesis will seek to answer which one of these factors that constituted the most important reason to resist.

In identifying the reasons of opposition I interpret the Hamas Charter from 1988, as some of the reasons can be found in this document, and I interpret actions and statements from the time immediately following the signing as well as from the period in which the agreement was implemented. This way I will be able to discuss the various reasons behind Hamas's rejection of Oslo in light of the whole period from the creation of Hamas in 1988 until the end of the Oslo process in the late 1990s. In order to provide a fuller picture of the situation and to discuss the movement's reactions to the agreement it is also necessary to look at some developments of the Israel-Palestinian situation in a longer historical perspective, as well as Hamas's relations to other Palestinian groups and to Israel. I believe it is crucial to be aware of what the Palestinian reality was like in the years before the agreement was made, because the developments and events that occurred these years set the stage for Oslo and what happened in this period constitutes an important part in explaining the resistance. After 1993 I pay close attention to Hamas's relationship and interaction with other Palestinian groups and I discuss the movement's different approaches in dealing with these and with the agreement. My time span ends with the signing of the Wye accord in October 1998. By this time many Hamas leaders had been assassinated and the accord ended all hope of establishing good relations with the Palestinian National Authority (PNA) (Kristianasen, 1999:32). In 1999 Oslo's official time table ended (Waage 2004:168) and with the second Palestinian *intifada* that erupted in 2000 the agreement was definitely dead.

In seeking an answer to the research question I have made an effort to include different elements such as politics, religious beliefs, economy and survival. This is something I often find missing in the extensive literature on the subject. Many people have written about the Oslo agreement and the opposition to it¹. However, in my experience there is a tendency to focus upon very few factors at a time, and the result then, in my view, only explains part of the reasons behind

¹ See Mishal and Sela (2000), Hroub (2002), Abu-Amr (1993), Nüsse (1998), Milton-Edwards (1996).

the opposition. My thesis strives to provide a complex explanation of Hamas's resistance rather than a single factor explanation.

1.2. Presentation of the Chapters.

In the following of this chapter, I will present my methodological approach and my sources. In relation to this I will discuss some possible risks or weaknesses. I will then proceed to give an account for some of the terms I use.

In Chapter 2 I will discuss some elements that are important in order to understand the general situation of the Palestinian society at the time when the DOP came. I will do this by demonstrating how various factors, such as the relationship between Palestinian political groups, internal politics and external factors, influenced the Palestinian political and societal environment.

The Oslo agreement itself and the immediate reactions to it will be the focus of Chapter 3. By reactions I refer to statements and actions of support and protests. Although in the thesis, I will to some extent talk about the visible reactions or consequences of the reactions, such as increased terrorism, suicide actions, abductions etc, my main focus will be on the underlying reasons behind the opposition to the DOP. This will be discussed in Chapters 4, 5 and 6, the main discussion chapters. I will focus upon political reasons behind the opposition, as well as tactical and religious reasons of resistance. While reading, it is important to have in mind that these factors cannot be regarded or understood isolated or independently of one another. They are interconnected to large extents in fact the tactical reason is a political one. I chose to differentiate between them, because they each highlight different aspects of the agreement and of Hamas's beliefs and ideas. In Chapter 4 I discuss socio-political reasons of opposition as well as economic-political issues. These political reasons to object to the agreement deal with the possibility of achieving a free Palestine, while the tactical-political reasons of Chapter 5 deal with the means to achieve the objective and Hamas as a movement. In this chapter I will discuss why the agreement was seen as a threat to

the very existence of Hamas. This part concerns, among other things, the practical and ideological considerations that emerged with the DOP and the tactical steps and decision Hamas had to make in order to survive when the agreement was a fact. That is why I chose to employ the term “tactical” reasons of opposition.

In the following chapter the religious argumentation of Hamas is the focus and Chapter 7 is the concluding chapter. I will here on the basis of the discussion chapters do an assessment of what reasons; the political, the tactical or the religious that were most important to explain Hamas’s opposition to Oslo.

1.3. Method.

To provide an answer I will discuss in which ways the agreement contradicted the beliefs and ideology of Hamas. As seen from the presentation of the chapters above the investigation is structured according to the three factors. I will discuss how the agreement affected Hamas’s objective of achieving an Islamic state, how it affected the chance of achieving a free Palestine and how it influenced the strategy of reaching these objectives. This corresponds respectively with Chapter 6, religious opposition, Chapter 4, political opposition and Chapter 5, tactical opposition.

The focus of the thesis is analyses of declarations, statements and actions. The empirical sources needed for discussion are gathered both from primary and secondary sources. To discuss Hamas’s reasons of opposition to the Oslo agreement I have chosen to interpret documents from the Oslo process, documents about Hamas’s beliefs and opinions as well as analyses of secondary literature on the subject. I will, among other things, identify the reasons by comparing the Hamas documents and the statements of Hamas’s activists with the stipulations of the agreement and in some cases the lack of such stipulations. To highlight why issues were important to the movement I will also use analyses and opinions from Palestinian intellectuals and politicians not affiliated with Hamas. The opposition was broad and Hamas shared many of its concerns with other opponents. By

interpreting the different sources in light of each other I hope to find various reasons of opposition.

Because of the breadth of my research question I saw this as the best way of retrieving relevant information. An alternative way of doing it could have been doing field research. I did not do that however, because it is very time consuming and because I believe a field study would have provided me with a narrower kind of information than what I needed. I wanted macro-level information, information that could provide me with the big picture of the situation, and I believe a field study would have given me information on a micro-level. In addition, I discuss statements from Hamas leaders and to some degree I lean on official statements. I regard using written sources to obtain these statements as more efficient in my case than trying to retrieve the information on my own, as it is difficult to get access to the right people.

1.4. Primary and Secondary Sources, Risks and Weaknesses.

My main primary sources are the Hamas Charter and the Declaration of Principles. The former is the constitution and the canonical text of Hamas in which the movements in 36 different articles depicts its ambitions, its goals, its ideology, its relationship to other organizations, its view upon the Israel-Palestinian conflict and more generally its understanding of society and people. It was issued on August 18, 1988. A majority of the articles contain a passage from the Quran or from other Islamic texts or a quote from Muslim scholars. By analyzing it one can find some reasons why Hamas objected to the Oslo agreement. Especially the religiously motivated resistance, but also the politically motivated one is visible here. By interpreting and discussing the Charter I will demonstrate how Hamas's beliefs and ideology opposes not only the decisions reached in the DOP, but also the making and signing of the agreement itself. The religious beliefs of Hamas are primarily expressed in the Charter, and by interpreting it one can identify and explain the religious reactions and arguments of the group. That is why this

document is used to a larger extent in Chapter 6, which concerns the religious reasons of opposition, than in the previous chapters. I will discuss its articles in connection with nationalism, political rights and issues of religious importance. I will also touch upon whether the religious objections are used to promote a political point of view or if they really are a product of religious beliefs.

The Declaration of Principles (1993), my other main primary source, consists of 17 short articles as well as four appendixes and some complimentary agreed minutes. Among other things it puts forward plans for Palestinian elections, for the transfer of responsibilities to appointed or elected Palestinian authorities, for Israeli military withdrawal, and for several cooperation projects and various regional programs.

I will also use the letters of recognition exchanged between PLO Chairman Yasser Arafat and Israel's Prime Minister Yitzhak Rabin of the Labor Party in the immediate aftermath of the signing, because although not part of the DOP they constitute important supplementary documents. Some other primary sources are three Hamas leaflets, the Charter and the Constitution of the PLO (1968) and the Constitution of Fatah (1964), the Palestinian Declaration of Independence (1988) and five UN resolutions.

In Chapter 4, in order to discuss the political reasons of opposition I will to larger extents than in the following chapters go into the agreement itself and analyze specific articles. When I rely more on the DOP itself here than later, this is due to the fact that the agreement is written primarily in political and economical terms and Hamas's political arguments are often a response to the concrete issues discussed or in some cases a response to issues that have been excluded or nearly so from the agreement.

When it comes to the primary sources there are matters concerning possible weaknesses or risks one needs to have in mind. From reading the Charter it is easy to get the impression that all the movement's actions stem from and can be legitimized in religion. This is in fact what the Charter says, but is it necessarily

so? I find this to be somewhat misleading; I believe it is important to have in mind that it was written and published during an uprising in the middle of a very political conflict. It also identifies its enemy and states political objectives. In addition, it was published at the same time as the PLO expressed will to participate in a peace conference based on an acceptance of Israel, something to which Hamas strongly objects. Thus, one might as well regard it as a political document. A weakness of using the Hamas Charter as a primary source is that there are many issues it does not address. The DOP is very specific and in many cases it is difficult to use the Charter as a basis for discussion of specific, concrete issues. In these cases I had to resort to additional sources.

From the signing of the DOP until now there has been much written about the agreement and on the debate about it, including on Hamas's opposition to it. Among my many theorists are Shaul Mishal and Avraham Sela (2000), Andrea Nüsse (1998), Hisham Ahmad (1994) and Khaled Hroub (2002) my main secondary sources. They analyze and discuss different aspects of Hamas of and Palestinian groups, society and politics. These authors all represent different perspectives and because they do not focus upon the same matters they contribute in providing me with the depth I need to answer the research question. Secondary literature is my main source in Chapter 5 which deals with the tactical reasons of opposition. Here I use Mishal and Sela as my starting point. They believe that the DOP threatened to put an end to the uprising and to the armed struggle and this way removed Hamas's reason to exist. I will discuss this theory by seeing it in the light of the opinions of other authors, such as Ahmad and Nüsse, as well as in light of the Hamas Charter and the movement's will and ability to adjust to the actual political situation and to undertake pragmatic measures.

There are also some dangers associated with the use of secondary sources. Using theories by others and investing it with one's own interpretation can be problematic because there is always a chance of having misinterpreted the other person's theory or opinion. Besides, one should not forget that secondary literature

is also interpretations of events, opinions and statements. Thus using it will in many cases mean an interpretation of an interpretation. In order to evaluate the probability of an interpretation's correctness one may compare it to other interpretations. If various independent sources make similar assessments and interpretations there is a greater chance of the source being correct. One can also see secondary sources in light of primary sources and this way do an evaluation of the formers' accuracy. This way one may reduce these risks. One must also bear in mind that there are chances that the secondary literature is wrong or imprecise, for instance in the case of quotations. If possible one should avoid literature in which the use of references is unclear, defective or missing.

One should also remember that a text is a product of the context in which it was written. Most of my sources were written and published after 1993 up until 2004. Right after the signing the debate on the agreement was strong and emotions were high. There was optimism as well as pessimism about the future of the Israelis and Palestinians and there was great uncertainty about how the agreement would impact the people, the many organizations, society and life in general. The author of a text written in the recent years has more information about the debate around the agreement, its consequences, the groups involved and the situation in general than the authors of the texts written in the immediate aftermath of the signing. He or she may do assessments on the events that have actually taken place, while the authors of older texts to a larger degree had to make their analyses upon what *could* happen. Thus, the time of writing influences the discussion and the authors' analyses.

Another concern is that while writing about an issue as controversial and intense as this conflict and the actors involved in it, there is always a risk of using biased sources, as many writers on the field have a personal opinion about it, and whether it is intentional or not, they may incorporate a political agenda into the writing. In a situation of such complexity it is difficult to be completely free of prejudices and biases and it is impossible to avoid biased literature. By bearing

this in mind while doing research and writing I believe I have managed to reduce this risk. To counter this possible problem one can use a variety of authors and experts. I chose to use theorists from Israel, the Arab countries as well as from other parts of the world. They are well known and considered experts on their field and some have long careers in writing about and lecturing on Middle Eastern issues. In some cases the authors clearly identified with one camp, but I did not regard this as a problem as the authors' opinions in these cases expressed or were used to illustrate or describe the opposition to the agreement or to the other part.

Another secondary source is opinion polls which I have chosen to employ on a couple of occasions. For illustration purposes I use excerpts from two different ones, undertaken in September 1993 and January 1994 from the Jerusalem Media and Communication Center (JMCC) which was the first institution in the Arab World to conduct public opinion surveys on a regular and methodological basis. Both were conducted by face-to-face interviews with people visiting the general service offices in the main towns. The former had a random sample of 1505 Palestinian participants while in the latter the number was 1622. In both the margin of error is set to plus or minus three percent with a confidence level of 95 percent. Both of them specifies the sample distribution in terms of gender, occupation, average age, geographical roots and the 1993 survey also states civilian status.

The fact that the interviews were conducted on a face-to-face basis may have a negative consequence in that the respondents could have felt it was hard to answer in a completely honest way. One may wonder whether anonymous polls would have produced the same results. Another weakness is that the sample cannot be said to be entirely random. After all, it consists of people who all visited the general service offices. However, since the surveys are used to illustrate matters further specified or discussed elsewhere I choose to trust that the findings underpin general tendencies. As such I believe the results to be valid for more than just the respondents.

An additional weakness is the fact that I do not speak nor read Arabic. This means that when I use sources originally in Arabic, especially those found on the internet, such as the Charter and the Constitutions of Fatah and the PLO, I have to rely on that the translations are accurate and correct. In order to make sure of this I made it a rule to check several translations of the same texts and then if they were identical or nearly so I took this as proof of their correctness. I did not experience this as much of a challenge, because I always had access to several translations. Another matter in this concern is that a source can be correctly translated, but nevertheless be if not wrong, then at least imprecise and misleading. This is because words may have a cultural meaning to them in addition to the strict lexical and semantic one. This cultural reference may be lost in translation. This is also true when it comes to interpreting. Because my cultural background and frame of reference is different from the one of my theorists and authors there might be matters I overlook.

Finally, while interpreting and discussing it can be very difficult to see the relationship between Hamas's explicit arguments against the agreement and the underlying reasons to the opposition, as these are not always the same. An objection may be formulated in a religious language while the core of the issue may be political. Also, as will be evident, Hamas's ideology as expressed in the Charter is not always in line with the members' statements or with the movement's actions. When the movement makes statements or undertakes actions that may breach with the Charter, this is often reflecting a necessity of adapting to a current political situation. In these cases the activists demonstrate a clever will and ability to be pragmatic, for instance by resorting to additional Islamic sources to give their actions religious legitimacy.

In all methodological approaches and use of sources there will be risks or weaknesses, but these can be reduced if the researcher is conscious of them. Thus, in spite of the weaknesses and dangers related to using theories by others and interpreting material, I believe this to be a fruitful way to answer the research

question. After all both the primary and secondary sources provide useful information as well as facts about Hamas's opposition to the Oslo agreement. It is evident that in the case of such a research question as my own there cannot be just one correct answer and that is not the objective either.

1.5. Terms and Limitations.

In the thesis I will use some Arabic words. These are mainly words that are commonly used both in Western media and literature. I do, however, sometimes for the sake of variation employ the equivalent English terms, but I see no need to further explain this here as it will be evident from the context. I will use the "Declaration of Principles", "the Oslo agreement" or "accords" or just the "agreement" as synonymous terms. When referring to Hamas and the PLO I will also employ the terms "organization", "groups" and "movements" synonymously. Other synonyms are "*intifada*" and "uprising".

When I refer to Hamas I refer to the leading representatives of the movement, unless else is specified. I primarily discuss concerns that were shared by a majority of the members and adherents and by both the civilian, political and military wing of the movement. However, it is important to have in mind that the people who are associated with Hamas do not constitute a homogeneous group; they are both women and men with different social and occupational backgrounds. In other words they are diverse and differences of opinions do exist. One common feature is that they are all Islamist. "[Islamists are] individuals who believe in the necessity of establishing a society based on Islamic principles (...)" (Elias, 1999:86). They wish to strengthen the role of Islam in politics and society, usually with the objective of establishing an Islamic state; i.e., a state based on *Sharia*, Islamic law. When I use the term "Islamist" in the Palestinian context I usually refer to members of Hamas or Islamic Jihad. There are both radical and moderate Islamists. What differentiates them is that the moderate do not pursue the

establishment of an Islamic state by violent means. Hamas is most often referred to as a radical Islamist group.

As the thesis deals with the resistance to Oslo it is evident that the focus must be on the criticism of the agreement rather than on the positive aspects such as the actual achievements. That is not to say that there were no positive aspects.

Apart from some brief concluding remarks it is beside the thesis' thematic scope to make recommendations for how one should conduct peace processes and make peace agreements, but this essay highlights some of the problematic aspects of the agreement to which Hamas had to relate and the investigation thus also sheds some light on some of the difficulties in finding a solution to the conflict.

2. Background.

In this chapter I will look into some elements that impacted Palestinian society and politics in the years preceding the signing of the Declaration of Principles.

2.1. The Muslim Brotherhood.

In 1928 the Muslim Brotherhood was created in Egypt by Hasan al-Banna, a school teacher influenced by classical Islamic learning and Sufism (Mitchell, 1969:3). The movement was created as a response to the British presence in Egypt and what al-Banna perceived to be a moral decay in Egyptian society due to the absence of Islam. He believed that only with Islam as a guiding force in national life could Egypt prosper. Al-Banna wanted an Islamic order, based on a modern reinterpretation of *Sharia*, which could ensure social justice, economic well-being and political harmony (Cleveland, 1999:196). During the 1930s the Brotherhood established branches all over Egypt and a decade later it had more than half a million members and even more sympathizers. It was largely attractive especially to the poor and to university students. Part of the support was due to the movement's focus on national independence and reforms of various kinds, such as land redistribution and social welfare programs which were designed to benefit the marginalized people of Egypt. The Brothers were also successful in establishing close relations with labor unions as well as merging with other Islamic movements (Mitchell, 1969:10), such as the Society of Islamic Culture, in Cairo, which granted them access to Islamic circles. "(...) the Brotherhood represented the stability of Islamic values and offered the hope that they could be incorporated into the uncertain future" (Cleveland, 1999:197). In 1936 the Muslim Brotherhood became involved in Palestine for the first time in order to fight against the British mandate powers and the plan for Jewish immigration to Palestine. In 1946 the Brotherhood's first Palestinian office was opened in Jerusalem soon to be followed by other cities (Ahmad, 1994: chapter 1). Up until 1967 the movement

fought the Israeli occupation and it constituted a strong political force, especially in the Gaza Strip, whereas in the West Bank the Brothers' work was mainly social and religious. However, in 1967 the movement had a change of tactic concerning resistance activities, also in Gaza. From this day on they were mainly preoccupied with the Islamization of society through Islamic teaching, preaching and education. To recruit members the Brothers used open mass mobilization. This gave them an advantage compared to the nationalist resistance groups which relied on underground activities. In contrast to the PLO, which saw the liberation of Palestine as their primary objective, the Muslim Brotherhood's main goal was the establishment of an Islamic state, and the liberation of Palestine came in second to this Islamization. The idea was that when the time was ripe Palestine would be liberated with the support from the entire Islamic world (Hroub, 2002:26).

A disadvantage for the Muslim Brothers was, according to Abu-Amr (1993:7), that the "Islamic restructuring of society and religious education seemed to have little relevance for a population that was seeking liberation from a foreign occupation". By choosing to hold a very low profile in politics the movement lost potential adherents. This changed somewhat in the late 1970s when the Palestinian resistance movements had lost some of their appeal due to lack of achievements. Encouraged also by the Islamic ideas spread with the Iranian revolution, the Brothers stepped up their political activities, but they did still not engage in armed resistance.

2.1.1. The *Intifada* and the Establishment of Hamas.

In December 1987 the first Palestinian *intifada* erupted as a spontaneous Palestinian mass rebellion and response against everyday Israeli oppressions and control. As mentioned the word means uprising and it brought people of all ages out in the streets and involved all sectors of society. The *intifada's* main goal was to end the Israeli occupation of the West Bank and the Gaza Strip and establish an independent Palestinian state. In the short term the Palestinians participated in

strikes and refused to work in Israel (Mishal; Sela, 2000:55) and also boycotted Israeli goods. The aim was to disengage as much as possible from the structure of the occupation (Milton-Edwards and Hinchcliffe, 2001:29). The *intifada* provided the Muslim Brothers with a chance of gaining influence by spreading their message of Islamization and religious devotion to a broader audience. In the new situation it would have been impossible for them to have continued their line of mainly apolitical work. They could no longer risk being on the side line. On the other hand, by joining the uprising the movement faced a risk of having to sacrifice itself in case of the *intifada* being repressed by the Israeli authority, and also risk sacrificing good relations with the Israeli authority. The solution was provided by Ahmad Yassin, a preacher who in 1973 founded *al-Mujamma al-Islami*, the Islamic Center (Abu-Amr, 1993:7). “(...) [A] way out of [the dilemma was] to create an ostensible separate organization out of the Muslim Brotherhood to take responsibility for its participation in the *intifada*” (ibid, 11). This new organization was Hamas, the word meaning enthusiasm or ardor in Arabic and an acronym for *Harakat al-Muqawama al-Islamiyya*, the Islamic Resistance Movement. It was established in late February 1988 (Milton- Edwards, 1996:146). This way the Muslim Brotherhood could avoid jeopardizing its future by disclaiming Hamas if the *intifada* failed. In case of it succeeding the Brothers could take credit for Hamas’s actions by recognizing the group as part of their own movement. According to Abu-Amr (1993:11,12), as the *intifada* evolved, the Muslim Brothers began to equate themselves with Hamas as Hamas seemed to be successful in the *intifada*, and provided the Brothers with a way of escaping the criticism launched at them earlier for not having participated in the armed resistance. “Hamas had soon become a credible and convenient name for the rehabilitated Muslim Brotherhood Society (...)” (ibid, 12). Article 2 of the Hamas Charter thus reads that “[t]he Islamic Resistance Movement [otherwise known as Hamas], is one of the wings of the Muslim Brothers in Palestine”.

2.2. Nationalism.

After 1948 the Palestinians became a deprived minority, as second class citizens either in Israel or in neighboring countries. This promoted the development of a particular Palestinian identity as opposed to Arab. Some decades later, more exactly by 1969 when Fatah, or the Palestine National Liberation Movement, had taken control of the PLO with support from Egypt, this had become a natural political frame of reference (Litvak, 1996)². This was also true for the younger generations of Islamists, those born under Israeli occupation. Identifying oneself in national terms became just as natural as claiming adherence to a religious identity. This way there was an assimilation of nationalism and religion through an integration of a Palestinian identity and an Islamic one. Although, at the time, the Muslims Brothers were preoccupied with their religious and social work, they were by no means untouched by this nascent Palestinian nationalism.

With the establishment of Hamas the question of liberating Palestine received more attention than it had earlier with the Muslim Brotherhood. Although the Islamization of society was still considered very important, the efforts to retrieve homeland was seen as more important (Mishal; Sela, 1997)³. This is evident in the Hamas Charter in which nationalism is an element very much focused upon and very salient. Litvak (1996)⁴ argues that in its efforts to become a serious alternative to the PLO, Hamas had to formulate a nationalism acceptable to the masses. The nationalism of Hamas was not the same as the secular nationalism advocated by the nationalist movements. According to al-Banna, secular nationalism would create divisions and bring animosity to society (al-Banna in Wendell, 1978:50-52). To avoid compromising its own beliefs it was clear that Hamas's nationalism had to be different. It had to be religious. Al-Banna believed religion underpins the love for one's homeland and the willpower and force to strive for its liberation. In this way, nationalism, or patriotism as he called

² See chapter named "The Muslim Brethren and Nationalism".

³ See chapter named "Islamism and Nationalism".

⁴ See chapter named "The Muslim Brethren and Nationalism".

it, is seen as something good and Islamic. So building on these beliefs Hamas created a brand of nationalism that was highly Islamic. Article 12 of the Hamas Charter reads:

(...) while other nationalisms consist of material, human and territorial considerations, the nationalism of Hamas also carries, in addition to all those, the all divine factors which lend to it its spirit and life; so much so that it connects with the origin of the spirit and the source of life and raises in the skies of the Homeland the Banner of the Lord, thus inexorably connecting earth with heaven.

According to Litvak (1996)⁵ what was undertaken was an Islamization of the idea of Palestine. This is evident in many ways, foremost by linking nationalism and religion to such a degree that they become inseparable. Article 12 of the Charter reads “Hamas regards Nationalism (*Wataniyya*) as part and parcel of the religious faith. Nothing is loftier or deeper in Nationalism than waging *Jihad* against the enemy and confronting him when he sets foot on the land of the Muslims”. This explicitly links nationalism and religion.

2.3. The Relationship with the PLO.

The fact that Hamas adopted nationalism to such a degree, also gave the activists a further advantage. It enabled them to a greater extent than before, to compete with the PLO. Hamas’s relationship with the PLO and the political performance of the latter can also help explain, as we will see, the rising popularity of Hamas. From reading the Hamas Charter one may get the impression that the relationship between Hamas and the PLO is nothing but cordial and amicable, as the Charter states that the PLO “(...) constitutes a father, a brother, a relative, a friend” (article 27). The relationship, however, is not that uncomplicated, as the two movements both compete over adherents and have similar national agendas, although different foci- a religious one and a Pan-Arabic, secular one. Hamas believes the PLO is ideologically confused as the Arab world and hence the PLO’s members have been subjected to an ideological invasion. Hamas criticizes the PLO for having a

⁵ See chapter named “The Muslim Brethren and Nationalism”.

secular agenda and article 27 of the Hamas Charter reads that secularism is contradictory to religion, and although the movement appreciates the role of the PLO in the Arab-Israeli conflict “(...) [Hamas is] unable to exchange the present or future Islamic Palestine with the secular idea”. Concerning Hamas’s recognition of the PLO as the sole representative of the Palestinian people there are clearly some reservations made. One might call it a conditional recognition. One condition is found in article 27 in which Hamas states that not until the PLO adopts Islam as a way of life will Hamas “(...) become its [the PLO’s] soldiers”. The recognition is also conditional upon the PLO not ending its struggle for the liberation of Palestine and on the non-recognition of Israel (Hroub, 2002:297). This way Hamas does not exclude possibilities of closer future relations and cooperation with the PLO. It has been careful not to distance itself permanently from the PLO while at the same time keeping some distance in case of the relationship being unfavorable to Hamas. Thus Hamas’s position towards the PLO can be said to be somewhat ambiguous and unclear.

The relationship can also be characterized as very turbulent. The first official, although indirect, recognition of Hamas by the PLO came in April 1990 when Hamas was invited to join a committee working on reconstituting the Palestinian National Council (PNC) (ibid, 92). The PNC is the Palestinian Parliament in exile and the governing body of the PLO (Robinson, 1997:163). Hamas declined the invitation and was subsequently accused of both creating divisions in the nationalist ranks as well as having been established with the support of Israel. This accusation seems to be repeated at times when the tension between the two groups is high (Hroub, 2002:92.). A little later Hamas was recognized by the PLO as an important actor in the national struggle. The relationship worsened with the peace negotiations undertaken in Madrid in October 1991 which later continued in Washington until 1993. Although not much of importance was achieved at the Madrid Conference it should be noted that this was the first time that representatives from Israel, the Palestinian community and

other Arab states met to discuss peace (Cleveland, 1999:484). Two diplomacy tracks were established; one Israeli-Arab track and one Israeli-Palestinian track. Hamas strongly opposed the meeting and condemned it as the “the conference for selling the territory” (Nüsse, 1998:127) and the movement claimed the PLO delegation lacked legitimacy. From 1991 to 1993 Hamas’s reservations towards the PLO grew stronger (Kurz; Tal, 1997: chapter 2) and the relationship was characterized by several attempts from the PLO to co-opt Hamas, for instance by claiming that the group was part of the PLO.

2.4. Acceptance of UN Resolutions and Shift in Politics.

In mid-November 1988 the PNC held a meeting in Algiers. The body was created in 1964, the same year as the PLO, and has members from all the different factions of the PLO as well as independent members. Its main assignments are making policy decisions and electing leaders (MidEastWeb, n.d). In Algiers the PNC and thus the PLO accepted the UN resolution 181 of 1947 which concerns the future of Palestine, as well as Security Council Resolutions 242 and 338. Resolution 242 of 1967 emphasizes the need of sovereignty, territorial integrity, political independence and peace for every State in the area (article 1ii), while resolution 338 of 1973 calls for an implementation of resolution 242 and a cease of all fighting and military activity (UN, 1947; 1967; 1973). Part III of the General Assembly resolution 181 sets forth independent Arab and Jewish states in the area known as Palestine prior to 1948 (Mishal; Sela, 2000:54).

In addition to accepting these resolutions the PLO on November 15 also published a Palestinian Declaration of Independence, in which it establishes the State of Palestine with Jerusalem as its capital and declares it will resolve international and regional problems by peaceful means and “(...) [reject] the threat of use of force, violence and intimidation against its [the Palestinian State’s] territorial integrity and political independence or those of any other State” (UN, 1988). Implicit in the words “any other State” also lays the recognition of Israel

and a commitment by the PLO of refraining from violence against it. These were new words coming from the PLO, and not only were they new but also contradictory to the stance taken by the organization earlier. Article 9 of the PLO Charter of July 1968, adopted at the same time by the PNC, states that “[a]rmed struggle is the only way to liberate Palestine”. It also states that “Palestine, with the boundaries it had during the British Mandate, is an indivisible territorial unit” (article 2). The partition of Palestine and the establishment of Israel are seen as “(...) entirely illegal, regardless of the passage of time (...)” (article 19). The armed struggle is also accentuated in the 1968 Constitution of the PLO in which article 3 says that it shall be continued and escalated until victory is achieved.

The ideas are shared by Fatah. Fatah means victory and it is a revolutionary movement (Fatah Constitution, 1964: principle 1). It was founded in 1958, partly by former members of the Muslim Brotherhood (Hroub, 2002:26, 88) as well as by others such as Arafat. In the late 1960s it joined the PLO and soon became the strongest faction within it (ibid, 96). One of the stated goals of the movement is the complete liberation, by armed struggle, of all Palestinian land, and the eradication of Israel (Fatah Constitution, 1964: article 12, 17, 19). In the Constitution Fatah also rejects all UN resolutions and projects undermining, in Fatah’s opinion, the Palestinians’ right in their homeland (ibid, article 6).

The Declaration of Independence and the acceptance of the UN resolutions meant an abandonment of these articles, and the PNC meeting represented a major change in Palestinian politics, especially a political shift for the organizations in favor of the resolutions, which in addition to the PLO and Fatah were the Palestinian Communist Party and one of the factions within the Democratic Front for the Liberation of Palestine (Robinson, 1997:164). By recognizing Israel’s right to exist, these movements not only refrained from their strategy of armed struggle, but they also gave up one of their main goals,- namely the liberation of all Palestinian land, as the acceptance of a two-state solution meant giving up three quarters of Palestine (ʿAbd al-Shafi in Elmusa, 1993:17). Groups which rejected

the partition were Islamist movements, the Popular Front for the Liberation of Palestine and another faction of the Democratic Front (Robinson, 1997:164).

According to Robinson (*ibid.*) the differences between the many factions on the Palestinian political arena became more pronounced after the meeting, but in addition to causing factionism on the political arena one also sees that the acceptance of the UN resolutions had consequences on an ideological basis. Ever since the creation of the national resistance movements, the ideas expressed in the articles mentioned above, had been the main goals and strategies of the movements. The PLO had since its establishment in 1964 dominated the fight against Israel, but now it was subject to heavy criticism from Hamas among others. Hamas rejected the PLO's claim of being the sole representative of the Palestinian people and accused the movement of having abandoned its nationalist platform. The abandoned ideas were deeply rooted in the population and leaving them behind created a sort of ideological void. However, whereas the PLO and Fatah were perceived as having compromised their own position, Hamas now had the chance to attract more supporters by sticking to its firm resistance toward Israel; as the nationalist groups left their former objective of liberating all Palestinian land behind, Hamas stuck to the idea with renewed eager. This way the acceptance by the national resistance groups of a two-state solution constituted an advantage for Hamas, in that it was now one of the groups most firmly opposed to Israel and it was able to fill the ideological void. Hamas emphasized its determination to continue the struggle until all Palestinian land was liberated (Mishal; Sela, 2000:84).

2.5. The Charters and Constitutions of the PLO, Fatah and Hamas.

Hamas did not, however, simply take over the old arguments used by the nationalist groups. The arguments were redressed to better suit the organization. An added, or at least more emphasized, element was the religious element in the argumentation of Hamas. When Fatah and the PLO were established Pan-Arabism

was a very influential ideology and their Charters bear testimony to this. Fatah argued for the liberation of Palestine from a national-revolutionary point of view; “Palestine is part of the Arab World (...)” (Fatah Constitution, 1964: article 1), and their slogan is: “Long live Palestine, a free Arab state”, and the PLO Charter is formulated in national, civil and legal terms (Mishal; Sela, 2000:45). Palestine is emphasized as an indivisible part of the Arab homeland and Palestinians are part of an Arab nation. Both organizations stress Arab unity and use a secular language. In addition the Fatah Constitution (1964: article 42b) and the PLO Charter (1968: article 33) are amendable by a two-thirds vote in favor of amendments. The Hamas Charter is based on religious principles and divine “truths” related through the Quran and other religious texts and is thus not open for change. By using a religious rhetoric and phrasing its arguments in religious-nationalistic terms, the arguments appeared more authentic to Hamas, as well as being more consistent with the overall religious ideology of the movement. This is evident in many ways, foremost in the religious terms used. While the PLO and Fatah refer to struggle against Zionism, colonialism and international imperialism, Hamas phrases the struggle in religious terms, using the word *jihad* to fight their enemies, the Jews and Zionists, who are often described by rather unflattering, demonizing and racist adjectives. Being Jewish is equated with being false, infidel and hostile. The word “Muslim” to a large extent replaces “Arabs” and “Palestinians” and while Fatah’s and the PLO’s main objective, in addition to liberating Palestinian land, is to build an independent and united Arab society (Fatah Constitution, 1964: article 15; PLO Charter, 1968: article 12, 13), Hamas’s goal is to build an Islamic state (Hamas Charter, article 9). Another difference is that the Hamas Charter embraces all aspects of life, whereas the other two groups concentrate on politics and the national struggle. Furthermore the Charter is saturated with religious references to the Quran, to God and the Prophet, to the early days of Islam and several of the articles end with a passage from Hadith or a Surah. The use of this religious language is consistent with the way Hamas

perceives the conflict. The Palestinian problem is a religious problem (article 15). Hamas does not see it in secular terms and believes the conflict must be dealt with on a religious basis. At the same time it is also possible that there are pragmatic concerns underlying the religious rhetoric. Islamism is growing in large parts of the Muslim world and Hamas can employ a religious language to attract more supporters. The time was ripe to use a different language than the one associated with ideologies that was perceived to have failed, such as Arab nationalism and Pan-Arabism. According to Abu-Amr (1993:13) Hamas does not explicitly define itself as an alternative to the PLO, but by using this religious language and by having an abundance of references to Islam, it is clear that it nevertheless portrays itself as an alternative to the secular nationalist movements. This contributed to an increased visibility of religion in politics and society in general, something to which the nationalist movements, for their part, were not immune. This is evident in the nationalist movements' increasing use of religious references during the years of the *intifada*. An illustration of this is for instance that in the 1992 elections for the Nablus Chamber of Commerce, pro-PLO nationalist groups took the name "The National Muslim Trend" (ibid, 18).

2.6. Israel, Hamas and the PLO.

The relationship between Israel and Hamas was a contradictory one. In spite of the movement's stated goal of fighting Israel the Israeli government extended legitimacy to Hamas rather quickly after its establishment (Milton-Edwards, 1996:151). They turned an almost blind eye to the emphasis on the struggle and seemed determined to maintain their view of Hamas as an Islamic movement preoccupied with religious reform. With the formerly mentioned turbulent and ambiguous relationship between the PLO and Hamas in mind it is not hard to understand that Israel and Hamas saw a common enemy and threat in the PLO, even though the PLO did by no means constitute the same threat to both. After all Hamas and the PLO somehow had a shared final goal; the liberation of Palestine

and respectively an Islamic and a secular state, but they differed in how to get there. Israel and the PLO had opposite objectives. The Israeli authorities extended legitimacy to Hamas and because they regarded Hamas as a competitor to the PLO, they hoped Hamas would gain support on the expense of the PLO and the secular nationalist movements. During the second year of the *intifada*, several meetings were held between Israeli and Hamas representatives. It was not until June 1989 that Hamas was declared a terrorist organization by the Israeli authorities and the Israeli control of the movement grew tighter. It is reasonable to believe that Israel's "relaxed" attitude towards Hamas contributed to the frequent accusations from the PLO that Hamas was founded with Israeli support.

In the years leading up to the signing of the Oslo agreement Hamas continued to challenge the PLO. In 1991, at a PNC meeting, Hamas apparently showed some will to join the PLO, but it can be argued that this was just a play to the gallery because Hamas attached conditions. They wanted 40 percent of the PNC's seats and an annulment of the PLO's acceptance of the UN resolutions discussed earlier. These conditions were, of course, unacceptable to the PLO (Kristianasen, 1999:20).

Even though Hamas's popularity increased with the nationalist movements' abandonment of some of their main ideas, it should be noted that these movements, during the years of the *intifada*, still enjoyed great popular support. After all, the PLO had acquired legitimacy through more than 25 years of resistance to Israel. The organization did not lose this legitimacy completely, but it was questioned.

Hamas enjoys much support from its extensive social work. The civilian wing of the movement is an important source of securing Hamas's popularity with the Palestinian public, as social, welfare, cultural and educational activities constitute about 90 percent of Hamas's work (Paz, 2001). Through these community services Hamas activists reach more people than they do through their purely religious services. The grass root mobilization through social institutions

and communal infrastructure means that Hamas is vulnerable to measures undertaken against the civilian wing e.g., closing of the institutions. Hamas draws support from large segments of society; from the young impoverished men with background in the refugee camps to the professionals and the middle class (Milton-Edwards, 1996:147). The movement is particularly strong among those coming from small towns, villages and the areas hit most heavily by the occupation (Ahmad, 1994: chapter 1).

2.7. External Factors of Influence.

After the Gulf war in which Arafat supported the Iraqi invasion of Kuwait, the Gulf States began to regard Hamas as an alternative to the PLO, with the result that economic aid formerly given to the PLO was now given to Hamas (Ahmad, 1994: chapter 2). In addition, Arafat's decision to support Iraq had unfortunate effects for 400 000 Palestinians living in Kuwait. When the war was over only 50 000 remained in the state. Of the ones who left, some returned to the West Bank and Gaza, but a majority went to Jordan. As chances of finding employment were small and the Jordanian government proved unable to help, the Palestinians once again had to resort to refugee camps (Cleveland, 1999:480), thus adding to the already grave Palestinian refugee problem.

The collapse of the USSR was on the one hand favorable to Hamas as it was seen to prove the lack of credibility of communism and Marxism. The credibility of leftist groups decreased and they were exposed to massive criticism. To the Islamists this was the evidence of the failure of secular ideologies as they saw the collapse as a consequence of the USSR's rejection of Islam as a way of life and of the USSR fighting the *mujaheddin* in Afghanistan (Ahmad, 1994: chapter 2). When the leftist groups lost support the result was a power vacuum and once again Hamas was there to fill it. On the other hand the collapse was unfavorable in that the number of Jewish immigrants from the former USSR increased and more settlements were built.

The support for Hamas continued to grow and it was further strengthened by the Israeli expulsion of 400 Islamists to Lebanon in December 1992 (ibid, chapter 4) This expulsion, which was a response to Hamas's attacks on Israeli military establishment, proved to be counterproductive as it had the opposite effect of what the Israeli authorities had hoped for. Instead of isolating the Islamists in a remote place, they received international attention and "(...) [were transformed] into collective martyrs" (Kristianasen, 1999:21). Some consequences were a three months long suspension of the ongoing peace talks between the PLO and Israel and increased attacks on Israeli military personnel and civilians

2.8. Summary.

The issues treated in this chapter; the way Hamas came to existence, the *intifada*, Hamas's religious and political stands, its relationships with the nationalist movements and with Israel, the regional situation, the ideological voids filled by Hamas, its growing popularity, the failure of the Madrid Conference- all these factors set the stage for the Oslo agreement and the peace negotiations. We need to bear these factors in mind also in the following chapter in which the Declaration of Principles and the reactions to it will be discussed.

3. The Oslo Agreement and the Reactions.

On September 13, 1993, the Declaration of Principles on Interim Self-Government Arrangements (DOP), also known as the Oslo agreement, was signed in Washington DC by Prime Minister of Israel Yitzhak Rabin and Chairman of the PLO Yasser Arafat. The agreement was the result of a secret nine month long negotiation process, undertaken in Norway, between PLO officials and representatives of the state of Israel. The signing was followed by mutual letters of recognition between Rabin and Arafat. During the process there were many setbacks, but the parties were finally able to make concessions and reach compromises. Some of the actual achievements were the following:

1. The mutual recognition and signing of treaties between Israel and the PLO on the establishment of the autonomous Palestinian National Authority (PNA) signed in May 1994 in Cairo (Kurz; Tal, 1997: chapter 3.). This agreement is also known as the Cairo, Oslo 1 or Gaza-Jericho Agreement.
2. The actual inauguration of the PNA in the Jericho area and the Gaza Strip in June 1994 (ibid.).
3. The return of the Palestinian leadership in exile mainly from Tunis.
4. The signing in September 1995 of the so-called Oslo II Israeli-Palestinian Agreement, also known as the Taba Agreement, but formally known as the Interim Agreement, in which principles of elections for the Palestinian Legislative Council in the territories were set. (Kurz; Tal, 1997: chapter 3).
5. The election of 88 representatives to the Palestinian Legislative Council with jurisdiction over the West Bank and Gaza (Waage, 2004: 136, 137) and for the president of the PNA in January 1996.

Succeeding the negotiations there would be a five year interim or transitional period, to be concluded in 1999. In the first phase of this period Israeli troops would gradually withdraw from Palestinian centers in the Jericho area and Gaza and transfer its incumbent administrative power to the PNA (Cleveland, 1999:488). In the next phase the elected Council would assume responsibility in five areas, concerning matters of education and culture, health, social welfare, direct taxation and tourism, and the creation of a Palestinian police force would start (DOP, article VI). In this phase the Israeli military would also be redeployed to unpopulated areas of the West Bank (Cleveland, 1999:488). The interim period would eventually lead to final peace settlement. Sensitive issues were postponed to the Final Status Negotiations. These negotiations were scheduled to start “as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives” (DOP, article V).

When the agreement was made public it was received by a range of reactions. The Washington negotiations, initiated in Madrid, had reached a stalemate and the DOP took the world by surprise. While Arab leaders endorsed it, although initially upset for having being excluded from the process (Cleveland, 1999:488), the reception on the Palestinian arena was not that welcoming. Professor Edward Said, a leading Palestinian intellectual, called the DOP a “Palestinian Versailles”, because by signing it Arafat had surrendered 78 percent of what was Palestinian land in 1948, in addition to West Jerusalem which was 40 percent Arab (Said, 2003:45). Said criticized the Palestinian leaders for having made all the concession unilaterally. The only matter Israel gave up was Jericho and Gaza, overpopulated and poor Gaza being an area that Rabin some months prior to the signing had wished “(...) would sink into the sea” (ibid, 46). Thus in Said’s opinion the DOP constituted no risk to the Israelis because their concession was of no substantial value to them.

An important source of criticism was that the negotiations had been conducted in secret and thus there had been no public debate about the DOP prior to late August when its content was revealed in the press (Jensen, 2002:45.). The reason given behind the secrecy was that reaching an agreement would have been impossible with public awareness and involvement. Up until then the parts had denied the existence of secret negotiations as well as of such a deal (Baskin, 2002)⁶. When it was made public there were people on both sides who felt excluded and deceived and within the leadership of the PLO there were people who resigned in protest (Waage, 2004:152).

Parts of the criticism focused upon the fact that the agreement was very unclear. The Palestinian spokeswoman and delegate to the Madrid Conference, Hanan Ashrawi, was chocked by its vagueness and believed it had “(...) many potentially explosive areas and could be to [the Palestinians’] disadvantage” (Ashrawi quoted from Waage, 2004:139). One of the explosive areas was the postponement of the issue of Jerusalem to the Final Status Negotiations. Ashrawi feared that the postponement would give the Israelis time to create facts on the ground as there were no guarantees against this (ibid, 139). This would most likely effect the final outcome. Another weak point concerned the refugees, which was also a matter deferred to the Final Status Negotiations⁷.

The Arab economist and intellectual Burhan Dajani (1994:14) criticizes the agreement by pointing to that beyond the transfer of authority to the PNA and the creation of the new police force, everything is subject to negotiations. Very little is decided on a permanent basis. He argues that in order to implement the programs and reforms scheduled in the DOP at least four other major agreements on elections, on the withdrawal, on the interim period and on economic matters, would have to be negotiated during the interim phase. This illustrates the vagueness of the agreement. Dajani also criticizes that while the PLO was

⁶ See chapter named “Lesson Learned: The public must be involved and informed”.

⁷ The matter of the refugees and of Jerusalem will be discussed at further length respectively in Chapter 4 and 6.

recognized only as a negotiation partner to Israel the PLO recognized Israel as a sovereign state with no fixed borders which means the borders are not confined to those set in 1967 (ibid, 7). This could be one of the explosive subjects Ashrawi referred to.

Waage (2004:139) argues that the deal was made on Israel's terms and this seems to be a shared opinion among the skeptics of the agreement. According to Cleveland (1999:491) the asymmetric relationship between the parts made it impossible for the PLO to accomplish anything but the "peace of the weak". He argues that Israel was the occupying power and could continue to be so with impunity, because the DOP fell outside the realms of UN resolutions or enforcement mechanisms, as it was negotiated between two parts alone and not under the auspices of the UN (ibid, 495, 496). Potential disputes were to be resolved through the Joint Israeli-Palestinian Liaison Committee (DOP, article X) and if the negotiations proved unsuccessful then the issues would be resolved by methods "agreed upon by the parties" (article XV).

Even though there was much criticism a majority of the Palestinians did in fact support the agreement when it was made public. In an opinion poll from September 1993, 68.6 percent of the respondents agreed with the DOP and 60.1 percent believed it constituted a realistic step that might lead towards a Palestinian state. 72.9 percent were supportive of negotiations between Israel and the PLO whereas 25 percent opposed them and 2.1 had a different opinion. In addition 46.5 percent experienced a growth in confidence towards the PLO as a result of the signing versus 19.1 who reduced their confidence (JMCC, 1993). Parts of the optimism can be explained by the actual achievements mentioned earlier and by the hope the DOP provided in terms of financial aid; in the immediate aftermath of the signing there were promises from the international community to contribute to what the Palestinians hoped could be a sovereign state (Waage, 2004:152). There was also hope that the self-ruled areas could be the starting point of a future state (ibid, 139). Another positive aspect of the agreement was that the Palestinians as a

group were recognized by the world community. This too strengthened the dream of a sovereign state. In addition the DOP had some regional impact in that it led to, among other things, a peace agreement between Jordan and Israel in 1994 and a stabilization of the relationship between Israel and other Arab states (Cleveland, 1999:483). Other developments associated with the Oslo process were the Hebron Protocol of 1997, the Wye accord of 1998, and the Sharm al-Sheik memorandum of 1999, all dealing with Israeli redeployment.

It seems that these achievements were not sufficient to keep the agreement alive. There were serious drawbacks and the immediate optimistic sentiments the DOP generated had already waned substantially by January 1994. Opinion polls from this month reveal that only 45.3 percent now supported the DOP whereas 39.8 percent opposed it. 24.3 percent say their support decreased, 26.1 say it remained the same, for 22.6 percent their opposition grew and only 9.8 report that their support increased (JMCC, 1994). So although there were immediate support the criticism grew stronger and stronger.

3.1. Hamas's Reactions.

One of the leading voices in the opposition camp belonged to Hamas activists and supporters, according to whom Arafat had sold the Palestinian cause to the Zionists (Nüsse, 1998:149). On September 5, a short time after the content of the DOP had been announced in August 1993, Hamas issued its leaflet number 102 in which it condemned the agreement and encouraged the Palestinians not to be deceived by the Palestinian leaders who would do their utmost to put the DOP in a good light. The leadership was harshly criticized for representing no one but themselves and putting aside the interests of the Palestinian people. The leaflet further stated:

(...)We will therefore insist on ruining this agreement and continue the resistance struggle and our *Jihad* against the occupation power. We reject any action which will lead to a Palestinian civil war, not least because the consequence would only benefit our Zionist enemy. The leadership of Arafat carries the responsibility for

destroying the Palestinian society and for sowing the seeds of discord and division among the Palestinians (Hamas in Jensen, 2002:45)⁸.

Hamas, although careful to avoid civil war, responded to the agreement with raising its violent struggle against Israel and intensifying its competition with the PLO (Kurz; Tal, 1997: chapter 2). The fight against Israel was among other things manifested in a sharp rise in bombings, kidnappings and suicide operations. From September 1993 until December 1996 a total of 202 Israelis were killed in terrorist attacks compared to 164 during the period from December 1987 up until the signing. Suicide bombs alone killed 128 and injured 638. Hamas and Islamic Jihad resumed responsibility for respectively 80 fatalities and 395 injured and 48 killed and 243 injured (ibid, chapter 3). From this we can infer that perpetrating attacks against Israel came to represent an important aspect of the resistance to Oslo.

The increased competition with the PLO will be discussed in Chapter 5. Suffice here to mention that following the signing Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine and six other Palestinian groups came together to form an anti-Oslo coalition. They refused to recognize the decisions of the PLO regarding the accord and intended to boycott the PLO institutions (ibid.). However, it was soon clear that the ideological differences between the groups of this rejection front were too great for any fruitful cooperation to happen and the attempt of fighting Oslo together by advancing a common cause proved too difficult.

That Hamas rejected the agreement had much importance in that the PLO now could expect massive resistance because of Hamas's strength and the activists' ability to mobilize support. It was also important in that Hamas now had a very difficult task ahead. It had to choose between ideological faithfulness and ideological flexibility and depending on what the movement decided to do it could be facing enemies in the PLO, among the Palestinians, in Israel and in the world community.

⁸ My translation.

4. Political Reasons of Opposition.

The Oslo agreement, to a large extent, dealt with economical and political matters which had to be replied to on these premises. This was recognized also by Hamas. Thus, according to Nüsse (1998:146) the movement's main argumentation against the agreement was based upon politics, but it is important to have in mind that the political objections have economic, military and social aspects to them.

The DOP greatly influenced the possibility of achieving a free Palestine. A free Palestine for Hamas is an independent Islamic Palestine in the area from the Mediterranean Sea to the river Jordan (Hamas in Hroub, 2002:295), for the Palestinian people (Marzuq in Hroub, 2002:70). The influence was felt in various ways and Hamas's most serious objections concerned the agreement's failure to address the basic claims of the Palestinians (Mishal; Sela, 2000:109). The following discussion will focus upon matters that made the agreement inadequate as well as unacceptable in the eyes of Hamas.

4.1. Refugees.

One such claim concerns the future of the Palestinian refugees. "The most important objective of Hamas is to end the tragedy of the Palestinians, a majority of whom are living in camps (...)" (al-Rantisi quoted from Gaess, 2002). The agreement is very vague in regard of the refugees. It says very little about what would happen to them. While article XII and annex I mention the people displaced in 1967 and defer the issue to the Final Status Negotiations, the refugees from 1948 are not mentioned at all. Edward Said (2003:32) argues that 1967 just completed the Israeli conquest and that 1948 is the year when the Palestinians' search for self-determination really began. That was the year when 78 percent of historic Arab Palestine became Israeli (ibid, 38) and according to Israeli archives 800 000 people were driven out (ibid, 147). Their descendants today amount to seven and a half million people throughout the world (ibid, 31) many of whom

still live in refugee camps. According to Ismail Abu Shanab, a senior official of the Hamas political wing in Gaza, the only solution to the refugee problem is an implementation of UN General Assembly resolution 194 (Shanab in Gaess, 2002). The resolution states the refugees' right to return to their homes, something which is also stated in article 13 (2) of the Universal Declaration of Human rights, and the right to be compensated for property lost or damaged (UN, 1948). Neither resolution 194 nor article 13 is mentioned in the DOP. The formerly mentioned UN resolution 242 (1967), accepted by the PNC in 1988, is however, included. As mentioned in Chapter 2 the resolution calls for "(...) respect for and acknowledgement of the sovereignty, territorial integrity, political independence and peace for every State in the area (...) (article 1ii). It also affirms the necessity of a just settlement of the refugee problem (article 2b). The inclusion of this resolution in the DOP does not clarify who the refugees are, because the resolution does not specify whether it refers to the people from the area that became Israel in 1948 or the people from the West Bank and Gaza Strip in 1967. It does not say what constitutes a just settlement either. That the DOP is so vague both concerning who the refugees are and concerning this group's future, is problematic because the question about what was to happen with the refugees and their descendants is central in Palestinian society, and equally important to Hamas. Many of Hamas's members live in refugee camps and this was also true for several of the leaders, such as Sheikh Ahmad Yassin and Abdul Aziz al-Rantisi who grew up in refugee camps on the Gaza Strip. The fact that so many have a background as refugees makes it reasonable to believe that personal experience have influenced the movement's view on the matter and the way they perceive the solution. According to Jensen (2002:62) Hamas is the voice of more than four million refugees' right to return. Israel has refused to acknowledge this right and this has, according to Shanab "(...) made Palestinian refugees more determined to struggle to realize that right" (Shanab quoted from Gaess, 2002). Many Palestinians perceive a return to Palestine as the only possible way of terminating the refugee status. This idea

must be seen in connection with that their identity as Palestinians has been nurtured by their deprived position in their host countries and in the refugee camps, as Jordan is the only country which has granted them citizenship (Cleveland, 1999:349). Palestinians today is the largest disenfranchised group of refugees since World War II still in existence and still living in refugee camps (Said, 2003:96).

Parts of the Hamas Charter concern the fate of the refugees. They are not discussed in that term, rather referred to as “uprooted people” and the Charter states that only with Islam prevailing can people return to their right places and homelands be retrieved (article 9). From this we see that Hamas perceives the victory of Islam, the Islamization of society, as a solution to the problem, and this is a precondition for the refugees’ return. The establishment of an Islamic state is not the plan of the DOP⁹. Furthermore Hamas stresses that the enemy has forced the Palestinians into exile and this is equal to murder (article 20). On Hamas’s online homepage Hamas spokesman Nawahidhah, (n.d) says that what has been done to the Palestinians is the “worst type of oppression, transgression and tyranny that could happen to any nation”. The question of the refugees can be discussed in relation with the Charter’s strong social component. Hamas perceives itself as having a leading part in taking social responsibility for the people of Palestine, including the refugees, and emphasizes the Islamic society as one of solidarity; “(...) It is incumbent upon the members of Hamas to look after the interests of the masses (...) and they must avoid playing with anything that might effect the future generations or cause damage to their society” (article 21). It is clear from the stances taken by Hamas regarding its desire of an Islamic society and its relation to Israel that the Oslo agreement is seen as something which will indeed effect future generations and cause damage to society. Hamas sees it as its duty to support the weak and provide a defence to all the oppressed (article 10). To opponents of the DOP, among them Hamas, one reason to object was that it was

⁹ I will get back to this in Chapter 6.

unacceptable that the destinies of so many people were left out from the agreement, although concerning the 1967 refugees, not on a permanent basis. By failing to provide a solution for so many Palestinians the DOP, in Hamas's opinion, did not lead towards the establishment of a Palestinian state for all Palestinians.

It makes sense to say that the resistance towards Oslo, on the question of the refugees, is two-levelled. On one level we see that Hamas objected to the agreement because the movement believed the refugee problem only could be solved with an Islamization of society and this would not happen with the implementation of the DOP. This solution is a final, long-term solution. However, on another level, Hamas objected because the issue was not adequately addressed. This level is more practically oriented and deals more with immediate concerns. On the way to an Islamized society Hamas would accept measures that could improve the situation of the refugees, such as resolution 194. So in the regard of the refugees I find that the most important objection concerns the agreement's failure to address the issue.

4.2. Future Palestinian State.

A second basic claim of the Palestinians is that of a sovereign state. Hamas vision of Palestine from the Mediterranean to the river Jordan corresponds with the borders from the mandate period. This was by no means what was envisaged in the agreement. Of the Gaza Strip and the West Bank, which constitute 22 percent of historic Palestine, Israel still had control over 40 percent of the former and 60 percent of the latter (Said, 2004:38). The Oslo agreement would give the Palestinians limited self rule in Gaza and Jericho. Then could not the DOP be seen as one step leading towards the goal; the establishment of a free Palestinian state? A problem with this was that the agreement did not really deal with the establishment of an independent Palestinian state at all. Waage (2004:138) points to the fact that there was nothing that pointed towards a future state. However,

seen in an optimistic light article III, concerning elections, may be interpreted as vague references to a possible future Palestinian state in the Gaza Strip and the West Bank, because it put forward some electoral conditions that had to be fulfilled in order for the Palestinians in the West Bank and Gaza Strip to *govern themselves*¹⁰. It is in these emphasized words one may see the reference. This was however conditional upon a future transfer of more powers to the Palestinian than those explicitly laid out in the accord, i.e., in the five areas of education and culture, health, social welfare, direct taxation and tourism.

For the PLO the agreement, despite its lack of references to Palestinian sovereignty, appears to have constituted a step on the road to statehood because to the organization it represented an acceptable two-state solution with self rule in Gaza and Jericho. The acceptance of a two-state solution was consistent with the PNC's decision in 1988. Hamas did not perceive the DOP to be one step on the way, because the agreement did not make adequate provisions for a future state. According to opponents of the agreement it did, if not lead in the opposite direction, i.e., to less self rule, then at least it led to a “[consolidation of] the Israeli occupation with Palestinian acquiescence; it gave the Israelis sovereignty, control over water, security, external relations, and the veto power in everything of consequence occurring in the autonomous areas” (Said quoted from Rabbani, 1995:61). They believed that Israel now had received a helping hand in enforcing its occupation and settlement policies in Palestine. Dr. Souad Dajani (n.d.)¹¹ argues that with the DOP came a normalization of the relations between occupied and occupier. The Israeli occupation was not removed; rather it was now managed by the PNA and the police force. These concerns were also shared by Hamas. Mahmoud al-Zahar, one of Hamas's founders and top leaders in Gaza, stated that “(...) the Israelis still occupy 40 percent of our area in Gaza and they still control the passages between North and South, our daily life and our economy. We are

¹⁰ My emphasis.

¹¹ See paragraph named “Implications” in the chapter named “The Declaration of Principles”.

against the agreement because the occupation continues (...)”¹² (al-Zahar quoted from Meidell, n.d.). Furthermore, according to Musa Abu Marzuq, the head of Hamas’s political bureau, the occupation did not just continue, rather it was legalized through the agreement because “(...) it doesn’t call for its end nor the end of the Zionist settlement policy” (Marzuq quoted from Nüsse, 1998:146).

In which ways did the occupation continue then? One side to this was that the DOP does not address Israel’s claim to the Occupied Territories. Another side concerned the settlement policy which was of major importance to the Palestinians. In 1992 the newly elected Prime Minister, Rabin announced a freeze on planned settlement constructions. This was a result of American pressure to halt the building of all settlements and of US denial of loan in case of the policy continuing (Cleveland, 1999:485). However, after the signing of the DOP Rabin ended the freeze and between 1993 and 1995, 20 000 acres of land on the West Bank were confiscated (ibid, 491). There is no explicit reference to a cessation of settlement constructions in the DOP, something which was considered a major flaw by the Palestinian critics.

Another side concerned that the already limited self rule was further restricted by the fact that “[the] withdrawal of the military government [from the Gaza Strip and Jericho area would] not prevent Israel from exercising the powers and responsibilities not transferred to the Council” (agreed minute to the DOP). That meant Israel was free to act in all other spheres than education and culture, health, social welfare, direct taxation and tourism. Waage (2004:137) argues that the Israelis still were in full control over the use of roads, water resources, Israeli settlements, etc. for the entire interim period from May 1994 until May 1999, because although the military forces withdrew from Gaza and Jericho, they still surrounded them in order to protect the settlements, and they could at any time reoccupy them. This is consistent with the agreed minutes to the DOP which states that Israel will still have the overall internal and external responsibility for the

¹² My translation.

security of Israelis. Seen in this light one may understand that Hamas leader al-Zahar finds the agreement to be a safety agreement for Israel and not a peace process (Meidell, n.d.).

The discussion on refugees and statehood can be seen in connection with the paragraphs of the DOP that concerns rights. According to opponents of the agreement it did not in an adequate way address the issue of legitimate rights of the Palestinians. Article III of the DOP concerning elections establishes that the elections to be held for the Palestinian Legislative Council will be a “(...) step toward the realization of the legitimate rights of the Palestinian people”. In the introduction both parties recognize mutual legitimate and political rights. This is specified in Israel’s case by Arafat’s letter to Rabin, in which Arafat on behalf of the PLO recognizes the “(...) right of the State of Israel to exist in peace and security” (Arafat in Abbas, 1995:238). A problem for the Palestinians part, however, is that nowhere in the DOP are these rights defined, so one may wonder what kind of rights it refers to. According to Dajani (1994:8) the only right conceded to the Palestinians was the right of being represented by the PLO. In return Israel was, as mentioned, recognized as a sovereign state with no fixed borders.

The Hamas Charter does not deal extensively with rights, but in a memorandum from Hamas to the delegates at the Sharm al-Sheik Conference in March 1996 the movement states that the Palestinian people’s most important rights are the right of self-determination, of an independent state and the return of the refugees and displaced persons to their homes (Hamas in Hroub, 2002:306). For these rights to be fulfilled, Hamas sees the Islamization of society as a prerequisite.

Seen in light of the agreement’s lack of references to the refugees’ future and of an independent state and given that the DOP did not provide for an Islamization of society, Hamas found the agreement to be inadequate as well as

unjust. The DOP did not in this regard prepare the grounds for the free Palestinian state of Hamas's wishes.

4.3. Economy.

Mahmoud al-Zahar said after the signing that “(...) [the future for Gaza under self rule will be] social and economical catastrophe. We will be incapable of creating a healthy economic growth and we will be dependent upon the Israeli economy. This is clear from the agreement”¹³ (al-Zahar quoted from Meidell, n.d.). What did al-Zahar refer to by this? In which ways was the DOP economically unfortunate for the Palestinians? This relates to a third basic claim which concerns the creation of a sustainable economy capable of surviving. Hamas resisted the DOP on economical terms because in the movement's view the agreement was very economically beneficial to Israel (Nüsse, 1998:145-147). Hamas believed Israel had made concessions with the objective of breaking the Arab boycott and establishing economic relations to these countries, in order to gain access to new energy resources (ibid, 146). These were ideas shared by other Oslo critics without affiliation to Hamas, such as the leader of Gaza's Development Group, Salah Abd al-Shafi who stated that:

[the Israelis wanted the Palestinians to act] as a bridge for the Israelis to enter Arab markets. Such integration is the precondition if Israel is to in any way become an economic as much as a military power in the region (Usher, 1994:13).

One area in which Israel would be the beneficiary was in the taxation field. Dajani (1994:17) argues that an economic concern was the DOP's provision that the Palestinians would be responsible for direct taxation, primarily income taxes. As the Council only would be responsible for direct taxation and the indirect taxes such as customs fees and value added tax were outside its jurisdiction, this would have unfortunate consequences for the Palestinians, because according to Dajani it is the indirect taxes that generate most government revenue. A result of this was

¹³ My translation.

that also on the taxation field Israel seemed to be the economical winner and it further meant a continuing Israeli presence on areas where these taxes were to be collected such as crossing points and factories.

The DOP stipulates the development of a number of authorities, among others, a Palestinian Development Bank and a Palestinian Export Promotion Board in order to promote economic growth (article VII). Another concern was that the authorities mentioned in the article, seven in all, fall outside the already mentioned five areas over which the Palestinian Council would take responsibility. However, although not specified, they could be established under the planned economic development and stabilization program (annex II) or under the Israeli-Palestinian continuing Committee for Economic Cooperation, which seeks to cooperate in areas such as water, electricity, finance, energy and trade (article XI, annex III). This means that economic development is contingent on the establishment of one of these two. Furthermore it is dependent upon the cooperation between Israel and the PLO. In other words with the agreement economic development became subordinated joint control with the key word being cooperation. In this Hamas saw the danger of the Palestinians being overrun in economical matters by Israel in cases of disagreement, because in a joint control situation it is a great chance that the stronger part will have the last word. The power relationship between Israel and the PLO is asymmetric with Israel being the strongest part, both in terms of economic and military power. “(...) [To place] development funds in a joint framework (...) is tantamount to subordinating development to Israeli control” (Dajani, 1994:11).

4.4. Inconsistency with UN Resolutions.

Hamas also objected to Oslo on the grounds that it was inconsistent with the UN resolution 242 of 1967 (Mishal; Sela, 2000:69). A number of comments are appropriate with respect to this. First, resolution 242 as well as 338, were included in the DOP and even though Hamas had never accepted them the movement now

used them to fight the DOP. Second, the resolutions, according to Waage (2004:138), “(...) were so ambiguous and vaguely formulated that they would have to be subject to major negotiations themselves”. The vagueness of 242 (UN, 1967) is demonstrated in that it is not clear which territories fall inside the jurisdiction of the resolution. It points to respect for states in the area, something that can be interpreted to exclude the Gaza Strip and the West Bank, as they are not states. Furthermore, the mere inclusion of the resolution gives the impression that the conflict started in 1967, something to which many people would have strong objections. Article I of the DOP states that one of the objectives of the negotiations is to “(...) establish a Palestinian Interim Self-Government Authority (...) leading to a permanent settlement based on Security Council Resolution 242 and 338”. Resolution 242, article 1:i, stipulates among other things the Israeli military withdrawal from territories occupied in the war of 1967 (UN, 1967). Resolution 338 (UN, 1973) is basically a reinforcement of 242. The DOP article number I further states that the Final Status Negotiations will lead to the implementation of the resolutions. This is problematic because it makes the implementation dependent upon the success of these Final Status Negotiations. Third, the use of the word “withdrawal” is worthy of a comment. In the DOP article V, VI and annex II, which specifies the articles, speak of a military withdrawal from the Gaza Strip and Jericho area. Within four months after the signing the Israeli withdrawal from these areas would be completed (Waage, 2004:136). It is worth noticing that only when it comes to the Gaza Strip and Jericho does the DOP deal with a complete withdrawal. Elsewhere in the declaration one discusses only a redeployment of Israeli forces to unpopulated areas (article XIII). A problem concerning this is that the Jericho area is not specified, but eventually it was confined to the small town of Jericho. This again is an example of the DOP’s vagueness, and an effect of the vagueness was that it was interpreted differently by the Israelis and the Palestinians. Also in this failure to

specify and agree on the exact terms of the redeployment does Hamas see a continuation of the occupation.

The reason why Hamas had never accepted the resolutions was not because the movement rejected the part, mentioned above, that concerns the Israeli withdrawal. The resolutions were rejected based on the matters discussed in Chapter 2. I do not find it likely that Hamas objected to the agreement because it was, if not a violation of, then at least inconsistent with these resolutions, after all in the eyes of Hamas they were illegal because they recognized Israel. It is more probable that they used the fact that there was an inconsistency as a pretext to argue against the DOP because Hamas was eager to fight the accords with any means necessary. In other words, it is not reasonable to believe that an underlying reason of Hamas's opposition to Oslo was that the agreement violated the UN resolutions.

4.5. Summary.

So how did the agreement influence the possibility of achieving a free Palestine? In the case of the refugees' fate the DOP depicts nothing but uncertainty. The agreement was perceived to almost take a step backwards when it comes to the possibilities of a future independent state, because not only does it lack provisions for the establishment of one, but according to critics it constitutes a consolidation of the occupation as well as a Palestinian recognition of it. There is also a Palestinian acceptance of Israeli power in the areas over which the PNA assumed control, because Israel still had the ultimate control and responsibilities. A free state is dependent upon, if not economic independence, then at least not a complete dependency. The agreement was perceived to be economically disadvantageous for the Palestinians and it was Israel that would be the beneficiary also in the economical field. As seen, political objections were not particular to Hamas. The movement shared their reservations and opposition with large segments of the Palestinian political organization and society in general.

5. Tactical Reasons of Opposition.

In their book “The Palestinian Hamas. Vision, Violence and Coexistence” (2000) Mishal and Sela discuss several reasons behind Hamas’s opposition to the DOP. One of these reasons is related to the *raison d’être* of Hamas, as “[Hamas] perceived the Oslo accord and the 1994 Cairo agreement as a strategic threat to its very existence” (Mishal; Sela, 2000:72). Mishal and Sela argue that there were several important reasons for this, firstly, that the agreement put an end to the *intifada*. Secondly, it constrained Hamas’s use of *jihad* as a military strategy to reach the goal of a free Palestine. Thirdly, the agreement led to the creation of and competition with the PNA and to increased competition with the PLO (ibid, 67). The arguments are closely related; the *intifada* was presented as a form of *jihad* and the military restrictions largely influenced Hamas’s relationship with the PNA and PLO. In the following I will discuss the reason why the agreement was seen as a threat to Hamas’s existence. First I will discuss the movement’s relationship with the uprising, then move on to the significance of *jihad*, before I finally deal with the relationship between Hamas and the PNA.

5.1. The Relationship between Hamas and the *Intifada*.

As already mentioned Hamas was founded during the first months of the first Palestinian *intifada* as a response to the Muslim Brotherhood’s increased need of engaging more directly in the political national resistance against Israel. Mishal and Sela (2000:67) argue that “[the *intifada*] had provided Hamas with ideal conditions to become a genuine political alternative to the PLO”. Ahmad (1994) argues that this happened in the way that the uprising became a channel through which Hamas could advocate its religious-political message and reach a broad audience. By using the *intifada* as a springboard “(...) Hamas leapt into public and political life (...)” and thus created “(...) the strongest Islamic resistance force in

the Occupied Territories (...)” and became a fully fledged political rival to the nationalist movements (Ahmad, 1994: introduction).

According to Nüsse (1998:68) Hamas took the credit for having started the uprising in the Gaza Strip and later having it spread to the West Bank. Based on statements from several Hamas leaders Nüsse argues that the movement existed secretly before the outbreak of the *intifada* and that Hamas constituted the “head of the *intifada*”. If it proved to be the truth, or at least the perceived truth, that it was in fact created by Hamas, then which implications would this have? Nüsse points to that this tactic allowed Hamas to stamp the *intifada* as an Islamic phenomenon since its beginnings (ibid.). If the uprising was religiously motivated then this could have some positive effects for Hamas. In the case of it succeeding Hamas would be able to take the credit and possibly become more popular. It would also give the *intifada* a deeper religious character which could be favorable to Hamas in that it could strengthen the idea that religion constitutes powerful, useful and acceptable means in the struggle against Israel. This could likely have given the movement more support, possibly more members and a chance of political ascendancy.

Ahmad (1994) does not share Nüsse’s point of view that Hamas started the *intifada*, but rather believes that while it is unlikely that Hamas had existed at all without its outbreak and the subsequent need of the Muslim Brotherhood to show greater engagement in the national struggle, it is also true that Hamas constituted a strong force to help shape the course of the uprising. “While Hamas became an important power behind the *intifada*, the *intifada* itself became a reality on which Hamas could not turn its back” (ibid, chapter 1). This quote illustrates the interdependent relationship between the movement and the uprising. Hamas’s important role in the uprising can also be seen in relation with the Brothers’ prior nonparticipation on the political arena in Palestine. Because the Muslim Brothers had no strong tradition of engaging in political activities Hamas could now put all its emphasis and concentrate solely on *intifada* activities. The activists did not

have to have in mind considerations for other political activities since they had not been very politically active earlier.

According to Ahmad (ibid.) one way through which Hamas was solidifying the uprising was through its publications of leaflets and communiqués filled with religious teachings and convictions, which had an impact both on the individual level as it shaped thought processes of the people, and also affected the work of the United National Leadership of the Uprising (UNLU). The UNLU was a committee consisting of all the main secular political organizations and it was established to achieve the objectives of the *intifada*. Hamas remained outside it because the UNLU was associated with the PLO and because Hamas also wanted to preserve its ideological and organizational distinctness (Kurz; Tal, 1997: chapter 2). The secularist groups now had to deal with an increasingly popular religious group and its demands and directives in addition to the other matters that were always on their agenda, e.g., relations with Israel and the concerns of the Palestinians and the Palestinian society in general.

Ahmad (1994: chapter 1) sees the movement and the uprising as interdependent and mutually reinforcing each other, but he argues that Hamas was careful not to link its future with that of the *intifada*. He believes that Hamas successfully used the *intifada* to create a space for itself even in a non-*intifada* future. In his opinion the uprising constitutes but one phase in the Palestinian history while Hamas managed to generate sufficient power and support to be a long term actor, even in the case of the *intifada* coming to an end. Hamas, both fueled by and fueling the *intifada*, managed to inject its ideas into the Palestinian society and thereby permeating its fabric and contributing to a political transformation of Palestinian society, “(...) in a manner which qualifies it as a force whose effect could go far beyond the impact made by the *intifada*” (ibid.). The survival or future of Hamas then, is in his view not dependent on the success or failure of the uprising and the Oslo agreement cannot then be said to be a threat for ending the uprising.

5.1.1. Status of Mass Organization in Peril.

Ahmad's opinion, about Hamas being sufficiently independent of the *intifada* to survive without it, stands in sharp contrast to Mishal's and Sela's (2000:72) views on the matter. In their opinion Hamas saw the continuation of the *intifada* as existential for its own survival. The two were inextricably intertwined, as Hamas's popularity was thought to be linked to its achievements in the *intifada*.

The reason why the uprising was seen as vital to the movement must be seen in view of Hamas's fear of losing its status as a mass organization in the case of the *intifada* coming to an end. Hamas, at least the *Izz al-Din al-Qassam Brigades*, which constitutes the official military apparatus of the movement, is to a very large extent based on the struggle against Israel for the liberation of Palestine. Accepting the Oslo agreement, which would put an end to the *intifada* and the decade long struggle, would mean compromising Hamas's ideology. It would break with the Charter in which a number of articles deal with the continuation of the struggle¹⁴. It would also constitute a breach of Hamas's promise of not giving up one single inch of Palestine (Charter, article 6).

The resistance against Israel and the liberation of Palestine are all-encompassing elements in Hamas's Charter, so giving up the struggle would mean abandoning own Charter and ideology. The issue, however, also has less dogmatic and more political-pragmatic aspects to it. An acceptance of the agreement and thereby of the peace process would not only have meant an end to the *intifada* but also that Hamas would have had to recognize that other groups were in charge of the peace process. Hamas would then have had to cede power over and responsibility for the Palestinian people and society to these groups. This was a threat because Hamas then ran a great risk of being marginalized on the Palestinian political arena. It was also contradictory to the formerly mentioned article 21 of the Charter which concerns Hamas's social responsibility to look after what the movement believes are the interests of the masses.

¹⁴ Among others, articles: 3, 7, 13 and 14 of the Hamas Charter.

As already discussed in Chapter 2, Hamas's popularity increased with the nationalist movements' abandonment of nationalist objectives. It did not want to commit, in its own view, the same mistake as the nationalist movements. Hamas was soon perceived as one of the groups most firmly opposed to Israel. It did without doubt benefit largely in terms of support from this firm resistance and its status could have been lost if it did not stick to the struggle. Contrary to Ahmad, Mishal and Sela also see Hamas's *future* popularity depending on this, - on the continuation of the struggle and the *intifada*. Hamas's status as a mass organization would be lost because there would simply be no need for Hamas as a political organization in a non-*intifada* future. Thus everything designed to stop this struggle or resistance from taking place was seen as a very serious threat to the movement.

There were also other pragmatic concerns Hamas had to take into considerations. The fear of losing support and then risking marginalization had another side to it. Internally Hamas faced a dilemma. The movement could on the one hand stay faithful to its own ideology, as it is expressed through the Charter, and continue its struggle against Israel. In this way it would risk losing popular support from lots of Palestinians who according to opinion polls to a large extent supported the peace process. On the other hand; Hamas also faced losing support if it did not stick to its own Charter and beliefs but rather followed a more pragmatic line by accepting the support of the agreement represented through the opinion polls and thereby the peace process. In either way Hamas would lose adherents.

While the relationship between Hamas and the *intifada* is very strong there is no consensus on the exact nature of this relationship. There is no conclusive answer to whether Hamas started the *intifada* or whether the *intifada* would have existed or continued without Hamas. Now in retrospect we know that Ahmad was right in his belief that the movement would survive even if the uprising did not. There was a strong relationship between the two, but whether Hamas was more

dependent upon the uprising or vice versa is uncertain. I find it doubtful that the *intifada* would have been as strong as it was without Hamas, because Hamas constituted a very strong force that exerted great influence on other groups and mobilized people to join.

5.2. Restraints on Military Activity.

“[Hamas will] not accept that the PLO has the right to lay down conditions about, say, Hamas’s military operations against the occupation” (Bassam Jarrar, West Bank leader of Hamas, quoted from Nüsse, 1998:150).

Mishal and Sela (2000:67) also argue that the Oslo agreement was seen as a strategic threat because with it Hamas was no longer free to operate militarily as it wanted to. As already seen in Chapter 2 the PLO committed itself to desist from hostile actions against Israel in 1988, and this was reaffirmed with the DOP and Arafat’s letter to Rabin in 1993 in which he as mentioned recognized Israel’s right to exist in peace and security (Arafat in Abbas, 1995:238). By doing this he at the same time rendered the liberation struggle and the objective of a free Palestine to be less important than Israel’s right to exist in peace. As fighting Israel is an essential part of Hamas’s doing it is not something the movement will willingly abandon, but with the DOP and the following letter of recognition Hamas activists became liable to punishment from the Palestinian side for continuing something, not only they, but large segments of the Palestinian society, regarded as a legitimate struggle for political rights. The agreement thus represented a restriction of Hamas’s freedom of action concerning the movement’s use of *jihad* as a strategy to fight Israel in order to reach the goal of a free Palestine. In addition it very possibly represented confrontations with the PNA as this was the body that would take over responsibility and see to that the commitments were held and the confines of the agreement were not broken.

The following discussion is closely linked to the above discussion of the *intifada*, because as already mentioned, the *intifada* was presented as a form of

jihad. By presenting the uprising as a form of *jihad* one also invested it with religious significance, and thus contributed to the perception of the *intifada* as a religious one. This way the uprising can be said to have been Islamized. Mishal and Sela (2000:67) argue that the main concern of Hamas was the future of *jihad*. Before elaborating on this it is necessary to clarify the meaning of the concept itself. The word means endeavor. It is often used as an equivalent to holy war, and although it often means this, it also connotes other meanings such as struggle and effort. On the one hand *jihad* designates a general struggle against Israel and as such one can see the *intifada* as a *jihad*. On the other hand *jihad* denotes armed, violent struggle. The word is primarily used by Hamas to describe a defensive war against a Zionist aggressor, but it is also used to describe struggles on a non physical level, such as writing and education (Nüsse, 1998: 70), support and solidarity, elements which are all included in Hamas's description of *jihad* in article 30 of the Charter.

During the very first months of the *intifada* Hamas was still a fragile movement not sure to survive for a long time. With the prospects of losing its limited support and become a loser on the Palestinian political arena, Hamas leaders therefore advised their followers only to undertake actions with religious overtones. Another concern of the Hamas leaders, especially Sheik Yassin, was that violent actions would be retaliated against Hamas's social institutions (Mishal; Sela, 2000:56, 57) which secure much of Hamas's popular support. The consequence of this policy of only undertaking religious actions was that the movement, to a large extent, was perceived as a religious group. This could also account for the relatively tolerant Israeli attitude, mentioned earlier, towards Hamas during the first year of the *intifada*. Although *jihad* is mentioned in the Charter from 1988 it was not until after the Temple Mount Massacre in October 1990, where 17 Palestinians were killed by Israeli police, that Hamas for real launched its strategy against the Zionist enemy into action. Following this was a sharp rise in knife attacks against Israelis, something which Hamas interpreted as

an evidence of Islamic devotion (ibid, 57). During the three first years of the *intifada* Hamas had still not engaged in much military and violent activity. According to Mishal and Sela the number of military operations during Hamas's first year amounted to ten, the number rising sharply to 32 its second year (ibid.). These operations included shooting and knife attacks at Israeli civilians and military transportations, kidnapping and murder. When Hamas then in 1990 launched a holy war this was due to that it was a necessary move in order not to lag behind other Palestinian groups in the fight against Israel. It provided Hamas with an opportunity to catch up with the leading position the Palestinian nationalist organizations had achieved during their long time existence, because "(...) [the message of holy war] had the effect of substantiating the meaning of *jihad* and investing it with a specific immediate significance" (ibid.) in forms of violent actions against Israeli targets. After the deportation of the Islamists to Lebanon in 1992 Hamas's use of car bombs increased (ibid, 67), and after their return to the Occupied Territories, Hamas carried out its first suicide operation. This constituted a dramatic turn in how *jihad* was fought and *jihad* now to a greater extent than before became equated with armed struggle.

According to article 12 of the Hamas Charter *jihad* is an individual duty for every Muslim, regardless of gender or social status. This is considered an unquestionable truth, it says in the Charter. One may wonder, however, how unquestionable this truth is, because according to Nüsse (1998:72) the understanding of *jihad* as an individual, rather than a collective obligation, is contradictory to Sunni mainstream thought. She argues that Hamas's interpretation of *jihad* is legitimized by only peripheral and exceptional regulations in the Quran and in classical *fiqh*. One such regulation which deals with *jihad* is Surah 9:5, Repentance, which states:

And when the forbidden months have passed, kill the idolaters wherever you find them and take them prisoners, and beleaguer them, and lie in wait for them at every place of ambush. But if they repent and observe Prayer and pay the Zakat,

then leave their way *free*. Surely Allah is Most Forgiving, Merciful (Holy Quran, 1979).

Even if Hamas do not define Jews as idolaters, they do refer to them as infidels. Regular praying and paying *Zakat*, i.e., alms or charity, are two of the pillars of Islam. Thus it can seem from the Surah that only in the case of the idolaters embracing Islam may a true Hamas follower end the attacks. This Surah then seems to confirm Hamas's perception that the *jihad* against Israel is a legitimate one. The exceptions to the view upon *jihad* as a collective obligation one finds in the Kharijites interpretation of *jihad* and in classical *fiqh*, Islamic jurisprudence, where *jihad* becomes a personal duty in the case of hostile aggression against Islamic territory (Nüsse, 1998:72). Then it may be considered a form of self-defense. Nome points to that this is how many Palestinians see Hamas's *jihad* (2002:16, 187). She argues that *jihad* is appealing as they regard it as a legitimate tactic of self-defense against Israeli force. For this view they can find support in Surah 2:191: "And fight in the cause of Allah against those who fight against you, but do not transgress. Surely, Allah loves not the transgressors". Her observation is also underpinned by Hamas's own statements about *jihad*. The movement has been careful to present it as self-defense from Israeli force or as vengeance for Israeli offences (Mishal; Sela, 2000:66). To underpin this Hamas in the formerly mentioned memorandum to the Sharm al-Sheik delegates (Hroub, 2002:310) points to a statement Rabin did in 1988 while being Defense Minister in Israel: "To achieve our objective, we do not wait for violence from the other side, but rather stage incidents to teach those who engage in violence a lesson. In most cases, confrontations were at the initiative [of the army]". By claiming self-defense Hamas has been able to attain legitimacy time after time from the Palestinian public and at the same time disclaimed the responsibility for *why* it happened. In cases where it was not possible to claim self-defense or when the revenge was not consistent with the Israeli offense, then religious devotion was a frequently used excuse as well as the argument that it was necessary to stop the

growing Judaization of Palestine, which can be seen as self-defense in a broader sense. The legitimacy of *jihad* concerns in particular the use of suicide bombs to kill civilians, as these are a common manifestation of *jihad*. A wave of suicide bombs in the spring of 1996 attracted great interest and condemnation from the whole world, including from Muslim countries. This started a public debate on legitimate ways to fight Israel. Muslim scholars and theologians participated and issued *fatwas* condemning the suicide bombs as acts of individual suicide unworthy of martyrdom (ibid, 76). A commonly used reply to this by Islamist movements is that whoever utters a negative word about suicide bombings is serving Israel. In Hamas's opinion such debates are initiated by the enemy state, i.e., by Israel (Nome, 2002:190, 191).

So would Hamas's *raison d'être* disappear if Hamas obeyed the DOP's military restrictions, i.e., to abstain from using *jihad*? Was the movement based on its doctrine of *jihad* to such a degree that it would cease to exist without it? Here we can envisage the same scenarios that were discussed in the discussion about Hamas's future in case of the *intifada* ending: In case of Hamas abandoning its commitment to continue the armed struggle, this would constitute a violation of own beliefs and dogma as well as presenting the movement with the prospect of losing supporters. Abandoning *jihad* would mean jeopardizing Hamas's status as the leading movement for the liberation of Palestine and it could be interpreted as an acceptance of the Oslo agreement. Hamas could lose supporters and be accused of being traitors if it accepted to refrain from armed struggle. If the movement continued to vow *jihad* it risked alienating the Palestinians in favor of the peace process. If military operations, i.e., acts of *jihad*, were upheld in spite of the people's willingness to give the peace agreement a chance, then Hamas would not only face losing popular goodwill but it would also face severe confrontations and very difficult relationships with the PNA, which was responsible for the implementation, and with the PLO.

One way or another it would be problematic for Hamas to continue relying on *jihad* because the agreement did have great influence on Hamas's freedom of action. However, it would be an exaggeration, in this concern, to say that the agreement did pose an existential threat to the movement. The military restrictions put down by the agreement did not represent a danger in that Hamas would completely cease to exist if it could not employ *jihad*. This must be seen in light of the massive support Hamas enjoyed through its civilian wing. On the one hand Hamas is a relatively young movement with *jihad* against Israel as its main task. If one sees this as the decisive factor in defining the movement, then Mishal's and Sela's assumption about Hamas's ceasing to exist if the *jihad* ends, could be correct. However, on the other hand, Hamas can be said to be an old movement because it is a wing of the Muslim Brotherhood. During decades it built up a great popular base of support through its extensive community services and the support increased in spite of lack of involvement in the national struggle. As mentioned, around 90 percent of Hamas's activities evolve around community services and this constitutes the basis of Hamas's popular support. The importance of the civilian wing should not be underestimated because Hamas would be able to survive through the support generated by this wing. Besides, if it were to be the case that Hamas would cease to exist without its *jihad*, the movement would have had to be far less pragmatic. This will be discussed in the following.

5.2.1. Pragmatism.

With the concerns from above in mind, after the signing of the Oslo agreement, Hamas had to make a decision about whether to continue its *jihad* or not. The decision fell on a continuation of the struggle and it was in fact escalated in the first months after the signing (Mishal; Sela, 2000:67). It was "(...) perceived as the ultimate source of legitimacy and as a shield against any attempt by the [PNA] to restrict the movement's activities or eliminate them altogether" (ibid.). However, at the same time some of the leaders of Hamas adopted a more moderate

orientation as they seemed to recognize the Oslo agreement as irreversible. From the discussion on the previous pages we see that Hamas had to take the Palestinians and their opinions into consideration as well as the movements own practical concerns about will and ability to survive. Hamas recognized its own limits of power and because the movement needed to compete for support with the PNA it adopted a more flexible attitude towards Israel (ibid, 21). It thus subordinated *jihad* to political cost-benefit calculations (ibid, 50). It did by no means abandon the *jihad* doctrine, but Hamas activists were more hesitant than before to translate it into action (ibid, 60). This policy opened for considerable pragmatism. One suggestion, resulting from this pragmatic opening concerned the possibility of a truce, a *hudna*, with Israel. It was raised in November 1993 in an open letter written by Sheikh Yassin who had been imprisoned since May 1989. Conditions attached to this were that Israel had to withdraw from the Occupied Territories, the Israeli settlements had to be dismantled and Palestinian prisoners released.

For Hamas the *jihad* constituted a “(...) campaign over existence and destiny” (ibid, 59). In the Charter various articles stress the necessity of *jihad* and emphasize this as the only way of liberating Palestine¹⁵. Is this offer of a *hudna* then not inconsistent and contradictory to Hamas’s all-encompassing call for *jihad*, as stated by Hamas both in the Charter and in political appeals? The answer to the question is no. A *hudna* is consistent with Hamas’s faith because it is only a temporary truce. The rationale behind Yassin’s offer was that as Hamas was well aware of the discrepancy between the small territory of the agreement and the territory wished for by Hamas it would be wise to settle for less as long as it was absolutely clear that it was temporary and would eventually lead to an independent state. The truce is only a stage in the process leading to an inevitable final battle where, according to Hamas’s view, the Muslims will be the winning part (Charter, article 7).

¹⁵ E.g., articles 12, 13 and 15.

Yassin's offer exemplifies Hamas's ability to be pragmatic and ideologically flexible. The opportunity to resort to *hudna* makes it less threatening to give up *jihad*, because the struggle is not given up on a permanent basis and Hamas can still claim to be acting in line with Islamic faith and with its decisions rooted in religion. Putting the holy war on hold can be justified by the concept of *sabr* which means patience or restraints; in the end the believers will prevail, but patience is a precondition. The concept is used as a pragmatic justification of the deviation from Islamic norms (Mishal; Sela, 2000: 64).

Another source of support and legitimacy for Yassin's offer Hamas finds in Hadith, Islamic tradition, according to which the Prophet Muhammad in the year 628 declared a truce with the pagan chiefs of Mecca. According to Uri Avnery (2003), an Israeli journalist and peace activist, the most common Israeli interpretation of this Hadith is that Muhammad broke the truce and conquered Mecca. An implication of this is that the Israelis find the Arabs untrustworthy when they offer a *hudna* (ibid.) and that it makes them less willing to accept or commit to truces offered by Hamas. An acceptance is problematic because of fear that Hamas will break it, just as the Prophet did. On the topic of *hudna* Yassin states in an interview with Graham Usher (2003) that "[in] all cases our [Hamas's] stance will be determined by what serves the interests of the Palestinian people. If it is in the interest of the Palestinian people to have a *hudna*, we'll have a *hudna*. If it isn't we won't". According to this a truce can be broken if it is the will of the people, but one may also see it as an example of Hamas being pragmatic and not wanting to commit itself genuinely to a truce that may prove not to be favorable to the movement? Because it is temporary it is also implied that it will in fact end some day and it can be broken. By resorting to *hudna* in order to adapt to the current political situation Hamas then, in a way, is safeguarding its own actions: if it proves not to be beneficial it can be broken, otherwise it may be upheld for a long time something which then may be interpreted as a *de facto* recognition of Israel. In either way Hamas avoids compromising its beliefs as *hudna* does have

religious legitimacy. Hamas can use it as a way of maintaining its support with the Palestinian public in that they cannot be accused of having abandoned its stance, the activists will not be seen as spoilers of the peace agreement and they can resort to *jihad* again once the *hudna* proves unfavorable. Yassin's offer was rejected by Israel. Because Hamas had the opportunity to resort to *hudna* and thereby put the holy war on hold, the DOP was, in my opinion, not a complete death sentence for the movement when it comes to military restrictions. The greatest danger of the military restrictions, i.e., that Hamas can no longer use *jihad*, is on the one hand that Hamas risked losing support and be accused of treason if it accepted the restrictions. On the other hand, if the military restrictions were ignored it would lead to confrontations with the PLO and PNA, something which will be further discussed in the following part.

5.3. The Question of Palestinian Representation and Relations with the PNA.

Moving to the third reason why the Oslo agreement was a threat to Hamas's existence, Mishal and Sela (2000) believe it led to competition with the PLO and with the PNA which replaced the Israeli occupation forces.

One aspect in this regard concerned the question of who was entitled to legitimately represent the Palestinian people. With the agreement came recognition of the PLO as Israel's negotiation partner. This implied recognition of the PLO as legitimate representatives of the Palestinians, which as mentioned was the only right conceded to the Palestinians according to Dajani (1994:8). This was by no means unproblematic. Hamas had never unconditionally accepted this assertion before. The movement's recognition of the PLO as the representatives of the Palestinian people was, as mentioned, conditional upon the PLO not recognizing Israel and not abandoning the liberation struggle. Now the issue of legitimacy had gained momentum as Hamas seemed to voice the opinion of the many Palestinians who shared the movement's opinion and did not approve of the PLO's decision to accept the DOP. Hamas spokesmen proclaimed the need for a

new leadership because “the Palestinian people (...) had become leaderless (...)” (Hroub, 2002:99). This issue was of special importance to Hamas as it was the only group strong and big enough to challenge the status of the PLO. In spite of the movement’s wide support, the total exclusion from the process was proof of that Hamas was not recognized as a potential negotiation partner neither by the international community, by Israel nor by the PLO. However, Hamas chose not to challenge the status of the PLO to large extents (ibid, 101) and the movement thus apparently stuck to its emphasis on keeping the unity of Palestinian ranks and its indirect assertion that it did not aspire to replace anyone (Charter, article 25). The PLO, nevertheless, was well aware of the danger Hamas represented and according to Cleveland (1999:487) one reason why the PLO decided to embark on negotiations with Israel in the first place was its fear of being overrun by Hamas and so the PLO hoped to regain importance by participating in the negotiations. According to Hamas, Arafat was pursuing personal interests and he was accused of having signed the accords because he wanted international recognition, especially from the USA (Nüsse, 1998:150). Hamas rejected the right of the PLO to act as representatives of the Palestinians, something which is illustrated by one of Hamas’s founders, Abdul Aziz al-Rantisi’s statement in September 1993:

(...) If the PLO claimed that it represented the Palestinian people when it was pursuing the liberation of Palestine, then with what right can it claim it represents the Palestinian people now that it has recognized Israel and given all of Palestine to it? (al-Rantisi quoted from Hroub, 2002:99).

Hamas accused the PLO of having abandoned Palestinian fundamentals (ibid, 91) and as the movement refused to see the PLO as legitimate representatives of the Palestinians neither could they accept any agreement made by them. Arafat’s signature and his recognition of Israel were in a communiqué issued by the Hamas leadership in Amman condemned as treason against the Palestinian people and the Islamic nation (Kurz; Tal, 1997: chapter 3).

The PNA, dominated by the PLO (Mishal; Sela, 2000:103) and established by the Cairo agreement, in Gaza and Jericho in May 1994, was the organ

responsible for the implementation of the agreement. It had to see to that it was undertaken as smoothly as possible and that the agreement was not in any way broken. This was conditional upon the PNA's and its police force's ability to keep Hamas and other opponents under tight control. There was much at stake for the PNA, and especially for Arafat, because Israel had made it clear that Arafat would prove himself to be an unreliable partner in the peace process if he failed to control the Hamas militants (Cleveland, 1999:493).

Competition with the PNA constituted a threat because it gave Hamas a subordinated position in relation to PNA, and thus to the PLO, on the Palestinian political arena. In spite of it being the second largest faction on the political arena, after Fatah (Abu-Amr, 1993:15), if the movement decided not to accept the position it could run the risk of being completely defeated because compared to the PNA and PLO it was the weaker part. The two would most probably be the prevailing part in future confrontations and depending on the graveness of the confrontations Hamas could face the danger of disappearing as a political actor or even ceasing to exist as an organization. If it accepted the "assigned" position it would mean, if not peaceful coexistence, then at least some degree of cooperation with the PNA. This was problematic because an acceptance of the PNA implied an acceptance of the agreement and of its designers who were seen as traitors. Even more seriously it also implied recognition of Israel. This would be a way in which Hamas faced losing support and thus become more marginalized. The movement was afraid to compromise its ideology by abandoning stands and beliefs and succumbing to commitments made by the designers of the DOP. At the same time, however, challenging the PNA instead of giving in to their demands of refraining from violence, would also mean a kind of marginalization because, as mentioned, the agreement enjoyed great support both from the Palestinians, from Israel, regionally and from the international community.

According to Hroub (2002:103, 104) the approaches Hamas employed in dealing with the PNA were very varied. In his letter to Rabin, Arafat commits to

disciplining violators of the agreement (Arafat in Abbas, 1995:238). This would be the responsibility of the PNA so it was important for Hamas to establish good relations with the organ when it first came to existence. Thus in the beginning there were tactical attempts of close cooperation to establish goodwill and later both verbal toughness as well as official contact. However, it turned out that peaceful coexistence with the PNA was a price Hamas was not prepared to pay for giving up its *jihad* because the movement would not risk losing popular support. “Without the legitimating shield of *jihad*, Hamas would be exposed to a process of containment that could eventually destroy it as a political power” (Mishal; Sela, 2000:68). When Hamas decided it would continue its *jihad*, it thus signed up for confrontations with the PNA, and it was now facing two enemies, the PNA and Israel, instead of just one. The situation was very difficult. The PNA pursued a unilateral strategy against Hamas to cause a near-civil war (Hroub, 2002:104). This was a way to undermine Hamas’s power and the PNA initiated arrests, closures of institutions and humiliations of Hamas leaders. In order to maintain its popularity with the Palestinian public and generate public resistance to the agreement, Hamas once again showed its pragmatic side. It pursued a strategy which combined continued violence against Israel with massive anti-Oslo propaganda and an avoidance of violent confrontations with the PNA (Mishal; Sela, 2000:68). The rationale behind this was that Israel, no matter what, was an occupying power so the struggle would continue against it. If the PNA retaliated against Hamas, Hamas would look upon this as a consequence of the agreement and would remain passive towards the PNA and instead avenge it onto Israel (Jensen, 2002:46). This way Hamas hoped to maintain its support, maintain unity in the Palestinian ranks and avoid civil war as well as not giving the PNA a pretext to abolish Hamas as a military movement.

The relationship between Hamas and the PNA, and thus the PLO must be seen in light of the dynamics of the conflict between Israel and Hamas. After the Hebron massacre of February 25, 1994, in which 29 Muslim civilians were killed

by a Jewish settler, Hamas started to use suicide bombers, al-Zahar claiming it was a matter of retaliation, not of politics (Meidell, n.d.). Before this there had only been a few sporadic suicide operations, including one the day before Oslo was signed. The acceptance of Israeli civilians as legitimate targets also grew after this. Israel replied by closing off territories and placing many towns under curfew with the result that Palestinians were denied access to the Israeli labor markets. This had a deteriorating effect foremost in economical terms, and the disempowerment many Palestinians experienced became directed towards Arafat, his PNA and the status quo they represented (Cleveland, 1999:494). Within the PLO corruption was widespread and this also contributed to the public resentment towards both the organization and the authority. The economic hardship made the Palestinians turn away from the peace process as instead of prosperity it had brought poverty to the Occupied Territories. As opposed to many of the PLO leaders who had been exiled prior to 1994 Hamas had been present during the years of the *intifada* and experienced the same situation as large segments of the Palestinian community. The movement was the main beneficiary of these sentiments towards the PLO-dominated PNA (ibid, 492) and it was to larger extent than before seen as a home based alternative to the PLO.

In September 1995 Hamas and the PNA reached an understanding that Hamas's armed struggle could continue in areas not controlled by the PNA, as it was not the PNA's responsibility to defend Israel. Hamas activists would abstain from embarrassing the PNA and from taking credit for their actions. In this manner the PNA would not be accused of neglecting its work and Hamas could continue its struggle and at the same time retain its credibility. That Hamas could cooperate with the PNA at all was due to the will and ability to be pragmatic and tactical that the movement possessed. Without its ideological flexibility this cooperation would have been impossible because the PNA worked for an implementation of what they believed would eventually lead to a two-state solution which to Hamas is impermissible and cannot be tolerated. For some

months a relatively peaceful period followed before it was abruptly ended by Mossad's assassination of the Hamas activist Yahya Ayyash, also known as the "Engineer". Hamas proclaimed self-defence and vowed revenge. It waited until after the election of the Palestinian Legislative Council, in which Arafat became the President, had been undertaken in January 1996 and then, on February 25, launched a new and bloody suicide wave. Succeeding the actions Arafat was under high pressure to destroy Hamas, as well as Islamic Jihad, once and for all. While Israel upheld its closure of the Occupied Territories (Kristianasen, 1999:29) more than a thousand Islamists were arrested, the PNA assumed control over mosques in Gaza and Hamas institutions and the Islamic University were raided. In 1997 the PNA, partly in response to American and Israeli pressure, closed 16 of the movement's central institutions in Gaza (Jensen, 2002:49). The movement's large network of mosques, schools and religious organizations, in other words the civilian wing, constitutes Hamas's infrastructure and secures much of the movement's popular support. In this we see that the establishment of the PNA and Hamas's competition with it was not only dangerous in that Hamas ran the risk of being marginalized and suppressed militarily and politically. A far greater risk was that the movement risked attacks upon its civilian wing. The PNA's attacks upon the civilian wing posed a real danger as an elimination of this wing could be fatal to Hamas. In my opinion this represented a greater danger than the military restrictions did with their abolishment of *jihad* as a strategy in the fight.

Thus the Hamas-PNA understanding did not last very long. There were severe clashes between Hamas activists and PNA officials. Hamas, together with other opponents of the PNA's rule were silenced through press censorship and brutal interrogations and many Palestinians found the PNA-rule to be as oppressive as the Israeli occupation (Cleveland, 1999:492). In 1998 Hamas, and the *al-Qassam Brigades* in particular, was weakened by the assassinations of three of its top military leaders; Muhiedin Sharif and the brothers Imad and Adil Awadallah as well as by the imprisonment of Abdul Aziz al-Rantisi (Kristianasen,

1999:32). There were suspicions of PNA participation in the assassinations, something which further deteriorated the relationship between Hamas and the authority. The hope of establishing good relations with the PNA seemed to end definitively with the signing of the Wye accord in October 1998 as this accord repeated that Israeli redeployment was contingent upon the PNA's ability to deal with "terrorist groups and their infrastructure" (ibid.). Despite that the institutions were formally closed, they continued to exist on a smaller level underground (Jensen, 2002:53) and Hamas was "permitted" to live on. The municipal and local elections of May and September 2005 can serve as proof that the movement's popular base of support did not disappear with the attacks upon the civilian wing.

The establishment of the PNA also represented a danger because it accentuated the differences concerning strategy between Hamas's outside and inside leadership, and thereby making the movement weaker. The growing influence of the PNA in Palestinian society challenged the control the outside leadership had in these areas. The internal discord was manifest in the varied views upon suicide bombing as a strategy, as the leadership in Amman was more willing to pursue it than the leadership in the Occupied Territories, who after all, were the ones to feel the PNA's punitive measures first hand. It was the inside leadership which had to live with the hardship of the situation on a daily basis. The differences were also salient regarding the question from the PNA of whether Hamas should become an Islamic political party to participate in the elections for the Palestinian Legislative Council (Kurz; Tal, 1997: chapter 3). This was perceived as highly problematic because participation would imply an acceptance of the negotiations, i.e., of the peace process, which was the reason why elections were scheduled to be held, and it also contradicted Hamas's Charter (article 13). Hamas delegates from the Occupied Territories were much more inclined to agree with the proposal than the delegates from abroad. The movement did not participate.

5.4. Summary.

So why was the agreement seen as a threat to Hamas's existence? Well, first the DOP put an end to the *intifada*, which by some was believed to be Hamas's *raison d'être*. Second, it made *jihad* as a strategy to achieve a free Palestine illegal, including the use of *jihad* as self-defense. Third, it put Hamas in danger by presenting the movement with the dilemma of either following its dogma or accepting Israel. Hamas thus faced losing supporters. Fourth, it increased the risk of marginalization of Hamas, both if Hamas chose to fight the PLO, the PNA and the agreement and if it did not, in the latter case it may be marginalized because it would be subordinated to the other groups as they were more powerful. So the Oslo agreement did in fact pose a threat to Hamas in terms of its relation to the PNA. There were serious confrontations between the two groups and several arrests of Hamas leaders and activists. This constituted a marginalization of the movement, so the threat can be said to have represented far more than just competition. The agreement also recognized Palestinian representatives who according to Hamas turned the steering wheel away from the objective of a free Palestine because they endorsed what they perceived to be a two-state solution which was rejected by Hamas. Finally, Hamas risked losing also its social institutions, through which many of the movement's activist were recruited, if it did not abide by the PNA's ruling. These were the tactical reasons of opposition. But Hamas through its pragmatic ways of adjusting to the political situation, through its tactical ways of operating and because of the solid base of support in the civilian wing managed not only to survive but also to fight the agreement with the effect that it eventually died, something for which Hamas can be partly credited or blamed, depending on one's view.

6. Religious Reasons of Opposition.

In looking at Hamas's possible religious objections to the DOP one must bear in mind what the agreement signified in relation to Hamas's beliefs and in relation with the movement's desire for an Islamic state. What factors discussed in the Charter can account for Hamas's religious opposition to Oslo? In which ways can the opposition be said to be motivated in religion? In the following I will discuss a number of elements to provide an answer to this.

6.1. Religion and Nationalism.

Did Hamas object to the agreement on religious terms? Were the arguments Hamas used to demonstrate the movement's objections to the agreement based on religion? By viewing and interpreting the movement's Charter it can certainly be said to be that way.

The Charter is a religious document in the way that it is the constitution of a religious movement. It is filled with religious references as well as obligations and guidelines. That Hamas bases some objections in religion is evident already in the very first articles, in which Hamas states that *Islam guides all of Hamas's actions, thinking and beliefs*¹⁶(article 1). It is also consistent with traditional Islamic belief that divine authority is required for all human actions (Eid, n.d). Islam's all-encompassing guiding role is further emphasized with discussions of different aspects of life such as politics, economics, education and arts (Charter, article 2). That means religion is also the foundation for the movement's stands in political matters such as peace processes something that is specified in article 13, which deals explicitly with Hamas's view upon peace agreements: "[Peace] initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of the Islamic Resistance Movement". The same day as the Charter was published, August 18,

¹⁶ My emphasis.

1988, Hamas also issued a leaflet which can further explain the article above. It states: “Every negotiation with the enemy is a regression from the [Palestinian] cause, concession of a principle, and recognition of the usurping murderers’ false claim to a land in which they were not born” (Hamas in Mishal; Sela, 2000:51). The movement dismisses all peace initiatives as a waste of time and as an effort of unjust infidels to rule the holy land of Islam, that is, Palestine. Here it is appropriate to make a little comment that may nuance the view of negotiations as expressed in the Charter. Years after the signing al-Zahar stated on the issue of peace negotiations that Hamas were not opposed to negotiations with Israel *per se*, but they objected if the Palestinian bargaining position was unfavorable and when Hamas believed they would not receive any concessions from the Israelis (al-Zahar in Gaess, 2002). This is an illustration of the discrepancy between the Charter and some of the Hamas members’ more pragmatically oriented positions.

The view expressed in the Charter is further elaborated in the next part of article 13, which reads that “(...) renouncing part of Palestine means renouncing part of the religion; the nationalism of the Islamic Resistance Movement is part of its faith (...)”. The importance that nationalism carries for Hamas is very important to have in mind here. As already discussed in Chapter 2, to Hamas, nationalism and Islam are inseparable. Hamas sees Palestine as an Islamic trust, a *waqf*, land given to the Muslims to inherit from generation to generation until Resurrection Day (article 11). However, Palestine is not holy only to the Muslims. It holds holy places to them such as the Dome of Rock and the Al-Aqsa Mosque which was where the Prophet ascended to heaven according to Islam. In addition Jerusalem was the first *Qibla*, that is, direction of prayer (Wasserstein, 2001) and it was the place where the Prophet received the second pillar of Islam, the prayer. The Dome of Rock and the Al-Aqsa mosque is both situated on Al-Haram ash-Sharif, known to the Jews as the Temple Mount. This place holds religious significance and sacredness for them with its Wailing Wall being a center of pilgrimage. For Christians Palestine is the land where Jesus was born, lived and

died, and Jerusalem in particular has many holy places. The sanctity of these religious places has extended to Palestine as a whole (Litvak, 1996)¹⁷. We see that Palestine has religious significance to all groups.

In Hamas's view the Palestinians, by the virtue of being Muslims, have the right to populate and live in the land. Because they hold the land sacred it belongs to them. It is impossible for people of one generation to give it up, because it is not theirs to give. The argument that Palestine belongs to the Muslims because they are Muslims, is consistent with Hamas's view of nationalism and religion as inseparable, something which in some cases can be extended to be valid for religion and politics more generally too. That nationalism is integral to Hamas's Islamic faith carries deep implications for the liberation struggle. The territorial objectives of Hamas cannot be abandoned by a faithful Hamas Islamist without this person at the same time giving up his or hers beliefs. This accounts for one of the religion based arguments against the DOP and is illustrated in the second excerpt from article 13 above. By emphasizing this point in the Charter Hamas strengthens its own position, because abandoning territorial objectives may seem a very high price to pay if it also means abandoning religious beliefs. An appropriate remark in this regard is whether religion really is forming Hamas's political views, as in accordance with the Charter, or if Hamas dresses its political claims and arguments in religious rhetoric and thus make them appear as religious arguments. Cleveland (1999: 492) argues that Hamas's main argumentation against the DOP was religious as the agreement contradicted the Charter and impeded the movement's goal of restoring the land to Islamic rule. It is correct that the agreement contradicted the Charter, and from this I find it very reasonable that it was important to oppose on religious grounds. However, I believe it is important to ask oneself whether the religious arguments of opposition really are an expression of genuine religiosity or if religion is used to promote a point of view for political purposes. I believe this to be an important question because of the

¹⁷ See chapter named "The Sanctification of Islamic Palestine".

implications of the answer. On the one hand, if it is so that the objection really is founded on a religious basis then it may be more difficult in negotiations to compromise and make concessions on the matter than if the argument had been grounded in politics. I find this plausible because religion constitutes a very important part of one's identity. In my opinion it is more rigid and less subject to change than political affiliation and I see a slimmer chance of people giving up religious beliefs than political ideas.

On the other hand, if religion is used to sell a political point of view, then one may find it easier to make concessions if one is aware of the possibility that what is considered an unquestionable holy claim, may have its roots in politics. Thus one can make a compromise on the matter without necessarily breaking with one's religious beliefs and this may then imply a change of the terms of the negotiations. If religious rhetoric and symbolism is used instrumentally I find it likely that it has the effect of motivating and uniting people in the resistance struggle as well as strengthening the political arguments, because an argument that is fundamentally political may generate more support if a religious dimension is added to it. A factor which in my opinion makes it easier to use religion in an instrumental way is that the religious and the national division lines of the conflict correspond. Being Muslim or Christian is to a strong extent associated with being Palestinian and being Jewish is to a strong extent associated with being Israeli¹⁸. Thus both sides may use religion to promote political objectives.

This discussion may seem to question the genuineness of Hamas's religious opposition to Oslo. That is not my intention. I do not see religious and political arguments as mutually excluding. Even if religion is used to reinforce a political argument and enhance the support from other believers, one should not rule out that for a devoted believer religion really is the basis for the political views and has a value of its own. This can be seen in light of the view of Hamas as part of a

¹⁸ Approximately 5% of the Palestinians are Christians (Nüsse, 1998:102) and about 20%, approximately one million people, of the Israeli population is not Jewish. Three-quarters of this group are Sunni-Muslims with the second largest group being Christians (Israeli Ministry of Foreign Affairs, 2001)

two-faceted phenomenon. On the one hand it is a national-political movement in the way that it fights for a free Palestine and for the rights of the Palestinian people. On the other hand it is part of an upsurge of Islamism. In the whole region of the Middle East there has been a growth of Islamism partly as a response to popular demands for change. It now is an important ideology in many states. The Islamists are deeply religious people who have a strong conviction about the necessity of making a more religious society. As Hamas then both is a national-political and a religious movement I find it only natural that they think about politics and argue their political views in religious terms. The answer to my question above then is that Hamas's religious arguments may be an expression of genuine religiosity and at the same time used to strengthen the political opposition.

The explicit link between religion and nationalism, or religion and politics more generally, serves Hamas's cause and is by no means harmful to the movement. Hamas may well use the link to attract more supporters and to capitalize on its aim of establishing a free, Islamic Palestine in the whole area of mandatory Palestine. It is reasonable to believe that by presenting nationalism and religion as so strongly related and interconnected Hamas has managed to influence the way in which people perceive peace processes because, as mentioned, it may be harder for people to accept compromises if it means abandoning religious beliefs. In my view the will and the ability to compromise is essential when working towards a peace agreement. It seems unlikely that anything can be achieved if the parties are unwilling to do so and to make concessions. Thus the link can be said to be harmful to the peace process as the view advocated by the movement leaves little room for compromises.

Because Palestine is considered a holy *waqf* it also means that it cannot be divided. A Hamas leaflet of March 1988 states: "Let every hand be cut off that signs a relinquishment of grain of the soil of Palestine to the enemies of Allah who have usurped the blessed soil" (Hamas in Ahmad, 1994: chapter 3). "The enemies of Allah" are evidently the Jews. Hamas's desire for a state in the area of

mandatory Palestine is something quite different from the small Palestinian state of the agreement. It follows from this that the Oslo agreement which divides the territory and legitimizes the rule of people seen as infidels by Hamas and thus also impedes the establishment of an Islamic state, is impermissible to the movement. It is curious though how the borders set by the British mandate powers not only have been accepted as the borders of Palestine, but in addition have been invested with holiness, so that they cannot be changed and so they encompass Palestine as a holy, indivisible unit. Hamas is careful to stress that Palestine was once part of the Islamic Ottoman Empire, and the religious legitimacy of the borders seems to stem from this as well as from the belief that many of Islam's prophets were from the area within what was to become mandatory Palestine. The movement states that within the Ottoman Empire there were no clearly defined borders, but what is today known as Palestine was part of the Southern area of Belad al-Sham (HamasOnLine n.d.), i.e., presently Syria, Lebanon, Palestine and Jordan.

Hamas's claim to Palestine based on the belief that the land is holy to Muslims is the same argument that the Jews use to defend their claim to Israel. According to the Bible Israel was promised to Abraham as the holy land of the Jews (Genesis 12:1-3; 15:18-21). Thus, giving up parts constitute a violation of God's law, and is for some a price too high to pay for peace. This view found expression in the already mentioned Hebron Massacre of 1994 and in the assassination of Prime Minister Rabin in November 1995. The assassination, performed by Yigal Amir, an Israeli student in an institute of Jewish religious studies, led to a suspension of negotiations. Hamas's argument is not only used as a religiously motivated one against the DOP, but rather as an overall argument against Zionism and as a counterclaim to the Jewish claim concerning the legitimacy of the ownership to the land. Hamas leaders have tried to reject the Jewish claim to ownership by arguing that from an objective historical perspective the Jews inhabiting Israel today have no connection to the Children of Israel who used to live in Palestine (Kurz; Tal, 1997: chapter 1). Another argument used is

that that no where in Islamic jurisprudence could one find legitimacy for accepting Jewish land on Islamic soil (Mishal; Sela, 2000:109). This constitutes a reason why Hamas resisted the DOP and it also is a reason why the movement refused to see the DOP as a *hudna*. In the previous chapter this concept was discussed in relation with a possible ceasing of fighting in the aftermath of the Oslo agreement. *Hudna* may also be seen more directly in connection with the agreement; one may argue that the very agreement itself constituted a truce, as it was a compromise with Israel, or in Hamas's view with the infidel Jews. However, Hamas insisted on its religious illegality and refused to regard the DOP as a truce (ibid.).

Basing the territorial claim of Palestine upon religion implies recognition of the idea that religious identity should grant political rights of sovereignty. One may question the validity of such an idea. Does religious identity constitute a legitimate basis for claims to political sovereignty? From reading the Hamas Charter one may draw the conclusion that it does, because as mentioned Hamas bases parts of its claim to Palestine upon the belief that the land belongs to the Muslims. From reading the Balfour Declaration of 1917 one may also infer that the answer is yes. It states that Israel was a Jewish national home (Milton-Edwards; Hinchcliffe, 2001:10). As such, one sees that Israel was given to the Jews *as a religious group*. The claim for a state can then be said to be legitimized in religion because the needs of a religious group resulted in the establishment of Israel. However, the legitimacy behind Hamas's religiously based claim to Palestine is debatable, as is the claim of ownership based on religion from the Jewish side. Bernard Wasserstein (2001), president of the Jewish historical society of England, doubts that belonging to a religious group should grant political rights of sovereignty. His discussion evolves around Jerusalem, but I believe it to be valid for the entire area of Palestine and Israel. He doubts that the claim is fundamentally based in religion. Although he does not question the religious importance the area holds for the different groups today, he does question that the religious devotion for the area is reflected in political demands of

sovereignty. He argues that this is a fairly new idea that emerged with Zionism in the 19th century, when it became a religious duty to regain Jewish sovereignty of Jerusalem (Wasserstein, 2001:4). According to Wasserstein then the city can be said to have gained religious significance based on what were really the political aspirations of Zionism.

This applies also to Hamas. The religious significance of Palestine gave symbolic importance to the resistance struggle in that it is used to reinforce the weight of a territorial objective. This way Wasserstein's analysis underpins my assumption that religion may be used instrumentally to strengthen a political claim.

6.2. Jerusalem.

To argue against the Oslo agreement on a religious basis was a strategy employed by Hamas as well as by other Palestinian and Israeli groups. Given the difficulty of compromising in religious matters, it was not very likely that one side would be persuaded by the other side's arguments. Hamas was aware of this and the movement sees the religious arguments used by the other side as evidence of the improbability that Israel would make concessions. The DOP itself does not deal with religious matters, save for one matter of religious importance, namely the status of Jerusalem. What was to happen to Jerusalem was of major concern to both the Palestinians and the Israelis and as the issue had great potential in creating and maintaining conflict it was important to find a solution. Nüsse (1998:152) argues that this issue was the one issue where Hamas got to make use of their religious arguments, because the movement mainly had to object to the DOP in the same terms it was written, i.e., political. In addition, as the city's status was of importance to most Palestinians this was one issue where Hamas could expect to get support from people who were normally more moderate in their political orientation (Ahmad, 1994: conclusion).

During the negotiations the parties could not agree upon Jerusalem's status, thus in the DOP it was deferred to the Final Status Negotiations (article V and agreed minutes). There were issues concerning whether the city should it be under Israeli, Palestinian, joint or international jurisdiction and control and which parts of it that should be included in the negotiations. The Palestinians wanted the areas taken in the wars of 1948 and 1967 to be negotiated, while Israel saw an inclusion of the land taken before 1967 as questioning Israeli sovereignty (Davis, 1999). The city is held sacred by all three religious groups; Jews, Muslims and Christians. Considering that the city is "the eternal capital of the Jewish people" (Rabin quoted from Abbas, 1995:242) and that this is a matter of creed, Hamas argued that Israel would never be ready to make concessions on the issue (Nüsse, 1998:147) and this made the DOP worthless in this regard. Hamas's stand is underpinned by Rabin's statement about the Final Status Negotiations in an interview in the Israeli newspaper Maariv in August 1993: "There are a number of basic principles about which we will have to agree. One is that Jerusalem will [remain] under exclusive Israeli responsibility (...)". In a speech in the Knesset on September 21, 1993, he reemphasizes this and states that the "(...) entity that will manage the lives of the Palestinians in the territories [i.e., the PNA] has no authority in this regard [of Jerusalem]" (Israel Ministry of Foreign Affairs, 1993). According to this it seems reasonable to believe that Hamas had a point. An equally uncompromising view which underpins the importance of the city to the Muslims is expressed by the imam and *Sharia* judge Hamad Bitawi: "[we] will never accept for Jerusalem to be under your [Israeli] control and if the Palestinian people were to accept that then this problem will remain of great concern to the whole Islamic nation (...)" (Bitawi quoted from Ahmad, 1994: chapter 5). If it really was so that no concessions would be made on the issue, then why was it scheduled to be negotiated in the Final Status Negotiations? One reason may be that it was clear to both parties that it would be very difficult to reach an agreement about it and by postponing it they at least accomplished the signing of

the DOP. Dajani (1994:17) believes that this was a tactical step taken by the Israelis. He argues that by the time the parties would have reached the final talks the Palestinians would have already conceded so much, that the only matter remaining to concede would be Jerusalem. In his view the agreement was so unfavorable to the Palestinians that they would be forced to give up Jerusalem. A side effect of the postponement is that it gave both the parties time to create facts on the ground, i.e., to undertake measures with the aim of changing to one's own favor the demographic and geographic nature of a matter, in this case of Jerusalem. Such measures could be the construction of new settlements, the moving of more people into the area and the expansion of city borders. According to article V of the DOP, it was illegal to take unilateral steps during the interim period to prepare the conditions so they would be in one's favor at the time of the Final Status Negotiations. Also the UN Security Resolution 252 of 1968 makes it illegal to alter the landmarks of the city (UN, 1968). This was one of the explosive areas of the DOP that Ashrawi referred to, mentioned in Chapter 3. She was shocked by the lack of guarantees preventing Israel from creating facts on the ground and stated: "(...) we know that they [the Israelis] will exploit their power as occupier to the hilt and by the time you get to permanent status [negotiations] Israel would have permanently altered realities on the ground (Ashrawi quoted from Waage, 2004: 139). The danger was that Israel as the strongest part with control of the city would not abide by the DOP and create facts on the ground that would pre-empt the final outcome in the way that the facts created would contribute in determining e.g., which parts of the city that would be subject of negotiation. It turned out that Ashrawi's fears were not unreasonable. The most controversial creation of facts on the ground was the construction of a large new settlement in Arab Jerusalem in 1997 under Likud's Prime Minister Benjamin Netanyahu. It was meant to demonstrate for the Palestinians the improbability of achieving a Palestinian capital in East Jerusalem (Cleveland, 1999:495). The creation of facts was also of concern to Hamas. Shanab (in Gaess, 2002) expresses

concerns about the Israelis continuing to expand their settlements and as seen in Chapter 4 Marzuq, one of Hamas's political leaders, pointed to the DOP's failure to stop the Zionist settlement policy (Nüsse, 1998:142). The movement sees the creation of facts as a "(...) proof of [the Israelis] disinterest in a genuine reconciliation (...)" (ibid, 146). Thus we see that also in this regard Hamas found the agreement inadequate and I believe this constituted yet another reason to reject it.

6.3. Final Battle.

Hamas's resistance to the DOP must be seen in light of the movement's belief that only under Muslim rule will there be peace (article 6). Under Christian or Jewish rule there will be fighting, torture and uprooting according to article 31, in which history is pointed to as proof of this. By pointing to the history of Islam Hamas emphasizes the religious character of the conflict. As mentioned, the Charter expresses Hamas's view upon the conflict as a religious conflict, one between rival religions, and it must be dealt with on that basis (article 15). This point of view is shared by the human rights activist Bassem Eid (n.d.) who argues that an Islamization of the conflict has taken place. He too sees the conflict now as not so much about nationalism or territory, but as one between religions, mainly between Judaism and Islam. However, as seen earlier the views expressed in the Charter are not always completely consistent with that of the Hamas members. The absolutistic nature of some of the articles of the Charter or of some of the official statements may in some instances be moderated by people within the organization. In this regard I find it appropriate to point to that the view upon the conflict and the solution as a religious one, needs to be nuanced. An example is provided by Shanab's statement in an interview, in which he says that the Palestinian conflict is a political conflict (Shanab in Gaess, 2002). Another example of moderation is that Shanab goes on to speak about the right of return and the 1967 borders as minimum requirements for a solution of the conflict. His acceptance of the 1967

borders represents a deviation, and a moderation from Hamas's official statement that stresses the establishment of a Palestinian state within the mandatory borders.

Hamas envisages the members of all religions living together in harmony in an Islamic state. Christians and Jews will have the status of being *dhimmis*, i.e., followers of the religions tolerated by law. They will have freedom to practice their religion and manage some internal affairs through religious offices, but they will have to pay a special poll tax (Cleveland, 1999:14) and not be considered equal to the Muslims as members of the national community. The peace will be the result of an unavoidable final battle between Jews and Muslims, in which the Muslims, for being true believers, will be the prevailing part. "The Day of Judgment will not come about until Muslims fight the Jews (killing the Jews) (...)" (Charter, article 7). The Jews, for not having accepted Muhammad as God's last prophet, will lose the struggle (Nüsse, 1998:148). The Charter explains the existence of evil with the absence of Islam (article 9). The absence of Islam also accounts for the marginalized and deprived situation in which many Palestinians find themselves today. A frequently used argument by Hamas to explain why Israel has been so successful in its wars is that it is a religious state. One might find this argument somewhat paradoxical considering how the Jews are renounced as infidels by Hamas. Israel's very existence is perceived to be a consequence of the Muslims having abandoned Islamic norms (Mishal; Sela, 1997)¹⁹. According to the movement the Arab defeat is due to the states being secular in addition to lacking religious devotion (Ahmad, 1994: chapter 2). Thus also here the connection between religion and nationalism is evident as we see that territoriality has a religious aspect to it; the Palestinians' loss of territory is a consequence of the absence of Islam from the realities of life.

The opening of the Charter states in the words of Hasan al-Banna that "Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors". For Hamas the battle between Muslims and Jews constitute a

¹⁹ See chapter named "Roots and Perceptions".

historical law. It is bound to happen, but this also necessitates the Muslims engaging in action and taking responsibility to make it take place and in this way bring the subsequent peace about. Israel as a Jewish state has to be eliminated and it must be done through *jihad*. The many numbers of articles that stress *jihad* in the Charter bear proof of the significance it holds to Hamas. As a Muslim one has an obligation to wage *jihad* until Palestine is free (Charter, article 15), i.e., independent and Islamic. According to Hamas, by giving up the fight permanently one also renounces religious faith. Hamas sees itself in a leading position in the fight against world Zionism (Kurz; Tal, 1997: chapter 1). The spirit of *jihad* must be spread among the Muslims and the only solution to the Palestinian problem is by waging holy war against the Jews; “(...) we have no escape from raising the banner of *Jihad*” (Charter, article 15). That the Muslims will prevail in the unavoidable final battle makes Israel limited in time. The Oslo agreement thus only constitutes a *delay*, on the road towards a free Palestine, because it tried to prevent the battle from taking place. It was not a complete stop. A precondition for the final obliteration of Israel is that society is sufficiently Islamized. The DOP does not make provisions for an Islamization of society nor for an Islamic state. On the contrary it legitimizes the state of Israel which is Jewish, and in Rabin’s letter to Arafat (Rabin in Abbas, 1995:239) the PLO, which is a secular organization, is recognized as the legitimate representatives of the Palestinian people. As mentioned, the Hamas Charter states that secular thought is opposed to religious thought (article 27). The movement cannot accept secular rulers because they have departed from God and God’s law.

6.4. Summary.

Then returning to the questions from the beginning of the chapter, what factors discussed in the Charter can account for Hamas’s religious opposition to Oslo and in which ways can the opposition be said to be motivated in religion? It was important to object to the agreement because it represented a breach with several

of Hamas's religious doctrines, and it had a great impact on the movement's aim of establishing an Islamic state. From the discussion it is clear that some of the opposition to the agreement was religiously motivated; according to the Charter, for a devoted Hamas supporter abandoning territorial objectives meant abandoning religious beliefs. Thus an acceptance of the DOP implied giving up Islam. Not objecting to the agreement would constitute a treason against own beliefs and more importantly against God. The DOP renounced parts of Palestine and this way divided the holy land and gave it to infidels. It did not plan for an establishment of an Islamic state and was considered both worthless and unjust in the matter of Jerusalem, because Hamas believed Israel would never make concessions on the matter and the agreement would eventually lead to the Palestinian surrender of the city. Israel was believed to break with the DOP and create facts on the ground, something which would enhance the danger of the Palestinians having to give up the land. In addition the DOP contradicted the historical law of the unavoidable final battle which is absolutely necessary because only when the Muslims have prevailed and a complete Islamization has taken place, can there be peace. The DOP also laid the foundations for a secular state or at least it enhanced the danger, in Hamas view, of consolidating secularism in Palestine because the PLO was given control and rights of representation.

All these religious factors must nevertheless be seen in connection with other elements such as nationalism, politics and identity.

7. Conclusion.

In this thesis I have discussed Hamas's various reasons to oppose the Oslo agreement. This has been done through exploring through discussion how the agreement contradicted the ideology of Hamas, how it affected the movement's objective of achieving a free, Islamic Palestine and how the agreement influenced Hamas's way of achieving this through *jihad*. In Chapter 4 I discussed Hamas's political reasons of opposition and I found that the movement objected because of the DOP was almost silent on issues seen as vital for the Palestinians. It nearly ignored the question of the refugees and it lacked adequate provisions for the establishment of a Palestinian state and of Palestinian sovereignty. It did not stop the construction of settlements and was seen to legitimize the continuance and consolidation of the Israeli occupation, and it failed in planning a sustainable, profitable economy. Providing a solution to these factors is a prerequisite for the creation of a free Palestine. In addition, Hamas used the fact that the agreement was inconsistent with UN resolutions as a reason to oppose.

In Chapter 5 the tactical reasons of opposition were discussed. The tactical resistance was due to that the DOP put an end to the *intifada* and threatened to stop the movement's *jihad*. As Hamas came to existence with the *intifada* some believed Hamas's survival depended upon the continuation of the uprising. There was a risk of Hamas losing its status as a mass organization if the *intifada* ended. To achieve a free, Islamic Palestine Hamas to a large extent employed armed *jihad*. The agreement put down military restrictions and made the *jihad* illegal and its performers became liable to penalties. Thus Hamas was faced with a dilemma of either ending the armed struggle and this way abandoning its beliefs as expressed in the Charter or continuing the armed struggle and at the same time risking alienating the Palestinians in favor of the agreement and face confrontations with the PNA. In either case Hamas faced marginalization on the political arena. A helping factor for Hamas in this dilemma was that the movement

had the opportunity to resort to *hudna*, something which would put the holy war on hold and help Hamas escape criticism of breaking with own religious beliefs, as the *hudna* does have religious legitimacy. A similar dilemma was found in the DOP's subordination of Hamas to the PLO-led PNA. Both an acceptance of the ruling by the PNA and a rejection was problematic. An acceptance implied recognition of the agreement and abandonment of own ideas. It also meant recognition of the PLO as the legitimate representatives of the Palestinian people. Not accepting meant putting itself at risk of severe confrontations and at worst a possible elimination by opposing the PNA, the PLO, Israel and the international community. Now in hindsight we know that Hamas survived. However at the time, the threat that the DOP could stop the movement's use of *jihad* as a way to achieve a free Palestine was perceived as so severe that it was important to oppose on this tactical basis.

In Chapter 6 I discussed the religious reasons of opposition and here I found that reasons to oppose were that with the DOP Palestine, the holy land of the Muslims of all generations, was divided and part of it was given to the infidel Israelis. An acceptance of this would mean a betrayal of Islam and an abandonment of the Charter. The DOP did not make provisions for the establishment of an Islamic state and it contradicted the historical law of the final battle between Muslims and Jews, something which according to Hamas is what will lead to permanent peace.

7.1. The Most Important Reason of Resistance.

What were the most important reasons for Hamas's opposition to Oslo then?

As mentioned in the previous chapter Cleveland (1999:492) argues that Hamas's opposition to the agreement was grounded in the Hamas Charter. With its definition of Palestine as a *waqf* it became impossible for the movement to accept the DOP. For Cleveland then, the religious argumentation seems to be the most important. Nüsse on the other hand, believes that the main argumentation against

the Oslo agreement was political and that this is due to that Hamas responded to the agreement in the same terms as it was written, namely political terms. Here we can recognize two types of argumentation, an ideological and religious one versus a more concrete one. On the one hand the objections are grounded in ideology and religion, which leave little room for compromises because the nature of the two very often is absolutistic. On the other hand, the resistance finds expression on a more concrete level. Here the objections are grounded in what I choose to call real life issues such as the issues discussed in Chapter 4 and 5; struggle for basic rights and sovereignty, as well as competition over power and adherents.

I agree with Nüsse. I see the political resistance as more important than the religious one, because I believe that the conflict is fundamentally political; over territory, resources and rights of sovereignty. However, because the national-political division lines of the conflict correspond with the religious division lines, both sides use religion to bolster and strengthen their arguments for what they perceive as their land. And both use religion to claim legitimacy and control in the way that they base their claims on the religious significance of events and places within the same territory. This does not mean that I question that the religious argumentation of Hamas is based on genuine faith and beliefs. I do not believe that religion is used purely as a pretext to sell a political point of view, but because I see the conflict as political in origin, I believe the political arguments to be more important. Even if the religious arguments have value of their own, I see them as more relevant to explain the resistance when used together with political arguments with the purpose of enhancing the latter's significance. In the thesis I have stated that I believe the religious arguments to be more absolute and less subject to change than political ones. One of the religious arguments was that Hamas believes that Palestine belongs to the Muslims because they are Muslims. The DOP gave some of the area to the Jews, and impeded the restoration of an Islamic state in mandatory Palestine. Thus Hamas resisted the DOP. I do not question that for Hamas this is an important religious reason to object to the

agreement. However, in spite of this religious argument's absolutistic nature I still do not find it as important as the political arguments because I believe it is used to reinforce a claim of territory, something which I see as a political claim. Although Hamas states in its Charter that Islam guides all the movement's actions and beliefs, I do not believe that a purely religious perspective governs Hamas's view of the Oslo accords. That the conflict is fundamentally political goes for Hamas too, but as religion has gained significance the conflict has taken on a religious aspect and in Hamas's case an Islamization of the conflict has taken place. This is evident in that Hamas stresses the importance of restoring Islamic values to society as a solution to the conflict, as opposed to Jewish and secular values, and it corresponds with Hamas perception of the conflict as one between rival religions; Islam and Judaism. Also adding to why I do not find religion to constitute the most important reason of opposition is that Hamas proved itself to be very ideologically flexible when it could be favorable for the movement to sidestep its religious dogma as expressed in the canonical text and its leaflets.

When it comes to what I chose to call the tactical reasons of opposition I see these as more important than the religious ones. The agreement was believed to be a threat to the very existence of Hamas, because Hamas to a large extent is founded on the struggle against Israel. Hamas is far less popular in times of relative peace than in years of much violence, such as the years of the first *intifada*. This adds weight to Mishal's and Sela's assumption that Hamas depended on the continuation of the *intifada* for its popular support. It does not, however, strengthen the assumption that Hamas would completely cease to exist without it. As seen in the thesis Hamas proved to be very flexible and pragmatically oriented. It skilfully manoeuvred its way through different kinds of problems and challenges. It was important to resist on a tactical basis because the DOP did pose a danger of marginalizing Hamas politically and militarily by putting restrictions on military activities. The real danger of Oslo in this regard however, was Hamas's subordination to the PNA, especially that the PNA was

given power to deal with Hamas's infrastructure which to a large extent is the civilian wing of the movement. It constituted a great risk to Hamas because if the civilian wing was punished then Hamas faced losing its base of popular support because the movement receives much of its support from the activities associated with this wing.

Thus the tactical reasons of opposition were based on genuine fears, but the agreement did not in my opinion threaten Hamas's *raison d'être*. As to whether Hamas was able to survive without the *intifada*, in retrospect, we will have to say that it has. Hamas survived even when the *intifada* ended. However, if one sees the *intifada* as a kind of *jihad*, because it was part of the general fight against Israel, then it cannot be said to have ended, because the *jihad* did not end with the signing of the agreement. As seen, after the Temple Mount Massacre of 1990 and particularly after the deportation of 1992, *jihad* took on a more violent form and to a large degree became equated with military or armed struggle. This fight is still going on with occasional breaks. Thus if Hamas will survive, and what role it then can assume in a state of real peace, remains to be seen.

I find the political reasons of opposition to carry the most weight. The most important reason to object was that the agreement was perceived as very unjust for the Palestinians. While the religious and tactical arguments of resistance for the main part were particular of Hamas the political objections were shared by many groups opposed to Oslo, something which highlights the importance of these objections. The agreement's major shortcoming was that it did not address the Palestinian's basic claims, although some of these were postponed to be dealt with on a later stage. In addition it was so vaguely formulated that many issues would have to be renegotiated, and given the asymmetric relationship of power between the PLO and Israel, Palestinian critics believed Israel would be the beneficiaries of these renegotiations.

7.2. Relevance and Lesson Learned.

In identifying the reasons behind Hamas's opposition to Oslo I point to various weaknesses of the agreement, weaknesses that resulted in the DOP being rejected and opposed to by many parts of the Palestinian society. My thesis also points to part of the reason why the agreement now lies dead. Since my thesis deals with the political, tactical and religious reasons, something quite specific, I will not argue that these *per se* can be generalized to other studies. It is difficult to generalize from my findings, because they are very pertinent to Hamas but one lesson can be learned which may have validity outside the realms of Hamas and Palestine: there are great risks involved in ignoring in a peace process a group the size of Hamas which enjoys support from so many people. Hamas is a very important actor in the Israel-Palestinian conflict and I find it unrealistic to believe that a peace agreement followed by a durable peace can be achieved when it not only excludes such a group but also contradicts the ideas and beliefs of a movement with the amount of support that Hamas enjoys. Considerations should be paid to such strong actors, because they have both the power and the will to either uphold or destroy what they perceived as an unfair deal. A peace process should be as inclusive as possible. This is very difficult because in order to achieve a peace agreement one must make concessions and waive claims and as seen in the thesis Hamas states that it does not want a peace agreement at all and it holds very uncompromising stands on many issues.

7.3. Outlook.

Since the outbreak of the second *intifada*, the al-Aqsa *intifada*, in September of 2000, Hamas became more militarily and politically active. It was denounced as a terrorist organization by the US in 1997 (U.S. Department of State, 2003) and by the European Union in 2003 (Frey, 2005). During the *intifada* many notable Hamas members have been killed, including leaders such as Ismail Abu Shanab, Sheikh Ahmed Yassin, who was released from prison in 1997 and Abdul Aziz al-

Rantisi. They were assassinated by Israel respectively in August of 2003 and March and April of 2004 and the movement's popularity increased after these killings. Others such as Khaled Meshaal and Musa Abu Marzuq have fled to Iran and Syria. The former in addition to Mahmoud al-Zahar and Ismail Haniyya now serve as the movement's top leaders.

Following Yasser Arafat's death in November 2004 Mahmoud Abbas was selected chairman of the PLO and elected president of the PNA in January of 2005. In March he got Hamas to agree to a temporary cease fire with Israel. It is however a very fragile truce, which has been shaken many times, especially during the fall of 2005. I do not believe the Oslo agreement posed as big a threat to the movement as it first was believed to do. Now we know that the movement has survived, both as a military, civilian and political organization. If the parties reach a state of real peace, then maybe the movement will have to fall back on missionary, social and non-violent political work as the military wing will probably be redundant because Hamas's call for an elimination of Israel will be less attractive to the Palestinians. However, given the current situation with daily attacks between Israel and Hamas I do not find it likely that a sustainable peace will emerge any time soon and in a state of continuous conflict Hamas is strong enough to challenge the PLO for leadership. This can be said to have happened to some extent already as the movement participated and did well in municipal and local elections of May and September 2005. As to whether the movement will participate in the parliamentary elections scheduled for January 2006 remains to be seen, as the movement at the time of writing has not yet decided its stance in this matter and it has not been decided if Hamas will be permitted to participate. Not permitting Hamas to participate could undermine the legitimacy of the electoral process because it would mean suppressing the voices of the movement's many supporters. At the same time if Hamas decides and is permitted to join that would mean the movement would have to abandon some of its most uncompromising ideas. In order to survive as a political party and be a part of a democratic system

it would have to abandon its call for *jihad*. This might seem unlikely to happen, but here I find it appropriate to draw a comparison to the PLO and Fatah. These organizations embraced the Oslo process, abandoned their armed struggle and accepted Israel's right to exist in spite of the PLO Charter (1968: article 9, 22), the PLO Constitution (1968: article 3) and the Fatah Constitution (1964: article 12) aiming for an elimination of Israel. Thus I find it difficult to discount for all future the possibility of Hamas moderating its views and abandoning its stipulations of a total eradication of the enemy state. Another sign of flexibility is that Hamas used the UN resolutions, which in the movement's eyes were illegal, to argue against the DOP, something which implies an acceptance of the resolutions. Thus, this together with Hamas's offer of a *hudna* may be regarded as a move from absolute rejection to a *de facto* recognition of Israel. Participation in the electoral process then could constitute an important step in reducing violence in the area something which may have the positive consequences of leading the peace process forward.

Even if the military wing ceases to exist I believe Hamas will be able to survive as an Islamic organization because of its political program and not least because of the extensive social provisions which attracts supporters, offered by the civilian wing. I believe Hamas will continue to spread its message through its social institutions and welfare organizations, as well as through the municipalities and the unions.

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