

**Interviews quoted in the article conducted by Konrad Zasztowt during his study trips to Ukraine (June 2017, June 2018):**

Interview with the activists in Chonhar, 28.06.2017.

Interview with activist of regional Mejlis in Kherson, 26.06.2018.

Interview with official of the Mission of the President of Ukraine in the Autonomous Republic of Crimea in Kherson, 25.06.2018.

## Palestinian Experiences of Shaping the Relationship between National Politics and Islamic Religious Tradition

Magdalena Pycińska  <https://orcid.org/0000-0001-9294-3230>

Instytut Bliskiego i Dalekiego Wschodu

Uniwersytet Jagielloński

magdalena.pycinska@uj.edu.pl

### Abstract

The aim of the article is to analyse the relations between the discursive Islamic tradition and the national policy implemented in various forms by the Palestinians. I will use in this analysis the notion of the Islamic discursive tradition of Talal Asad, which emphasizes the importance of the relationship between power and knowledge. I will show how the Palestinian nationalist movement influenced the perception of the role and significance of religious tradition, and how it is experienced and practiced in different ways. Works by John O. Voll, Daniel M. Varisco, Dale F. Eickelman, James P. Piscatori and Armand Salvatore show how the current understanding of the relationship between Islam and politics is dependent on Western, top-down assumptions and political projects, and how these have distorted understanding of the processes taking place in the so-called Muslim world. My aim is to go beyond these erroneous assumptions and to reinterpret the Palestinian experience of shaping the relationship between religion and politics.

**Keywords:** Hamas, Fatah, political Islam, nationalism, Islamic discursive tradition, religion, secularism, orientalism

**Słowa kluczowe:** Hamas, Fatah, islam polityczny, nacjonalizm, islamska tradycja dyskursywna, religia, sekularyzm, orientalizm

### Outline of theory

The article focuses on the Palestinian experience of organizing the relationship between national politics and Islamic religious traditions. Modern researchers are moving away from using the supposedly universal concepts such as religion and secularism in their analyses. In order to translate this complex problem into Palestinian



conditions, we must trace the problem of analysing Islam as an example of a religion in its universal meaning and the research problems resulting from this approach. For many years scholars have debated how to conceptualize Islam. Talal Asad offered one of the best ways to do that, but we must bear in mind that it is not without its own problems. Asad views Islam as a discursive tradition, one that is dependent on the authority of a given community that interprets its values and principles, and on the history of that community. In his own words: “A tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history.”<sup>1</sup> Palestinians have developed their own Islamic practices and religious interpretations based on their own experiences which allow them to distinguish their religious practices from those of neighboring communities.<sup>2</sup>

Talal Asad rightly points out that the notion of religion and secularism were based mainly on Western and Christian experiences.<sup>3</sup> The above concepts are also problematic and not so clear-cut in the Western context. As José Casanova explains, the privatization of religion, the differentiation among the secular spheres (state, science or economy), and finally the decline of religious beliefs and practices cannot be seen as a universal phenomenon that defines modern societies and modern socio-political developments. He describes multiple differentiations, secularizations, and modernities in the USA and Europe to show how problematic those universal definitions of religion and secularism are. He agrees with Talal Asad that secularization is not an emancipation of human life from “religion.”<sup>4</sup> As Casanova writes “Asad has shown how ‘the historical process of secularization effects a remarkable ideological inversion... For at one time *the secular* was a part of a theological discourse [saeculum],’ while later *the religious* is constituted by secular political and scientific discourses, so that *religion* itself as a historical category and as a universal globalized concept emerges as a construction of Western secular modernity.”<sup>5</sup>

It is imperative to point out that in the course of their history Muslim societies did not face the same circumstances as Europeans did during the Wars of Religion. Muslim societies did not have to tackle in the same way as European societies the question of relations between state power, political order, society, religion, their separation, etc.<sup>6</sup> This is not to say, however, that the discussion has not been absent within Muslim communities. Since the beginning of Islam the discussion has revolved around the relation between the *Ummah* and religion itself, but it did not need a state to protect it or define it.<sup>7</sup> The situation changed during the development of

<sup>1</sup> T. Asad, *The Idea of an Anthropology of Islam. Occasional papers series*, Washington 1986, p. 14.

<sup>2</sup> H. Gerber, *Remembering and Imagining Palestine*, New York 2008, p. 71.

<sup>3</sup> T. Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*, Baltimore 1993.

<sup>4</sup> J. Casanova, *Rethinking Secularization: A Global Comparative Perspective*, “The Hedgehog Review” 2006, vol. 8, pp. 7–10.

<sup>5</sup> *Ibidem*, p. 10.

<sup>6</sup> N. Hashemi, *Islam and Democracy*, [in:] *The Oxford Handbook of Islam and Politics*, J.L. Esposito, E. El-Din Shahin (eds.), New York 2013, p. 80.

<sup>7</sup> P. Crone, *God’s Rule: Government and Islam*, Edinburgh 2004, pp. 261–284.

nationalisms in the Middle East, where as Ernest Dawn argues, nationalism evolved out of Islamic reforms during the nineteenth and twentieth centuries, and out of discussions involving the relations among a particular Muslim (and Arab) society, state authority, and religion.<sup>8</sup> It is then that various voices emerged with many interpretations of how Muslim nations should carry themselves, and this time state power and the will of nations have become the center of discussion,<sup>9</sup> which has since then revolved around nationalism, state, and religion. The question has emerged if Islam needs the state to prevail or not, or does the state need Islam to evolve and develop further. For some the state has come to be understood as a guarantor of religion, and attempts have risen to add explicitly Islamic dimensions to the state and political systems.<sup>10</sup> There are attempts to homogenize Shari’a, as the state even interferes in the basic aspects of the nation’s private life, including the type of music that can be listened to, displaying feelings in public places, and what attire should be worn. Even *zakat* (charity), which traditionally has been an individual practice of a Muslim, is now compulsory in a few states (Libya, Malaysia, Pakistan, Saudi Arabia, Sudan, and Yemen).

We must note the evolution of socio-political and cultural ideas in the modern Middle East. Religion and state relations (*ad-din wa ad-dawla* – “religion and state”) are much more problematic and complicated. Some groups strive for a direct connection of the idea of state and religion (“*ad-din as ad-dawla*” and “*ad-dawla as ad-din*”) while others present Islam (their own Muslim tradition) as a solution for a nation’s social problems; they do not strive to equate religion and state with each other, as John O. Voll presents in his article “Political Islam and the State.” In the article, he cites, for example, an exchange of ideas between Khalid Muhammad Khalid and Muhammad al-Ghazali.<sup>11</sup> A distinction has been made between the sovereignty of the nation and the sovereignty of God. In the first case, it is the nation that determines the authority and role of the state, with religion relegated to moral guidance in the functioning of the state. There are, however, socio-religious movements that believe that the sovereign reign belongs to God, and so the will of the nation is irrelevant. State institutions enable God to exercise this power. Religious and state authorities try to subordinate the reality of social life to their interpretation of Islam. This distinguishes nationalistic movements which recognize the importance of religion, its motivational forces and moral boundaries, from movements that negate national values and will, in favor of God’s will. The nationalist movements face the problem of determining the boundaries between state and religion. Most tensions occur in this sphere, which we will see in the example of Hamas movement.<sup>12</sup> I argue that Hamas is not an Islamist

<sup>8</sup> C.E. Dawn, *The Origins of Arab Nationalism*, [in:] *The Origins of Arab Nationalism*, R. Khalidi, M. Muslih (eds.), New York 1991, pp. 3–30.

<sup>9</sup> H.A. Jamsheer, *Historia powstania islamu jako doktryny społeczno-politycznej*, Warszawa 2009, pp. 85–160.

<sup>10</sup> J.O. Voll, *Political Islam and the State*, [in:] *The Oxford Handbook of Islam and Politics*, E. Shahin (ed.), New York 2016, pp. 56–67. A.J. Sherman, *Islamic Reform, Between Islamic Law and the Nation-State*, [in:] *The Oxford Handbook of Islam...*, *op. cit.*, pp. 42–55.

<sup>11</sup> J.O. Voll, *op. cit.*, p. 58.

<sup>12</sup> *Ibidem*, pp. 56–68.

group, one that places God's authority over any other aspect of the Palestinian context, but a nationalist movement, that sees in Islam, in the Palestinian Islamic discursive tradition, a solution to both the Israeli illegal occupation and the Palestinian social and political crisis.

The complexity of the relationship between nationalism and religion causes movements and parties like Hamas to be categorized as so-called Islamist groups and not as nationalist. There is no unambiguous definition of Islamism. Therefore, all movements and parties that use religious rhetoric to some degree are usually categorized as Islamist movements. Some scholars argue that the concept of Islamism is too politicized. Daniel Varisco indicates that Islamism is often mistakenly identified with violence and Islamist movements are equated with terrorist groups.<sup>13</sup> He adds that a broad definition of Islamism allows many socio-political researchers and commentators to identify different extremist activities with Islam itself. Donald Emmerson suggests modifying this concept. He proposes a more inclusive definition of Islamism based on the classic definition of James Piscatori. According to this definition, Islamists are Muslims who are involved in political activity to introduce what they call the Islamic agenda.<sup>14</sup> Emmerson, however, encourages changing the concept of political action to public action to include the social activism that is essential for Islamism.<sup>15</sup> Asef Bayat, in turn, points out that Islamist movements must be distinguished from the so-called Salafi movements, especially since the emergence of reform movements combine different attitudes within the overall Muslim narrative.<sup>16</sup>

Nationalists (politicians and activists) in the Middle East, in order to effectively differentiate themselves from competitive social and political movements, often use the division into secular and Islamist movements for their own ends. The two main Palestinian movements, Hamas and Fatah, represent the Palestinian nationalistic discourse, although they are based on different (but not mutually exclusive) cultural and social assumptions and use different mobilization methods. The Salafi groups present in Palestine can be categorized as Islamist movements. The basis of their activities, goals, and methodology is not only what they see as their Islamic tradition, but the main authority, sovereignty, is vested in God, not in the nation. These groups try to avoid political and nationalistic activities and narratives.<sup>17</sup>

<sup>13</sup> D.M. Varisco, *Inventing Islamism: The Violence of Rhetoric*, [in:] *Islamism. Contested Perspectives on Political Islam*, R.C. Martin, A. Barzegar (eds.), Stanford 2010, p. 33.

<sup>14</sup> D.K. Emmerson, *Inclusive Islamism: The Utility of Diversity*, [in:] *Islamism. Contested Perspectives...*, *op. cit.*, p. 27.

<sup>15</sup> R.C. Martin, A. Barzegar, *Islamism. Contested Perspectives on Political Islam*, Stanford 2010, pp. 17–47.

<sup>16</sup> A. Bayat, *What is Post-Islamism?*, "ISIM" 2005, no. 16 (5), p. 5.

<sup>17</sup> Kh. Hroub, *Salafi Formations in Palestine and the Limits of a De-Palestinised Milieu*, "Holy Land Studies" 2008, no. 7 (2), p. 157–179.

## The developing relationship between religious tradition and nationalism within Palestinian national discourse

Since Palestinian nationalism developed at the turn of the twentieth century, it has appealed to both "secular" ideas, such as the Palestinian people's natural right to independence as a nation, and to the heritage of Muslim and Christian traditions, underlining the historical and religious value of Palestine. The British authorities, as part of the British Mandate in Palestine, believed that it would be easier to control the local Palestinian population if they marginalized their nationalist activities (which they identified primarily with the secular sphere), and they decided to relegate all Palestinian activities to the religious sphere. Palestinians, however, used this "religious" sphere to further develop their nationalistic discourse, in which they had the most freedom of expression.<sup>18</sup> Hence, the Grand Mufti of Palestine Hajj Amin al-Husayni, who also represented the ideas of Arab nationalism, began to use the Palestinian Muslim tradition as a motivating measure and as a language to unite all Palestinian nationalists, regardless of political, class, and ideological affiliations.<sup>19</sup>

It can be argued that Palestinian nationalism was the context for Islam, not vice versa. The independent Palestine was to become a guarantor of the preservation of a specific Muslim tradition (in the local dimension) and Islamic orthodoxy (in the international dimension). Islam was not the basis for a future state. Participation in the Islamic congresses by Arab nationalist associations such as Al-Fatat, Al-'Ahd or members of the pan-Arab Independence Party (Hizb al-Istiqlal) proves that regardless of the narrative used, the basis of the agreement was Palestinian national rhetoric.<sup>20</sup>

In the analyses of Hamas emphasis is too often placed on its religious rhetoric, ignoring other forms of their narrative. The rivalry between Hamas and Fatah is most often presented as a rivalry between a religious movement and a secular movement (nationalist), and not between two nationalist movements with different national strategies.

It is worth emphasizing that Fatah, as a movement which from the very beginning has argued that they represent the ideological, social and cultural eclecticism of Palestinians, did not avoid using the elements of the Muslim tradition in its national rhetoric. From the very beginning of his socio-political activity, Yasir Arafat used both "secular" arguments and elements of the Muslim tradition, to appeal to and motivate Palestinians.<sup>21</sup> Arafat referred, for example, to famous figures in Muslim

<sup>18</sup> W.C. Matthews, *Confronting an Empire. Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine*, London 2006, pp. 30, 118–134. R.C. Rowland, D.A. Frank, *Shared Land. Conflicting identity. Trajectories of Israeli and Palestinian Symbol Use*, East Lansing 2002, pp. 77–81.

<sup>19</sup> W.C. Matthews, *op. cit.*

<sup>20</sup> A. Ayyad, *Arab Nationalism and the Palestinians, 1850–1939*, Jerusalem 1999, pp. 118–152; A.W. Kayyali, *Palestine. A Modern History*, London 1973, pp. 131–133; M. Hassassian, *Palestine. Factionalism in the National Movement*, Jerusalem 1990, pp. 78–105; B. Kimmerling, J.S. Migdal, *The Palestinian People. A History*, Cambridge 2003, pp. 67–135.

<sup>21</sup> R. Israeli, *From Oslo to Bethlehem: Arafat's Islamic Message*, "Journal of Church and State" 2001, no. 43 (3), p. 428.

historiography associated with Palestine. In interviews, he emphasized that the figures he most admired were the Prophet Muhammad and the second caliph 'Umar Ibn al-Khattab.<sup>22</sup> These arguments were intended to present the Palestine's historic relations with Arab-Muslim culture and highlight modern Palestinian aspirations.<sup>23</sup> Many Fatah members were former members of the Muslim Brotherhood, which during An-Nakba earned respect among the Palestinians, as a movement that defended and fought for the rights of the Palestinian people.<sup>24</sup> However, in time, in response to the Brotherhood's passivity in the fight against Israel, an Islamic Jihad was created in Gaza. The battalions of Islamic Jihad, founded by Bassam Sultan, had close ties to Fatah. Islamic Jihad enjoyed popularity even among left-wing Palestinians, who saw in recruitment to this group a chance to engage in military action against the Israeli occupation.<sup>25</sup>

The origins of Hamas are associated with the Muslim Brotherhood, which has been marking its presence in Palestine for several decades,<sup>26</sup> focusing on institutional activities (relief, education, etc.) and not engaging in armed struggle with Israel. Israel even partially supported and financed their activities.<sup>27</sup>

The day after the beginning of the first Intifada, the main members of the Brotherhood in Gaza gathered in the house of Ahmed Yasin and began discussing the use of this situation in a social and political context. The policy of non-engagement of the military Brotherhood was not supported by the Palestinians. On the other hand, Hamas could not completely cut itself off from the Brotherhood because the Brotherhood supported its political development. Hence Yasin's idea about the rise of Hamas as a separate branch of the Brotherhood, which would take responsibility for participation in the Intifada.<sup>28</sup> At first, Hamas did not take part in the Intifada. It started with calls to keep fasting and conduct prayers. It began its military operations in 1989.<sup>29</sup>

The Hamas Charter was created on 18 August 1988. As many Hamas members confirm, it was not (and still is not) a major and stable reference point for their

<sup>22</sup> Z. Abu-Amr, *Islamic Fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad*, Bloomington 1994, p. 47.

<sup>23</sup> Z. Abu-Amr, *Hamas: A Historical and Political Background*, "Journal of Palestine Studies" 1994, vol. 22, no. 4, p. 47.

<sup>24</sup> B. Milton-Edwards, *Islamic Politics in Palestine*, London 1996, p. 55; Z. Abu Amr, *Hamas: A Historical and Political Background*, *op. cit.*, pp. 28–46.

<sup>25</sup> G.E. Robinson, *Building a Palestinian State: The Incomplete Revolution*, Bloomington 1997, p. 146.

<sup>26</sup> L.D. Lybarger, *Identity and Religion in Palestine. The Struggle Between Islamism and Secularism in the Occupied Territories*, Princeton 2007 p. 82; Z. Abu-Amr, *Hamas: A Historical and Political Background*, *op. cit.*, pp. 7–8.

<sup>27</sup> L.D. Lybarger, *Identity and Religion in Palestine. The Struggle Between Islamism and Secularism in the Occupied Territories*, Princeton 2007, p. 82; Z. Abu Amr, *Hamas: A Historical and Political Background*, *op. cit.*, pp. 7–8.

<sup>28</sup> Z. Abu Amr, *Hamas: A Historical and Political Background*, *op. cit.*, pp. 10–12.

<sup>29</sup> I. Barghouti, *The Islamists in Jordan and the Palestinian Occupied Territories*, [in:] *The Islamist Dilemma: The Political Role of Islamist Movement in the Contemporary World*, L. Guazzone (ed.), Berkshire 1995, p. 148; R. Hammami, *From Modesty to Collaboration: Hamas, the Women's Movement, and the National Identity in the Intifada*, [in:] *Political Islam: Essays from the Middle East Report*, J. Beinin, J. Stock (eds.), London 1997, p. 198.

actions.<sup>30</sup> Nevertheless, fragments of it are used by critics of Hamas. In addition, Hamas's opponents primarily choose fragments referring to the Muslim tradition to emphasize that Hamas is purely a religious movement, not a national one, and is thus not worthy of engaging in the political and diplomatic spheres.<sup>31</sup>

The Charter<sup>32</sup> begins with a verse of the Qur'an's third Sura (verses 110–112), telling of the virtues of a Muslim nation that can distinguish good from evil. Then Hassan al-Banna is recalled (and defined as a martyr) as saying that Israel would continue to exist until Islam abrogates it, just as Israel annulled what was before, that is Palestine. This part of the Charter focuses on the Palestinian context and not the general Muslim context. It emphasizes the moral values of Islam that will help defeat the Israeli state. The Charter also cites the words of Amjad az-Zawawi, who calls each individual (Muslim) to take appropriate action. This call is a common element of Palestinian nationalist discourse. Hamas departs from the policy of military non-engagement proclaimed by the Brotherhood, indicating the readiness of Palestinians to take up the fight. Therefore, Hamas members used the above-mentioned content and statements to reduce the apparent narrative difference between them and the Muslim Brotherhood. According to the Charter, Islam is a mobilizing factor (for Arabs and Muslims) as well as a means to help achieve the goals of the Palestinian resistance movement. The first chapter of the Charter describes Islam as the system from which Hamas will draw its ideology, basic teachings, and views on the way of life. It emphasizes that Hamas is part of the Palestinian national movement (article 6). In article 7, the Charter states that all Muslims in the world can help fight. Another article compares the current struggle against the Zionist occupation to the national revolt of 1936 against the British Mandate, recalling the figure of Izz ad-Din al-Qassam.

Article 11 presents the Hamas strategy. Hamas draws all its actions from the Muslim tradition. Hamas legitimizes its activities with the necessity of defending Palestine, which according to Hamas is an Islamic *waqf*, or foundation/trust, which is indivisible and belongs to all Muslims (a fact which should mobilize other Muslims to help). The article adds that the benefits of land belong to the people who inhabit it. Hamas refers to the opinion issued by the caliph 'Umar Ibn al-Khattab. Al-Khattab, when asked by the leaders of the army conquering Iraq and Great Syria whether the land should be divided between the army or left to the original owners, responded that the land should be used by its inhabitants. Real ownership, however, belongs to all Muslims.<sup>33</sup> Thus, we can see an attempt to reconcile the general Islamic position with the idea of land belonging to those who originally lived on and used it. Article 12 directly concerns Hamas's position on the idea of the nation and nationalism. The Charter argues that from Hamas's point of view nationalism is a part of religious

<sup>30</sup> Kh. Hroub, *Hamas*, London 2006, p. 33.

<sup>31</sup> A. Yousef, *The Hamas Charter: Vision, fact and fiction*, <http://www.maannews.net/eng/View-Details.aspx?ID=353587> [access: 21.08.2018].

<sup>32</sup> *Charter of the Islamic Resistance Movement (Hamas) of Palestine*, "Journal of Palestine Studies" 1993, vol. 22, no. 4, pp. 122–134.

<sup>33</sup> *Ibidem*, p. 125.

ideology. The common denominator is jihad against an enemy on Muslim territory. Hamas places itself among other nationalist movements in this dimension. The Charter describes Hamas as a nationalist movement that draws inspiration for its activities from the Muslim tradition. This movement rejects the peace debates, which have not led to a solution to the Palestinian problem. It compares the surrender of even a part of the Palestinian land to a loss of faith. Nationalism and religion complement each other as motivating factors. The liberation of Palestine is associated with three spheres: Palestinian, Arab, and Islamic. Each of them has a role to play in the fight against Zionism and none of them can be omitted. Thus, Hamas recognizes the multidimensional character of nationalism: it does not limit it to the Islamic dimension, but also includes the local cultural heritage and the wider Arab culture (article 14).

### Hamas's ideological and political practice

Hamas has a loosely formulated political theory. According to Jeroen Gunning and Azzam Tamimi, the Hamas Charter was written by the old leadership and only a few leaders and ordinary members appealed to it in their political decisions.<sup>34</sup> Hamas is primarily a civic movement; its documents are just a part of its activities and do not fully reflect the complexity of the movement. In the past the Muslim Brotherhood focused on charity in occupied Palestine.<sup>35</sup> The public was familiar with their assistance and organizational activities, which Hamas effectively used in its own policy.

Hamas has never created a greater philosophical and ideological foundation. The political thought of Hamas is modified according to current needs. The concept of Hamas's power derives from both Islamic and civic sources, which explains the existing tensions and contradictions in their political and social practices.<sup>36</sup> Hamas members differ in their opinions about the shape of the future Palestinian state. However, there are several fixed ideological points. The source of legislation is Shari'a (a draft constitution of the Palestinian Authority also has a provision that the rules of Shari'a are the main source of legislation).<sup>37</sup> Hamas considers Shari'a as the general principle of operation, so it is not a sufficient source of law and must be supplemented by other legal traditions. Ahmed Yasin emphasized the importance of human experience in spheres in which Shari'a was not concrete enough. He believed that only the Shura Council (which would be elected by the nation), has the right to order, after public consultation, the introduction of Shari'a law as the basis of the legal system in the country.<sup>38</sup>

<sup>34</sup> J. Gunning, *Hamas in Politics: Democracy, Religion, Violence*, New York 2009, pp. 19–20; A. Tamimi, *Hamas: A History from Within*, New York 2007, pp. 150–152.

<sup>35</sup> J. Gunning, *op. cit.*, pp. 470–484.

<sup>36</sup> *Ibidem*, p. 56.

<sup>37</sup> N.J. Brown, *The Third Draft Constitution for a Palestinian State: Translation and Commentary*, [www.pcpsr.org/domestic/2003/nbrowne.pdf](http://www.pcpsr.org/domestic/2003/nbrowne.pdf) [access: 26.07.2017].

<sup>38</sup> J. Gunning, *op. cit.*, pp. 57–58.

Hamas often defines the type of Islamic state it promotes as the “democracy of the Shura,” which can never be introduced by force.<sup>39</sup> The methods that prepare the nation for this form of government are education, consultation, and appropriate socialization. The nation must voluntarily agree to introduce such government. It is in this idea that we can see tensions between the declared freedom of individual choice and the policy of direct socialization. It is present between the will of citizens and the will of their elected representatives, between morality and state regulations. There is also a lack of consensus on the rights of non-Muslim citizens. Ahmed Yasin maintained that every human being is born free, and this freedom is guaranteed and protected by a specific religious and political system. Isma'il Abu Shanab, one of the three most influential members of Hamas, claims that the head of state represents a nation, not God.<sup>40</sup> Hamas emphasizes that without appropriate socio-economic conditions and without the acceptance of Islamic law by the nation, Shari'a will not be introduced. However, as the power elected by the nation, Hamas is responsible for preparing society for the adoption of Islamic legislation. Abu Shanab adds that the national will cannot function without any restrictions (it is God's will). At the preparatory stage, people still have the right to express their opposition to the use of, for example, the *hudud* laws, through referendum, consultation, or denying consent to the legislation process.<sup>41</sup>

Opposition can be expressed when citizens recognize that they are not yet ready to exercise such a right. This attitude is a source of tensions between the theory and the social practice of Hamas. On the one hand, every citizen of a future state has the freedom to profess and practice any religion, while on the other, the individual is only free when he or she obeys the laws given by God.<sup>42</sup>

Hamas emphasizes the right of the nation to independence, because only a sovereign nation can freely decide about its character. Hamas ultimately does not shape the voter's awareness; on the contrary, it has a rather limited influence on it, because it fears public criticism, especially in matters concerning Islamic practices. Palestinians often contest Hamas's social and political decisions. For example, the civil police forbade women to smoke water pipes in public places, even though there was no legal basis to do so. Shortly thereafter, the ban was removed due to social opposition.<sup>43</sup> Similarly, the ban on a book on Palestinian folklore (which according to Hamas was supposed to contain sexual content) *Speak Bird, Speak Again*, was rescinded, because this ban also met with public dissatisfaction.<sup>44</sup> Hamas is often forced to modify or abandon decisions has made due to social disapproval. When Hamas criticized the

<sup>39</sup> *Ibidem*, pp. 59–60.

<sup>40</sup> *Ibidem*, pp. 62–67.

<sup>41</sup> R. Gaes, *Interview with Mousa Abu Marzook*, <http://www.thefreelibrary.com/Interview+with+Mousa+Abu+Marzook.-a019496510> [access: 26.07.2017].

<sup>42</sup> Kh. Hroub, *Hamas: Political Thought and Practice*, Washington 2000, pp. 85–86, 210–212; J. Gunning, *op. cit.*, pp. 78–85.

<sup>43</sup> *Hamas Bans Women from Smoking Water Pipes in Gaza*, <http://www.haaretz.com/news/international/hamas-bans-women-from-smoking-water-pipes-in-gaza-1.302631> [access: 10.02.2019].

<sup>44</sup> *Public Outcry Forces Hamas to Rescind Ban on 'Sexual' Folk Tale Book*, <http://www.haaretz.com/news/public-outcry-forces-hamas-to-rescind-ban-on-sexual-folk-tale-book-1.215169> [access: 2.10.2019].

Rafah agreement in 2005 on the mobility of Palestinians beyond the borders of the Palestinian Authority (signed by the Palestinian Authority, Israel, Egypt, and monitored by the EU), Palestinians in Gaza reacted unfavorably, which forced Hamas to withdraw its objections.<sup>45</sup> The same happened with the issue of the ceasefire in 2003, when Hamas began negotiations with Fatah. Seeing the need to increase public support for the party, Hamas agreed to the conditions set by Fatah.<sup>46</sup> Palestinian society is not passive towards so-called Islamization. Hamas wants to appear as a real promoter of the Islamic national tradition, which can act on behalf of Palestinian Muslims and non-Muslims. It must therefore limit itself to the public will, whose importance is still underlined. Hamas has undergone ideological and political changes. Khaled Hroub in his article “A ‘New Hamas’ Through its New Documents” outlines a process that reveals Hamas as a more politically conscious party capable of compromising.<sup>47</sup> In the election manifesto of 2005, Hamas presented eighteen different issues, all but two of which represent secular rhetoric. The electoral program contains specific national-political proposals and issues and indicates the readiness of Hamas to compromise with other political factions of the Palestinian Authority.

However, in 2009 and 2010, it is possible to note the increased use of Hamas’s narrative and practices of Muslim tradition. When Fatah did not recognize Hamas’s victory in the parliamentary elections in 2007, Hamas took control over the Gaza Strip and struggled to maintain it. The biggest political and social challenge for Hamas since then has been the various Salafi groups.<sup>48</sup>

Since 2007, Hamas has competed against and even clashed with more militarily oriented Salafi groups, also known as *takfiri* groups (*takfir* – recognition of an individual or group as unfaithful). Hamas, in order to maintain its ideological authority, is working to maintain control over the mosques.<sup>49</sup> Hamas sees a great threat to its authority with every accusation of weakness and failure in the implementation of Islamic law, hence it deals with these groups decisively.<sup>50</sup>

While focusing on the control of these groups, Hamas must preserve the legal and social order. A change in political and social practice followed Israel’s attack on the Gaza Strip in 2008. Salafists recognized this as the best time to undermine the authority of Hamas. Hamas combined security and order issues with the introduction of Islamic social regulations to stop the criticism of the competing groups.<sup>51</sup> In this

<sup>45</sup> J. Gunning, *op. cit.*, p. 156.

<sup>46</sup> B. Milton-Edwards, A. Crooke, *Elusive Ingredient: Hamas and the Peace Process*, “Journal of Palestine Studies” 2004, no. 33 (4), pp. 39–52.

<sup>47</sup> Kh. Hroub, *A “New Hamas” through Its New Documents*, “Journal of Palestine Studies” 2006, no. 35 (4), pp. 6–27.

<sup>48</sup> I. Qannan, *New Gaza Salafist faction numbers 11,000*, <http://www.maannews.net/eng/ViewDetails.aspx?ID=277513> [access: 27.07.2017]; *Radical Islam in Gaza*, “Crisis Group Middle East Report” 2011, no.104; Kh. Hroub, *Salafi Formations in Palestine...*, *op. cit.*, pp. 157–158.

<sup>49</sup> *14 August Rafah Clashes: Analysis, Implications, & Recommendations*, [www.gaza-nso.org/files/reports/files/10\\_5\\_2010\\_5222.pdf](http://www.gaza-nso.org/files/reports/files/10_5_2010_5222.pdf) [access: 27.07.2017].

<sup>50</sup> *Radical Islam in Gaza...*, *op. cit.*

<sup>51</sup> Y. Sayigh, “*We Serve the People*” *Hamas Policing in Gaza*, Crown Center for Middle East Studies, Crown Paper no. 5, 2011, p. 38.

context, Hamas’s social thought proclaims that individual rights must be protected by maintaining order and social security based on Islamic tradition, especially that known and practiced locally by the Palestinians (*urf*).<sup>52</sup> In the absence of strong state institutions (and under the imposed blockade by Israel), these actions are considered the best way to enforce the legal and social order. Hamas justifies its religious policy with its usefulness in establishing a security system.<sup>53</sup>

On 1 May 2017 Hamas presented their new Charter, *Document of General Principles and Policies*.<sup>54</sup> It is worth noting that the new Charter highlights the changes in the movement’s discourse and practices that have been occurring for years. Hamas interprets what it views as Islamic values in a dynamic way, as subject to change and evolution. For Hamas, as a resistance movement, Islamic values help preserve the nation’s culture, identity, traditions and human values in general. But Islam does not form the only basis of Hamas resistance and ideology. Moreover, Hamas executes a consultative decision-making process, and it manifests various social ideas. The Palestinian nation is always at the forefront of Hamas’s policy. As Klein argues, Hamas is “Palestinianizing Islam,” not the other way around.<sup>55</sup> Hamas incorporates, like Fatah but in different manner, three sources of identity: local (Palestinian), Arab, and Muslim. Palestinian Islam was to preserve the autonomy of the individual, cultural and political identity of all Palestinians. As Joas Wagemakers argues, Hamas showed their pragmatism within their Islamic framing and policing.<sup>56</sup> Showing the various ways Hamas legitimized its actions between the second Intifada and the Gaza War, Wagemakers argues that this movement moderates its strategy and policy to not only react to changing circumstances, but also to constructively shape the social and political reality. He shows how in many cases Islam was not the main factor in those argumentations. The basis of the changes was always the Palestinian nation, its unity, resistance, and steadfastness. To present its readiness for diplomatic efforts, Hamas even created the idea of the so-called calming (*tahdi’a*),<sup>57</sup> to maintain a period of peace with Israel. It was so in order to avoid using the term *hudna*,<sup>58</sup> which is meant for longer time periods, since the idea of *hudna* with Israel has often been met with

<sup>52</sup> A. Yousef, *Hamas, Islam and Women*, <http://www.maannews.net/eng/ViewDetails.aspx?ID=341510> [access: 27.07.2017].

<sup>53</sup> Y. Sayigh, *op. cit.*, pp. 5, 36, 75–76.

<sup>54</sup> *A Document of General Principles and Policies*, <http://hamas.ps/en/post/678/a-document-of-general-principles-and-policies> [access: 3.05.2017].

<sup>55</sup> M. Klein, *Competing Brothers: The Web of Hamas-PLO Relations*, “Terrorism and Political Violence” 1996, no. 8 (2), pp. 111–132.

<sup>56</sup> J. Wagemakers, *Legitimizing Pragmatism: Hamas’ Framing Efforts From Militancy to Moderation and Back?* “Terrorism and Political Violence” 2010, no. 22 (3), pp. 358–359, 366.

<sup>57</sup> Wagemakers quotes Hamas leader Muhammad Nazzal who used the term to prepare new truce with Israel, after Hamas’s earlier calls not to agree to another *hudna* after Israel’s incursions into Gaza: “There is a difference between *tahdi’a* and *hudna*. The former is limited in time while the second lasts for longer periods. Hamas has agreed with [Palestinian President Mahmud ‘Abbas] on a *tahdi’a* and we told him that the transformation from *tahdi’a* to *hudna* is a different matter.” J. Wagemakers, *op. cit.*, p. 366.

<sup>58</sup> Wagemakers points that Hamas understands *hudna* as temporary truce, Hamas is justifying the truce with Israel claiming that *hudna* with Israel is not illegitimate since Prophet Muhammad agreed to such a truce with his enemies in Mecca. J. Wagemakers, *op. cit.*, p. 365.

aggressive reactions toward Hamas by Islamist groups. Hamas came up with that idea to show its readiness for diplomatic negotiations and trying to avoid conflict with other competing groups. It was a conscious and thoughtful step.<sup>59</sup>

Returning to the issue of the new Charter of May 2017, we can easily notice that it reiterates Hamas's longstanding positions. It exhibits flexibility, leaving Hamas with the ability to moderate their position in the future. The document presents non-religious definitions of Palestine and Palestinians, and Islam is mentioned in general terms. In that, it very much resembles PLO's 1968 Charter. Hamas insists they are resisting the Zionists, but not the Jews themselves. Hamas also articulates their consensus on the two-state solution, a very bold move on their part, considering the opposition they face from the Islamist groups, especially in the Gaza Strip. They see the historical Palestine as the nation's heritage (especially in a cultural and historical context), but they consider establishing the Palestinian state along the 1967 borders with Israel. Moreover, they consider the right to resist the illegal Israeli occupation as a liberation struggle based on international law. On a national level they reaffirm national unity and partnership, and recognize PLO as a "national framework" for the Palestinians.<sup>60</sup>

## Conclusions

As we can see, the secular demarcations between what Western scholars perceive as religious and socio-political spheres are inadequate. The Islamic values that Hamas adheres to are subject to interpretation, moderation, and change. Fatah, often described by Western scholars as secular, often refers to Palestinian Islamic discursive tradition in their own policy and social actions. Palestinian national discourse has become a context for the development of Islam. It has its own logic, traditions and future goals. Islam cannot be separated from the social and political spheres; they complement each other. There is no Islamic exceptionalism or special relation between Islam and the political space. Palestinians refer to both the orthodox Islamic texts and practices, recognizing their own traditions that have developed over the centuries and influence their lives. That is why relegating Hamas to a non-nationalist, fundamentalist group, based only on their use of the Islamic tradition and neglecting their other discourses has resulted in a grave misunderstanding of their goals, policy, and ideology by many scholars and politicians. Hamas does not use the concept of "sacred authority" in their political language. The sovereign of the land is the people, the nation, and Islam is the main source of social and political values, which have the task of supporting and motivating Palestinian national rights and goals. Although Islam is not the only source of those values and rights, they fit within the Palestinian internal and external consensus.

<sup>59</sup> J. Wagemakers, *op. cit.*, pp. 357–377.

<sup>60</sup> *Hamas in 2017: The document in full*, <http://www.middleeasteye.net/news/hamas-charter-163794876> [access: 27.07.2017].

## References

- 14 August Rafah Clashes: Analysis, Implications, & Recommendations*, "AIDA" 2010, [www.gaza-nso.org/files/reports/files/10\\_5\\_2010\\_5222.pdf](http://www.gaza-nso.org/files/reports/files/10_5_2010_5222.pdf) [access: 27.07.2017].
- A Document of General Principles and Policies*, <http://hamas.ps/en/post/678/a-document-of-general-principles-and-policies> [access: 3.05.2017].
- Abu Amr Z., *Hamas: A Historical and Political Background*, "Journal of Palestine Studies" 1993, no. 22 (4), pp. 5–19.
- Abu Amr Z., *Islamic Fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad*, Bloomington 1994.
- Asad T., *Free Speech, Blasphemy, and Secular Criticism*, [in:] *Is Critique Secular? Blasphemy, Injury, and Free Speech*, T. Asad (ed.), Berkeley 2009, pp. 20–57.
- Asad T., *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*, Baltimore 1993.
- Asad T., *The Idea of an Anthropology of Islam. Occasional papers series*, Washington 1986.
- Ayyad A., *Arab Nationalism and the Palestinians, 1850–1939*, Jerusalem 1999.
- Barghouti I., *The Islamists in Jordan and the Palestinian Occupied Territories*, [in:] *The Islamist Dilemma: The Political Role of Islamist Movement in the Contemporary World*, L. Guazzone (ed.), Berkshire 1995, pp. 129–160.
- Bayat A., *What is Post-Islamism?*, "ISIM" 2005, vol. 16, no. 5, p. 5.
- Brown N.J., *The Third Draft Constitution for a Palestinian State: Translation and Commentary, 2003*, [www.pcpsr.org/domestic/2003/nbrowne.pdf](http://www.pcpsr.org/domestic/2003/nbrowne.pdf) [access: 27.07.2017].
- Calhoun C., *Rethinking Secularism*, "The Hedgehog Review" 2010, vol. 12 (3), pp. 35–48.
- Casanova J., *Rethinking Secularization: A Global Comparative Perspective*, "The Hedgehog Review" 2006, vol. 8, pp. 7–22.
- Casanova J., *The Secular, Secularizations, Secularisms*, [in:] *Rethinking Secularism*, C. Calhoun (ed.), New York 2011, pp. 54–74.
- Charter of the Islamic Resistance Movement (Hamas) of Palestine*, "Journal of Palestine Studies" 1993, no. 4, pp. 122–134.
- Crone P., *God's Rule: Government and Islam*, Edinburgh 2004.
- Dawn C.E., *The Origins of Arab Nationalism*, [in:] *The Origins of Arab Nationalism*, R. Khalidi, M. Muslih (eds.), New York 1991, pp. 3–30.
- Emmerson D.K., *Inclusive Islamism: The Utility of Diversity*, [in:] *Islamism. Contested Perspectives on Political Islam*, R.C. Martin, A. Barzegar (eds.), Stanford 2010, pp. 17–32.
- Gaes R., *Interview with Mousa Abu Marzook*, "Middle East Policy" 1 May 1997, <http://www.thefreelibrary.com/Interview+with+Mousa+Abu+Marzook.-a019496510> [access: 27.07.2017].
- Gerber H., *Remembering and Imagining Palestine*, New York 2008.
- Gunning J., *Hamas in Politics: Democracy, Religion, Violence*, New York 2009.
- Haj S., *Reordering Islamic Orthodoxy: Muhammad Ibn Abdul Wahhab*, "Muslim World" 2002, no. 92, pp. 333–370.
- Hamas Bans Women from Smoking Water Pipes in Gaza*, "Haaretz" (18.07.2010), [www.haaretz.com/news/international/hamas-bans-women-from-smoking-water-pipes-in-gaza-1.302631](http://www.haaretz.com/news/international/hamas-bans-women-from-smoking-water-pipes-in-gaza-1.302631) [access: 10.02.2019].
- Hamas in 2017: The document in full* "<http://www.middleeasteye.net/news/hamas-charter-1637794876> [access: 27.07.2017].
- Hammami R., *From Modesty to Collaboration: Hamas, the Women's Movement, and the National Identity in the Intifada*, [in:] *Political Islam: Essays from the Middle East Report*, J. Beinin, J. Stock (eds.), London 1997, pp. 194–210.
- Hashemi N., *Islam and Democracy*, [in:] *The Oxford Handbook of Islam and Politics*, J.L. Esposito, Emad El-Din Shahin (eds.), New York 2013, pp. 68–88.



- Hassassian M., *Palestine: Factionalism in the National Movement*, Jerusalem 1990.
- Hroub Kh., *Hamas*, London 2006.
- Hroub Kh., *Hamas: Political Thought and Practice*, Washington 2000.
- Hroub Kh., *A "New Hamas" through Its New Documents*, "Journal of Palestine Studies" 2006, vol. 35, no. 4, pp. 6–27.
- Hroub Kh., *Salafi Formations in Palestine and the Limits of a De-Palestinised Milieu*, "Holy Land Studies" 2008, no. 7 (2), pp. 157–181.
- Israeli R., *From Oslo to Bethlehem: Arafat's Islamic Message*, "Journal of Church and State" 2001, no. 43 (3), pp. 423–445.
- Jamsheer H.A., *Historia powstania islamu jako doktryny społeczno-politycznej*, Warszawa 2009.
- Kayyali A.W., *Palestine. A Modern History*, London 1973.
- Kimmerling B., Migdal J.S., *The Palestinian People. A History*, Cambridge 2003.
- Klein M., *Competing Brothers: The Web of Hamas-PLO Relations*, "Terrorism and Political Violence" 1996, no. 8 (2), pp. 111–132.
- Lybarger L.D., *Identity and Religion in Palestine. The Struggle Between Islamism and Secularism in the Occupied Territories*, Princeton 2007.
- Martin R.C., Barzegar A., *Islamism: Contested Perspectives on Political Islam*, Stanford 2010.
- Matthews W.C., *Confronting an Empire. Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine*, London 2006.
- Milton-Edwards B., *Islamic Politics in Palestine*, London 1996.
- Milton-Edwards B., Crooke A., *Elusive Ingredient: Hamas and the Peace Process*, "Journal of Palestine Studies" 2004, no. 33 (4), 39–52.
- Public Outcry Forces Hamas to Rescind Ban on 'Sexual' Folk Tale Book*, <http://www.haaretz.com/news/public-outcry-forces-hamas-to-rescind-ban-on-sexual-folk-tale-book-1.215169> [access: 2.10.2019].
- Qannan I., *New Gaza Salafist faction numbers 11,000* (18.04.2010), <http://www.maannews.net/eng/ViewDetails.aspx?ID=277513> [access: 27.07.2017].
- Radical Islam in Gaza*, "Crisis Group Middle East Report" 2011, no. 104.
- Robinson G.E., *Building a Palestinian State: The Incomplete Revolution*, Bloomington 1997.
- Rowlan R.C., Frank D.A., *Shared Land. Conflicting identity. Trajectories of Israeli and Palestinian Symbol Use*, East Lansing 2002.
- Sayigh Y., *"We Serve the People" Hamas Policing in Gaza*, Crown Center for Middle East Studies, Crown Paper no. 5, 2011.
- Sherman A.J., *Islamic Reform, Between Islamic Law and the Nation-State*, [in:] *The Oxford Handbook of Islam and Politics*, J.L. Esposito, Emad El-Din Shahin (eds.), New York 2013.
- Tamimi A., *Hamas: A History from Within*, New York 2007.
- Taylor Ch., *A Secular Age*, Cambridge 2007.
- Varisco D.M., *Inventing Islamism: The Violence of Rhetoric*, [in:] *Islamism. Contested Perspectives on Political Islam*, R.C. Martin, A. Barzegar (eds.), Stanford 2010.
- Voll J.O., *Political Islam and the State*, [in:] *The Oxford Handbook of Islam and Politics*, E. Shahin (ed.), New York 2016.
- Wagemakers J., *Legitimizing Pragmatism: Hamas' Framing Efforts from Militancy to Moderation and Back?*, "Terrorism and Political Violence" 2010, no. 22 (3), pp. 357–377.
- Yousef A., *Hamas, Islam and Women* (12.12.2010), <http://www.maannews.net/eng/ViewDetails.aspx?ID=341510> [access: 27.07.2017].
- Yousef A., *The Hamas Charter: Vision, fact and fiction* (11.01.2011), <http://www.maannews.net/eng/ViewDetails.aspx?ID=353587> [access: 21.08.2018].
- Zaman M.Q., *Consensus and Religious Authority in Modern Islam: The Discourses of the Ulama*, [in:] *Islam and Modernity: Key Issues and Debates*, M. Masud, A. Salvatore (eds.), Edinburgh 2009.

## Şehitlik Mosque and the Islamic Cemetery at Columbiadamm: Islam in Public Space

Martin Klapetek  <https://orcid.org/0000-0001-9848-7053>

Department of Philosophy and Study of Religions  
University of South Bohemia in České Budějovice  
klapetek.martin@gmail.com

### Abstract

The issue of creating spaces dedicated to religious activities and that of the establishment of particular sections for Muslims at public cemeteries might be viewed as a single one. While researching mosques, one needs to accent the multi-functionality of the premises. The final shape of the interior and the exterior of the buildings can be understood as a result of internal and external influences. In the case of the establishment of cemetery fields, the observation of the processes of expert solutions is important. In both issues the need of community organisation is displayed. Furthermore, the long-term construction of "otherness" in the European public space is in question. The discipline of Comparative Religious studies retains the possibilities to analyse the results of the research of Muslim communities and compare them with other examples (e.g., Jewish communities, small Christian churches or new religious movements). Thus issues concerning Islam can become a part of the wider discourse concerning secularisation and the deprivatisation of religion in Europe. The paper contributes to this discussion by pointing out the interconnection of needs of the Muslim population and manifestation of uniqueness in public space.

**Keywords:** Islam, mosque, cemetery, Germany, Berlin

**Słowa kluczowe:** islam, meczet, cmentarz, Niemcy, Berlin

### Introduction

The institutionalisation of Islam in Europe has been a long-term process, observable mainly from the twentieth century. This process has been an object of research of various scientific disciplines, such as History, Sociology, Political Science, and Religious studies. Many issues are examined in different disciplines by their own specific methodologies. That leads to the diversity of approaches of researchers. However, the