

Conference Paper

## Religion and Politics in Palestine: Debates about Islam and the Hamas-Fatah Schism

By Nathan J. Brown, Professor of Political Science and International Affairs  
(George Washington University) & Fellow (Woodrow Wilson International Center  
for Scholars)

Berlin, 9 March 2010

*Prepared for "The Transformation of Palestine: Palestine and the Palestinians 60 Years after the 'Nakba'," Heinrich Böll Stiftung, Berlin, March 2010*

The Palestinian national movement is currently passing through one of its gravest internal crises, facing perhaps the most severe set of divisions since the defeat of the 1936 rebellion against the British mandate or the 1948 war. Deeply divided on ideological, institutional, and geographical levels, Palestinians confront an uncertain political future bereft of any tools to meet their formidable challenges with any coherence. Even more alarmingly, the weak tools that existed for them to mediate and resolve their differences have been corrupted or shattered.

The Palestinian schism is often referred to as a deep one that pits a secular nationalist movement (centered around Fatah) against a religious movement (centered around Hamas).<sup>1</sup> In this paper, I wish to suggest by contrast that the division is not as deep as is often assumed but it is exceedingly wide. More specifically, I wish to claim:

- That the secular vs. religious conception of the Palestinian schism overstates the depth of the division;
- That in practical terms, Fatah and Hamas are wrestling for political control of both nationalist and religious symbols, institutions, and authority; and
- That while the gap is not as deep as is often claimed, it is still so wide that it is unlikely to be bridged soon.

### What divides Palestinians?

While Palestinians themselves often refer to the divide as one pitting secularist against religious forms of national identity, most are also quick to scratch the surface of that glib formulation.

From Fatah's side, any account of the movement's origins in the 1950s and 1960s notes that important elements had roots in the Muslim Brotherhood—such clear roots, in fact, that at least according to one account, the Brotherhood itself was puzzled and hesitated on the question of whether Fatah was a part of the organization or an independent movement.<sup>2</sup> Of course, it shortly became clear that Fatah was independent,

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<sup>1</sup> It is also common after 2007 to refer to the schism as one that pits the Palestinian Authority against Hamas. This terminology is itself misleading (though ironically it is one that Hamas leaders use on occasion). The government in Gaza claims to be the legitimate one for the Palestinian Authority just as the one in Ramallah makes the same claim. Using the term "Palestinian Authority" only to refer to the Ramallah half may lead us to overlook the actual control that the Gaza government actually exercises and the way in which it behaves—as this essay helps show.

<sup>2</sup> Khalid Nimr Abu al-'Umrayn, *Hamas: Harakat al-Muqawima al-Islamiyya. Juzuruha-Nasha'tuha-Fikruha al-Siyasi* (Markaz al-Hadara al-'Arabiyya, 2001).

but that independence was marked as much by Fatah's proclivity for direct action (a path then eschewed by Palestinian Brotherhood loyalists).

Over the years, Fatah certainly has emphasized nationalist symbols and attracted many followers who have little interest in religion or who see little relevance for their religious proclivities in the public realm. But the most ardent secularists have generally been attracted not to Fatah but to leftist or other movements (such as the Popular Front, Fida, or the Communist Party). And Fatah's Islamist roots never completely disappeared. Yasir 'Arafat himself often peppered his speeches with religious references, and religious symbolism could frequently be deployed with abandon by the supposedly "secular" Fatah movement. A similar story can be told for Hamas. The movement is unquestionably Islamist—its full name, after all, is the Islamic Resistance Movement. But the distinction between nationalists and Islamists should not be overstated. Hamas was formed by those Islamists who were frustrated by the absence of their camp from the national struggle. It is true that the movement has never joined the PLO—the umbrella organization for all Palestinian groups—but this is not because of any objection in principle to coordinating with other movements but only because of disputes over the scale of its representation.

From its beginning, Hamas cast the dispute with Israel in religious terms (and continues to do so on occasion to this day), but close observers of Hamas note that the relative role of religious as opposed to more political argumentation has shifted dramatically in favor of the latter in recent years.<sup>3</sup> In some ways, Hamas's roots in the Muslim Brotherhood actually accentuate this trend: while the Brotherhood is adamant that Islamic values should inform public life, it can be fairly pluralistic in its approach to Islamic doctrine and law and some leading Brotherhood thinkers have inclined in recent years toward more general and expansive interpretations of the Islamic legal heritage.

For all its bitterness, the split in the Palestinian Authority since June 2007 has not necessarily widened the ideological gap between Fatah and Hamas. Indeed, since both claim to constitute the legitimate leadership of the Palestinian national movement, and they have thus tried to cast their ideological appeals in fairly broad terms.

Of course, it cannot be denied that there are differences between Hamas and Fatah related to ideology and the relative role of nation and religion in Palestinian identity. But the difference is not absolute. This is true not only at the level of party leadership but also at the grass-roots level where partisan proclivities can (and have indeed) shifted in subtle ways. Indeed, Loren Lybarger's penetrating analysis of the evolution of Palestinian identity shows the national and Islamist camps to have as many overlapping as contradictory themes; movement between them is evolutionary and generational.<sup>4</sup>

### **Institutionalizing Islam**

Moving then, as we should, from an ideological and existential to a practical and institutional level, how do the competing political visions offered by Fatah and Hamas express themselves? Again, while the rivalry between the two movements is intense, the bitterness of the struggle cannot obscure that the differences are less severe than may initially appear.

There is, for instance, more a difference of emphasis than a sharp opposition on many issues related to the role of religion in Palestinian society and public life. On the issue of personal status law, both accept that it should be placed primarily on a religious basis; when Fatah controlled the parliament and worked on a

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<sup>3</sup> This comes out very clearly in the various works by Khaled Hroub.

Also of interest are Nasir al-Din al-Sha'ir, *'Amaliyyat al-Salam al-Filastiniyya-al-Isra'iliyya : Wijhat Nazar Islamiyya* (Nablus: Markaz al-Buhuth wa-l-Dirasat al-Filastiniyya, 1999); Jeroen Gunning, *Hamas in Politics: Democracy, Religion, Violence* (New York: Columbia University Press, 2008); and Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence* (New York: Columbia University Press, 2006).

<sup>4</sup> Loren D. Lybarger, *Identity and Religion in Palestine: The Struggle between Islamism and Secularism in the Occupied Territories* (Princeton: Princeton University Press, 2007).

personal status code, it did not move to adopt a wholly civil law but instead to codify a law based on religious sources. In the Basic Law and the draft constitution for statehood—both projects that pulled Fatah stalwarts in—very strong symbolic nods were made in the direction of Islam.<sup>5</sup> Hamas was marginal to these efforts but did not repudiate them (and indeed positions itself now with some cause as the defender of Palestinian constitutional legitimacy).

Similarly, Palestinians in both camps acknowledge that Christians are a legitimate part of Palestinian society and insist that they properly have a role in public life.

Of course, the differences in emphasis here are significant indeed—Hamas has a deep long-term interest in Islamicizing Palestinian law far more than most in Fatah would ever dream of; Palestinian Christians are unlikely to be mollified by Hamas's extended fraternal hand. When Fatah controlled the legislative council until 2006, the law codes they worked on often made a nod in an Islamic direction, but use of Islamic sources was not extensive. And deputies differed in the degree to which they stressed the necessity of maintaining fidelity to the Islamic legal tradition. Sometimes their efforts provoked discomfort from the more religiously inclined (for instance, the League of 'Ulama of Palestine pledged to draft its own penal code after they were dissatisfied with the draft prepared by the parliament<sup>6</sup>). But such debates were generally muted during the period.

When it comes to religious institutions themselves, again the differences are quite real but can be understood as political as much as religious. Or, put differently, religious institutions are a scene of political conflict between Fatah and Hamas far more than they are a venue for doctrinal disputes. The two sides have struggled for the affections and loyalties of religious officials; they have battled each other with dueling fatwas and sermons; and they have pulled in rival international religious authorities (most recently in the dispute over the legitimacy of Egyptian border fortifications, for which Hamas gleefully cited the positions taken by Yusuf al-Qaradawi and the Egyptian Muslim Brotherhood and Fatah responded by citing the research committee of al-Azhar).

Perhaps the best way to illustrate the political nature of the conflict over religion has been in the area of educational curricula—prosaic to be sure, but also an area that affects hundreds of thousands of schoolchildren and now constitutes the last element in which the Palestinian Authority still operates as a single unit.

When Fatah controlled the Ministry of Education—as it did from the creation of the Palestinian Authority in 1994 until its defeat in the parliamentary election of 2006—it built an educational curriculum that integrated a serious element of religious education. There were Palestinian educators (chiefly from outside Fatah) who hoped for a less traditional approach to religion and morality, seeking to train good citizens of the world and leave the task of training good Muslims (or Christians) to homes, mosques, churches, and private schools. They were decisively defeated; indeed, the official curriculum adopted by the Palestinian Authority in 1998 proclaimed that its foundation was “faith in God.”<sup>7</sup> Education in Islam was mandatory (except for Christian students who were required to study a single, unified Christian curriculum).

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<sup>5</sup> These documents have been collected and can easily be found at [www.palestinianbasiclaw.org](http://www.palestinianbasiclaw.org).

<sup>6</sup> Hayyam Hasan, “Ghaza: Lajnat Siyaghat Muqtarah Badil li-Mashru' al-'Uqubat Tadrus Haliyyan Ba'd al-Qawanin al-'Arabiyya li-Istafada minha,” al-Ayyam, 9 September 2003, p. 7.

In 2008, the Legal Committee of the rump Palestinian Legislative Council began work on the project again, working with the Ministry of Justice's Diwan al-Fatwa wa-l-Tashri' (an advisory and drafting office) to develop a more Islamic draft of the penal code that the Council had been working on for many years. A somewhat garbled version of that project reached some international media outlets which proclaimed that Hamas had introduced crucifixion to Gaza.

I have not been able to ascertain if they used the work begun by the League of 'Ulama of Palestine in the Legislative Council's post-2007 effort.

<sup>7</sup> General Administration of Curricula (Palestinian Curriculum Development Center), First Palestinian Curriculum Plan (Jerusalem: al-Ma'arif, 1998), p. 7.

I have written more generally about the role of religion in the Palestinian curriculum in “Genesis of a New Curriculum,” in Eleanor Doumato and Gregory Starrett (editors), *Teaching Islam: Textbooks and Religion in the Middle East* (Boulder: Lynne Rienner, 2006).

At the time the curriculum was being written, Hamas stood largely outside of the Palestinian Authority. (Interestingly, however, some of its supporters were called in where their technical expertise was relevant—‘Aziz al-Dwayk, later speaker of the post-2006 parliament, contributed to the geography curriculum as a specialist in urban planning.) When Hamas supporters looked at the curriculum, they did criticize it for being insufficiently Islamic. For instance, in 2003, a symposium by the al-Buraq Center on the civic education curriculum found it overly responsive to international human rights instruments and insufficiently based on the Islamic tradition.<sup>8</sup> The al-Buraq Center, an independent research institute with a heavy Islamist tinge, organized some work on the new curriculum with the participation of such figures as Nasr Allah al-Sha’ir, the younger brother of the al-Najah University professor later appointed minister of education (and deputy prime minister) by the Hamas government in 2006.

The triumph of the “Change and Reform” list championed by Hamas in the January 2006 elections certainly created enormous tensions in the Palestinian political system, but it was not initially clear that those tensions would be unmanageable. Hamas supporters were shocked but also delighted by their victory. The movement’s leaders quickly moved to communicate soothing signals. They attempted at first to assemble a broad government; failing that, they made a significant effort to attract some technocrats. The cabinet they finally put together included some conciliatory figures—it did include some Hamas stalwarts at the foreign and interior ministries, but it also included Nasir al-Din al-Sha’ir as deputy prime minister and minister of education. Al-Sha’ir is generally treated by outside observers as a member of the most dovish wing of Hamas, but he himself claims to be an independent Islamist. Certainly his own positions would have placed him in the most conciliatory wing of Hamas if he were indeed a member (his doctoral dissertation consisted of a comparative analysis of daily prayer in Judaism and Islam with a special emphasis on gender—hardly a standard subject for most scholars associated with Hamas<sup>9</sup>). He steadily (and generally unsuccessfully) attempted to move the government in a moderate direction on foreign policy, and insisted on an absolute distinction between the government’s policies and the positions of Hamas.

In the area of education, the new government (and al-Sha’ir as minister) took special pains to emphasize the evolutionary nature of the change. The curriculum was maintained largely unchanged. The directors of the Curriculum Development Center were edged into retirement, but the textbooks and educational material were largely maintained as they had been. The only significant adjustment was to increase the number of hours devoted to religious instruction (a move that necessitated hiring some new teachers—ones with religious expertise who were not coincidentally likely to be Hamas supporters). When a problem arose with printing a specific textbook, the ministry also approved use of a substitute produced by the al-Buraq Center. Such steps annoyed the new government’s critics but they amounted to gradual change by stealth.

Indeed, in most realms the changes introduced seemed little different from what one would expect in an established democracy where an election had brought to power a new government with a different ideology from a preceding one.

The resemblance to an established democracy was not complete of course. In two critical areas (internal security and foreign policy), the 2006 elections failed to produce a clear transition. In internal security, the presidency (still under control of Fatah) attempted to maintain control and the new government therefore set up an “Executive Force” answering to its minister of interior; in foreign policy the incoming government refused to be bound by past international agreements (on the only partially justified grounds that these agreements had been reached by the Palestinian Liberation Organization, not the Palestinian Authority). But neither of these areas involved religion.

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<sup>8</sup> Markaz al-Buraq li-l-Buhuth, Waqa’i’ Warashat al-‘Aml Hawla Manhaj al-Tarbiya al-Madaniyya li-l-Saff al-Thamin al-Asasi fi al-Madaris al-Filastini, May 24, 2003.

I am grateful to Hadil Qazzaz for sending me a copy of the proceedings of this workshop.

<sup>9</sup> Required Daily Prayers, University of Manchester, 1995.

## **Debating religion and nation: A gap that is shallower than assumed but too wide to be bridged**

The deepest divisions between Hamas and Fatah probably lie as much in political questions rather than religious ones. Specifically, the gaps seem most severe on the desirability of a two-state solution and on the appropriateness of various forms of resistance—and even on these issues there are many shades of grey within each movement and some overlapping of positions.

There are two settings in which the gap on religion (and even on politics) between Hamas and Fatah might be seen as bridgeable. First, in the context of a seminar or a workshop, the difference between the two movements might be negotiated: both movements combine national and religious claims with some great differences in emphasis but not generally in absolutely incompatible ways. Second, in the existence of strong democratic institutions, the two sides would likely be able to translate their disagreements into contrasting positions on various public policy issues, to be settled through normal constitutional and electoral channels.

But Palestine lacks the structures, the leaders, or the incentives to bridge the gap. It is for that reason that the width of the division may be more problematic for Palestinians than its depth.

First with regard to structures, the problem is that Fatah and Hamas do not fight each other in the genteel settings of seminar rooms or the established channels of constitutional democracy. Instead their contest has taken place on the streets of Gaza and the West Bank where both sides simply impose their will whenever they can. There are, to be sure, some avenues for them to sort out their differences, but those have grown markedly weaker over the past three years. The Palestinian Basic Law—the constitutional framework—is thoroughly broken; the instruments of legality are now employed chiefly to serve partisan ends; and the enforced unity of Israeli prisons has produced no visible outcomes for quite some time.

Second, the leaders who dominate both halves of the Palestinian Authority are those who are profoundly suspicious of the other side and deeply invested in the current division. Those individuals who might lead unity efforts often seem like yesterday's leaders. Al-Sha'ir no longer serves as deputy prime minister; al-Dwayk is prevented as serving as speaker by Fatah and is marginalized by Hamas; Marwan al-Barghuti is imprisoned and distrusted by many Fatah leaders; Abu Jihad was killed over two decades ago.

Finally, most disturbingly—if one's goal is Palestinian unity—is the way international forces work to structure incentives keep the sides apart. There are, to be sure, periodic international efforts to negotiate between Fatah and Hamas, but these seem both anemic and increasingly monopolized by an Egyptian regime whose interest in Palestinian unity is at best uncertain. The demands made by the external funders of the Ramallah government—chiefly (but not exclusively) the United States—make unity virtually impossible to achieve.

Palestinians do argue about God and homeland, and they sometimes do so quite bitterly. But ultimately it is disputes about power and even money that cement divisions and make unity (or even boundaries on competition) difficult to achieve.