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State and Religion in the Emerging Palestinian Entity

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As long as the Palestinian entity existed only as a goal set forth in political slogans and to inspire armed struggles, the question of state and religion, which has been afflicting many an Arab/Muslim state, did not come to the fore as an acute problem confronting society. At most, one could observe various contending trends in a society in transition vying for different, even competing modes of life, while the issue of a predominant philosophy or ideology that would govern the body politic was pushed to the sidelines, or made subservient to the more pressing need to attain independence or to rid the Palestinians of their perceived occupiers/oppressors.

IDENTITIES IN COMPETITION

The construct "state and religion" has connoted since the medieval wars of investiture, a confrontation between the two powerful establishments of the church and the state, in their bid to rule society. Today, this has become a competition, covert or overt, between two worldviews, aimed at converting public opinion to their respective causes and views, and forcing a decision between applying the sacral-dogmatic-scriptural in modern life, or, on the contrary, making the temporal-pragmatic-legal prevail. The "state" part of the construct would normally base its appeal on nationalism, an essentially secular and particularistic notion, while "religion" would claim a more universalistic approach derived from some divine authority. Hence the dichotomy between the secular-nationalistic political culture which would tend to adopt rational measures, some based on compromise and negotiations, to achieve its goals, versus the religious-absolutistic

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imperatives of self-righteousness and single-mindedness which often lead to extremist and fanatical behavior.

THE SECULAR BRAND OF NATIONALISM

Sensu strictu, we tend to regard nationalism as a militant political movement which articulates the link between man and a particular land, what we usually call "patriotic feeling," in Arabic *wataniyya* (*watan*=homeland or motherland). But there are more meanings to nationalism: a policy of national independence, a policy of rescuing industry and other economic assets from the hands of foreigners (by nationalizing them), a chauvinist feeling of narrow and exclusive identity to set us apart from others, or a doctrine that lends precedence to national values over international ones and even provides a particular interpretation of national character and national values. Sometimes, this nationalism can come to be personified in the figure of a charismatic leader (e. g., Yasser Arafat).

Nationalism is also a matter of identity. Man seeks his roots—he desires to locate the origins of his being in an attempt to determine who he is, particularly in the cosmopolitan world of ours where values and consumer goods have become universalized. At times, man looks for a traumatic moment in his collective past (a revelation, a myth, a founding father, or some historical cataclysm) which helps explain how in the remote past that happening had turned an inanimate material culture, or a haphazard collection of individuals, into a culture, a religion, a history, an ethnic or national group. In the search for those links to the past, people often create their own mythology that lends depth to their history.

The Palestinian national ethos, which took shape only within recent memory, has created over the past few years a multi-faceted identity that links it, on various levels, to many of the above-mentioned aspects. Indeed, the Palestinians today rewrite their history so as to incorporate in their ancestral background the Canaanites and the Jebusites.¹ They profusely use the succession of calamities that befell them in 1948, 1967, 1970, etc.,² to draw their ranks closer; they cultivate, like the

1. In addition to this prevailing theme in recent Palestinian publications, even such respected scholars as Sari Nuseibeh hark back to this myth as if it were a fact of history. See his jointly authored book with Mark Heller, *No Trumpets, No Drums* (New York: Hill and Wang, 1993), 32.

2. The 1948 War, which generated Israel's independence and the problem of Palestinian refugees, is often termed *Nakba* (disaster), and so is the defeat of all Arabs by Israel in the 1967 Six Day War, which ended in Israel's occupation of the West Bank and Gaza. In 1970, the PLO was forced out of Jordan (Black September), and in 1982, Arafat and his troops were expelled from Lebanon by Israel.

Jews of Israel, an almost mystical connection to their land; they promote their particularistic history and culture; they are today brandishing national symbols (flag, headgear, anthem, slogans, elected institutions, stamps, passports, police, etc.) in preparation to assume the paraphernalia of full-fledged independence which will bring with it sovereignty, currency, armed forces, and all the other attributes of national sovereignty. Finally, they elevate the figure of Yasser Arafat, their national symbol for over a generation, almost to the level of a cult of personality, much to the exclusion of other major personalities in the Palestinian pantheon of heroes.³

Most significantly, these elements appear in Palestinian writings and thinking not only as the self-defining traits of Palestinian nationalism, but also as the requisites setting them apart from, and often pitting them against, the enemy—Israel, Zionism, the Jews—because they are the ones who are perceived as posing a challenge to the Palestinians and it is to them that the Palestinians feel constrained to respond. For example, the Canaanite claim is clearly geared to legitimize the Palestinian title to the land that has been snatched from them, as they see it, by the Zionist Jews who built Israel, who themselves based their claim on their line of descent from the biblical Israelites who had conquered the land from the Canaanites. Thus, if the Canaanites are neatly established as Palestinian Arabs, then the Jewish experience in the ancient Holy Land, based on aggression and conquest in the first place, becomes a fleeting episode in history and the Palestinians come full circle by justly (a “just peace” based on restitution) restoring possession of the land to its original legal owners.

But then, the Canaanites were neither Arab, nor certainly Muslim. However, exactly like Sadat, who could strike the balance between his Pharaonism and his Arabism and Islam,⁴ or Saddam Hussein, who claims the ancient heritage of Mesopotamia’s Hammurabbi as his own but does not desist at the same time from his Iraqi, Arab, or Muslim identity, so have Palestinian nationalists learned to juggle their identities with dexterity. It is also significant that the Canaanite antecedent is particularly popular among Palestinian Christians who, aware of the massive doses of Islam currently injected into Palestinian (and Arab for

3. Previously prominent names in the Palestinian national struggle, such as abu Jihad and abu Iyyad, or present-day Arafat aides like abu Mazen and abu “Ala,” or his opponents such as Qaddumi and Hamas leaders, are seldom mentioned in the Palestinian hierarchy of heroes. Only recent heroes who have either died dramatically (like abu Ayyash, the “Engineer”), or do not otherwise pose an immediate threat to Arafat (such as ailing Ahmed Yassin), are occasionally mentioned.

4. See e.g. R. Israeli, “Sadat Between Arabism and Africanism,” *Middle East Review* 2 (Spring 1979): 39–48. See also his *Man of Defiance: A Political Biography of Anwar Sadat* (London and Totowa: Weidenfeld and Nicolson, 1985).

that matter) nationalism, would hark back to a non-Islamic past in which they could find solace against the pressures of revivalist Islam around them. At any rate, Palestinian nationalists, Arafat foremost among them, have discovered that old is beautiful. And so, much like the Prophet of Islam in his time, who lent depth to the history of Islam by claiming that Abraham was the first Muslim, the Palestinians today assert that their ancestry was in fact Canaanite.

THE CONSTITUTION OF PALESTINIAN NATIONALISM

In modern times, secular Palestinian nationalism can be best captured by looking into the Palestinian National Charter, adopted in 1964 and amended in 1968, not amended again or rescinded in spite of the pressures exerted by Israel to that effect under the 1993 Oslo Accords and their aftermath. And again, the charter not only spells out the boundaries defining the Palestinians as a people and a nation with its inherent culture, ethos, ethnic affiliation, and historical specificity, but also relative to other Arabs and Muslims. And above all, the Palestinian people are called upon to crystallize their dreams and aspirations, by means of a continuous armed struggle, against a specific enemy—Zionism. In other words, the whole concept of a nascent Palestinian nationalism was made to hinge upon a dialectical struggle with its sworn enemy. This battle to the finish, as reflected in the charter, does not allow for compromise or negotiation. It vows to destroy the enemy in order to replace it with a Palestinian order, thus attaining at one and the same time the normative fulfillment of the Palestinian dream and also the realization of the Israeli political nightmare.

The Palestinian Covenant indeed traces, step by step, the contours of Palestinian Nationalism:

- a. Palestine is the homeland of the Palestinians, but at the same time Palestine is part of the greater Arab Homeland and the Palestinians are part of the larger Arab Nation.⁵ This means that while the Palestinians express their attachment to the land of Palestine (*wataniyya*) and state their particularistic identity, they are also aware of their belonging to a larger whole (*qawmiyya*) in terms of territory, ethno-cultural descent, historical heritage, and linguistic affiliation.
- b. The covenant states that the "Palestinian identity is an innate, persistent characteristic that does not disappear, and it is transferred from father to son."⁶ In other words, the fact that the Palestinians have been dispersed as a result of the disasters that befell them does not detract from their nationhood or their national character. Moreover, Palestinianhood is defined not only by the land ("those who lived in the land until 1947"), but also by ethnic descent ("anyone born to a Palestinian father after that, within Palestine and outside of it.")⁷

5. See Art. 1 of the Covenant.

6. See Art. 4-5.

7. Ibid. See also Art. 7.

Outside this ethnic definition only Jews who were in Palestine "Prior to the Zionist invasion"⁸ would also be considered Palestinians, presumably a tolerated minority among the ethnic Palestinians. So, apart from this exception, Palestinian nationalism equates nationhood-peoplehood with ethnic descent.

- c. If the intrinsic Palestinian character is defined along ethnic, cultural, and historical lines, the vehicle to carry them to the promised land is armed struggle waged against the external forces that attempt to thwart the realization of the Palestinian dream, chief among them are: Imperialism and Zionism.⁹ This means that the outer challenges that are to be addressed are part of the defining principle of Palestinian nationalism. The nation will be galvanized by and during the struggle against the forces which stymie its emergence.
- d. The outer circles of Palestinian nationalism are its Arab and Islamic identities.¹⁰ Palestinian nationalism not only declares itself to be part and parcel of Arab nationalism in general, but also alerts the Arabs that they all face the same enemies: Imperialism and Zionism, and therefore, they should all be mobilized to push out the foreign threat. The Palestinians, however, being at the forefront of that battle, which is part of their identity, undertake to be the vanguard¹¹ of all Arabs in that undertaking. Islamic identity is invoked in the context of Palestine as the Holy Land, hence the urgency to restore it to Islamic hands in order to safeguard freedom of worship there.¹² Palestinians also regard themselves as part of the Third World (the "forces of good, progress, and peace") that they also vowed to mobilize to their cause in the unified battle against Imperialism and Zionism.¹³
- e. Peculiar to Palestinian nationalism, however, beyond the outer definitions of the threatening enemies which have to be watched and thwarted, is the *sine qua non* assumption that the survival of Palestine and of Palestinians hinges upon the utter destruction of the Zionist entity in all its manifestations: political, military, economic, and cultural.¹⁴ This means that, unlike other nationalisms, which aspire to independence and, when applicable, to throw the yoke of an occupier (not to eliminate him), here we see the very *raison d'être* of the Palestinian entity inherent in the destruction of Zionism.

Its resistance to alternation and amendment attests to the resilience of the Covenant as a basic constitutional document of Palestinian nationalism. Already in the Palestinian National Council (PNC) convened in Algiers in October 1988, where Palestinian independence was declared, there was talk about a shift in Palestinian orientation inasmuch as, for the first time, it supposedly accepted the notion of a two-state solution in Palestine, along the lines of the 1947 U.N. Resolution. However, the covenant was not amended to allow for this putative shift in Palestinian thinking. When specifically questioned about this, some

8. Arab literature marks the Zionist Invasion as the year of the Balfour Declaration in 1917.

9. Art. 8, 9, 10.

10. Art. 13, 14, 15, 16.

11. Art. 15.

12. Art. 16.

13. Art. 22, 23.

14. Art. 22-26.

participants in that PNC expressly denied that there had been any such change in the making. Indeed, according to Art. 33 of the covenant, a special meeting of the PNC was required to adopt, by a two-thirds majority, any amendment in the charter. Had the Palestinian leadership wished and/or been able to introduce such an alteration, Algiers would have been the place to do it. Instead, the Palestinians issued the Declaration of Independence, followed by a political communiqué, which reiterated the delegitimation of Israel because it was founded on "usurpation, aggression, killing, and deportation" of Palestinians.

Yasser Arafat, the head of the PLO and its symbol, made various attempts to dismiss the political character of the charter in the post-1988 Algiers conference, by referring to it as *caduque* or *passé*, only to be countered by the argument that if it were so then why did not the Algiers PNC alter or abrogate it. Furthermore, everyone understood the difference between a "statement" made by a statesman whatever his stature, and a "resolution" adopted by the institutions of the Palestinians as provided for in Art. 33 of the covenant. If a formal resolution of the PNC was required to adopt the charter, how much more so when time came to repeal it? This contradiction was not lost of Israeli negotiators during the secret talks that led to the Oslo Accords in September 1993.

Indeed, when Foreign Minister Simon Peres introduced the Accords to the Knesset prior to their formal signature in Washington, D.C., he pledged that Israel would sign them only after the Palestinians abrogated the clauses in the charter that "vowed to destroy Israel." However, the Israelis were oblivious of the fact that the Palestinian covenant does not even mention the word "Israel," (with one technical exception) much less does it openly discuss its destruction. Therefore, Oslo came and went and still no amendment was brought before the PNC. Incidentally, all those who had persistently claimed that following Algiers 1988 and Arafat's *caduque* statements, the covenant had become irrelevant and obsolete, could not comprehend why the insistence now on the revision of that invalidated document. Be that as it may, the Palestinians clung to their national constitution.

Pressed by Israel to introduce the amendments prior to the Oslo II agreements, Arafat made several deliberate steps to convene the PNC, now recognized as the sole body legally able to take such a measure. First, he claimed that Israel could not possibly demand a redress while she did not allow certain members of the PNC to come to Gaza for that fateful meeting. Then when Israel reluctantly gave her assent, some of the members in questions would not join the assembly, either because they rejected Israel's pressure on Arafat or they thought that it was too premature to tackle that hot potato now. Lacking the legal quorum for

the demarche, Arafat convened the PNC in Tunis, the long-time headquarters of the PLO, but again no quorum could be assembled. Some Palestinian leaders rebuffed Israel's insistence and let it be understood that they had never promised to cancel or abrogate the covenant in the first place. They had simply discovered that such a major step on their part ought not be taken without a significant additional *quid pro quo* on the part of Israel. Oslo II came and went, and still no amendment.

Elections in Israel approached. Peres, who stood for reelection, understood that because of his repeated, yet unfulfilled, pledges to the Israeli public regarding the change in the charter, he risked his position if the razor-thin majority he enjoyed should defect to his opponent, who insisted that the Charter be revised prior to any further advance in the peace process. He implored Arafat to assist him, and so, out of necessity and fear lest his easy-going ally should lose the elections, the chairman finally moved decisively, convened the PNC in Gaza without encountering any difficulties in obtaining the required quorum, and summarily addressed the necessary resolution. Things had changed, however. Arafat was no longer willing to either abrogate the charter or even delete the articles that offended Israel. What he offered to do, with Peres's tacit agreement, was to promise to correct those stipulations in the document that contradicted Palestinian commitments in Oslo. So a resolution was passed at the PNC that appointed a committee to review those stipulations and to recommend a new wording that would make them commensurate with Oslo and the peace process. Arafat informed Peres in an official letter that indeed the charter had been amended, in spite of the fact that it was not (at least not as yet).

Expectedly, Peres hailed the move as "one of the most dramatic developments in the twentieth century," and his supporters in Israel boasted of that "unprecedented achievement." The Israeli press was delirious praising Arafat and Peres, but little attention was paid to those who called the bluff, among them the foremost expert on Palestinian affairs, Hebrew University scholar Yehoshua Porath. Official Israeli acceptance of Arafat's interpretation, backed by American and European laudatory remarks, provided the Palestinians with a respite, but not for long. The questions that continued to ring in the skeptics' ears were simple:

- a. It took the PNC 15 out of 33 articles of the Charter to state in detail their vow to dismantle Zionism. Why did not the Gaza PNC plainly state, unequivocally, that those articles were null and void?
- b. The council did not decide to repeal anything specific. It did not even resolve to revise any specific clause in the covenant. It left it to the committee it established to decide what in the existing document contradicted the Oslo Accords. If, for example, the assumption of the Charter that the Jews are not a nation

and therefore did not deserve a state¹⁵ was not deemed as contradicting Oslo, because the Palestinians made peace with Israel, not with the Jews, that clause would remain valid. Or, worse, the Palestinians could always claim that since the covenant does not mention Israel directly, there was no inherent contradiction between it and the Oslo Accords. Was that the idea?

- c. The council did not impose any deadline on the committee to end its work and to recommend the new formula, if any. So while the Charter became effective immediately upon adoption back in 1964, the promise for its amendment would continue to hang in suspense *sine diem*.

In the May 1996 elections in Israel, Peres lost and his opponents won. Then the question of the abrogation or the amendment of the Charter came up again, this time with the insistence of the new government that any demarche in that regard would be made explicit, clear and public, as a condition to the continuation of the process. The protracted negotiations regarding Israel's withdrawal (euphemistically called "redeployment") from Hebron, reintroduced the theme of the already supposedly settled question of the charter. And, lo and behold!, the Palestinians signed the agreement in January 1997 which commits them to complete the proceedings of the amendment. They recognized thereby that the process had not been brought to fruition, in spite of their previous assurances to the contrary.

Right after Hebron, Arafat was quoted in a press conference¹⁶ as questioning the need to revise and amend the Charter, arguing that Israel had no right to ask the Palestinians to rewrite their constitution as long as it itself did not have one. This augured apparently, another series of procrastinations and maneuvers on the part of the Palestinians to avoid the issue. More importantly, it signaled Arafat's implicit admission that the Charter had never been amended since 1968, in spite of all the clamors of its irrelevance. Another attempt was sponsored by President Clinton, following the Wye Agreement of October 1998, when Arafat convened in Gaza an assembly of all popular organizations (including the PNC, but not a special meeting thereof as required by article 33), and brought to the vote the approval of his letter to President Clinton that claimed that the Charter had been amended, not the abrogation of specific articles thereof. Thus, once again, Arafat outmaneuvered both Clinton and Prime Minister Netanyahu, but the Charter remained constitutionally unaltered. To date, the remarkable tenacity of the Palestinians in opposing any substantial amendment of any part of their basic national constitutional document goes a long way to show its centrality and immutability in the eyes of the Palestinians. It was, and still is, the writ of their nationhood, dreams, and aspirations, despite, or perhaps also because of the fears it evokes in the Israeli neigh-

15. Art. 20.

16. See the Israeli press of 29 and 30 January 1997, notably *Haaretz*.

bors/opponents. All the more so in the wake of the events of the Aqsa Intifadah (since October 2000) and the Palestinian demands in Camp David (July 2000) which only confirm this hypothesis.

Certainly, the emergence of the Palestinian entity, with its attending state responsibilities over the territories and the populations under its jurisdiction on the one hand, and the rise of Islamic fundamentalism among Palestinians on the other, may change all this. For while the Islamists are posing an ideological challenge to Arafat and the PLO, it will be perhaps the demands of everyday life and the sheer necessity to work out some sort of pragmatic arrangement with Israel that will determine the survivability of the Palestinian Covenant. But until that happens, Palestinian secular nationalism, as outlined in that basic document, will have to contend with its arch rival, namely Islamic nationalism.

ISLAMIC NATIONALISM

Prima facie nationalism and Islam amount to a contradiction in terms: one is secular, the other religious; one is founded on particularism, the other claims universalism; one asserts this-worldly aspirations, the other promises the hereafter. However, viewed closely, political Islam takes on some of the characteristics of nationalism: identity, attachment to the land, myths and symbols, self-definition in contrast with the others, charismatic leaders, identifying enemies and vowing to eliminate them, commitment to struggle, armed and otherwise, etc. Islam has indeed closely related, since its inception at the time of the Prophet, politics to the faith, and therefore, religion is not as antithetical to the state as it is in the West. Quite the contrary, the Muslim dogma provides the ideological underpinnings of the righteous Muslim state, and the latter provides protection to the creed and furthers its propagation.

In modern Islam we see not only the cases of Pakistan, whose founding principle was Islamic nationalism promoted by Ali Jinnah; and Saudi Arabia which stands as the paradigm of state-religion symbiosis, but we also witness many so-called fundamentalist movements, thinkers, clergymen, and even politicians, who have embraced this course. Was it not Bhutto (Benazir's father), the consummate westernized and modern Muslim, who published in the 1970s his famous article in *Foreign Affairs* upholding Islamic Nationalism? Such great Islamic thinkers as Sayyid Qut'b, Mawdudi, and Khomeini have contributed considerably to viewing the modern state as compatible with Islam. Islamic mass movements in Egypt, Algeria, Lebanon, Jordan, and Palestine cannot wait to apply Islam in their politics and join the already successful cases of Iran, the Sudan, Afghanistan, and to some

extent also Turkey and Pakistan. When today these movements speak in terms of Islamic nationalism, or depict the perceived enemies of Islam as a "cancer in the heart of the Islamic Nation,"¹⁷ they clearly hark back to the pristine Muhammedan Islam and its immediate aftermath, in which state and religion were so perfectly, and harmoniously, welded together; when friends and foes were defined precisely; and the conquering, victorious, and expansive Islam, led by virtuous charismatic chiefs, seemed to be the wave of the future.

ISLAMIC ANTECEDENTS IN PALESTINIAN NATIONALISM

Palestinians, too, are caught up in that trend of fundamentalist Islam, though this is nothing new if one takes into consideration the antecedents of Palestinian nationalism where Islam had played a prominent role. In the 1920s, the Palestinian national movement was headed by a religious figure, the Great Mufti of Jerusalem, Haj Amin a-Huseini (similar in many ways to Makarios in Cyprus and Muzurewa in Rhodesia/Zimbabwe in his fusion of secular-nationalist and religious leadership), and as such it played up in religious terms the opposition to both the British and Zionism. In the 1930s, Izz a-Sin al-Qassam, a Syrian cleric who settled in Haifa, undertook extensive religious and political activities in northern Palestine that soon lent prominence to his leadership. He then founded a militant group, *al-kaff as aswad* (the Black Hand) as an instrument of armed struggle against the British and the Jews in contended Palestine. He called openly for Jihad against both, until the British killed him in battle in 1935.

During the Palestinian revolt of 1936-39, the Muslim Brethren based in Egypt established a number of lodges in Palestine that later grew into a full-fledged network. The Muslim Brethren in Egypt and Palestine developed a two-pronged line of activism, not unlike its Qassam antecedent: struggle against the British occupation and the perceived Zionist menace. The 1948 War between Israel and the Arabs split the Palestinian-Arab population into an Israeli-ruled minority, and a Jordanian-governed and Egyptian-governed majority in the West Bank and Gaza, respectively, where they pursued their propaganda and growth amidst frequent clashes with the authorities there. The occupation by Israel of the West Bank in the 1967 War brought the entire Palestinian population west of the Jordan River under Israeli rule. Paradoxically, the Muslim movements could thrive under Israel because the latter allowed them leeway in their open activities as long as they operated within the confines of law.

17. E.g. Sheikh Abu Sanina, the preacher of the Aqsa Moxque, in his sermon of Ramadan, Friday, 31 January 1997. Reported by *Haaretz*, February 1997, 3.

On the other hand, the rapid modernization of Palestinian society, caused by the intrusion of Israel into the traditional social structures and their dismantlement generated the outrage of Muslim fundamentalists, who came to sense that Israel was undermining their traditional Islamic society through the introduction of "Westoxicated" values. This outrage sowed the seed of a renewed open conflict between the fundamentalists and the Israelis in the grounds of anti-Israeli sentiment that had been already cultivated by Palestinian nationalists all along. Hence the eruption of the Hamas¹⁸ during the Intifada which was galvanized in a zealous (that is what *hamas* means) militant group, encompassing most of the existing local Muslim associations, and dedicated to raise the flag of Jihad, once again, against the Israeli occupier.

It is noteworthy, however, that Muslim fundamentalists have not monopolized Islamic thinking and sloganeering. Mainstream Palestinian nationalism too, like most local forms of Arab nationalism, have made use of Islamic symbols and vocabulary to characterize enemies, to imply modes of action against them, and to define the nature of the Palestinian community and its struggle, thus linking together key religious and secular concepts.¹⁹ Terms like *jihad*, *shahid*, *fidayeen*, the reference to religious sites in the Palestinian Charter as we have seen above, and the centrality of Jerusalem with its attending Islamic history and myth, all attest to the Islamic discourse that is ingrained in Palestinian nationalism. Add to that the symbolism of the usage of Islamic terms in Arafat's *nom de guerre* (Abu Ammar) and the names of his brigades: al-Aqsa, Hittin, Ein Jalut, *Qadisiyya*, all named after great Islamic battles (not necessarily Arab), and you have a wide sampling of the depth and the extent of Islamic hold over Palestinian nationalism.

In the 1980s, the Islamic bloc emerged as a powerful constituency in West Bank and Gaza politics, boosted by the three Islamic colleges of Jerusalem, Gaza, and Hebron, established in 1978. But it was not until the Intifada in late 1987 that it united its ranks and, under the new heading of Hamas, began to pose a serious challenge to the established leadership of the Palestinians, as a representative institution vying, on equal footing with the PLO, for the souls and the political allegiance of the masses. The signal was sent, loud and clear, that as against the national aspirations of the Palestinians and their ethnic-national-cultural claims, personified in and by the PLO and led by Arafat,

18. Hamas is the acronym of *Harakat Muqawama Islamiyya* (the Islamic Resistance Movement), which became the umbrella organization created overnight at the outbreak of the Intifada in late 1987, to bring together all the local Muslim associations of years past.

19. See Sylvia Haim, *Arab Nationalism* (Berkeley, Calif.: University of California Press, 1962); N. Johnson, *Islam and Politics of Meaning in Palestinian Nationalism* (London, 1982); and B. Lewis, "The Return of Islam," *Commentary*, Winter 1976.

the posited a viable Muslim alternative, which engraved its Islamic make on Palestinian identity, and was led by another popular charismatic figure, Ahmad Yasin. The Hamas was out to conquer Palestinian nationalism. The Covenant of the Hamas, promulgated in the initial stages of the Intifada (February 1988), incorporates its program.

THE HAMAS COVENANT

The 36-article Charter of the Hamas bears some interesting parallels to the PLO Charter discussed above, such as the very appellation of *mithaq* (charter), by which it posits itself as a challenge and an alternative to that of its rivals. Both documents also share an appeal to the same constituency. But it is the differences between them, some worded bluntly and uncompromisingly, others nuanced enough to soothe the ears of all Palestinian listeners, which contain the crux of the challenge:

- a. While the PLO document had been deliberated, debated, argued, amended, and repeatedly voted upon before it was adopted by the Palestinian National Council, the Hamas Charter was concocted by some of its leaders and only then promulgated to the public. Consequently, while the PLO Charter is considered to be a man-made political document, albeit of constitutional import, which also provides for the instrument of its own amendment,²⁰ the Hamas document creates the impression of reflecting universal, immutable, and eternal truths that are not liable to alterations, once published.
- b. The PLO Charter uses political language, though sometimes bombastic and flowery, while the Hamas's Charter is wholly anchored in Islamic parlance. Not only are Islamic symbols and vocabulary often invoked, but most articles are backed by quotations from the Holy Quran or the Islamic Sunna, the two sources of Islamic law that are acknowledged by most Muslim fundamentalists. The juxtaposition of the Charter's clauses with these holy texts inextricably lends to the former the sanctity of the latter.²¹
- c. The PLO avoids direct attacks on Jews as such and purports to struggle against Zionism only; but the Hamas unabashedly also launches anti-Semitic broadsides against the Jews, often citing such notorious texts as the Protocols of the Elders of Zion.²² To them, this means that Jihad is justified not only against the Zionists who usurped Palestine, but also against the worldwide evil of the Jews that threatens to undermine societies, including the Islamic, in order to take them over and dominate them.
- d. While also acknowledging the Palestinian particularistic aspiration to liberate Palestine (after all, that is at the top of the Palestinian agenda), the Hamas regard this task as a holy and religious one, incumbent upon all Muslims of the world. Thus, while the PLO message appealed to Arab countries for support, the Hamas appeal is directed to the Islamic world at large. The very fact that the Hamas declares its affiliation to the supra-national movement of the Mus-

20. Art. 33 of the PLO Charter.

21. This system is used throughout the entire text of the Covenant.

22. See the Introduction to the Charter and Art. 17 and 20.

- lim Brothers and its dedication to the reconstitution of the long defunct Islamic Caliphate, indeed makes their program universal.²³
- e. The PLO platform had committed itself totally to a political and military *modus operandi* in order to attain nationhood, and that required the definition of the contours of Palestinian nationalism as hinging upon the undoing of the Zionist enemy. The Hamas Charter also outlines a socio-cultural and religio-moral mode of behavior and action, calculated to raise Islamic consciousness and to conquer Islamic societies from within before they turn to the elimination of the enemies.
 - f. At a time when the PLO leadership has been attempting to adopt diplomatic means and political measures, in addition to armed struggle, to attain its goals while also securing international recognition, the Hamas seems oblivious of the international community. Since the entire land of Palestine is *waqf* (Holy Endowment) given by Allah to all generations of Muslims, no one can negotiate it away. Hence, all the international talks, negotiations, and peace conferences are deemed a "loss of time," and any intercession of foreign powers in the Arab-Israeli conflict amounts to "Imperialism's collusion with Zionism."²⁴
 - g. While the PLO has envisaged institutions and civil processes to implement its platform, the Hamas, leaning entirely on the Quran and Shari'a Law, states its purpose: to establish an Islamic state on the entire expanse of Palestine with presumably state institutions as designed by the Holy Law of Islam. Palestinian nationalism, from this point of view, is also incorporated into the Shari'a, as part of the revived Islamic Umma.

THE POST OSLO POLITICAL PRAXIS

The Oslo Accords of 1993, signed between the PLO leadership and Israel, pushed the rivalry between Palestinian nationalists and Islamists from the doctrinal into the real sphere of political life. For, if during the first months of negotiations leading to the Accords, there was a similitude of commonality of fate between the two factions which sought, first and foremost, to end Israeli occupation—the signature of those agreements signaled the break which has kept them far apart ever since. Indeed, it became clear to all that the Hamas program posed no less of a threat to Arafat than the Islamists did to the PLO constituency. At Oslo, the PLO became committed, on record, to shun violence while the Hamas, like other Muslim fundamentalists, continued to hold the unbending view that only Jihad to liberate all Palestine could see the victory of Allah implemented.

Conforming to their platform, the Hamas continued to vow that the Land, the entire Land, must be cleansed from the viciousness and impurity of the occupiers, and that only under Islamic rule is there any possibility for other faiths to exist. When Islam does not prevail, they claimed, following the terms of their platform, then bigotry, hatred, controversy, corruption, oppression, war, and bloodshed prevail, as is

23. Art. 1-7 of the Covenant.

24. Art. 11, 13.

evidenced by the existence of Israel. How, then could they accept reconciliation with the Zionist entity? They despise Israel not only as an occupier but also due to its Jewish constitution, the scum of the earth that concocts plots to take over the world and corrupt societies from within. Hence the Muslim obligation, following the example of the Prophet, to fight and kill them wherever they can be found, or at least ban them from Islamic land if they refuse to submit to its benefactory hegemony.

Domestically, the Hamas strives to establish an Islamic entity, as part of the Islamic universe that must be ruled by the Caliph. In such a state, "Allah is the ultimate goal, the Quran its constitution, Jihad its means, death for the cause of Allah its sublimest aspiration."²⁵ This means a total rejection of civil laws, elected institutions, and national attainment as professed by the PLO. What is more, the Hamas not only continues to embrace the road of violence with regard to Israel, discarding any compromise, negotiations, or settlement with it, but seeks to turn Jihad from a collective duty (*fard kifaya*), which is not binding on every individual once the Muslim community as a whole had discharged it, into a personal duty (*fard 'ayn*). In this way, the authority of the established Palestinian entity can be circumvented, and the Palestinians made individually responsible to extinguish the fire raging in the House of Islam with their own buckets of water.²⁶

With such a radically different program from that of the Palestinian Authority, and in view of Arafat's inconclusive ability to prove that his formula of salvation is operative and effective, the temptation rises among Islamic militants to try the Islamic alternative. And there are role models to follow: the proven success of the Islamic Revolution in Iran, the Sudan and Afghanistan, and the brewing unrest among Muslim groups in Algeria, Egypt, Lebanon, Jordan, Pakistan, and others, certainly pump propitious winds into the sails of the Hamas. Arafat, conscious of the challenge, has tried on various occasions to harness the Hamas to the PLO, and has pressed them to join the system by offering them to participate in the 1996 elections to the Palestinian Legislative Council. But exactly as they had rejected his earlier proposals to join the PLO, they have refuted the elections, claiming that by participating in them, they would acquiesce in the Oslo process which they had refuted outright.²⁷

25. See Art. 5.

26. See Preface of the Covenant, quoting Sheikh Amjad al-Zahawi.

27. It is noteworthy, however, that some Hamas leaders, not the most important among them and against the best advice of the leadership on the outside, have been co-opted into both the legislative and executive branches of the Palestinian Authority.

And so, the Hamas challenge continues to irritate Arafat and pose a mortal danger to him in more ways than one; for not only can they mount lethal attacks against Israel, which they hope would force her to retaliate and wreck the Oslo process, but if they maintained their popularity thanks to their stand against Israel, they hope to be able ultimately to dislodge Arafat. In some places, like universities, the Hamas have indeed coalesced with other opponents of Oslo, such as the Popular Front and the Democratic Front, to win local elections for the student bodies of those institutions. This has forced Arafat to resume his rhetoric of Jihad, of brandishing Islamic vocabulary and of hailing Hamas heroes as his own (e.g. Ahmad Yasin and Yahya Ayyash)²⁸ in an attempt to overtake the Hamas on the right and prove that he is the chief of all Palestinians, including the Islamists. The latter can play the reverse card by claiming that Arafat's shameful sell-out to the Zionists was done only in the name of less than one-third of the Palestinian people residing in the Territories, while the majority of them, outside Palestine, continue to oppose him.

The struggle about the Palestinian soul and the character of the Palestinian entity is in its early stages and there is no way to predict which way it might be concluded. In all likelihood, real life will corrode the sharp edges of the seeming bifurcation between the two poles, and produce some halfway modality with which everyone can live. After all, even in the avowedly civil regimes of Egypt, Turkey, and Jordan, to name only a few examples, widespread lip service is paid to Islam, not only on the symbolic level but also in the participation of Islamic elements in the structure of power (more in Turkey and Jordan and less in Egypt), and in the substantive Islamic elements in legislation (more in Egypt and less in Turkey and Jordan). And vice-versa, in the Islamic regimes so far instituted in Iran, Sudan, Saudi Arabia, and Afghanistan, a similitude of civil society, at least on the surface, is maintained: institutional and technological borrowings from the despised West, modernization, compromises with the needs of the population, etc.

The problem is that Nationalists and Islamicists, among the Palestinians and elsewhere, sometimes speak the same language and use the same words, but mean different things. Take for example, this passage from the Hamas Charter:

Hamas is a humane movement bent on human rights, and is committed to the tolerance inherent in Islam, as regards attitudes towards other religions. It is only

28. Ahmad Yasin is the spiritual head and the founder of Hamas. His physical handicap and prolonged internment in an Israeli jail have added to his charisma and appeal. Ayyash, the "Engineer," who mounted many lethal attacks against Israel, was finally killed by the Israelis, which augmented his aura as a national hero. Both persons were lavishly praised by Arafat.

hostile to those hostile to it, or stand in its way in order to disturb its moves or frustrate its efforts. . . .

Under the shadow of Islam, it is possible for the three religions: Islam, Christianity, and Judaism, to coexist in safety and security. Safety and security can only prevail under the shadow of Islam. . . . The members of other religions must desist from struggling against Islam over sovereignty in this region. For if they were to gain the upper hand, then fighting, torture and uprooting would follow.²⁹

The words for freedom and tolerance are there. But what does that mean? Are freedom and tolerance valid when attached to the provision of "under the shadow of Islam"? Similarly, Arafat and other Palestinian leaders have been committed to promote democracy, freedom, civil rights, and the like, but as soon as the leader is attacked or criticized, or someone does not conform to the personality cult he has been promoting, then the Palestinian Authority's security forces move in and arrest the critic.³⁰ Any political entity can have a beautiful "constitution," couched in lofty words and encapsulating the most humane and generous terms. But is it applied in practice? Will the one that seems to be the most responsive to the desires of the people ultimately decide the struggle between Palestinian Nationalism and Islamism? In Iran, for example, the people preferred the Islamic regime to the authoritarian one provided by the Shah and his underlings. In practically all Islamic countries, the choice will always be between some sort of authoritarianism and Islam.

In the competition between Islam and any other sort of authoritarianism, Islam might emerge victorious, if only because it can be conceived as enjoying the same mantle of legitimacy that the Prophet had had, unlike the other rules who can claim none. For even if they pretend to have been elected to their posts, one knows exactly what those elections mean: either without much competition, or under stringent controls so as to assure the results coveted by the rulers in place. So, they either perpetuate their rule by force (e.g. Assad of Syria, Saddam Hussein of Iraq), or through the mechanisms of hereditary monarchies (Morocco, Jordan, Saudi Arabia, Kuwait, the Gulf states). To acquire some legitimacy, these autocrats take on Islamic titles: "The Curator of the Holy Places" for the Saudi king, the "Heir of the Prophet and the Guardian of the Aqsa Mosque" for the late King Hussein of Jordan; and another, "Descendent of the Prophet and the Chairman of the Jerusalem Committee of the Islamic Conference" for King Hassan II of Morocco. Even godless Saddam Hussein announced during the Gulf

29. Art. 31 of the Hamas Charter.

30. The case of the independent-minded night editor of *al-Quds* in Jerusalem, Mahir al-Alami, who did not conform to these rules, became *cause celebre* in January 1996, when this otherwise respected journalist found himself arrested and interrogated in the dark basements of the security apparatus in Jericho.

War that he was adding the Islamic slogan "Allah Akbar!" (Allah is the Greatest!) to his national flag, and his move was calculated to make his war against the Americans, the "New Crusaders," a novel version of the war of the believers against the invading non-Muslims.

Lack of legitimacy means that someone is waiting in the aisles as an alternative to the existing order. And much like the Muslim Brothers in Egypt and Jordan, the Islamists in Algeria and the Hamas among the Palestinians, these oppositions seek legitimacy in Islam and its teachings. They may use the discourse of democracy, human rights, basic freedoms and the like, but once they come to power, like in Iran, the Sudan and Afghanistan, there is no telling how they might behave in these respects. This is the reason why Arafat hastened, with Israeli and American support, to run elections in the Palestinian self-ruling entity. At the same time, everyone knew that had the Islamists participated and had they commanded a majority, the Algerian scenario would have repeated itself. Arafat did not take over power in order to hand it over to anyone else. Moreover, even according to Arafat's own logic, the elections in the territories hardly reflected the majority of the one-third of the Palestinians under his authority. The other two-thirds, whose political loyalty is difficult to call, did not express their opinions, nor were they asked to. This is also the reason why Arafat, concurrently with his official cloak as the president of the Palestinian Authority, does not relinquish the mantle of the chairman of the PLO, which purports to represent all Palestinians. His current cabinet meetings group together both the Executive Council of the Autonomy and the Executive Committee of the PLO—all this in the name of legitimacy, implicitly if not explicitly.

This is the reason why Arafat, together with his harsh persecution against the Hamas, not in order to please Israel but to quell their challenge to his authority, has been coupled by his embracing many Hamas themes, as if to signal to the Palestinian populace that he is not less Muslim than his opposition. In January 1996, when Arafat began reentering the cities of the West Bank that were transferred to his authority under the second Oslo Accords, he was visibly elated when he could be seen as not only regaining Arab-Palestinian lands, but also as taking control of Islamic territory. Indeed, the Greek-Orthodox Patriarch of Jerusalem, greeting the chairman at the gates of Bethlehem, declared: "Here is the successor of Sophronius welcoming the successor of 'Umar ibn-al-Khattab!" No one present, or watching the direct broadcast on television, could miss the parallel. Reference was made, of course, to the submission of the Byzantine-era Christian patriarch of Jerusalem to the second Caliph of Islam in the seventh century, when Islam set foot in the city. That Arafat had ordered all his media to

publicize this parallel became widely known following the arrest of the *al-Quds* journalist cited above.

Immediately following the signature of the Oslo Accords, and two full years prior to the rendition of the territories to his control, Arafat had begun making abundant use of his Islamic imageries to gain legitimacy among the Palestinians so as to thwart the vicious attacks against him by the Hamas and other Islamists, that he had sold out to Israel and the Americans. Shortly after Oslo, on a visit to Johannesburg for the inaugural ceremony of South African President Nelson Mandela, he enjoined his fellow Muslims in a local mosque to join Jihad in order to recover Jerusalem. He also compared, on that occasion, the Oslo accords to the Hudaybiyya Treaty³¹ concluded by the Prophet of Islam, and he mentioned Caliph Umar and Patriarch Sophronius, before the replay of their roles two years later in Bethlehem. The recurrence of the Hudaybiyya, Jerusalem, and Jihad themes in Arafat's speeches to delirious Palestinian crowds, where he trumpeted the virtue of sacrifice in order to restitute the Holy places for Islam,³² could not be accidental. Arafat "knew very well the chords that he had to play on in order to instigate massive and passionate responses within his constituencies. In so doing, he not only could rally around him his supporters from the traditional PLO, who regard him as the symbol of their nationalism, but he could also cater to the Islamic opposition who embraces precisely these very same Islamic symbols, phraseology, and terminology.

CONCLUSION: THE PEACE PROCESS IN BETWEEN

The yet unsettled struggle between Palestinian nationalism and Islamism has many ramifications: domestic and external. While the way the Palestinians will choose to shape their society will certainly emerge as the Palestinian Authority acquires more power and more experience in handling its own affairs, it will remain closely intertwined with the modalities arising from the peace process between it and Israel. If the process is brought to fruition and Arafat can wave its benefits as his own doing, then his legitimacy will become ironclad and the Islamic threat might recede. If, however, the process should explode at some point, then the rising Islamic alternative, which has the negation of that

31. Hudaybiyya was the place where the Prophet made his treaty with the Meccans in A.D. 630, which aborted his pilgrimage to the Ka'ba in that year, but permitted him to come again the following year and then, under the pretext that the Quraysh had broken the treaty, he conquered Mecca. On this theme, see article by the same author in *JCS* 43 (Summer 2001): 423-45.

32. See, e.g. Arafat's speech at Gaza's Al-Azhar University on the occasion of Miraj Day, broadcast live on Palestinian television on 1 January 1995.

process at its core, might be in a position of triumphantly taking over with the vindictive grin of "I told you!"

The peace process is crucial because it consists of negotiations in which the parties have to overcome the gap between what they regard as negotiable in a give-and-take horse-trading, and what they might deem as non-negotiable under any circumstances. Negotiable issues usually regard assets and other measurable objects, the renunciation of which means material, real estate, or monetary loss. When one senses that the sustained loss can be compensated for by other assets or, that by giving up some, one gets some, one may be inclined to negotiate and come to a compromise. That is a quantitative debate—measurable, compromisable, and therefore negotiable. When, on the other hand, the parties advance value-related arguments or claims, the debate goes one notch up. The value attached by one party to one element or another, is immeasurable and subjectively evaluated; it might be hugely significant for one but totally insignificant for the other, or equally valuable to both parties, either due to the intrinsic value attached thereto, or simply because it is so important for one party as to make the other covet it too. The contested value may be moral, cultural, or religious, and as such it becomes utterly non-negotiable. Here we enter the gate of qualitative debate.

In any process of conflict resolution, the quantitative issues would tend to be resolved first, while the qualitative ones would tend to be relegated to the end of the process. In order to reach an agreement (Oslo I and II), Israel had to pay in quantitative terms: partial withdrawal and partial independence (euphemistically termed "redeployment" and "autonomy," respectively), compromises on water and security, and the like. Israel, having spent many of her trump cards on this quantitative stage of settlement, has very few arrows left in her quiver for the much more difficult qualitative debate that will follow regarding Jerusalem, Palestinian statehood, the right or return of refugees, the uprooting of Israeli settlements, and any number of other intractable issues. The contradiction between the resolution of the Palestinians to ultimately arrive at their qualitative goals, and the equally rigid determination of the Israelis to foil those attempts, has caused the parties to tackle the negotiable first. So, while pragmatist Arafat is able to survive politically only as long as he delivers Israeli concessions, he might become a lame duck when Israel stops conceding, as the day of reckoning is approaching with regard to the real issues which Israel cannot yield.

Then, the turn of the Hamas alternative will come. Because, then, not only would the Islamists feel free to resume terrorism with popular support, but also they will have proven with vengeance that Arafat and

his secular nationalism had failed. What is more, the Hamas will certainly raise the stakes of the bargain: they will claim that Arafat's will to negotiate and compromise was at the source of the impasse. Better then to return to the infallible time and history-tested tenets of Islam, Hamas style, which preclude any negotiation, any compromise over the *Waqf* land that had been accorded by Allah to all generations of Muslims. Better die in battle while resisting the occupier, they have often said, than submit to the humiliation of lending their approval to the usurpation of Muslim land by the enemies of Allah and of Islam.

In turn, with the lead of the renewed struggle against Israel having been taken over by the Islamists who do not feel restrained by the various formulations of Oslo, Islam will be strengthened at home as well. The program of the Hamas is one package: an Islamic society, governed by Islamic Shari'a Law, will also be worthy of claiming the redemption of the Holy Land from the hands of its usurpers. Such a pure society can only go back to the qualitative version of the conflict: an all or nothing choice, a battle to the finish. This trend, which has been strengthening since the outbreak of al-Aqsa Intifada, has pushed Arafat to subscribe to it, and his PLO forces (Tanzim, Al-Aqsa Brigades, Force 17) to adopt the same battle theory as the Hamas, including the "martyrdom operations" where young Palestinian self-immolate themselves in the process of massacring innocent Israel: civilians.

