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Hamas and the clans: from Islamisation of tribalism to tribalization of Islamism?

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ABSTRACT

To explain how the Islamic resistance movement Hamas has remained in power in Gaza for nearly two decades, the police state argument, ruling through the use of force, is insufficient. One also needs to look at Hamas' relation to Gaza's ubiquitous kinship groups. Gazans' trust in kinship institutions is deeply rooted, as is confirmed by a survey presented in the article.HT After seizing power in Gaza in 2007 Hamas approached the kinship sector with the aim of curbing the strong clans and restructure important kinship institutions. Yet, over the years, engaging with the kinship institutions, especially the informal law sector, also had an impact on Hamas itself. The use of informal law and conflict resolution mechanisms thus became a distinctive feature of the "soft" dimension of the Hamas form of rule. The policy has been appealing to the kinship groups and narrowed the cultural distance between the two. The focus on kinship and local culture is relevant for the wider field of rebel governance research, I contend. In order to understand insurgent governments' success or lack of success in winning civilians' hearts and minds, how the rulers adjust to local culture must be analysed.

Introduction

This article discusses the relationship between the Islamic Resistance Movement Hamas and local kinship groups in Gaza. Hamas seized power over the Gaza Strip in 2007, driving the internationally recognised Palestinian Authority out of the small coastal territory between Israel and Egypt where 2 million Palestinians live at 365 km^2. Since then, the Hamas regime in Gaza has been the target of an international boycott and blockade, reducing the average income in Gaza by fifty percent (World Bank 2018). During Hamas' reign, more than 4,000 people have been killed in four mini-wars with Israel. Yet, from one crucial perspective the Hamas rule has been a success story: its ability to survive. This, it has been claimed, has to do with the military strength of Hamas and how they have curbed internal opposition by developing an Islamist police state (Amrov and Tartir 2014; Schanzer 2009).

I will argue that the police state perspective is insufficient to explain Hamas' sustained grip on power in Gaza. There are also elements of hegemony and ideological power to their rule. This can be observed in their relation to Gaza's ubiquitous kinship groups.

Hamas has managed to establish a monopoly on the use of violence, and curbed all opposition from political factions or clans. Yet, their approach has not been unilineal. After Gaza's strongest clans had been disarmed and disempowered, Hamas engaged in a policy of restructuring the kinship sector. This process also had an impact on Hamas itself, adopting elements from the sector it initially had sought to change. I contend that the narrowing of cultural values between the two, Hamas and the kinship groups, is a key to understand Hamas's relatively successful rule in terms of stability and avoiding significant local opposition to their governance.

The topic of kinship and the authorities' relation to the kinship sector has been largely absent from studies of Gaza after the Hamas rule was established. The dearth of scholarship in the thematic is surprising given the scholarly consensus on how neopatrimonialism constituted a distinctive feature of the way the Palestinian Authority, Hamas predecessors, ruled Gaza while in control from 1994 to 2006. Neopatrimonialism has further been identified as a core element of autocratic stability in the larger Arab world (Baram 1997; Charrad 2011). The concept as outlined by Brynen (1995) refers to a form of rule where the state's formal and legal structures are combined with systems of patronage and clientelism. Clients compete for resources and the ear of the patron, this form of rivalry even being actively encouraged. In the Gaza context, client groups mean kinship groups. Much of the literature on neopatrimonialism has focused on forms of material rewards within a clientelist, hierarchical system (de Walle, 2009; Bank and Richter 2010). Yet, neopatrimonialism is a form of rule by consent, of hegemony (Ugur-Cinar 2017; Bank and Richter 2010). This makes it necessary to also analyse the cultural dimensions of neopatrimonial rule.

In the same way as kinship has been absent from studies of Gaza under Hamas, it has been absent from rebel governance studies, i.e., the study of how territorially based rebel groups interact with and govern civilians (Arjona, Kasfir, and Mampilly 2015). The research field of the significant part of the world's population that lives in territories where state authorities are either weak or absent and have been partly or entirely replaced by rebel groups is nascent but has yet grown considerably during the last decade. The research is especially relevant for the Middle East where after the uprisings in 2011 an increasingly large area has, for shorter or longer periods of time, come under the rule of non-state armed groups. Yet, no cases of the first book-sized studies dedicated specifically to explore rebel governance were from the Middle East (Mampilly 2011; Arjona, Kasfir, and Mampilly 2015). Similarly, no peer-reviewed articles have been published on how rebel rulers relate to traditional law, *'urf*, in the Middle East – as far as I have been able to detect – even after the increased interest in rebel governance in the region after the phenomenon of the IS/ISIS "caliphate" in Iraq and Syria.

While the kinship field may have been absent from the rebel rule scholarship, scholars have been aware of the need to study local dynamics between rebel rulers and civilians under their control. Mampilly (2011, 66–68), for one, has urged not to let external factors dominate analyses of rebel behaviour, treating civilians as passive, but to explore local interaction and dynamics to understand the behaviour of insurgent governments. Again, one way to pursue such research on internal factors and local dynamics between rebel rulers and civilians is, I assert, to explore how insurgent governments relate to, influence and are influenced by local kinship groups and institutions. This largely unexplored field within rebel rule research is important to understand the insurgent governments' success

or lack of success in winning local hearts and minds, not having to waste their resources on suppressing the population.

Yet, is the case of Hamas a case of "rebel rule"? Different rebel rulers vary hugely in behaviour and objectives. A considerable number are, as termed by Stearns (2022), "rebels without a cause," characterised by being economically self-interested non-state violent actors, nonideological, pursuing economic payoffs, proliferating in weak or collapsed states (Mampilly 2011, 28). Hamas belongs to a radically different category of insurgent governance. They have a clearly formulated ideology, a charter and political programme (Hroub 2006), and they remain committed to continuing their resistance while they run a de-facto state administration (Sen 2015, 212).[1] And, crucially, they have participated in democratically elections and won them – elections that were hailed by the international community for being fairly conducted yet not recognising its outcome (de Soto, 2007).[2] Although Hamas is a radically different case of insurgent governments from the "rebels without a case" category, it is not a unique one. Rather it belongs to the same category as the LTTE (The Liberation Tigers of Tamil Eelam) in Sri Lanka and the SPLA/M (The Sudan People's Liberation Movement/Army) among others (Mampilly 2011); being engaged in a liberation struggle while ruling a territory and a population they also claim to represent.[3]

Methodologically the article mainly builds on structured interviews carried out in 2019 and a quantitative survey in 2020. The interview objects were selected based either on their positions as leaders or representatives of the kinship sector or as being part of the Hamas movement. The kinship sector meant representatives of prominent clans, Bedouin tribes and 'urf judges. Interviewees from Hamas included representatives from the formal judiciary, Islamic conflict resolution committees and local refugee camp leaders. All interview objects consented to the use of their names. Some names have nevertheless been anonymised.

The survey was conducted in 2020 with a representative sample of 1014 respondents, through face-to-face interviews with local fieldworkers. Hani al Dada was responsible for organising the survey and carrying out the structured interviews in Gaza.

The article is structured into four parts. First, I describe the importance of the kinship sphere for social organisation in Gaza through recent history. The second part deals with the first phase after Hamas' takeover in Gaza, marked by de-tribalisation; the political outmanoeuvring of Gaza's strongest kinship groups. The third part deals with the opposite process, retribalisation; the restructuring of the kinship sector and the integration of informal law and conflict resolution into the justice system. Finally, I return to the discussion of Hamas and neopatrimonialism, concluding on the importance of analysing the cultural aspect of hegemonic rule.

Before this, to understand the importance of the kinship sector to Palestinian political culture, I will outline the role of kinship groups and one of the most important kinship institutions, 'urf, the informal law system of the Bedouins, in various phases of Gaza's recent history.

The role of kinship in the refugee state

Most of the surface of the land in the Gaza Strip is sand. Because of this traditional *fellah* (peasant) villages were relatively few in the area, historically the poorest in Palestine. The majority of the 60,000 inhabitants lived in the two old cities of Khan Younis in the south

and Gaza City in the centre, with a considerable number of Bedouins living in between. Then during the war in 1948, 160,000 refugees poured into the territory of 365 km^2, outnumbering the original inhabitants by nearly three to one (Morris, 2004, 569; Roy 1995, 24). The refugee influx dramatically changed the social landscape in Gaza with the main historical cleavages being between tribes (nomadic or semi-nomadic Bedouins), village people (*fellahin*, peasants) and city people (*mudun*), each having a distinct cultural identity based on their livelihood and being sceptical of the other groups. Yet, they all shared some basic principles of kinship, ideological as well as organisational. Among the principles of kinship ideology (tribalism) were '*asabiyya* (strong internal ties of solidarity); collective responsibility; and a patrilineal endogamous marriage pattern (Jabar, 2003, 73; Holy 1989; Todd 1985, 133). Social organisation implied a series of concentric circles from the tribe (*qabila*) at the top, through the clan (*hamula*) or subtribe ('*ashira*) to the extended family (*dar, bayt*) and the household (*usra*) (Barakat 1993, 50–51; Bates and Rassen, 2001, 276; Bonte 2003, 59). Conventionally the patrilineal kinship group of the *fellahin* (peasants) and *mudun* (city people) would be referred to as *hamula* (clan), while the kinship groups of the Bedouins would be referred to as *qabila* (tribe) and *ashira* (sub-tribe). All of them, however, shared an honour-based cultural code of conduct while the Bedouin form of customary justice, '*urf*, had been adopted and practiced also in the peasant villages and the towns (Isser 2011).

While the old social cleavages of Bedouins, peasants and towns people did not disappear in 1948, a new additional social dichotomy would penetrate Gaza society in the years to come; that of refugees versus "citizens" (*muwatinun*) as the non-refugees were called. The *muwatinun* became increasingly introvert, fearing that the refugees who worked on their land would end up taking it (Author, 2009).[4] The '*asabiya* of the kinship groups was strengthened by the external threat, with higher demands for internal conformity and stronger social borders against contacts outside the kinship groups.

If retribalisation was a feature of social organisation of the *muwatinun* after 1948, detribalisation at first characterised the refugees. In the camps, the only thing that mattered was the armed struggle for return while old internal cleavages and the kinship-based honour code were regarded as an Achilles heel by the evolving armed Palestinian liberation movement (Warnock 1990, 23; Peteet 1992, 187). "Feudalism (*not to mention tribalism*), sectarianism, fatalism and occultism" in Arab society had to be overcome first to have liberation, wrote Constantine Zurayk in "The Meaning of the Disaster" that had a deep impact on Palestinian guerrilla leaders (Zurayk 1956, 56 English version) (Baumgarten 2005), 28, italics added). However, the refugee camps also needed systems of justice and conflict resolution. The need was largely filled by '*urf*, the tribal, informal law traditionally organising Bedouin society (Welchman 2009; Stewart 2006; Kressel and Abu-Rabi'a 2011; Kressel 1993). Thus, while the clan had been weakened and ideologically repulsed, kinship-based informal justice was sustained (Khalidi et al. 2006, 34).

The 1967 occupation of Gaza and the West Bank strengthened Palestinian kinship organisation inside the occupied territories as the Palestinian underground fell, relocating to Jordan and Lebanon (Kimmerling and Migdal, 2003, 275). A dramatic increase in the use of '*urf* pursued. The Palestinians completely distrusted the Israeli military judicial system. Going to a Bedouin judge rather than the court system of the occupier even came to be considered an expression of Palestinian nationalism (Terris and Terris, 2002, 470).

The use of 'urf and kinship-based conflict resolution mechanisms were further strengthened during the first intifada, from 1987 to 1993. UNLU, the United Leadership of the Uprising, boycotted all institutions of the occupation. As in the refugee camps after 1948, their need for systems of justice and mediation, including for their own internal conflicts, was largely covered by the informal law sector. The intifada was in fact "the golden age" of tribal law and conflict resolution, according to tribal judges themselves (Khalidi et al. 2006, 36; Sogge 2022).

In 1994, when the Palestine Liberation Organisation (PLO) returned to Palestine, the social borders between refugees and the *muwatinun* were still hard to cross in Gaza. Yet, tribal law and conflict resolution had been deeply anchored within both communities.

The tribalization of Gaza under the Palestinian Authority

When, following the 1993 Oslo-agreement, the PLO returned from exile to establish their own government in parts of Gaza and the West Bank they basically had two alternatives regarding how to relate to the clans and kinship groups of Gaza. The first was to transcend the collective solidarities and tribalism associated with the *muwatinun* and anchor their power socially in the refugee community while developing a universalist law-based political system. The other was to traditionalise the political system and use the informal sector to ally with the Indigenous, landed powerful clans. They chose the latter as witnessed by two features of their form of rule. One, organising various public services through local kinship representatives and two, recruiting powerful clans into the power system.

As for the organisation, an office of tribal affairs, with 200 offices spread around Gaza, was established in 1995 (Terris and Inoue-Terris 2002, 492). It became mandatory for every person in Gaza to have a *mukhtar*, a family headman, as a representative approved by the authorities. For a family (or a patrilineal kinship group) to have a mukhtar the family had to be of a certain size, which meant that the smaller families had to align themselves with larger ones that had a mukhtar. For basic civil services, like obtaining identity cards etc., people would then have to get through their mukhtars, thus forcing the system through.

The second part of recruitment and co-option was reflected in how many of the main ministries of the PA were given to PLO-returnees or leaders of big, powerful clans of the *muwatinun* (Terris and Inoue-Terris 2002). This implied that the main forces of the intifada, the internal leadership of the *shabab* (the young leadership of the United National Leadership of the Intifada), as well as the Islamist movement of Hamas, were sidelined. Furthermore the security sector in Gaza was partly organised based on kinship belonging. PA-leaders preferred to recruit personnel from a single clan. They would then have the loyalty of all rather than a split within their own ranks. Possible assaults would be deterred as no one risked to be dragged into the violent circles of clan vendettas, it was believed (International Crisis Group 2007, 3). An example of one of the recruitments was the large Hillis clan. Suleiman Hillis was selected as general of the National Security Forces. His cousin, Adel Hillis, was nominated as Brigade General operating the Criminal Investigation Department. The department was fully manned by his clan people (International Crisis Group 2007, 3).

The result was personalisation of power and perpetuation of clientelism, as Brynen (1995) had described in his article on neopatrimonialism. "Clan culture was decreasing in

the past, but now it is being encouraged again, at the expense of the legal system … Arafat is encouraging clan culture because it is to his advantage to favor the group over the individual," said Haidar Abu Shafi, one of the most respected Palestinian leaders in Gaza at the time (Terris and Inoue-Terris 2002, 493). In October 2000 the second Palestinian uprising (*intifada*) broke out. When the PA had aligned with powerful clans it was because they had thought this would increase stability in Gaza. During the *intifada*, however, the clans would be drivers of much of the chaos and fragmentation that came to characterise the uprising.

Thus, a feature of the second *intifada*, different from the one from 1987 until 1993, was *weaponisation*. Israel attacked the members of the security apparatus of the Palestinian Authority to punish suicide attacks mainly conducted by Hamas. The Israeli retaliatory measures included incursions and attacking and destroying police stations. As a result, Palestinian police and security personnel were ordered to safeguard their weapons – by taking them home. As a large portion of the armed forces of the PA in Gaza was recruited on a clan basis, their weapons then became assets in the domestic sphere. Through this process, clans were transformed into militias. Their neighbourhoods became surrounded by walls and road blocks while defence systems would prevent outsiders from entering their territory. Some combined this with lucrative, illicit activities like smuggling, car-jackings, debt-collecting, kidnappings, weapon sales and even rocket production[5] (International Crisis Group 2007, 7). As the informal irregular business flourished, so did competition over the different turfs leading Gaza to sink into *fitna*, the chaos of the weapons and the clans. In 2006 more than 8,500 cases of conflicts between families were recorded in Gaza, including 50 murders. A gun culture had become a badge of honour for some families. Teachers reported that they were not able to stop pupils from bringing guns to the classes (International Crisis Group 2007, 5, 9). On top of it all, the Islamic resistance movement Hamas and the main party of the secular Palestinian national movement, Fatah, ran a shadow-war, through allied clans and militias.

After Hamas won the Palestinian elections in 2006, attempts to form a unity government with Fatah failed. As a consequence, the fighting between the two liberation movements further intensified. Then, at times brutal but military successful shock operation in June 2007, Hamas drove Fatah out of Gaza. Since then, Gaza has been under the rule of Hamas.

Gaza under Hamas: political detribalisation

After Hamas had seized power in Gaza, the challenge of the clans remained. Hamas immediately announced a policy of disarmament. Hamas took district by district, street by street, forcing each clan to give up their arms. After three weeks only two clans remained, Dughmush and Hillis. These represented two different categories of clans opposed to the Hamas rule. Dughmush was "the bandit clan", "the Sopranos of Gaza" (Jansen 2007), one branch controlling illicit businesses, others being involved with al-Qaida.[6] In the fortified Sabra district in Gaza City where they lived, no-one from outside the clan dared enter. The other clan, Hillis, was known as one of the greatest Fatah-affiliated *muwatin* clans in Gaza. Located in the Shajaiya area of Gaza City, it had more than 8,000 members according to the Hillis mukhtar.[7] Hamas used the same approach to bring down the two clans; their areas were surrounded, physical access and powerlines

cut off, then having security forces entering clan land to finish the job. After a short fight both clans surrendered.

"Hamas did not fight these families because they were Fatah or others, but because they were outlaws who worked to have the security chaos return to the Gaza streets as before June 2007," Mohammed Abed (Abu Ahmad), the Attorney General of Gaza from 2009 to 2013 told us in an interview.[8] "No one is above the law, whether from a big or small family or from any political party," he added.

Establishing law and order after nearly a decade of insecurity, violence, and chaos, was Hamas' greatest success. "The performance of the police was very bad with regard to respect for the legal procedures, but citizens were glad when a thief was arrested," a human rights lawyer told Human Rights Watch at the time (2008, 61). The problem was that it was not only to arrest the thief. He had to be judged as well. Since the Hamas takeover, the formal judiciary had been paralysed as all its employees in Gaza who received their salaries from the Palestinian Authority in Ramallah went on strike. Those who did not strike would lose their salaries.[9] While 95% of PA's security forces in Gaza had been swiftly replaced by Hamas´s own security forces the same smooth transfer could not be done within the judiciary (Albasoos 2010, 30). "Only one person was left in the whole judiciary," said Issam Jaber, the first Attorney General of Hamas in an interview.[10] "Of course the *sulha* (reconciliation) committees helped reduce the burden of the courts", said Osama Saed, the Hamas minister of justice in 2010.[11] In fact, the whole attorney office in Gaza was in the summer of 2007 temporarily replaced by traditional law institutions (Hovdenak 2010, 38).

Relying on the informal sector was thus initially an emergency solution to alleviate the crisis in the formal justice sector. However, when the formal court system was finally up and running the traditional law sector did not halt its work. Rather, it was restructured and integrated into Hamas's justice system.

Retribalization: restructuring traditional law and the kinship sector

In 2008 Hamas established the General Administration for Clan Affairs and Societal Conciliation (GACASC) (Brenner 2017, 146). On the surface GACASC looked suspiciously similar to the organisation of the Office of tribal affairs under the Fatah/Palestinian Authority regime. Yet Hamas's approach to the kinship sector was substantially different from that of their predecessors. Where the Fatah/PA had anchored their power in powerful clans, empowering them, Hamas's aim was to control the clans and disempower them. Hamas used GACASC to fundamentally restructure three of the most important kinship-based institutions: the mukhtar (clan headman) institution, the *majlis 'a'ila* institution (clan/tribal council), and the informal law sector.

The restructuring of the mukhtar institution had to do with their nomination, re-nomination, and tasking. As mentioned earlier, all of Gaza's larger clans and subtribes had since the establishment of the Office of tribal affairs in 1994 by the Palestinian Authority had a mukhtar, acting as the intermediate between the rulers and the family members. Out of 683 mukhtars that were already registered by the Ministry of Local Affairs of the previous Palestinian Authority 75 were replaced by Hamas while 608 remained in place, recognised by Hamas (Sayigh 2011, 80). It wasn't that the kinship groups could not have their own unregistered mukhtars, but if they were not formally

registered by the authorities they would not get much done when in need of an official service, a legal problem or a conflict related to the family. Even the mukhtars with the strongest antipathy against the Hamas rule would consequently register with GACASC and hope to get approved by them like the mukhtars of Dughmush and Hillis referred to above. "We have a paper from Hamas with a stamp which says 'the state of Palestine' rather than the PA stamp. It was just a way for them to have us pay another fee", said Akram Hillis, the mukhtar of the Hillis clan. Like other mukhtars he felt that the role of the mukhtars had been diminished under Hamas: "When Fatah ruled Gaza the mukhtar had a very high status with the authorities and could intervene with the government to have all the problems of the family solved. All my requests were then met and fulfilled." The complaint was echoed by Abu Khaled, the mukhtar of the Abu Zakri clan located in central Gaza[12]:"The mukhtar has become one with no authority to all the family members, he has become worthless." Under Hamas the prestige and power tribal of the mukhtars thus became significantly reduced. Their role would be more as subordinate officers than as powerful *wastas* (influential contact persons). Yet, a diminished role of the mukhtar was not necessarily negatively considered inside the clans as it meant the relative strengthening of their *majalis al aila*, clan councils.

Even before Hamas in 2011 made it mandatory for all kinship groups to have a family council, most clans had one. Yet Hamas demanded that it should be composed according to certain criteria, including representing the various branches of the kinship group. The background for Hamas' interference in the councils was reportedly the conflicts it experienced with the strongest clans in the immediate aftermath of seizing power in 2007 (Brenner 2017, 150). But the restructuring of the councils had implications beyond Hamas increasing their control.

First, it meant a further strengthening of the councils. They became unrivalled as the primary political and representative organ of the clans. "We have a majlis 'a'ila (family council) to represent our family in public and on special occasions," said Abu Khaled, the mukhtar of the Abu Zakri clan. "The majlis discusses all matters that concern us. Decisions are taken collectively. I love and support democracy," claimed Abu Akram, the Hillis mukhtar. "We have a central majlis al 'a'ila" said the mukhtar of Dughmush, "where all important issues related to the Hamula are discussed. All the members of the council take part in final decisions." An implication of the restructuring was thus the councils becoming more representative.

Second, even if the councils had been expanded for Hamas-people to be included, the contact and interaction went in both directions. "I get the support of family members affiliated with Hamas," said Abu Akram, the mukhtar of the Hillis clan. "I cannot give up the movement, and I cannot give up the family," a member of Hillis *and* of Hamas' military wing told a journalist. He had been relieved from duty when Hamas attacked Hillis in 2008 and was now an asset for both (Buck, 2008).

The restructuring of the clan council apparently had further consequences than what had been the intention. The patriarchal power of the mukhtar was reduced at the expense of clan council. The increased "democratisation" of the clan council inadvertently also increased the participation of ordinary clan members, thus strengthening the kinship group as a social institution.

Finally, in addition to the mukhtar and clan council institutions, Hamas restructured the perhaps most important socio-political institution of the tribal system, the informal law

system. Where the restructuring of the mukhtar and clan council institutions evidently had been motivated by a need for control, a policy largely condoned within Hamas and in Gaza society, the reliance on the informal law system to alleviate the crisis in the formal justice system had initially been met with ideological opposition within Hamas. "Where is God in this process?", it was asked according to Brenner (2017, 166). Judging others was, according to this line of thinking, only to be done by God. 'Urf (tribal law) inspired informal justice methods were regarded as inconsistent with how the Islamic state should function. This made the restructuring of the informal law sector have a more explicit element of Islamisation connected to it.

The restructuring process was initially organised through the establishment of a comprehensive network of community-based reconciliation committees, dealing with mediation and arbitration.[13] All of Gaza was divided into neighbourhoods, each having their own committee (*lijnat islah*). By 2011 41 such committees were operating all over Gaza with 700 committee members (Brenner 2017, 158). Each of the 41 committees had their own office and an assigned contact at the nearest police station and were headed by an Islamic scholar from the Association of Palestine Islamic Scholars (*Rabitat Ulama Filastin*). Parallel to the Islamic reconciliation committees, the traditional, kinship-based 'urf committees continued to function with a supervising committee of the *rabita* ensuring that the *muhakimun*, the Bedouin judges of the informal sector, were not acting contrary to Islamic law.

Over the years attitudes towards the informal law sector have changed within Hamas I found through our recent interviews with Hamas officials. Thus, Muhammad al Abed, the former attorney general of Hamas in Gaza (see above), said he now appreciated customary tribal law, 'urf, in spite of previous scepticism. "'Urf is arbitration, it is quicker, it does not cost money. And in most cases the arbitration committee will solve the problem," al Abed told us.[14] "It is a good track – as an alternative or parallel to the formal judiciary. It reduces the burden and heavy responsibility of the formal judiciary," he added.

Hamas leaders out of Gaza City involved in informal conflict resolution activities today hardly saw a difference between 'urf and the Islamic committees. "The basics of the two are the same" said Muhammad Issa, Hamas mayor of the Bureij refugee camp. Abu Al Saeed, an Islamic scholar from Hamas and member of the Islamic *islah* committee of the Tel al Hawa district in Gaza concurred: "We don't refer to any laws, most of the problems that are presented to us are resolved in a friendly manner, without any laws being addressed."

That the need for religious policing the 'urf system was long gone was an understanding also among actors within the system itself. "Tribes and judges who still practice 'urf in violation of Islamic are outcasts," said one of the most respected 'urf judges in Gaza, Abu Al-Saed Thabet of the Thawabtha tribe, who have authored several books on tribal law.[15] 'For Thabet it was important to see the appeal of 'urf and the informal sector in Gaza as the product of something more than its mere efficiency:

> "People feel more satisfied with 'urf than the formal system. This is not only because of its harshness, strictness and speed. The formal judiciary can restore rights, enforce the decision and imprison the offender. But it cannot remove the hatred among the parts in conflict. It cannot restore the social relations to their natural condition."

This was not much different from how the Hamas mayor of the Bureij, Muhammad Issa, who was also the leader of the Islamic *islah* committee of the camp, saw the informal sector as having a special socio-political value.

> "The formal courts are bound by the laws although this can result in cutting the social relations between the relatives, neighbours, friends or others. Where the formal system leaves a negative impact on the people in conflict, there will be a kind of hatred between the parties while the compromise solutions (*islah*) leave the parties with peace. Our master Omar Ibn Al-Khattab said that 'If I have to choose between the litigation and compromise/ consensual solutions, I will select the second option, the compromise/ consensual solutions'". [16]

One of the strengths of Hamas is that it is a grassroots movement, with branches in every corner of Gaza, from rural villages to camps and the towns (Tuastad 2010). Through the restructuring of the kinship sector this grassroots was mobilised, meaning that local values and ideas inadvertently would penetrate the political elites of Hamas as much as the opposite. In this context the thinking of the Bureij mayor represents an ethos widely shared inside Hamas and inside large parts of the largely conservative Gaza society. The ethos, and the narrowing between the cultural gap of Islam and kinship, has evidently contributed to enhance Hamas's ideological power.

From Islamisation to retribalization?

When a rebel government seize power it may pursue a social, not merely a political, revolution. Yet, transformative processes may go in both directions. On the one hand rebel governments may contribute to transformative processes within local kinship groups; on the other hand, tribalism may also impact on the insurgents and their ideological thinking. A striking feature in this regard is how, after nearly two decades of being the authority in Gaza, the experience from governing evidently have influenced Hamas's political ideology. Hamas initially approached the kinship sector aiming to control it and, especially for the informal tribal justice system, Islamise it. Yet, many Gazans did not see any need for religious purification of their kinship institutions. Religious or not, their trust in these institutions were very deeply rooted. To avoid local opposition to their rule, a better recipe Hamas would thus be to adjust to local social and cultural values more than to enforce change from above.

Before discussing this question further I will, based on findings from our survey, add some background to emphasise how important the role of kinship institutions is in Gaza society, including among the majority of the population being of refugee origin. Thus, three out of four Gazans say that the clan remains social important in their lives. 85% say the clan is important for their personal security (Table 1).

Table 1. The importance of the clan in daily life.

	Social life	Personal security
Very important	30%	44%
Important	43%	41%
Less important	19%	10%
Not important	8%	5%
Total	100% (N: 898)	100 (N: 898)

Table 2. Trust in the official court and tribal legal system.

Fair trial	The official court	The tribal legal system
Yes	56%	84%
No	44%	16%
Total	100% (N: 962)	100% (N: 999)

Equally, Gazans' trust in the tribal legal system is far stronger than in the official court system, 84% of respondents expecting to get a fair trial through the 'urf system as compared to 56% expecting the same about the formal court system (Table 2). Furthermore, it is notable that respondents say that their reliance on the tribal system first and foremost comes because of their tradition and culture (Table 3).

There is also another important factor to be noted if we are to understand the current situation of kinship's prevalent role in Gaza: The once so dividing difference in political culture between the camps and the *muwatinun* (the non-refugees), the former historically clan oriented, the latter socio-politically organised through their faction, has been significantly diminished. Among the muwatinun, faction-based political organisation rather than kinship-based socio-political organisation is as prevalent as among the refugees. While among the refugees the size of the family groups has grown and clan identities have been strengthened.

Four findings from our survey appear to substantiate this observation. One, nearly half of the refugees said that they belonged to a *hamula* (clan) or *ashira* (tribe, Bedouins) having more than 1000 members, while less than a percent belonged to a family of less than 50 members in Gaza (Table 4).

Two, the mukhtar institution has been institutionalised also among the refugees. When first introduced the institution was met with scepticism in the camps (Tuastad 2008, 223). Now 80% of refugees have a mukhtar from their own *hamula/ashira*, which is even a higher rate than for the muwatinun (Table 5).

Equally, the 9% of refugees not having any mukhtar to represent them is lower than the number for the whole population of Gaza. Three, the Bedouins, the experts on '*urf*, are overrepresented among the refugees compared to the muwatinun [17] Four, the once so

Table 3. Causes for reliance on the tribal legal system.

	Yes	No	Total
Lack of confidence in the formal legal system	37%	63%	100% (N: 1001)
Poor performance of courts	42%	58%	100% (N: 984)
Poor performance of the police/ prosecution service	30%	70%	100% (N: 1004)
Confidence in tribal judiciary	86%	14%	100% (N: 1008)
Society's traditions and culture	90%	10%	100% (N: 1012)

Table 4. Size of kinship groups Gaza and refugee status.

Size	Refugee	Non-refugee	Total
11–50	1%	2%	1%
51–100	6%	5%	5%
101–500	22%	23%	22%
501–1000	28%	23%	26%
1001–5000	28%	27%	28%
5001	16%	21%	18%
Total	100% (N: 656)	100% (N: 348)	100% (N: 1004)

Table 5. Prevalence of the mukhtar institution.

Have a mukhtar	Refugee	Non-refugee	Total
Yes, from my *ashira*	28%	23%	26%
Yes, from my *hamula*	54%	53%	54%
Yes, from mother family	1%	1%	1%
Yes, but not related by kinship	8%	6%	7%
No *mukhtar*	9%	17%	12%
Total	100% (656)	100% (N: 352)	100% (N: 1008)

strong social borders between refugees and non-refugees have been weakened by the fact that the proportion of refugees living in camps have decreased.[18] The urban areas of Gaza are thus shared by refugees and non-refugees in a way unthinkable in the 1950s. Thus, the cultural and social differences that existed between the refugees and the no-refugees have been significantly weakened. Table 6

To return to the changes in kinship orientation under Hamas, in 2007 and 2008, when Hamas disarmed and crushed the strongest clans and further outlined the policy of restructuring the kinship sector, a prevalent view within the movement was that the Islamisation of tribalism was important for the resistance. "Here in Gaza the political affiliation is very strong. A man who is member of Hamas will be loyal to the organization more than to his own family," said the senior Hamas official Ghazi Hamad in 2008 (Buck, 2008). The idea was that as Hamas's rule prevailed, tribalism would wither. Over the years, though, the important role of the kinship group in daily life and the high level of trust Gazans attach to the informal justice sector, including among the refugees, has not escaped Hamas. The change in understanding of 'urf and kinship institutions has been mirrored in a political practice less occupied with religion, more by maintaining social order in line with Islamic and tribal values alike. What started as Islamisation, surveillance, and restructuring of kinship institutions have gradually been transformed to a form of rule where the line between the formal and informal sector has become blurred (Brenner 2017, 167). Arguably, as much as the tribal system has been Islamised the Islamic form of rule has been tribalised.

How may this retribalization under Hamas be explained? Is the more pragmatic approach towards the kinship sector a result of tactical considerations? I will rather argue that a new understanding has emerged within Hamas, from regarding the kinship sector as conflicting with its Islamic rule to seeing it as complementary. As the perceived threat from kinship groups withered, an awareness within Hamas evolved on how many of the values kinship and Islam built on were shared. "The basics of the two are the same," we saw the mayor of the Bureij camp stated on 'urf and Islamic justice. Furthermore, as noted by Sayigh (2011) within the security sector, Islamic committees and 'urf committees have come to be perceived within Hamas as representing the ideal way of policing society, *pious policing*, where the primary goal is to establish public order founded on Islamic and conservative social values. Individual rights are not disregarded but seen as

Table 6. Socio-cultural background of Gaza-population.

	Bedouin	Village (fellah)	Urban (madani)	Total
Refugee	22%	53%	25%	100 (N: 659)
Non-Refugee	8%	17%	75%	100% (N: 351)
Total	17%	40%	43%	100% (N: 1010)

secondary to the restoration of order and communal harmony. The underlying principle is that the social order is upheld by social, collective responsibility, as Brenner asserts (2017, 169).

This is relevant for the discussion on Hamas and neopatrimonialism. Scholars on neopatrimonialism most often refer to three features to define the concept: *Personalism* (or presidentialism) where ad hoc personal rule is combined with otherwise regular formal legal-based rule; *traditional loyalty* (or systematic clientelism) where traditional forces of authority are privileged and co-opted by the rulers; *material rewards*, allocations of jobs, grants, licences, and like where the use of state resources are distributed to followers based on a clientelistic logic (de Walle 2013; Bank and Richter 2010). Yet, neo-patrimonialism should not be reduced to an asymmetric relation of economic and political power where the stronger simply buy the loyalty of the weak part of the link. There is also an element of consent to the relation. Pitcher et al (2009, 126–7) and Ugar-Cinar (2017, 327) have made an interesting point in this regard, claiming that how authority is culturally framed, rather than merely focusing on material dimensions, has been largely ignored in the scholarship on neopatrimonialism. Weber saw patrimonialism as a source of legitimacy. Forms of reciprocities and obligations that produce consent should thus also be part of the analysis. This might be conceptual stretching, making neopatrimonialism a catch all concept watering out its analytical value. Yet, the role of cultural framing in the social production of political legitimacy is a salient feature of the Hamas rule of Gaza and their relation to the kinship sector. From ruling *over* Gaza's kinship groups Hamas has ended up ruling through them as their moral and social values have increasingly been perceived as basically similar.

Conclusion

There is a need to rewrite the history of Hamas relationship to Gaza's clan groups. After Hamas seized power in Gaza they crushed the strongest clans groups in the area. But this, the antagonisation of Gaza's clan groups, is not what marks their relation to Gaza's ubiquitous kinship groups today. The situation is rather that although the political influence of strong clans has been curbed, the kinship sector remains strong. This includes the crucial role of clans for peoples' security and social life. There are two explanations to this. First, when Hamas confronted the strongest, armed clans, this was not necessarily regarded as bad by smaller clan groups, who themselves could have been victims of unruly stronger clans. Disarming and disempowering the strong clans was in fact a widely popular policy in Gaza, including among smaller kinship groups in the refugee camps. Second, if Hamas went to war with strong clan groups, it was never a culture war. In fact, on the cultural level kinship values of collective responsibility, conservative lifestyle, and patriarchy are largely perceived as shared, both within Hamas and within clan groups. The synthesis of the values of kinship and Islam arguably represents a new hegemony, constituting a core of Hamas's contemporary ideological power. This makes the cultural rather than the material dimension of neopatrimonialism relevant to explain Hamas' approach to kinship groups.

Yet, a more dynamic perspective is needed to understand Hamas remaining in power in Gaza. For Hamas, as for Fatah before them, political context determined their initial approach to the local kinship groups, not ideology. The returnees of Fatah needed to ally

with Gaza's powerful clans to consolidate their power, Hamas needed to crush the very same groups that Fatah had empowered to consolidate theirs. Political context thus equally explains both governments approach to the kinship sector.

A lesson from the Hamas case in the rebel rule research field is thus to pay attention to the importance of local, indigenous culture. To stay in power, in the Middle East context, it is as important to crush powerful kinship groups as it is to adjust to their cultural values.

Notes

1. To participate in the election was, a Hamas official stated, "not a choice between resistance and politics, it was to protect the resistance" (Milton-Edwards & Farrell 2010, 233).
2. Alvaro de Soto, the UN special envoy to Palestine's «end of mission report» is condemn reading on the lack of recognition of the election outcome. Winning the 2006 legislative elections brought Hamas to power and control over the government structures and institutions of the Palestinian authority. When the elections loser, Fatah, refused to hand them over, supported by the international community, Hamas seized control over Gaza.
3. A state is by definition an entity possessing a permanent population, a defined, territory, a government, and the capacity to enter into relations with the other states (Giridhar, 2006,). This make Hamas government in Gaza a "rebel rule" and an insurgent proto-state, it is a rule by a resistance group that in spite of having gained power through elections lacks international recognition, rather being the target of an international blockade and boycott.
   To participate in the election was, a Hamas official stated, "not a choice between resistance and politics, it was to protect the resistance" (Milton-Edwards & Farrell 2010, 233).
4. In the refugee camp Bureij 98% of refugees had, since 1948, not married a "muwatin", a non-refugee in Gaza. In local narrative it was explained that the *muwatinun* would never give away their daughters to refugees (Tuastad 1997).
5. The production of rockets and weapons was largely condoned by the PA, as part of the military escalation during the intifada according to Lia (2006).
6. The leader of the notorious Salafi-Jihadi group Jayish Al-Islam, Mumtaz Dughmush hailed from the clan. The group was behind the kidnapping of the British BBC journalist Alan Johnston whom they kept for 114 days before he was freed by Hamas. Mumtaz was known in Gaza as a magnet for young outlaws and according to some estimates controlled 2000 armed men from family members and young outlaws (International Crisis Group 2007)
7. Interview with NN, Gaza June 2019.
8. Interview NN, Gaza, May 2018.
9. The international community (IC) are funding the Palestinian Authority (PA). Since 2007 the PA has controlled only the West Bank as Hamas seized power in Gaza. The IC, boycotting Hamas, demands that no funds shall be used to pay for employees who work for the Hamas Gaza government. PA employees in Gaza has thus been on a strike since 2007 in order to have their salary from the PA.
10. Fieldwork Gaza 2010, author.
11. Fieldwork Gaza 2010, author.
12. Interview with NN, Gaza, May 2018.
13. The difference between mediation and arbitration is that arbitration include delivering verdicts when no compromise can be found.
14. Interview with NN, Gaza, May 2018.
15. Interview with NN, Gaza, June 2018.
16. Interview with NN, Gaza, May 2018.
17. 22% of refugees compared to 17% of all Gazans having Bedouin origin (N:1014).
18. After UNRWA started erecting refugee camps and registering the refugees in 1949, as good as all UN registered refugees found shelter in the refugee camps (Morris 2004, 549–580, 603). By

1994 the proportion of refugees living in the camps had decreased to 55% (UNRWA 1994), and by 2017 to 40% (PCBS 2017).

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