

HAMAS IN GAZA: HISTORY, DOCTRINE, AND PRACTICE

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HAMAS IN GAZA: HISTORY, DOCTRINE, AND PRACTICE

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ABSTRACT

HAMAS IN GAZA: HISTORY, DOCTRINE, AND PRACTICE

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HAMAS asserts that it derives its doctrine and practices from Islam. Its interpretation includes violent acts against its enemy. What Islamic sources justify such actions? The Islamic sources include and are not limited to the Qur'an and Ahadith. The Qur'an is the holy book for the Islamic faith and gives Muslims direction on how to live their lives. The Ahadith gives a narrative about the teachings and sayings of the Prophet Muhammad. The Prophet Muhammad is considered the perfect example of how Muslims should live their lives. These sources together provide a framework for how Muslims should live and how an Islamic society should be governed. These sources include references to violence that seem to suggest fighting through jihad against an enemy. The Prophet Muhammad's participation in battles and raids appears to suggest that jihad is a physical act of violence against non-Muslims. Several Muslim jurists describe jihad as an

action taken against an enemy on the battlefield. They provide rules for warfare against non-believers. This explanation of jihad is similar to HAMAS's interpretation.

HAMAS's interpretation of Islam includes the use of violence against Israel. Islamic doctrine and history suggests that HAMAS's practices in Gaza are a continuation of Islamic tradition.

## CHAPTER I

### INTRODUCTION

Generations of Americans have enjoyed religious freedom. Many Americans have the view that all religions are parallel in their doctrinal teachings. They are peaceful and contribute to the greater morale of a society. For many Americans, these perceptions dramatically changed after September 11, 2001 and, for some, perhaps even earlier at the time of the 1993 World Trade Center bombing. For these Americans, Islam was introduced in a violent manner by commercial airlines crashing into buildings. These hijackers claimed to be devout followers of Islam implementing God's will. However, their version of Islam was foreign to most Americans. The hijackers offered an interpretation of Islam that appalled many Americans. The hijackers were considered radical extremists based on the view that religions promote peace. Violent Islam as interpreted by the September 11<sup>th</sup> hijackers is not confined to one organization or region; instead it is prevalent in many organizations of the Middle East. Harakat al Muqawamah al- Islamiya (HAMAS) is an organization that shares a similar interpretation of Islam. HAMAS's interpretation of Islam uses violence in its practices. Its leaders commonly reference the Qur'an, and the Islamic Prophet Muhammad in justifying its interpretation.

In Gaza, there is a socio-political organization named HAMAS. HAMAS is a widely known resistance movement in the Middle East. It is classified as a terrorist

organization by the United States Department of State. HAMAS uses violence in its practices and claims to represent Islam in its purest form. HAMAS refers to itself not as a terrorist group but instead as an Islamic resistance movement. The HAMAS Covenant references Islamic doctrine as its source of motivation. Critics of HAMAS label its interpretation of Islam as a perversion. However, Islam, as practiced by HAMAS, is one interpretation of Islam. However different its interpretation of Islam may be from that of others, HAMAS maintains an effective socio-political and military presence in Gaza that is framed in Islamic terms and symbols. Its interpretation of Islam relies on classic Islamic teachings and may be seen as a continuation of part of the larger Islamic experience. HAMAS's interpretation of Islam is debated among Islamic scholars, academics, and political figures. HAMAS claims to follow a pure form of Islam in which violent acts are acceptable and promoted. What doctrinal sources in the Islamic tradition support this view? The issue of whether HAMAS' interpretation of Islam legitimately sanctions violence warrants further investigation. This study examines HAMAS' history, doctrine and practices and the extent to which they compare with Islamic history, traditions, and doctrine.

## CHAPTER II

### SHAPING PALESTINE

Palestine is a region in the Middle East that is historically referred to as the area between the Mediterranean Sea and the Jordan River. It has been the source of numerous conflicts throughout the centuries because of its religious significance for different faiths. In 1948, the United Nations and other states officially recognized the region of Palestine as the state of Israel. The state of Israel was not recognized by numerous Muslim states nor was it accepted by the Palestinian people. The Palestinian people through the decades have attempted to regain land they believe belongs to them. There have been numerous Palestinian organizations that have attempted to take back land from Israel through diplomatic and violent methods. Harakat al-Muqawamah al-Islamiya (HAMAS) is an organization that has utilized both diplomatic and violent means. HAMAS is a socio-political force in Gaza that seeks to regain lost lands and remove Israel. In order to understand HAMAS's history, doctrine, and practices, an examination into historical Palestine is necessary.

World War I began in June of 1914 with the assassination of Archduke Franz Ferdinand of Austria and lasted to late 1918. World War I was fought between the Allies and the Central Powers. The Ottoman Empire aligned itself with the Central Powers when a German ship sought safety in an Ottoman sea port. In 1914, "the sultan-caliph

issued a call to *jihad*, urging Muslims the world over to unite behind the Ottoman Empire and its confrontation with the Triple Entente [Allies].”<sup>1</sup> The sultan-caliph claimed that the Allies would destroy Muslim sovereignty and not engaging in *jihad* would put Islam on the path to extinction. A majority of the Ottoman Muslims answered the call to fight; they did not necessarily do so for the Ottoman Empire. Instead they did it to preserve Islam from the Western Allies.<sup>2</sup> The Ottoman Empire controlled the region of Palestine until its defeat in World War I. After the war was over, the Ottoman Empire was divided into numerous states that make up the modern Middle East. The region of Palestine was to be an international zone that would be free from British and French control. However, the Balfour Declaration of 1917 stated that the region would be a national home for the Jewish people. Tensions between Palestinians and Jews had existed for centuries and were further escalated by the Balfour Declaration. The Palestinians did not want a fresh migration of additional Jews into Palestine. Tensions rose between the Arabs and Jews living in the region, and in 1920 Palestinian Arabs began to riot.

Nabi Musa is an Islamic festival in which a pilgrimage is taken by Muslims from Jerusalem to the Jericho, where Moses’ tomb is presumed to be located. It is a seven day Muslim festival where great leaders come to speak and Muslims gather to worship. Hajj Amin al-Huseini was a man who came to speak to the Muslim gatherers. The 1920 Riots were one “of many radical Islamic uprisings against the Jews of Palestine that would take place over the next eight or more decades, and throughout the twentieth-century and on

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<sup>1</sup> William L. Cleveland, *A History of the Modern Middle East*, 3rd ed. (Boulder, Colo.: Westview Press, 2004), 153.

<sup>2</sup> Ibid.

into the twenty-first.”<sup>3</sup> The 1920’s Riots are also known as the Nabi Musa Riots because they began while the speakers spoke about violence against the Jews. In 1920, “Hajj Amin al-Huseini played a major role in instigating an anti-Jewish pogrom in Jerusalem in which five people were murdered and two hundred and eleven wounded.”<sup>4</sup> He was born in 1895 and was educated in Jerusalem as a child. When al-Huseini was a teenager, he “first learned about the Prophet Muhammad’s historic antipathy toward the Jews of Medina, who actively opposed the Prophet and rejected his message. As descendants of those who opposed the founder of Islam and who refused to accept the new faith that he preached, al-Huseini was taught, Jews would forever be condemned by Muslims as infidels who denied the truth of Muhammad’s message.”<sup>5</sup> Al-Huseini attended al-Azhar University in Cairo where he studied Islamic Philosophy. Al-Azhar University has been “one of the most important centers of Islamic learning and a center for scholars.”<sup>6</sup> He attended the university for only one year and then departed to make the Islamic pilgrimage to Mecca. Every Muslim that makes the pilgrimage or hajj is given a prestigious title of Hajj; thus the name Hajj Amin al-Huseini. After the pilgrimage, al-Huseini returned to Jerusalem and served in the Ottoman army until World War I.<sup>7</sup> In 1921, al-Huseini was given the title “Grand Mufti” of Jerusalem. He openly opposed

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<sup>3</sup> David G. Dalin and John F. Rothmann, *Icon of Evil: Hitler’s Mufti and the Rise of Radical Islam* (New York: Random House, 2008), 13.

<sup>4</sup> Efraim Karsh, *Palestine Betrayed*, (New Haven: Yale University Press, 2010), 17.

<sup>5</sup> David G. Dalin and John F. Rothmann, *Icon of Evil: Hitler’s Mufti and the Rise of Radical Islam* (New York: Random House, 2008), 7.

<sup>6</sup> Mustafa Abu Sway, ed., “Islamic Perspectives on the Oslo Process,” in *The Israeli-Palestinian Peace Process: Oslo and the Lessons of Failure: Perspectives, Predicaments and Prospects (Studies in Peace Politics in the Middle East)*, ed. Robert L. Rothstein, Moshe Maoz and Khalil Shikaki (Portland: Sussex Academic Pr, 2004), 81.

<sup>7</sup> Efraim Karsh, *Palestine Betrayed*, (New Haven: Yale University Press, 2010), 17.

Zionism and the idea of a state for Jews in the region and objected to the Balfour Declaration. In 1922, the Balfour Declaration was included in the mandate approved by the League of Nations. The region of Palestine was given to Great Britain as the British Mandate for Palestine. The region was relatively peaceful until August of 1929 when violence erupted again over Jewish rights and their use of the Western Wall for prayer. The Western Wall is an important holy site for the Jewish faith. It is a wall that surrounded King Solomon's Temple and considered a sacred site in Judaism. The use of the wall by Jews created conflicts and violence erupted. Hajj Amin al-Huseini has been credited with instigating the riots against the Jews. He had dispersed leaflets that claimed the Jews were attempting to take over the al-Aqsa Mosque. The riots continued with embellished rumors of Jewish desecration of Islamic holy sites and as a result, many Jews were murdered throughout the region.<sup>8</sup>

Tensions between the Palestinians and Jews continued to escalate through the years. There were many individuals who further escalated the tensions with their interpretation of Islamic ideology. There were many Islamic leaders who emerged that shared similar anti-Jewish beliefs to Hajj Amin al-Huseini. Sheikh Muhammad Izz al Din al-Qassam was one of them and is an important figure in Palestinian history. He was born in 1882 in a northern town in Syria. Like al-Huseini, al-Qassam attended al-Azhar University in Cairo. He studied, "under Sheikh Mohammad Abduh, pursued a Salafi Islamic understanding and fought against heresies and blind imitation."<sup>9</sup> After his education at al-Azhar University, he returned home and became an imam at a local

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<sup>8</sup>Tom Segev, *One Palestine, Complete: Jews and Arabs Under the British Mandate* (Portland: Picador, 2001), 177.

<sup>9</sup> Dr. Mohsen Muhammad Saleh, "Al-Qassam and the Qassamite Experience," Al-Zaytouna Centre for Studies and Consultations, <http://www.alzaytouna.net/arabic/?c=1522&a=133399> (accessed June 5, 2011).



mosque where he preached his interpretation of Islam and promoted *tawbah*. *Tawbah* means “to return” literally and al-Qassam encouraged *tawbah* to Allah. He preached that *tawbah* and repentance are vital tenants of Islam and will make a Muslim closer to Allah. When the Italians invaded Libya in 1911, al-Qassam promoted resistance methods through *jihad* and raised funds to assist Libya. He organized numerous volunteers and attempted to go to fight. He was ultimately detained and ordered to return home by the Ottoman authorities. According to historian Izzat Darwaza, al-Qassam was a monumental figure in Palestinian history. Al-Qassam undertook an Islamic revival in his hometown based upon the conscientious practice of religious obligations and orthodox practices.<sup>10</sup> Al-Qassam “was seen as a model of courage and audacity. He tackled the issue of *Jihad* frequently and asked people openly to buy arms and practice using them. In one of his speeches he said, ‘I saw some men carrying broomsticks to sweep the streets; those are called to carry arms. And I saw some men carrying brushes to clean foreigners’ shoes; those are called to carry guns and shoot those foreigners.’”<sup>11</sup> While in Syria, al-Qassam wanted to fight the French, so he organized camps in the mountains where he could prepare for guerrilla warfare. After the French succeeded in putting down the Syrian uprising, al-Qassam escaped to British-controlled Haifa. It was here in the British Mandate of Palestine that al-Qassam flourished as a military leader. He organized a guerilla force known as *al-kaff al-aswad*, or the “Black Hand”. He armed this military unit with firearms and bombs to attack the British and also the Jewish settlers in the region. Al-Qassam feared his arrest after some of his followers murdered a British

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<sup>10</sup>Izzat Darwaza, “The Life and Thought of 'Izz-Id-Din Al-Qassam- Part One,” The Islamic Quarterly London, <http://www.salaam.co.uk/knowledge/qassam.php> (accessed June 5, 2011).

<sup>11</sup> Dr. Mohsen Muhammad Saleh, “Al-Qassam and the Qassamite Experience,” Al-Zaytouna Centre for Studies and Consultations, <http://www.alzaytouna.net/arabic/?c=1522&a=133399> (accessed June 5, 2011).

constable, so he fled to nearby caves. The British gathered soldiers and went on a manhunt to find him. They eventually found him and surrounded him and several of his followers. The actions taken by al-Qassam while he was surrounded would influence the behavior of future Palestinians. He called upon his followers to become martyrs for the Palestinian cause before the British shot them dead. In November of 1935, news of al-Qassam's courageous martyrdom spread and inspired the Palestinians to follow suit.<sup>12</sup>

### Palestinian Uprisings Begin

The Palestinians, upon hearing of al-Qassam's martyrdom, quickly reacted with uproar. This event sparked waves of riots that later turned to violence known as the 1936 Arab Revolt. Al-Qassam "is often credited with beginning a new trend in Palestinian history: organized terror and guerrilla tactics. After, al-Qassam's death, his legacy inspired other Islamist fighters."<sup>13</sup> Al-Qassam interpreted Islamic doctrine to mean violent *jihad* and martyrdom. His interpretation in regard to martyrdom continues to be a vital element of Islam today. His name, Sheikh Muhammad Izz al Din al-Qassam, is revered by HAMAS and its followers. The Qassam Rocket, a rocket used by HAMAS against Israel, is named after al-Qassam. HAMAS's military wing, Izz al Din al-Qassam Brigades, is named after al-Qassam because of his Islamic interpretations on *jihad* and martyrdom in which HAMAS shares.

Following al-Qassam's death, Hajj Amin al-Huseini continued to lead and support the 1936 Arab Revolt. "The first year of the Arab Revolt resulted in a veritable reign of

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<sup>12</sup> Izzat Darwaza, "The Life and Thought of 'Izz-Id-Din Al-Qassam- Part One," The Islamic Quarterly London, <http://www.salaam.co.uk/knowledge/qassam.php> (accessed June 5, 2011).

<sup>13</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 52.

terror against the Jews of Palestine- murder, bomb throwing, looting, torture, night assaults on Jewish homes and farms and the destruction of cattle and crops.”<sup>14</sup> In 1937, after an investigation by the Peel Commission, al-Huseini escaped prosecution for his actions of inciting the violence against the Jews and was forbidden from returning to Palestine. He sought refuge in Iraq, Italy, and Germany. Al-Huseini was welcomed by Adolf Hitler when he arrived in Germany. His anti-Semitic viewpoints were further vilified during World War II when he and Adolf Hitler made the Nazi-Arab alliance that sought to exterminate the Jews.<sup>15</sup>

### Muslim Brotherhood

In 1945, World War II had ended with the Allies as the victors. Violence continued to erupt between the Palestinians and the Jews. One year after the war had ended a branch of *Ikhwan Muslemeen* or the Muslim Brotherhood was established in Palestine. The Muslim Brotherhood was founded in Egypt in 1928 by Hassan al-Banna. Hassan al-Banna is another influential figure in that he shared a similar interpretation of Islam as Hajj Amin al-Huseini and Sheikh Muhammad Izz al Din al-Qassam. Al-Banna wanted Egypt to turn away from secularism and follow *Sharia law*, or Islamic law. The Muslim Brotherhood did not want British dominance in Egypt but instead wanted a return to Islam. The Muslim Brotherhood began to assist secular Egypt where it lacked in aiding its citizens. It began with charitable works for orphans and widows and offered Islamic education to Muslims. The Muslim Brotherhood’s assistance appealed to many

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<sup>14</sup> David G. Dalin and John F. Rothmann, *Icon of Evil: Hitler’s Mufti and the Rise of Radical Islam* (New York: Random House, 2008), 33.

<sup>15</sup> Chuck Morse, *The Nazi Connection to Islamic Terrorism: Adolf Hitler and Haj Amin Al-Husseini*, (New York: iUniverse, Inc., 2003), 28-29.

members of the Muslim communities and gave them a united spirit. Al-Banna's interpretation of Islam appealed to many Muslims in Egypt. His interpretation of Islam involved using violence as a political tool. As the years passed, al-Banna grew frustrated with secularism in Egyptian society. He used violence after several years of peaceful petitions going unnoticed. The Muslim Brotherhood thus became known as an organization that used violent *jihad* against secularism. In 1947, "Hassan al-Banna decreed that the Muslim Brotherhood's branches should prepare for *jihad* to save Palestine from partition."<sup>16</sup> In 1948, al-Banna sent volunteers to fight in the 1948 Arab-Israeli War. Al-Banna was assassinated a year later in 1949 after meeting with an Egyptian official. The Muslim Brotherhood grew without al-Banna with increasing violence. It furthermore, continued to influence Palestine as it struggled to survive.

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<sup>16</sup> Mark Huband, *Warriors Of The Prophet: The Struggle For Islam* (New York: Basic Books, 1999), 85.

## **CHAPTER III**

### **CREATION OF ISRAEL**

#### The 1948 War

The region of Palestine through the latter part of the 20<sup>th</sup> century had been in the forefront of international disputes. The numerous conflicts between the Palestinians and Jews were widely debated and of some concern. On November 29, 1947, the United Nations adopted a plan to allocate land to the Arabs and the Jews in the region of Palestine. This partition plan would end the British mandate and encompass separate Jewish and Arab states and the United Nations would administer Jerusalem. The plan called for the withdrawal of British forces by August 1, 1948 and the establishment of two legal states by October 1, 1948. Jewish leaders accepted this partition while Palestinian leaders rejected the plan. Prior to the official partition, there were numerous critics that objected to giving land to Jews and on numerous occurrences violence erupted. On December 1, 1947 the Arab Higher Committee and the Arab League began to attack Jewish targets; “in the months between the announcement and the final British withdrawal, Palestine was plunged into chaos. This was the period of intercommunal war during which the Jewish forces sought to secure the territory allotted to the Jewish state

in the UN resolution.”<sup>17</sup> On May 14, 1948, a day before the expiration of the British Mandate, Israel declared independence. The United States, the Soviet Union, and many other states recognized Israel immediately or within several days. One day later on May 15, 1948, “units from the armies of Egypt, Syria, Lebanon, Transjordan and Iraq invaded Israel, launching a regional war, interspersed with several truces that lasted until December 1948 and resulted in the defeat of the Arab forces, the enlargement of Israeli territory and the collapse of the UN proposal for a Palestinian Arab state.”<sup>18</sup> Many states around the world expected the Middle East alliance of states to defeat Israel; however Israel proved its military might and prevailed. Israel had pushed the boundaries further than the allocated amount in the partition and the Palestinians and their allies were not pleased with the Israeli advancements. The Muslim Brotherhood leader, Hassan al-Banna, sent *jihad* volunteers and gathered Palestinian fighters from the Palestinian Muslim Brotherhood branch to fight in the 1948 War. Several months after the armies of the Middle East attacked the new state of Israel, a ceasefire was agreed to. The 1949 Armistice Agreements were between Israel and several of the Arab states. However, “these agreements were not peace treaties, and they did not constitute recognition of Israel on the part of the Arab signatories; they simply stabilized the cease fire borders without accepting them as final.”<sup>19</sup> As a result the region that was supposed to be a Palestinian state was divided into sections that Egypt, Syria, Lebanon, and Jordan took control of. The Palestinian state ceased to exist in its entirety and families, communities,

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<sup>17</sup> William L. Cleveland, *A History of the Modern Middle East*, 3rd ed. (Boulder, Colo.: Westview Press, 2004), 266.

<sup>18</sup> *Ibid.*, 267.

<sup>19</sup> *Ibid.*, 268.

and organizations were split apart under foreign states. The Palestinian Muslim Brotherhood branch was consequently forced to divide into two factions due to the armistice lines of 1949. The Palestinian Muslim Brotherhood's presence in the West Bank now occupied by Jordan and in Gaza now occupied by Egypt. The geographical split would later prove to be a vital influence not only on the establishment of HAMAS in Gaza but would contribute to the numerous political, cultural and linguistic differences of the Palestinians. The Palestinians were not pleased with the lack of a home state and the fresh immigration of Jews from around the world. The dissatisfaction with Israel further grew and violence continued to escalate. Violence in Palestine did not begin with the creation of Israel rather it proliferated in a more hostile manner.

#### Palestinian Liberation Organization

Continuing migration to Israel dramatically increased organized violence against the Jews in the following decades. The Palestinian Liberation Organization (PLO) was created in 1964 by the Arab League and several Palestinian leaders. The PLO was designated as the leadership of the Palestinian people; however, the PLO was not popular or well liked. The PLO's decision-making authority was held by the Executive Committee Chairman. Yasser Arafat was the third chairman and his reign lasted from February 2, 1969 to November 2004. He was an engineering student who turned activist and had vague ties to the Muslim Brotherhood in Egypt. Arafat was the leader of the FATAH faction and therefore the head of the PLO. FATAH was the largest subset of the PLO and was influenced by secularism and Islam. The Harakat al Tahrir al Filastiniya (the Palestinian Liberation Movement) acronym is HATAF, which means "death" in Arabic. However, Arafat and his followers decided to give the organization an Islamic

meaning from the Qur'an. "FATAH" in Arabic means "conquest," "victory," or "triumph."<sup>20</sup> FATAH launched its first attack against Israel in 1965, and, although it was unsuccessful, the stage was set for further operations. Throughout the 1960's, the PLO launched numerous attacks against Israel and murdered many civilians. These acts further solidified the prestige of the PLO and FATAH with the Palestinians and their Middle Eastern allies. FATAH had successfully "affirmed the necessity of armed resistance in the struggle to recover Palestine."<sup>21</sup> War was looming with the continuity of attacks by the PLO. While the PLO continued its attacks, President Gamel Abdel Nasser of Egypt, began to set the stage for another war against Israel.

### Six Day War

Several events occurred that lead to the 1967 Six Day War including the removal of the United Nations peacekeeping troops by Egyptian President Nasser. He ordered the peacekeeping troops to withdraw from the Sinai buffer zone established by the U.N., presumably so that a war with Israel could occur. President Nasser's war rhetoric against Israel was received by Israel as a precession to war. He additionally mobilized Egyptian troops along its border and continued to blockade Israeli ships. As a result, "Israel launched a surprise attack on June 5 that decimated the Egyptian, Syrian, and Jordanian armies."<sup>22</sup> Within six days the three Arab states lost the Golan Heights, Gaza, the West Bank and the Sinai Peninsula. These lands were now under Israeli control and would

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<sup>20</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 17.

<sup>21</sup> William L. Cleveland, *A History of the Modern Middle East*, 3rd ed. (Boulder, Colo.: Westview Press, 2004), 359.

<sup>22</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 18.



remain so for Israeli security reasons. The defeat of the Arabs by the state of Israel struck at the hearts of the Palestinians. An increasing number of Palestinians returned to their Islamic roots and began joining the Palestinian Muslim Brotherhood branches in Gaza and in the West Bank. The Six Day War further solidified the division between the Muslim Brotherhood branch in the West Bank and in Gaza. FATAH emerged from the West Bank and had de jure jurisdiction in the West Bank and in Gaza. FATAH continued to launch violent campaigns against Israel in the 1970's and continued to gain support in the West Bank. Israel viewed the geographic division between Gaza and the West Bank as an opportunity to counter FATAH in the West Bank. It looked to the Palestinian Muslim Brotherhood in Gaza to gain power and counteract FATAH as the Palestinian leadership.

#### Sheikh Ahmed Yassin

In 1973, the Israeli military permitted Sheikh Ahmed Yassin, the eventual founder of HAMAS, to establish an Islamic Center in Gaza. The Islamic Center would provide political and social services including cultural activities, healthcare, and food. The Islamic community center included Islamic education, daycare, and charity. The Islamic social system is known as *dawa* and was well-liked by the Palestinians in Gaza. Ahmed Yassin, as a young man, suffered from spinal injuries that would qualify him as disabled. However, this did not inhibit him from attending school and eventually founding HAMAS. Yassin attended al-Azhar University just like Sheikh Muhammad Izz al Din al-Qassam and Hajj Amin Huseini before him. Yassin became involved in the Palestinian Muslim Brotherhood branch by assisting in stockpiling weapons. As a member of the Muslim Brotherhood in Palestine, he originally called HAMAS the Palestinian branch of

the Egyptian Muslim Brotherhood. Yassin is quoted as saying in a letter, “Sons of Islam everywhere, the *jihad* is a duty—to establish the rule of Allah on earth and to liberate your countries and yourselves from America's domination and its Zionist allies, it is your battle—either victory or martyrdom.”<sup>23</sup> Yassin is an individual who is similar to Hajj Amin al-Huseini, Sheikh Muhammad Izz al Din al-Qassam, and Hassan al-Banna in that he encompasses an Islamic ideology that interprets violent *jihad* and martyrdom as a Muslim’s obligation. Yassin began to establish HAMAS as an organization that would assist the Palestinians in their struggle against Israel. However, as Yassin “built the foundations of HAMAS, another violent Islamist organization was born of a fissure that developed among Islamists in the territories.”<sup>24</sup>

#### The Muslim Brotherhood in Gaza Split

In the late 1970’s, the Muslim Brotherhood in Gaza split into a new and old guard. Recall, the Palestinian Muslim Brotherhood already split once between the West Bank and in Gaza and the Muslim Brotherhood in Gaza was now dividing. The old guard wanted a nonviolent approach with the idea that *dawa* would retake Palestine. The young guard strived for a more violent *jihad* method to conquer Israel and “the second generation Brotherhood offshoots were the main *jihad* terror groups in the 1980’s.”<sup>25</sup> This fracture between the two extremes gave way to the creation of the Palestinian Islamic Jihad (PIJ) in 1979. The PIJ was founded by Sheikh Abd al Aziz Awda and Fathi

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<sup>23</sup> Ibrahim Barzak, “ Hamas Leader Calls For Holy War,” Israel's War against Terror, [http://www.israel-wat.com/q8\\_eng.htm](http://www.israel-wat.com/q8_eng.htm) (accessed September 20, 2010).

<sup>24</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 21.

<sup>25</sup> Walid Phares, *Future Jihad: Terrorist Strategies against the West*, 2<sup>nd</sup> Printing ed. (New York: Palgrave Macmillan, 2005), 65.

Shiqaqi while trying to engage in the momentum of the Iranian Revolution of 1979. Ayatollah Khomeini's takeover of Iran in 1979 encouraged Muslims around the world to overthrow their governments through violent means. The goal of the PIJ was to take back Palestine through Islamic *jihad*. The PIJ "remained a small organization that did not place much premium upon its own existence and was periodically depleted during the course of fighting."<sup>26</sup> The PIJ filled a growing niche among the Palestinians in Gaza. Frustrations were growing and fighting continued between the Jews and Palestinians. Israel decided to arrests many members of the PIJ because of its violent methods against Israelis. As a result, the PIJ's membership declined and there was a vacancy for a new organization that encompassed a similar Islamic ideology.

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<sup>26</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 114.

## CHAPTER IV

### THE RISE OF HAMAS

#### The First Intifada

The first intifada began on December 9, 1987 with a road incident involving an Israeli military vehicle and another vehicle with Palestinians inside. There are numerous stories as to what occurred at this road incident but it ended with several Palestinians injured and dead. News spread about the dead and injured Palestinians within the Palestinian community. As the Palestinians began to rally, the numbers quickly grew into the thousands. Thousands more Palestinians joined in the protests and riots, and the West Bank was filled with “demonstrators carrying stones, slingshots, and gasoline bombs.”<sup>27</sup> Commonly known as the *intifada*, many Palestinians continued to spontaneously rebel in the streets. The *intifada* picked up momentum and created an underground leadership called The Unified National Leadership (UNL). Yasser Arafat and the PLO saw this organization and immediately sought to lead it. The UNL represented a majority of the PLO’s representatives and interests. Its interests were secular and some Palestinians searched for a different type of resistance.

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<sup>27</sup> William L. Cleveland, *A History of the Modern Middle East*, 3rd ed. (Boulder, Colo.: Westview Press, 2004), 475.

### Harakat al-Muqawamah al-Islamiya

Harakat al-Muqawamah al-Islamiya, or the Islamic Resistance Movement meaning zeal in Arabic, emerged from a division of the Palestinian Muslim Brotherhood in Gaza. HAMAS was formed from “those who sought a guerilla war against Israel, specifically Yassin’s cadre of younger Muslim Brotherhood members in Gaza, elected in December 1987 or January 1988 to create an umbrella organization.”<sup>28</sup> In August of 1988, HAMAS published its organization’s covenant that outlines its objectives, doctrine, methods, and practices. It further states, that its goal is to eliminate Israel and implement *Sharia* law in all of Palestine. Furthermore, the covenant states that it will use violent Islamic *jihad* as interpreted by HAMAS to eradicate Israel.<sup>29</sup> HAMAS’s interpretation of Islam was shared by numerous Palestinians. HAMAS helped to fill the vacancy that the Palestinian Islamic Jihad (PIJ) left behind. When HAMAS emerged as an anti-Israel organization, it did not pose a challenge to FATAH or the PLO politically. Unlike FATAH, HAMAS gained momentum in the community and mosques. The PLO was mainly focused on secular Palestinian nationalism while HAMAS supported a more Islamic approach. HAMAS is not a secular nationalist organization but instead is an organization that strives to implement and emulate Islam.<sup>30</sup> The PLO gradually began to participate diplomatically with Israel and its violent attacks were relinquished. Although the PLO was a recognized as the leadership of the Palestinian people, the Palestinians did

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<sup>28</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 24.

<sup>29</sup> “Hamas Covenant, 1988, Preamble,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>30</sup> William L. Cleveland, *A History of the Modern Middle East*, 3rd ed. (Boulder, Colo.: Westview Press, 2004), 476.

not agree. They were angry with the PLO for negotiating with Israel. As a result, HAMAS's popularity grew as support for FATAH declined. HAMAS's supporters were not Palestinian refugees that held hostile feelings towards Israel; instead its supporters were from academia which included lawyers, university students and school teachers. In 1989, HAMAS institutionalized its organization with a hierarchical structure. It structured its organization so that it would be able to challenge the PLO for support. HAMAS was designed to lead from a distance with lower level commanders on the ground. In late 1989, Israel declared HAMAS an illegal organization, and consequently it gained prestige amongst Palestinians. During its initial growing stage, many Palestinians were wary of HAMAS because at one point, Israel had supported Yassin's Islamic community center. Therefore, when HAMAS was deemed an illegal organization not supported by Israel, it was seen as a true resistance organization. Two years later in 1991, an official military wing was founded and named the Izz al Din al-Qassam Brigades. It is named after Sheikh Muhammad Izz al Din al-Qassam who waged *jihad* against the British and the Jews in previous decades. The same year, al-Qassam Brigades carried out its first attack against Israeli civilians. This attack on civilians was not a new concept but instead served as another example of how to fight against Israel. HAMAS would continuously use unconventional war tactics and refused to participate in peace agreements. In the early 1990's, there were Israel-Palestinian peace talks known as the Oslo Accords. In 1993, Israeli Prime Minister Yizhak Rabin and PLO leader Yasser Arafat agreed to a Palestinian leadership for the West Bank and Gaza. The Palestinian Authority (PA) was created in 1994 as a result of the peace talks. The PA was staffed by members of the PLO and FATAH. HAMAS refused to participate in the peace talks and

did not agree with its outcome. In 1996, the PA held its first elections, in which HAMAS boycotted. As Israeli-Arab hostility increased, the PA and Israel began to clash. Arafat was credited with spawning the al Aqsa intifada in 2000 because the PA was unable to achieve its goals with Israel. The PA formed a military brigade called al Aqsa Brigade and began to launch attacks against Israel. The attacks continued, and in 2002 the Israeli Defensive Force (IDF) launched a massive counterterrorism campaign against the PA. The IDF destroyed the PA's infrastructure and killed military personnel. HAMAS reaped the rewards of a beaten down PA. HAMAS, in spite of the al Aqsa Brigade, was continuously perceived as the legitimate resistance organization to Israel. In 2004, HAMAS founder Yassin was killed by Israeli forces after departing from a mosque. There was an outcry from the world and the Palestinians against Israel for killing Yassin, "although perhaps the missile attack came as no surprise. The sixty-seven year old cleric was an avowed enemy of Israel who justified suicide operations though his interpretation of Islamic law and ordered them to be carried out against Israeli citizens."<sup>31</sup> Yassin was replaced by Abdel Aziz al-Rantisi as the leader of HAMAS. He feared that the IDF would target him, so he went into hiding. One month after Yassin was killed, the IDF killed HAMAS leader al-Rantisi. Israel expected support for HAMAS to dwindle down after its crack down on the organization. Israel expected HAMAS's influence to decline as it did with the PIJ before it. However, killing HAMAS's leaders only led to more violence and Palestinian unity. The Palestinians loved and admired Yassin. Therefore, "200,000 Palestinians mobbed the streets of Gaza City for his funeral procession, making

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<sup>31</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 80.

one of the largest demonstrations in recent memory.”<sup>32</sup> HAMAS’s strength continued to ascend to a level that would force them to do something out of the ordinary. HAMAS became involved in the electoral process of the PA in 2006. Despite polls indicating FATAH in the lead, HAMAS emerged as the winner. FATAH did not want to grant legitimacy to HAMAS’s victory and as a result, rejected it in its entirety. Soon after the 2006 election, tensions between FATAH and HAMAS escalated and became violent. HAMAS took command of the media, mosques and PA government buildings and installations. After a week of fighting, HAMAS controlled Gaza and held a majority of seats in the PA. Governments around the world including the United States refuse to diplomatically speak with HAMAS. However, “without some knowledge of Islamic reason and discourse, actions and statements by HAMAS and other Islamist organizations will remain opaque and meaningless and the West will remain oblivious to significant developments on the part of its adversaries.”<sup>33</sup> Understanding what HAMAS is and how it is organized will prove vital to a full comprehension of the organization.

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<sup>32</sup> Ibid., 8.

<sup>33</sup> Ali Mansour, “Hammas: Friend or Foe in the Fight Against Terrorism,” Ikhwan Web: The Muslim Brotherhood Official English Website, [http://www.ikhwanweb.com/iweb/index.php?option=com\\_content&view=article&id=31640&catid=10389&Itemid=802](http://www.ikhwanweb.com/iweb/index.php?option=com_content&view=article&id=31640&catid=10389&Itemid=802) (accessed October 8, 2010).



## CHAPTER V

### HAMAS INTERNAL STRUCTURE

#### Structure

HAMAS's leadership and internal structure remain clandestine to maintain operational security. If its leadership and organizations' structure is overt then it becomes vulnerable to its adversaries. However, the more popular HAMAS becomes to the Palestinians, looming questions about its decision making processes require HAMAS to unveil a certain amount of information. HAMAS is a multifunctional organization that consists of social, political, and military wings. Its structure is often unclear because its wings are intertwined that it is difficult to distinguish one from the other. Since HAMAS is deemed a terrorist organization by numerous states, its internal operations sometimes must be in secret. Izz al Din al-Qassam Brigades, is HAMAS's military wing that operates in secret for the success of its missions. As a result, it has claimed that it operates independently of HAMAS, although others disagree. The overt distinction of separate wings presumably allows for HAMAS to legally collect charitable funds and foreign aid from abroad. The charitable donations collected go into a money pool that can be used to fund the military wing in terrorist attacks. The Political Bureau is the highest decision-making body and consists of fifteen elected members. They are the ultimate decision makers and are based in Damascus, Syria. The Chief of the Political Bureau is

Khalid Mashaal who resides in Damascus where he governs the organization. The Deputy Chief of the Political Bureau is Mousa Abu Marzouq, together with Prime Minister Ismail Haniyah and Foreign Minister Mahmoud Zahar. They are the highest leadership within HAMAS. Additionally, HAMAS has *majlis al shura* or consultative councils that are the political and decision-making body for the organization. They handle media relations, social services, and military operations. There are additional local *majlis al shura* that carry out the orders in its community. Recently there has been a slight increase in secrecy regarding the leadership and structure of HAMAS. It would like its social, political, and military wings to be perceived as separate units for strategic purposes.

#### Dawa System

HAMAS serves numerous functions for the Palestinians that range from charitable contributions to social services. Islam calls upon Muslims to give 2.5% of their income called *zakat*. *Zakat* is religious alms giving that aids the orphans, widows and the poor. HAMAS uses *zakat* that is collected and uses it to build schools, mosques, and assist the less fortunate. The *dawa* system uses *zakat* and Islamic endowments to care the Muslim community.<sup>34</sup> *Dawa* in Arabic means “propagate”, which additionally refers to the concept of propagating Islam. *Dawa* serves as a method in which Islam is propagated through charitable means. Sheikh Ahmed Yassin had “set up the HAMAS *dawa* to mirror the structure he had helped perfect as a Muslim Brotherhood activist.”<sup>35</sup> HAMAS’s social

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<sup>34</sup> R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World*, 2nd ed. (Syracuse, N.Y.: Syracuse University Pr (Sd), 1995), 44.

<sup>35</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 24.

wing used Yassin's community center to implement *dawa* for the Palestinians. This *dawa* system provided an Islamic education, public services and cultural activities for the Palestinian youth. The type of education received is the study of the Qur'an and Islam. *Dawa* serves as a method in which HAMAS derives support as well. Without HAMAS sponsored *dawa*, many Palestinians presumably would have less education and food. Islamic endowments, or *waqfs*, help fund charitable organizations such as HAMAS.<sup>36</sup> In the Muslim world, "revenue derived from a *waqf*'s endowed properties and individual donations typically fund a veritable network of welfare and charitable services (such as schools, orphanages, soup kitchens). These not only provide for the temporal needs of the population but are also a means of drawing in the people to whom religious leaders want to preach."<sup>37</sup> HAMAS is a generous charitable organization with many fund-raising organizations throughout the world including the United States. The Islamic community center is one of the largest Islamic welfare institutions in the region. *Dawa* activities are seen as a protection for the *umma*, community of Islamic believers, from non-Muslim political leaders. The *dawa* is further utilized for assisting families of suicide bombers that have become martyrs. The costs associated with *dawa* are extensive and need constant replenishment. Therefore, HAMAS contributes a substantial amount of money to martyrs' families, prisoners, prisoner's families and wounded operatives."<sup>38</sup> Martyrs families receive a grant ranging from \$500-\$5000 and a monthly allowance of around

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<sup>36</sup> Michael Dumper, *Islam and Israel: Muslim Religious Endowments and the Jewish State* (New Haven: Inst for Palestine Studies, 1994), 1-2.

<sup>37</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 16.

<sup>38</sup> *Ibid.*, 58.

\$100.<sup>39</sup> HAMAS founder, Yassin stated that HAMAS gives \$2-\$3 million for martyrs' relatives and assists the families of those whose relatives are in Israeli prisons.<sup>40</sup>

HAMAS's *dawa* system brings in support from the *dawa* recipients. Sometimes the *dawa* recipients offer their homes and businesses for HAMAS operations. Secret underground tunnels lead to houses that are used to smuggle weapons. Weapons are stockpiled underneath schools, and mosques are used for communications and weapon storage. Under the leadership of HAMAS, the *dawa* system within the Islamic community center in Gaza is an ideal setting to gain support of the people through charity and encourage large numbers of people to turn to Islam.

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<sup>39</sup> "Hamas's Use of Charitable Societies to Fund and Support Terror," Israel Ministry of Foreign Affairs, [http://www.mfa.gov.il/MFA/MFArchive/2000\\_2009/2003/9/Hamas-s%20use%20of%20charitable%20societies%20to%20fund%20and%20su](http://www.mfa.gov.il/MFA/MFArchive/2000_2009/2003/9/Hamas-s%20use%20of%20charitable%20societies%20to%20fund%20and%20su) (accessed July 5, 2011).

<sup>40</sup> Lee Hockstader, "Palestinians Find Heroes in Hamas; Popularity Surges for Once Marginal Sponsor of Suicide Bombings," *Washington Post*, August 11, 2001.

## CHAPTER VI

### IZZ AL DIN AL-QASSAM BRIGADES

HAMAS's official military branch is named Izz al Din al-Qassam Brigades and was developed in 1991. *Izz* means support, adherence, and *Din* means religion. The official name of HAMAS's military branch is important to its military operations. It is named after Sheikh Muhammad Izz al Din al-Qassam, who, in the 1930's fought against the British and the Jews. Recall, al-Qassam interpreted violent Islam as *jihad* and martyrdom as obligatory for Palestinian Muslims. Al-Qassam Brigades uses violence to carry out attacks against Israeli military personnel and civilians. It consists of over one-thousand military fighters, however, "the number of Izz al Din al-Qassam members is known only to the leadership of the Brigades, which adopts the principle of secrecy in organization and recruitment."<sup>41</sup> Al-Qassam "is a network of specialized cells operating all over the Gaza Strip and West Bank. The cells work independently of each other under the instructions of the Brigades leadership."<sup>42</sup> In 1991, the al-Qassam Brigades carried out its first official attack on an Israeli civilian which is illegal warfare according to international law. According to the Fourth Geneva Conventions of 1949 non-combatants

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<sup>41</sup> Ezzedeen Al-Qassam Brigades-Information Office, "About Us: Background" Al Qassam Brigades Official English Website, <http://www.qassam.ps/aboutus.html> (accessed September 10, 2010).

<sup>42</sup> Ibid.

cannot be targeted.<sup>43</sup> It additionally says, “Parties to a conflict are prohibited to target civilians and required to take all feasible precautions to avoid attacks that result in civilian casualties. They are also required to avoid defensive measures that put civilians in danger.”<sup>44</sup> HAMAS uses recruited men and women to strap a bomb to their bodies and go into Israel to detonate the bomb in a civilian populated area. Al-Qassam additionally uses mortars, grenades, and short-range rockets to launch into Israeli territory. The al-Qassam rocket has undergone several improvements since 2001 and can be easily made with materials that are not difficult to obtain. Al-Qassam Brigades is additionally undergoing a transformation and its weaponry is becoming more accurate. In 2000, Central Intelligence Agency Director, George Tenet explained that HAMAS was gaining knowledge on how to utilize chemicals in its attacks. Al-Qassam admitted that it is fighting an enemy that is militarily superior to them; however, it relies “on the support of Allah Almighty during its struggle.”<sup>45</sup> Al-Qassam Brigades aims “to contribute in the effort of liberating Palestine and restoring the rights of the Palestinian people under the sacred Islamic teachings of the Holy Qur’an, the *Sunnah* (traditions) of Prophet Muhammad (peace and blessings of Allah be upon him) and the traditions of Muslims rulers and scholars noted for their piety and dedication.”<sup>46</sup>

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<sup>43</sup> “Convention (IV) Relative to the Protection of Civilian Persons in Time of War,” International Humanitarian Law - Treaties & Documents, <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5> (accessed August 5, 2011).

<sup>44</sup> “Persons Protected Under IHL,” International Committee of the Red Cross, <http://www.icrc.org/eng/war-and-law/protected-persons/overview-protected-persons.htm> (assessed August 5, 2011).

<sup>45</sup> Ezzedeen Al-Qassam Brigades-Information Office, “About Us: Background” Al Qassam Brigades Official English Website, <http://www.qassam.ps/aboutus.html> (accessed September 10, 2010).

<sup>46</sup> Ibid.

### Funding HAMAS

HAMAS has gained a tremendous amount of support from individuals, charities and states around the world. According to the Council of Foreign Relations, HAMAS's annual budget is around \$70 million dollars. The majority of its monies comes from outside the Palestinian territories; "Of the fourteen donors listed, two are Israeli-Arab charities, one is an 'internal' sponsor from the West Bank, and the rest are foreign-based foundations from Jordan, Qatar, Kuwait, Saudi Arabia, Britain, Germany, United States, United Arab Emirates, Italy and France."<sup>47</sup> There are many wealthy individuals that support HAMAS's objectives and methods. Organizations such as Interpal, al-Aqsa Foundation, and the Holy Land Foundation financially support HAMAS funded charities. Interpal is a British based charity that raises funds to support development for the Palestinians and the al-Aqsa International Foundation is based out of Germany.<sup>48</sup> Within the United States there have been numerous charity organization fronts that are supportive of HAMAS. In late 2001, the Holy Land Foundation for Relief and Development (HLFRD) was shut down due to findings by the Federal Bureau of Investigation (FBI). According to the FBI, "the US government determined that these funds were used by HAMAS to support families and sympathy for suicide bombers."<sup>49</sup> The FBI was able to tie the HLFRD to Interpal, which supports charities closely affiliated

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<sup>47</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* New Haven: Yale University Press, 2006), 143.

<sup>48</sup> "Interpal Transfer of Contributions to the Designated Hamas-Affiliated Ramallah-al-Bireh Charity Committee: A Test Case to Examine the Connection between Interpal and One of Hamas Leading Institutions in the Pa-Administered Territories.," Intelligence and Terrorism Information Center at the Center for Special Studies (C.S.S.), [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/12\\_04/interpal\\_app\\_a.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/12_04/interpal_app_a.htm) (accessed August 25, 2011).

<sup>49</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 146.

with HAMAS.<sup>50</sup> The FBI further uncovered that HAMAS's support within the United States can be dated back into the early 1990's. There was a meeting held in Philadelphia where HAMAS supporters met to discuss how they were going to assist fundraising efforts for HAMAS in the United States. According to the FBI, the individuals decided on five goals: "(1) Support the holy struggle, *Jihad*; (2) Publicly distance their movement from HAMAS 'to avoid media criticism and negative public perception'; (3) Effect 'mass mobilization'; (4) 'actively solicit contributions and fundraising' for HAMAS; and (5) 'influence the public opinion and the news media in the United States.'"<sup>51</sup> The al Aqsa International Foundation was a front for HAMAS in various European countries and "was first outlawed in Israel in 1997 and declared a terrorist organization [by Israel] the following year."<sup>52</sup> In 2003, several European states, and the United States, concluded the organization was pro-HAMAS and they all took action to uproot the branches within each of its states. HAMAS, despite international efforts, continues to receive financial assistance from wealthy individuals and foreign allies.

The *dawa* system shows itself in the form of charities that assist those less fortunate. Many charities are affiliated and are operated by HAMAS activists as such the case with the Ramallah-Al-Bireh Charity. It was founded in 1997 and is officially under the jurisdiction of the PA's Ministry of Religious Endowments. As a result of its

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<sup>50</sup> "Interpal Transfer of Contributions to the Designated Hamas-Affiliated Ramallah-al-Bireh Charity Committee: A Test Case to Examine the Connection between Interpal and One of Hamas Leading Institutions in the Pa-Administered Territories.," Intelligence and Terrorism Information Center at the Center for Special Studies (C.S.S.), [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/12\\_04/interpal\\_app\\_a.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/12_04/interpal_app_a.htm) (accessed August 25, 2011).

<sup>51</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 147.

<sup>52</sup> *Ibid.*, 155.



HAMAS affiliations it was outlawed by Israel in 2002. The Ramallah-Al-Bireh Charity received numerous donations from charitable organizations such as: Interpal in London, Al-Aqsa Charity in Germany, Holy Land Foundation in the United States, Charity Action Network in the United Arab Emirates, Islamic Society for Orphan Welfare in Israel, and the Palestinian Charitable Society in Italy and France.<sup>53</sup> There are numerous bank statements that display the amount of monies transferred and from who and to whom it's to be transferred to. For example, Le Comité de Bienfaisance et de Secours aux Palestiniens (CBSP), sent a financial transaction to the Ramallah-Al-Bireh Charity in the amount of \$49,964 on July 2, 2001. It sent its transaction through the Arab Bank in New York to the Ramallah-Al-Bireh Charity.<sup>54</sup> The Ramallah-Al-Bireh Charity Committee consisted of HAMAS activist and/or affiliates. Its committee chairman, Husni Muhammad 'Abd al-Qadir Abu 'Awad, was affiliated with HAMAS along with its other committee members, Darwish al-Zaban, Omar Muhammad Ahmad Hamdan, Aql Rabia', Nabil 'Abd al-Hadi Mustafa Mansour, Muhtadi Mahmoud Ibrahim Muslih, and Mahmoud Ahmad 'Abd al-Rahman al-Rahmi. Mahmoud Ahmad 'Abd al-Raham al-Rahmi is a medical doctor, and was secretary of the Palestinian Legislative Council. As secretary he was active in finance and charitable societies along with being a HAMAS senior activist in Judea and Samaria. He and the Ramallah-Al-Bireh Charity Committee

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<sup>53</sup> "Part B Appendix A (1): The CBSP Transfer of Funds to the Hamas- Affiliated Ramallah-Al-Bireh Committee," *Intelligence and Terrorism Information Center at the Center for Special Studies (C.S.S) Special Information Bulletin*, March 2005, [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/4\\_05/cbsp\\_e2.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/4_05/cbsp_e2.htm) (accessed August 2, 2011).

<sup>54</sup> "Part B Appendix A (4): The CBSP Transfer of Funds to the Hamas- Affiliated Ramallah-Al-Bireh Committee," *Intelligence and Terrorism Information Center at the Center for Special Studies (C.S.S) Special Information Bulletin*, March 2005, [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/4\\_05/cbsp\\_e2.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/4_05/cbsp_e2.htm) (accessed August 2, 2011).

members were affiliated or supporters of HAMAS.<sup>55</sup> As a result of the Ramallah-Al-Bireh Charity being affiliated by HAMAS activists and/or affiliates, Israel banned its supporting charities. Since it has been uncovered that Ramallah-Al-Bireh Charity had affiliations with HAMAS, several of its committee members have since been arrested or killed. Upon the removal of HAMAS affiliates, the charity's income revenue decreased and has sought new avenues to raise funds.<sup>56</sup>

Since HAMAS's emergence in 1988, it has carried out hundreds of attacks against Israel and consequently there have been numerous civilian casualties. Sheikh Muhammad Izz al Din al-Qassam, Hajj Amin Al-Huseini, Hassan al-Banna, and Ahmed Yassin were influential men in Palestinian history. They share similar interpretations of Islam, *jihad*, and martyrdom. They supported violent *jihad* against the Jews so that Palestine could be restored. HAMAS shares a similar view of Islam in that its goal is to eliminate Israel through Islam.<sup>57</sup> How much of HAMAS's interpretation of Islam is radicalized and presumably distorted? The greater question is how far removed from Islamic doctrine is HAMAS?

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<sup>55</sup> "Appendix A (3): The Ramallah-Al-Bireh Charity Committee," *Intelligence and Terrorism Information Center at the Center for Special Studies (C.S.S) Special Information Bulletin*, December 2004, [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/12\\_04/interpal\\_app\\_a.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/12_04/interpal_app_a.htm) (accessed August 3, 2011).

<sup>56</sup>Ibid.

<sup>57</sup> "Hamas Covenant 1988, Preamble," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

## CHAPTER VII

### DOCTRINE OF HAMAS

HAMAS's interpretation of Islam is referred to by some as a perversion of the Islamic faith. In 2006, former President George W. Bush spoke before the United Nations and said that the United States was not at war with Islam. He further stated that he would protect the United States against terrorists that perverted the Islamic faith.<sup>58</sup> President Barack Obama has asserted the same notion that Islam is a religion of peace and extremists pervert the faith. On September 10, 2010, he said, "We are not at war against Islam. We are at war against terrorist organizations that have distorted Islam or falsely used the banner of Islam to engage in their destructive acts."<sup>59</sup> HAMAS's interpretation of violent Islam appears to be a perversion of the Islamic faith. Presumably it has taken sacred scripture out of its context so that it may justify violence. However, HAMAS has a different perspective on its interpretation of Islam. It states in the HAMAS Covenant, that it gets its guidelines and interpretations from the Islamic faith. HAMAS claims that it derives its views, doctrine, and practices from Islam.

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<sup>58</sup> "There is No War Against Islam, Bush Says at United Nations," *The Ethics and Religious Liberty Commission*, September 20, 2006, <http://erlc.com/article/there-is-no-war-against-islam-bush-says-at-united-nations/> (accessed August 31, 2011).

<sup>59</sup> "U.S. Not At War with Peace Loving Islam," *NDTV*, September 11, 2010, <http://www.ndtv.com/article/world/us-not-at-war-with-peace-loving-islam-obama-51211> (accessed August 5, 2011).

### The HAMAS Covenant

The HAMAS Covenant is the official document that was created in 1988 to establish its history, doctrine, and practices in Gaza. It consists of a preamble, introduction, five subheadings, thirty-six articles, and an epilogue. The preamble begins, “Ye are the best nation that hath been raised up unto mankind: ye command that which is just, and ye forbid that which is unjust, and ye believe in Allah.”<sup>60</sup> It references a distinction between Muslim and non-Muslims and calls non-Muslims evil-doers. It states that disbelievers will incur Allah’s wrath because they are rebellious. It additionally says, “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it.”<sup>61</sup> The introduction begins asking for Allah’s guidance and bids peace upon the Prophet Muhammad. It states that HAMAS recognizes its duties in response to Allah’s decrees. HAMAS identifies itself as a continuation of *jihad* that has been fought for Palestine since the time of the Prophet Muhammad’s companions. It states, “The spirits of its fighters meet with the spirits of all the fighters who have sacrificed their lives on the soil of Palestine, ever since it was conquered by the companions of the Prophet, Allah bless him and grant him salvation, and until this day.”<sup>62</sup> It says that HAMAS will continue the struggle with the Jews and will need loyal efforts

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<sup>60</sup> “ Hamas Covenant 1988, Preamble,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>61</sup> Ibid.

<sup>62</sup> “ Hamas Covenant 1988, Introduction,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

in order for Allah to prevail and its enemies defeated. It further says that HAMAS will state its position on issues and clarify its purposes within the covenant.<sup>63</sup>

Part I of the covenant consists of eight articles that deal with learning about the movement. Article I addresses the ideological aspects of HAMAS. It states, “The Islamic Resistance Movement: The Movement's programme is Islam. From it, it draws its ideas, ways of thinking and understanding of the universe, life and man. It resorts to it for judgment in all its conduct, and it is inspired by it for guidance of its steps.”<sup>64</sup> HAMAS initially asserts that it is an organization founded on Islamic principles and will conduct itself as such. It claims that HAMAS is a wing of the Egyptian Muslim Brotherhood in Palestine. It further states that the Muslim Brotherhood is a world organization and completely comprehends all concepts of Islam.<sup>65</sup> The basic structure of HAMAS consists of Muslims that are devoted to Allah and are aware of their duty for *jihad*. Its members will raise the banner of *jihad* against the oppressors that are “unclean” and “vile”.<sup>66</sup> Article IV welcomes all Muslims into the organization that share similar beliefs and ways of thinking. It encourages Muslims to commit themselves to take action, and maintain secrets about the organization and if they do so they will be awarded by Allah.<sup>67</sup> HAMAS claims to be a distinct Palestinian movement that owes its loyalty to Allah and its

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<sup>63</sup> Ibid.

<sup>64</sup> “ Hamas Covenant 1988, Part I, Article I,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>65</sup> “ Hamas Covenant 1988, Part I, Article II,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>66</sup> “ Hamas Covenant 1988, Part I, Article III,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>67</sup> “ Hamas Covenant 1988, Part I, Article IV,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

practices to Islam. It is under the shadow of Islam that every individual will coexist safely.<sup>68</sup> When Islam does not reign supreme, “strife will be rife, oppression spreads, evil prevails and schisms and wars will break out.”<sup>69</sup> The peace referred to by HAMAS can only be maintained under the law of Islam. It is peace that occurs after land has been conquered and *Sharia law* established. Therefore, HAMAS’s interpretation of peace is of absolute submission to its Islamic ideology as opposed to negotiation and compromise.<sup>70</sup> The covenant additionally addresses the universality of HAMAS and claims its *jihad* is a common concept. HAMAS claims to be a continual link in a long chain of *jihad* and makes reference to Sheikh Izz al Din al-Qassam as a martyr against the Zionist invasion.<sup>71</sup> *Jihad* in Palestine has continued since the 1936 Arab Revolt, the 1948 War, the Six Day War, and thereafter. *Jihad* has been waged against the Jews because the Prophet Muhammad said, “The Day of Judgment will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him!”<sup>7273</sup> Part I of the covenant concludes with Article VIII that states HAMAS’s slogan;

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<sup>68</sup> “ Hamas Covenant 1988, Part I, Article VI,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> “ Hamas Covenant 1988, Part I, Article VII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>72</sup> *Ibid.*

<sup>73</sup> Sahih Bukhari, Volume 4, Book 52, Number 177, Muhammad Muhsin Khan, “Translation of Sahih Bukhari,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/bukhari/052-sbt.php> (accessed August 31, 2011).

“Allah is its target, the Prophet is its model, the Koran its constitution: *Jihad* is its path and death for the sake of Allah is the loftiest of its wishes.”<sup>74</sup>

Part II of the HAMAS covenant states its objectives in two articles. Article IX summarizes the motives and objectives of the organization. Its motives derive from the perception that Islam has strayed from the truth. Values and morale have decreased while evil and oppression have prevailed.<sup>75</sup> Its objectives are to discard evil and give back homelands to its owners. HAMAS wants calls of prayer to re-enter the mosques to show that a Muslim state has been established.<sup>76</sup> It believes that evil has prevailed in Palestine and Islam must be restored.

Part III addresses HAMAS’s strategies and methods. It consists of twelve articles that cover a variety of issues. Article XI claims that Palestine is an Islamic *waqf*. Islamic *waqfs* cannot be renounced, transferred or abandoned by any individual or organization. Palestine is an Islamic *waqf* and will remain as such until the Islamic Day of Resurrection.<sup>77</sup> Palestine “is an Islamic Waqf consecrated for future Moslem generations until Judgment Day.”<sup>78</sup> HAMAS believes that the conquering of Palestine by Islamic armies after the time of the Prophet Muhammad, is a continuation of Islamic conquests that have been made in Islamic history. Article XII addresses HAMAS’s view on

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<sup>74</sup> “ Hamas Covenant 1988, Part I, Article VIII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>75</sup> “ Hamas Covenant 1988, Part II, Article IX,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>76</sup> Ibid.

<sup>77</sup> “ Hamas Covenant 1988, Part III, Article XI,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>78</sup> Ibid.

Palestinian nationalism. Palestinian nationalism is a part of the Islamic faith and *jihad* is a duty of every Muslim man and woman.<sup>79</sup> Palestinian nationalism is different from every other nationalist movement because, “other nationalist movements are connected with materialistic, human or regional causes; nationalism of the Islamic Resistance Movement has all these elements as well as the more important elements that give it soul and life.”<sup>80</sup> Article XIII discusses peace solutions, peace initiatives, and international conferences. HAMAS claims that peaceful initiatives and international conferences aimed at solving the Palestinian problem “are in contradiction to the principles of the Islamic Resistance Movement. Abusing any part of Palestine is abuse directed against part of [the Islamic] religion.”<sup>81</sup> HAMAS claims that international conferences are nothing more than an attempt to put non-believers in charge of Islamic land. It then questions whether or not unbelievers ever do justice for Muslims.<sup>82</sup> It then references the Qur’an, “Never will the Jews be satisfied with thee, neither the Christians, not till thou followest their religion. Say: God’s guidance is the true guidance. If thou followest their caprices, after the knowledge that has come to thee, thou shalt have against God neither protector nor helper.”<sup>83</sup> It further claims that there is no solution to the Palestinian problem except through acts of *jihad*. The Palestinian problem is interrelated in three circles: the Palestinian, the Arab, and the Islamic. They play a role in the liberation of Palestine but

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<sup>79</sup> “ Hamas Covenant 1988, Part III, Article XII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>80</sup> Ibid.

<sup>81</sup> “ Hamas Covenant 1988, Part III, Article XIII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>82</sup> Ibid.

<sup>83</sup> Qur’an 2:114, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 43.



the most important is the role of Islam. Liberating Palestine is an obligation of all Muslims around the world.<sup>84</sup> Waging *jihad* is a binding duty on every Muslim because Palestine has been usurped by its enemies. Article XV states, “In face of the Jews’ usurpation of Palestine, it is compulsory that the banner of *Jihad* be raised.”<sup>85</sup> The spirit of *jihad* must be spread to the educators, media, and Palestinian youth. Educational curricula must be cleansed from ideologies from “missionaries” and “orientalists”. HAMAS wishes to instill in Muslims that the Palestinian problem is an Islamic problem and must be dealt with in that manner.<sup>86</sup> HAMAS further states its strategies regarding generations of Islamic youth and Muslim women. Article XVI says that an Islamic education is necessary for its youth. The youth must study the Qur’an, *Ahadith*, and Islamic history in order to obtain sound thinking. Currents events should additionally be studied so that a Muslim fighting in *jihad* can be fully aware of his objective and goals.<sup>87</sup> Muslim women do not have a lesser role in the liberation of Palestine. Women are “the maker of men. Her role in guiding and educating the new generations is great.”<sup>88</sup> Women are vital in their role of *jihad* because they care for the home in which *jihad* fighters reside. They are to raise their sons in Islamic doctrine and prepare them for *jihad*. Young girls should be educated about their role in home economics so that they may assist in

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<sup>84</sup> “ Hamas Covenant 1988, Part III, Article XIV,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>85</sup> “ Hamas Covenant 1988, Part III, Article XV,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>86</sup> *Ibid.*

<sup>87</sup> “ Hamas Covenant 1988, Part III, Article XVI,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>88</sup> “ Hamas Covenant 1988, Part III, Article XVIII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

*jihad* as well.<sup>89</sup> Article XIX addresses the role of Islamic art in liberating Palestine. It says that books, publications, religious songs, and poems must be nourishing the fight in Palestine.<sup>90</sup> HAMAS further claims that social solidarity is necessary to defeat its oppressors. It is incumbent on HAMAS to assist the poor both materially and morally.<sup>91</sup> Article XXII addresses un-Islamic organizations ranging from Rotary Clubs to the United Nations Security Council. It claims that organizations such as these unite in unbelief against Islamic believers. It concludes with a quote from the Qur'an, "O believers, take not for your intimates outside yourselves; such men spare nothing to ruin you; they yearn for you to suffer. Hatred has already shown itself of their mouths, and what their breasts conceal is yet greater. Now we have made clear to you the signs, if you understand."<sup>92</sup>

Part IV of the covenant continues to address other Islamic movements, Palestinian nationalism, and the former Palestinian Liberation Organization. HAMAS respects other Islamic movements around the world. If the Islamic movements or organizations differ from HAMAS, it is acceptable as long as its behavior is within Islamic principles.<sup>93</sup> HAMAS respects the Palestinian nationalist movement as long as they do not give their loyalty to the West. HAMAS establishes that its own movement is a movement of *jihad*.

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<sup>89</sup> Ibid.

<sup>90</sup> "Hamas Covenant 1988, Part III, Article XIX," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>91</sup> "Hamas Covenant 1988, Part III, Article XXI," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>92</sup> Qur'an 3:118, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 88.

<sup>93</sup> "Hamas Covenant 1988, Part IV, Article XXIII," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

It does not desire material wealth or fame but instead desires to liberate Palestine.<sup>94</sup> It recognizes that the Palestinian problem must be resolved but it will only view it through an Islamic lens.<sup>95</sup> In Article XXVII, the Palestinian Liberation Organization (PLO) is referred to as secular and a secular state that would oppose religious thoughts of HAMAS. As a result, the PLO would have to later adopt Islamic principles for Palestine.<sup>96</sup> The covenant further defines what *jihad* is and how every Muslim can take part. It says, “*Jihad* is not confined to the carrying of arms and the confrontation of the enemy. The effective word, the good article, the useful book, support and solidarity - together with the presence of sincere purpose for the hoisting of Allah's banner higher and higher.”<sup>97</sup> Article XXXI addresses the treatment of non-Muslims. It claims that HAMAS is a humane organization that respects the rights of others. It is under Islamic law that other religions can coexist safely. It says, “Peace and quiet would not be possible except under the wing of Islam. Past and present history are the best witness to that.”<sup>98</sup> Article XXXII says that Zionists and Imperialist forces are trying to isolate the Palestinian people. HAMAS calls upon Arab and Islamic people to join the liberation of Palestine. It claims that it is an act of treason to walk away from the Palestinian conflict and quotes the Qur’an; “whoso turns his back that day to them, unless withdrawing to

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<sup>94</sup> “ Hamas Covenant 1988, Part IV, Article XXV,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>95</sup> “ Hamas Covenant 1988, Part IV, Article XXVI,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>96</sup> Ibid.

<sup>97</sup> “ Hamas Covenant 1988, Part IV, Article XXX,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>98</sup> “ Hamas Covenant 1988, Part IV, Article XXXI,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

fight again or removing to join another host, he is laden with the burden of God's anger."<sup>99</sup><sup>100</sup>

Part V of the covenant consists of two articles and addresses the history of Islamic militancy. Palestine is the center of the world and has been sought after by other faiths. Article XXXIV claims that the Prophet Muhammad told his companions that Allah would grant them foreign lands and slaves. He additionally said that the inhabitants of Syria and Palestine will be engaged in *jihad* until the Day of Resurrection.<sup>101</sup> HAMAS says it has learned from past invaders of Islamic lands. The Muslim fighters fought off Christian Crusaders from the West and Tatars from the east. As a result, HAMAS's defeat of Jewish invaders will not be difficult because "Moslems have benefited from past experiences, rid themselves of the effects of ideological invasion and followed the customs of their ancestors."<sup>102</sup>

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<sup>99</sup> " Hamas Covenant 1988, Part IV, Article XXVII," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>100</sup> Qur'an 8:16, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 198.

<sup>101</sup> " Hamas Covenant 1988, Part V, Article XXXIV," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>102</sup> " Hamas Covenant 1988, Part V, Article XXXV," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

## CHAPTER VIII

### ISLAMIC SOURCES

HAMAS claims it gets its inspiration, doctrine, and practices from Islam. It states in the HAMAS covenant that “Allah is its target, the Prophet is its model, the Koran its constitution: *Jihad* is its path and death for the sake of Allah is the loftiest of its wishes.”<sup>103</sup> It takes quotes from the Qur’an and literature about the sayings of the Prophet Muhammad called the *Ahadith*. Politicians such as former President Bush and President Obama have said that violence in the name of Islam is a perversion of the faith.<sup>104</sup> <sup>105</sup> However, HAMAS claims that its doctrine and practices are based on Islamic teachings. Therefore, what within the Islamic faith constitutes a violent interpretation by organizations such as HAMAS?

#### The Holy Qur’an

The Qur’an means “recitation” in Arabic and is the holy book of the Islamic faith. Muslims believe that the Qur’an is the eternal, literal word of Allah and thus needs to be

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<sup>103</sup> “Hamas Covenant 1988, Part I, Article VIII,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>104</sup> “There is No War Against Islam, Bush Says at United Nations,” *The Ethics and Religious Liberty Commission*, September 20, 2006, <http://erlc.com/article/there-is-no-war-against-islam-bush-says-at-united-nations/> (accessed August 31, 2011).

<sup>105</sup> “U.S. Not At War with Peace Loving Islam,” *NDTV*, September 11, 2010, <http://www.ndtv.com/article/world/us-not-at-war-with-peace-loving-islam-obama-51211> (accessed August 5, 2011).

preserved in that form. The Qur'an as it was revealed to the Prophet Muhammad is in the Arabic language. Therefore, the Arabic language is important to Muslims and they believe it cannot be truly translated only interpreted into another language. As a result, "all Muslims, regardless of their native language, memorize and recite the Qur'an in Arabic, the language it was revealed, whether they fully understand this language or not."<sup>106</sup>

The Qur'an was neither written nor inspired by the Prophet Muhammad. Instead it is believed by Muslims to be a collection of *suras*, or chapters, given to the Prophet Muhammad from Allah during a span of twenty-three years. It consists of 114 *suras* that are not arranged in chronological order. The themes or topics of the *suras* are not organized together because "it enables a believer to simply open the text at random and start reciting at the beginning of any paragraph, since each represents a lesson to be learned and reflected upon."<sup>107</sup> The *suras* are organized from the longest to the shortest and cover a variety of topics. The Qur'an is composed of two types of *suras* called the Meccan and Medinan *suras*. During the Prophet Muhammad's lifetime he lived in Mecca and Medina. He received his first revelation in Mecca and his last in Medina. When the Prophet Muhammad lived in Mecca, he preached messages about faith, morality, and peace.<sup>108</sup> For example, "God forbids you not, as regards those who have not fought you in religion's cause, nor expelled you from your habitations, that you should be kindly to

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<sup>106</sup> John L. Esposito, *What Everyone Needs to Know About Islam* (New York: Oxford University Press, USA, 2002), 10.

<sup>107</sup> *Ibid.*, 9.

<sup>108</sup> Vincent J. Cornell, ed., *Voices of Islam: Voices of Tradition*, Vol. 1 (New York: Praeger Publishers, 2007), 49.

them, and act justly towards them; surely God loves the just.”<sup>109</sup> These Meccan *suras* are shorter in length and located in the latter half of the Qur’an. In 622 A.D. the Prophet Muhammad and his followers migrated to Medina over a period of several months. The Prophet Muhammad gained political power and organized the community according to his revelations. During the time he was in Medina, he preached what are known as the Medinan *suras*. These *suras* are longer in length and “deal with the political, social, and economic aspects of Muslim life.”<sup>110</sup> These *suras* are relatively longer and include references to violence. For example, “Fight them, and God will chastise them at your hands and degrade them, and he will help you against them, and bring healing to the breasts of a people who believe.”<sup>111</sup> Some Muslims put emphasis on the Meccan *suras* while other Muslims put emphasis on the Medinan *suras*. HAMAS’s emphasis on the Medinan *suras* in its covenant reflects the concept of abrogation. The process of abrogation refers to the notion that new *suras* revealed to the Prophet Muhammad abrogate the earlier *suras* revealed. The Qur’an says, “And for whatever verse we abrogate or cast into oblivion, we bring a better or the like of it; knowest thou not God is powerful over everything?”<sup>112</sup> The process of abrogation remains disputed among Muslims and Islamic scholars; however, HAMAS’s use of violence in the name of Islam reflects the concept of abrogation.

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<sup>109</sup> Qur’an 60:8. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 272.

<sup>110</sup> Vincent J. Cornell, ed., *Voices of Islam: Voices of Tradition*, Vol. 1 (New York: Praeger Publishers, 2007), 49.

<sup>111</sup> Qur’an 9:14. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 208.

<sup>112</sup> Qur’an 2:100. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 41.

### Violence in the Qur'an

The Qur'an has several references to violence that have numerous interpretations. Some Muslims do not believe that the Qur'an condones violence while other Muslims believe that it does not condemn it. It is up to every Muslim to decide whether or not Islam condones or condemns violence. However, the fact remains that violent references do exist in Islamic doctrinal sources. In the Qur'an, non-Muslims are often referred to as unbelievers, infidels, or *al kafir*. Particularly Jews and Christians are called People of the Book but still remain non-Muslims. Violent *suras* are longer in length than peaceful ones and located in the front half of the Qur'an. They are the Medinan *suras* that were revealed to the Prophet Muhammad when he was a governor in Medina. For example, "As for the unbelievers for them garments of fire shall be cut and there shall be poured over their heads boiling water whereby whatever is in their bowels and skins shall be dissolved and they will be punished with hooked iron rods."<sup>113</sup> Additional violent references are made suggesting physical harm; "When you meet the unbelievers, strike off their heads; then when you have made wide slaughter among them, tie fast the bonds."<sup>114</sup> Another example is, "I shall cast into the unbelievers hearts terror; so smite above the necks, and smite every finger of them."<sup>115</sup> A similar reference is, "Say to the unbelievers, if they give over He will forgive them what is past; but if they return, the wont of the ancients is already gone! Fight them, till there is no persecution and the

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<sup>113</sup> Qur'an 22:19. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 29.

<sup>114</sup> Qur'an 47:4. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 220.

<sup>115</sup> Qur'an 8:12. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 198.



religion is God's entirely."<sup>116</sup> Some Muslims believe that the following *suras* are in reference to warfare while other Muslims do not interpret it in such a literal manner; "Fight those who believe not in God and the Last Day and do not forbid what God and His Messenger have forbidden- such men as practice not the religion of truth, being of those who have been given the Book- until they pay the tribute out of hand and have been humbled."<sup>117</sup> *Sura IX* is commonly referred to as the Verse of the Sword and is the only *sura* that does not begin with the words "In the Name of God, the Merciful, the Compassionate". The Verse of the Sword is a controversial *sura* that references violence but holds numerous interpretations. It says, "Then when the sacred months are drawn away, slay the idolaters wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush. But if they repent, and perform the prayer, and pay the alms, then let them go their way."<sup>118</sup> It is believed by some that the Verse of the Sword was the last or one of the last *suras* to be revealed to the Prophet Muhammad.

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<sup>116</sup> Qur'an 8:38. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 201.

<sup>117</sup> Qur'an 9:29. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 210.

<sup>118</sup> Qur'an 9:5. taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 207.

## CHAPTER IX

### AHADITH

*Ahadith* are the collections of single *hadith* relating to the teachings or sayings by the Prophet Muhammad. The *Sunnah* is the personal behavior by the Prophet Muhammad that is recorded in the *Ahadith*. The Qur'an cannot be properly read without acknowledging the relevance of the *Ahadith* and *Sunnah*. Therefore, the Qur'an must be read in conjunction with the *Ahadith* in order to make sense.<sup>119</sup> The *Ahadith* were compiled by Islamic scholars in the eighth century and given varying levels of credence. There are numerous amounts of *Ahadith* that differ in classifications, and subject matter. Sacred *Ahadith* are believed to be divine and directly spoken from Allah through the Prophet Muhammad. Noble *Ahadith* are the Prophet Muhammad's own sayings and teachings.<sup>120</sup> *Ahadith* may compliment or provide commentary for the Qur'an. It deals with social, religious, and political aspects of a Muslim's life. The *Ahadith* are the basis for *Sharia law*, second only to the Qur'an.<sup>121</sup>

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<sup>119</sup> Suhaib Hasan, *An Introduction to the Science of Hadith* (Riyadh: Dar-us-Salam Publications, 1995), 7.

<sup>120</sup> Ibid.

<sup>121</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 159.

### Classification of Ahadith

There are numerous *Ahadith* categorized according to its authenticity. There are various categories of *Ahadith* that range from strong, weak, or abrogated.<sup>122</sup> For centuries, after the Prophet Muhammad died, there were numerous stories about what he had said that were inauthentic and convoluted. As a result, by the ninth century, “the situation had gotten so out of hand that a group of legal scholars, working independently of one another, attempted to catalogue the most reliable *hadith* into authoritative collections, the most respected of which are the canons of Muhammad al-Bukhari and Muslim ibn al-Hajjaj.”<sup>123</sup> The classification of *Ahadith* is a lengthy process. Islamic *Ahadith* scholars, *muhaddithun*, decide the amount of credence given to *Ahadith*. A single *hadith* is composed of the text, *matn*, and the chain of reporters, *isnad*. The *matn* of a *hadith* may seem logical and fit into the Islamic perspective, but the *isnad* must be verified and credible.<sup>124</sup> There are broad classifications based on the status of the individual in which the *hadith* began. The status of the individual can include the Prophet Muhammad or his companions, and successors. Whether or not the chain of the *isnad* is interrupted or uninterrupted is important as well. If the link of the *isnad* is interrupted it further gets classified under smaller criteria. The number of reporters involved at each stage of the *isnad* is important because many reporters can add or negate authenticity. Additionally the manner in which a *hadith* is reported such as “I heard” or “He informed

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<sup>122</sup> Ibn Al-Salah Al-Shahrazuri, *An Introduction to the Science of the Hadith: Kitab Ma'rifat Anwa' 'Ilm Al-Hadith (The Great Books of Islamic Civilization)* (Lebanon: Garnet Publishing, 2006), 2.

<sup>123</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 163.

<sup>124</sup> Suhaib Hasan, *An Introduction to the Science of Hadith* (Riyadh: Dar-us-Salam Publications, 1995), 11.

us” is taken into consideration.<sup>125</sup> If the nature of the *matn* or the *isnad* contains vulgarity or obvious misinformation then it is excluded. Lastly the reliability and memory of the reporters is vital to the classification of *Ahadith*.

### Rijal al-Hadith

*Rijal al-hadith* is the study of the reporters of the *Ahadith*. The reporter’s reputation is relevant and can authenticate or discredit a *hadith*. A *hadith* can be classified as authentic if the reporter is thought to be reliable, trustworthy, and honest. Additionally, a *hadith* can be discredited if its reporter is viewed as someone who makes mistakes or breaks with tradition. The study of the reporters can be dated back the Prophet Muhammad’s successors. The earliest remarks “go back to a host of Successors, followed by those after them until the period of six canonical traditionists, a period covering the first three centuries of Islam.”<sup>126</sup> Sunni Muslims recognize six *Ahadith* collections as reliable and authentic. They are Sahih Bukhari, Sahih Muslim, Sunan al-Sughra, Sunan Abu Dawud, Jami al Tirmidi, and Sunan ibn Majah. Among those quoted by HAMAS in its covenant are Sahih Bukhari, Sahih Muslim, Jami al Tirmidi, and Sunan Abu Dawud.<sup>127</sup>

### References to Violence in the Ahadith

The *Ahadith* have several references to violence, and like the Qur’an, have numerous interpretations. The vast majority of Muslims believe that the *Ahadith* are

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<sup>125</sup> Ibid., 15.

<sup>126</sup> Ibid., 17.

<sup>127</sup> “ Hamas Covenant 1988, Part IV, Article XXX,” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

important to *Sharia law* though there are Muslims who reject it entirely. Some “Western Islamists are generally skeptical; some indeed have recommended a wholesale rejection of the *Hadith* as an index not the Prophetic example but also of the religious attitudes and practices of the Companions.”<sup>128</sup> However, organizations such as HAMAS give credibility to numerous *Ahadith*, particularly to the violent references.

The Center for Muslim-Jewish Engagement at the University of South California maintains a database of English translated *Ahadith*. It has large collections of Sahih Bukhari, Sahih Muslim, Sunan Abu-Dawud, and smaller collections of *Ahadith*. Muhammad Muhsin Khan is a contemporary Salafi scholar who translated Sahih Bukhari from Arabic into English. He additionally translated the Qur’an into English along with other summaries about Sahih Bukhari. Chapter fifty-two in Sahih Bukhari is titled, “Fighting In the Cause of Allah (*Jihad*)”, and makes references to violence. For example, “The Prophet passed by me at a place called Al-Abwa or Waddan, and was asked whether it was permissible to attack the pagan warriors at night with the probability of exposing their women and children to danger. The Prophet replied, ‘They (i.e. women and children) are from them (i.e. pagans).’”<sup>129</sup> A similar reference to violence states, “Allah's Apostle sent us in a mission (i.e. an army-unit) and said, ‘If you find so-and-so and so-and-so, burn both of them with fire.’ When we intended to depart, Allah's Apostle said, ‘I have ordered you to burn so-and-so and so-and-so, and it is

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<sup>128</sup> Fazlur Rahman, *Islam*, 2d ed. (Chicago: University Of Chicago Press, 1979), 43.

<sup>129</sup> Sahih Bukhari, Volume 4, Book 52, Number 256, Muhammad Muhsin Khan, “Translation of Sahih Bukhari,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/bukhari/052-sbt.php> (accessed August 31, 2011).

none but Allah Who punishes with fire, so, if you find them, kill them.”<sup>130</sup>

Additional translators of *Ahadith* include Abd-al-Hamid Siddiqui. Abd-al-Hamid Siddiqui is a Sunni Islamic Scholar who translated Sahih Muslim into English. In Sahih Muslim there are similar references to violence with additional references to non-Muslims. The Prophet Muhammad said, “I have been commanded to fight against people till they testify that there is no god but Allah, that Muhammad is the messenger of Allah, and they establish prayer, and pay *Zakat* and if they do it, their blood and property are guaranteed protection on my behalf except when justified by law, and their affairs rest with Allah.”<sup>131</sup> *Ahadith* that reference violence are sometimes used by Islamic organizations. HAMAS, in particular, uses a quote from Sahih Bukhari and Sahih Muslim; “Allah’s Apostle said, ‘The Hour will not be established until you fight with the Jews, and the stone behind which a Jew will be hiding will say. O Muslim! There is a Jew hiding behind me, so kill him.’”<sup>132</sup>

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<sup>130</sup> Sahih Bukhari, Volume 4, Book 52, Number 259, Muhammad Muhsin Khan, “Translation of Sahih Bukhari,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/bukhari/052-sbt.php> (accessed August 31, 2011).

<sup>131</sup> Sahih Muslim, Book 1, Number 33, Abd-al-Hamid Siddiqui, “Translation of Sahih Muslim,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/muslim/> (accessed September 2, 2011).

<sup>132</sup> Sahih Bukhari Volume 4, Book 52, Number 177, Muhammad Muhsin Khan, “Translation of Sahih Bukhari,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/bukhari/052-sbt.php> (accessed August 31, 2011).

## CHAPTER X

### THE PROPHET MUHAMMAD

The Prophet Muhammad is the founder of the Islamic faith and a central character in Islamic history. Muslims believe he received revelations from Allah over a twenty-three year period. The Qur'an encompasses the revelations he received and his actions and teachings are recorded in the *Ahadith*. The Prophet Muhammad is considered the ideal model for Muslims to emulate. Muslims look toward the Prophet Muhammad for guidance regarding family matters, social issues, and warfare.<sup>133</sup>

#### The Young Orphan

The Prophet Muhammad was born during the Age of Ignorance, *jahilya*. The *jahilya* refers to the absence of time in which the Prophet Muhammad had not received Allah's revelations. Pre-Islamic Arabia consisted of rival tribes, nomads, and farmers. Mecca was a city of commerce, trade, and pilgrimage. Tribes and traders went to Mecca to peacefully trade with one another and visit their gods in the Ka'bah. The Ka'bah was a temple like structure that held numerous stones and objects that served as idols and gods. The Quraysh tribe was the most powerful tribe in Mecca because it controlled

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<sup>133</sup> John L. Esposito, *What Everyone Needs to Know About Islam* (New York: Oxford University Press, USA, 2002), 11.

the Ka'bah.<sup>134</sup> It also governed the commercial, political, and social spheres in Mecca. The Prophet Muhammad came from a small clan within the Quraysh tribe called Banu Hashim. Although, the Quraysh tribe was powerful, the Banu Hashim clan from which the Prophet Muhammad came was not.<sup>135</sup> The Prophet Muhammad's father died before he was born and his mother died when he was six-years old. When he was a child, he was sent to a Bedouin nurse who nursed him until he was old enough to return to his mother. His mother was an ill woman who suffered from hallucinations. After her death, he was given to his grandfather, Abdel Mottaleb.<sup>136</sup> Abdel Mottaleb also died shortly after the Prophet Muhammad's mother and he was then given to his uncle Abu Taleb. Abu Taleb was a successful businessman and a well-respected individual in Mecca. He kept the young orphan from falling into slavery and debt, which was the fate of most orphans.<sup>137</sup> Being an orphan did not afford him numerous opportunities to become successful. The only careers available to orphans at the time were traders in the caravans. The Prophet Muhammad began to work with his uncle in the trading caravans between Mecca and Damascus.<sup>138</sup> He was known as a reliable, honest, and hardworking man and caught the eye of a wealthy woman named Khadija. She saw his work ethic and employed him for her business excursions across Arabia. She was a wealthy and prestigious woman in

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<sup>134</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 21.

<sup>135</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 32.

<sup>136</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 25.

<sup>137</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 32.

<sup>138</sup> W. Montgomery Watt, *Muhammad: Prophet and Statesman* (New York: Oxford University Press, USA, 1974), 8.



Mecca. Khadija proposed to the Prophet Muhammad and he gladly accepted. Khadija was twenty-years older than he when they were married and he never married another woman during their marriage. The financial comforts of his marriage to Khadija enabled him to meditate frequently and spend time by himself. In fact, his marriage “paved the way for Muhammad’s acceptance at the highest levels of Meccan society and thoroughly initiated him into the religio-economic system of the city.”<sup>139</sup> It is believed that the Prophet Muhammad began to receive revelations during his marriage at the age of forty.

### The Prophet Muhammad

There are different accounts as to how the Prophet Muhammad received the first revelations. Some sources claim that he was sleeping and the revelation came to him in a dream. Other sources claim that he was standing in a cave when the revelation brought him to his knees.<sup>140</sup> Nevertheless, after he received the revelation, the Prophet Muhammad felt confused. He shared the revelation story with his wife Khadija and she reassured him that he was a prophet from Allah. She was the first individual to convert to Islam followed by immediate family members. After two years of receiving revelations, the Prophet Muhammad began preaching to the people of Mecca. He began to preach against social injustice, false contracts, and idol worship in the Ka’bah. Social justice is an important virtue in Islam because Mecca held so much social injustice.<sup>141</sup> Smaller clans were very poor and distribution of wealth was not equal. During this time, the Prophet Muhammad lived among a diverse group of people that included pagans,

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<sup>139</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 33.

<sup>140</sup> *Ibid.*, 35.

<sup>141</sup> Karen Armstrong, *Islam: a Short History*, Modern Library ed. (New York: Modern Library, 2002), 6.

Christians, and Jews. His life and teachings in Mecca are reflected in the Meccan *suras* that appear in the later part of the Qur'an. His teaching of monotheism was not a new concept nor was it a popular one. The Prophet Muhammad's attack on idol worship "could deny the Quraysh tribe its hefty profits derived from the guardianship of the temple of the Ka'bah, although Muhammad's rejection of the idols did not include an attack on the shrine itself."<sup>142</sup> The Quraysh were particularly accustomed and tolerant to various religions such as, "polytheism, henotheism, monotheism, Christianity, Judaism, Zoroastrianism, and Hanifism."<sup>143</sup> Therefore, the Quraysh did not feel threatened when the Prophet Muhammad began his ministry. Sources maintain that the Prophet Muhammad and his followers were persecuted and harassed for their beliefs; however their persecutions are sometimes overstated. Religious scholar, Karen Armstrong, says that a boycott was established against the Muslims. It forbade the Quraysh from trading or marrying Muslims. They were unable to obtain food and food shortages may have been the cause for the Prophet Muhammad's wife Khadija.<sup>144</sup> Religious scholar, Reza Aslan, portrays a different story. The Quraysh did not want to hurt the Muslims by but instead sought to bring them back into the community; "the boycott was not an attempt by the Quraysh to starve the [Muslims] companions out of Mecca; it was merely a way of demonstrating the consequences of removing oneself from the tribe."<sup>145</sup> The boycott was

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<sup>142</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 30.

<sup>143</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 43.

<sup>144</sup> Karen Armstrong, *Islam: a Short History*, Modern Library ed. (New York: Modern Library, 2002), 12-13.

<sup>145</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 46.

devastating to the Muslims and several of the Quraysh decided to lift the boycott because they didn't want them to perish. Despite the frequent harassment of the Muslims, no one of the Prophet Muhammad's converts was murdered for his faith.<sup>146</sup> Whatever the reasons for the boycott against the Muslims, this period would play a role in the upcoming settlement in Yathrib. Shortly after the boycott was lifted, the Prophet Muhammad's lost his closest companions. His uncle and protector, Abu Taleb, and his wife Khadija died. As a result, the protection he enjoyed under his uncle had ceased. The new leader of the Banu Hashim clan, Abu Lahab, did not like the Prophet Muhammad and made a formal withdrawal of his protection. As a result, the Prophet Muhammad could no longer pray or preach in public.<sup>147</sup>

### The Prophet as Statesman

In the year 622 A.D., the Prophet Muhammad and his followers migrated to Yathrib, or modern-day Medina. He had been approached by individuals from Yathrib with an invitation to move there. He and his followers were no longer under the protection of his uncle, Abu Taleb, and were subject to harassment. He accepted the invitation and moved himself and his followers to Medina. The migration by the Prophet Muhammad and his followers is known as the *hijra*. The beginning of the Islamic calendar begins with the *hijra* in 622 A.D. The city of Medina was a collection of small agricultural villages without any commercial power. The Prophet Muhammad drafted a document for the Muslims and non-Muslims to abide by. It was the Constitution of

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<sup>146</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 31.

<sup>147</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 47.

Medina. The date in which it was written is debated among scholars. Religious scholar, Reza Aslan, says that it wasn't until after the Battle of Badr (624 A.D.) that he had the authority to produce such a document.<sup>148</sup> John Esposito, a professor in Islamic Studies, states that the Constitution of Medina was drafted before the Battle of Badr, between 622 A.D. and 624 A.D.<sup>149</sup> Whenever it was drafted, the fact remains that the Prophet Muhammad gained political power and authority when he lived in Medina. The Constitution of Medina established the security of the community, stabilized tribal relations, and extended a degree of religious freedoms. This document included peoples from nine different clans that established them as one community. Pagan clans and Jewish clans are referenced as members in the Constitution of Medina. According to John Esposito, Muslims refer to this document as evidence of peaceful Muslim-Jewish relations. However, the same Muslims and Jews began to fight against each other. The Jews were attacked and killed for allegedly committing treason against the Prophet Muhammad. As a result, organizations such as HAMAS view its current conflict with Israel as a reiteration “of an age-old conflict dating back to the Jews’ ‘rejection and betrayal’ of Islam and the Prophet’s community at Medina.”<sup>150</sup>

### The Raids and Battles Begin

The Prophet Muhammad and his followers’ resources were declining as time went on. Employment opportunities for his followers were scarce and the Prophet

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<sup>148</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 56.

<sup>149</sup> John L. Esposito, *What Everyone Needs to Know About Islam* (New York: Oxford University Press, USA, 2002), 80.

<sup>150</sup> *Ibid.*, 81.

Muhammad's own funds were decreasing.<sup>151</sup> Raiding caravans was a method used in Arabia to obtain resources and wealth. According to religious scholar, Reza Aslan, caravan raids were “in no way considered stealing, and as long as no violence occurred and no blood was shed, there was no need for retribution.”<sup>152</sup> Others claim that the concept of *jihad* arose during the raids and battles the Muslims participated in. Religious Studies professor, David Cook, claims that the Prophet Muhammad participated in numerous military campaigns. He says, “Muhammad is recorded as having participated in at least twenty-seven campaigns and deputized some fifty-nine others, an average of no fewer than nine campaigns annually.”<sup>153</sup> He explains that the military campaigns can be divided into four separate groups. The first group consists of five battles: Battle of Badr, Uhud, Khandaq, Mecca and Hunayn. The purpose of the battles was to dominate the areas of Mecca, Medina, and al-Ta'if. The second group was raids against the Bedouin in an effort to obtain their support for Muslims. The third group includes attacks against Jewish tribes to obtain land they owned. The fourth group includes two raids against the Byzantines and Tabuk and a military campaign against Syria. David Cook claims, “This evidence demonstrates categorically the importance of *jihad* to the early Muslim community.”<sup>154</sup>

The raids began when the Prophet Muhammad's followers asked permission to raid Quraysh caravans. The first several raids were unsuccessful, but the fourth raid was

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<sup>151</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 35.

<sup>152</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 82.

<sup>153</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 6.

<sup>154</sup> Ibid.

very successful. The caravan was lightly guarded because it was during the month of Ramadan which was recognized as a month of non-violence. The Prophet Muhammad and his followers raided the unsuspecting caravan with only four guards.<sup>155</sup> The Muslims “killed one man, taking two prisoners-for whose ransom the Prophet later received eighty ounces of silver for- and carrying much loot back to Medina.”<sup>156</sup> It is during this time in the Prophet Muhammad’s life that he began to receive revelations from Allah that make references to violence.

### The Battle of Badr

The Prophet Muhammad and his followers heard about a large Meccan caravan and decided to raid it. The caravan’s leader sent a messenger to Mecca asking for reinforcements for protection. The caravan went around Badr in order to avoid the Muslims’ raid. The Muslims and the Meccan reinforcements encountered one another near Badr. The Muslims had 305 individuals on their side and the Meccans had almost 1,000 individuals on their side. The Battle of Badr was the first major battle between the Muslims and the Meccans.<sup>157</sup> The battle began with small fights and then broke out into a battle. This battle “became the first opportunity for Muhammad to put his theory of *jihad* into practice.”<sup>158</sup> Surprisingly the Meccans lost to the Muslims even though the Meccans had fewer fighters. News about this victory spread through the region and Muslims

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<sup>155</sup> W. Montgomery Watt, *Muhammad: Prophet and Statesman* (New York: Oxford University Press, USA, 1974), 110.

<sup>156</sup> Serge Trifkovic, *The Sword of the Prophet: Islam: History, Theology, Impact On the World* (New York: Regina Orthodox Press, Csi, 2007), 35.

<sup>157</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 79-80.

<sup>158</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 87.

believed that Allah had made the Prophet Muhammad victorious. The Qur'an says that God was with the Muslims on the battlefield and that Allah was the reason for the victory.<sup>159</sup> The Qur'an explains, "You did not slay them, but God slew them; and when thou threwest, it was not thyself that threw, but God threw, and that He might confer on the believers a fair benefit; surely God is All-hearing, All-knowing."<sup>160</sup> The Battle of Badr further establishes that Allah did not want the victory to be forgotten. The Qur'an states, "O believers, when you encounter the unbelievers marching to battle, turn not your backs to them. Who so turns his back that day to them, unless withdrawing to fight again or removing to join another host, he is laden with burden of God's anger."<sup>161</sup> The Battle of Badr additionally established the Prophet Muhammad as a military leader, and political power. The Battle of Badr "created two opposing groups in the Hijaz: those who favored Muhammad and those who remained loyal to the Quraysh."<sup>162</sup>

### The Battle at Uhud

The Meccans sought revenge after their defeat at the Battle of Badr. Uhud was located on the western side of Medina. The Muslims were numbered 700 after being abandoned by 300 individuals. The Meccans had over 3,000 men and were able to defeat the Muslims. During the battle, the Prophet Muhammad was knocked unconscious and rumors of his death began to circulate. As a result, numerous Muslims fled and the

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<sup>159</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 8.

<sup>160</sup> Qur'an 8:17, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 198.

<sup>161</sup> Qur'an 8:15, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 198.

<sup>162</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 88.

Meccans withdrew. However, when it was reported that he was alive, it was too late for the Meccans to initiate another attack.<sup>163</sup> The defeat at Uhud was difficult for the Muslims to understand. If Allah was on their side during the Battle of Badr, why were they defeated at Uhud? The Qur'an explains that the reason for the defeat was to test the faith of the Muslims.<sup>164</sup> The defeat at Uhud did not divide the Muslims but instead reinforced its unity.<sup>165</sup> After the Muslims' loss at the Battle of Uhud, the relationship with two Jewish tribes declined. Several men from the Banu Nadir tribe conspired to kill the Prophet Muhammad. After he uncovered the plot, he gave the Banu Nadir the same ultimatum he gave the Banu Qaynuqa tribe. They could face death or they could leave the area with their belongings while maintaining some land ownership.<sup>166</sup> They refused the Prophet Muhammad's ultimatum and as a result, he and his army besieged the Jews. After several weeks, the Banu Nadir decided to leave the area and was forced to relinquish all ownership of their land.

The Banu Qurayzah Jewish tribe was the last Jewish tribe in Medina. They aligned themselves with the Quraysh against the Prophet Muhammad. The Battle of Khandaq is better known as the Battle of the Trench, because the Prophet Muhammad and his followers dug a trench around Medina. The Meccans decided to gather their army and other allies and attack the Muslims. The Muslims had 3,000 men and the Meccans

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<sup>163</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 82.

<sup>164</sup> Qur'an 3:140-142, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 198.

<sup>165</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 9.

<sup>166</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 90.



had over 9,000 individuals and 1,000 cavalry from the surrounding area. Weeks of fighting persisted until a rain storm blew in and stopped the fighting. The Meccans abandoned the attack and the Muslims went home to Medina. After the Battle of Khandaq, the Banu Qurayzah were executed for its treasonous actions against the Prophet Muhammad.<sup>167</sup>

After the execution of the Banu Qurayzah tribe, the Prophet Muhammad had full control of Medina. He hoped to make the annual pagan pilgrimage to Mecca but was unable to do so because of his battles with the Meccans. Nonetheless, he decided to go to Mecca with his followers to make the pilgrimage. As he approached the city with his followers, news spread that the Prophet Muhammad was approaching the city. The Quraysh sent two individuals to meet the Prophet Muhammad prior to reaching Mecca. It was here that the Muslims and Meccans entered into a peace treaty known as the Treaty of Hdaybiyyah. The agreement stated that there were to be no more raids on caravans and the Prophet Muhammad would immediately withdrawal in exchange for a pilgrimage allowance the following year. He was, additionally, unable to sign the treaty as a prophet of God, but instead just as Muhammad. He agreed to the treaty and returned to Medina.<sup>168</sup> After a year passed, the Prophet Muhammad and his followers were able to make the pilgrimage to Mecca. Several months later a small skirmish broke out between the Prophet Muhammad's followers and the allies of the Meccans. This was interpreted as a violation of the Treaty of Hdaybiyyah. As a result, The Prophet Muhammad and ten-

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<sup>167</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 81.

<sup>168</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 104-105.

thousand men marched toward Mecca to overtake the city. The Meccans, unable to fight the Prophet Muhammad's army, surrendered without bloodshed.<sup>169</sup>

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<sup>169</sup> Ibid., 106.

## CHAPTER XI

### JIHAD

#### Jihad Interpreted

*Jihad* is an Islamic religious term that is mentioned in the Qur'an and *Ahadith* many times. *Jihad* has held numerous interpretations throughout Islamic history. *Jihad* comes from the Arabic root j-h-d, which means to strive or make an effort.<sup>170</sup> Scholars differ on its interpretation and its origin. Religious scholar, Reza Aslan, claims that *jihad* can be divided into two sub-groups of *lesser jihad* and *greater jihad*. *Greater jihad* refers to a Muslims self-struggle and effort to overcome sinful nature. *Lesser jihad* refers to fighting militarily against oppression.<sup>171</sup> Similarly, Religious Studies Professor John Esposito claims that *jihad* can be divided into a *lesser* and *greater jihad*. He says, "The two broad meanings of *jihad*, nonviolent and violent, are contrasted in a well-known prophetic tradition. It is said that when Muhammad returned from battle he told his followers, 'We have returned from the *lesser jihad* to the *greater jihad*.'"<sup>172</sup> However, Religious Studies Professor, David Cook offers a different analysis on the sources used

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<sup>170</sup> Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: Random House Trade Paperbacks, 2004), 29.

<sup>171</sup> Reza Aslan, *No God but God: the Origins, Evolution, and Future of Islam* (New York: Random House Trade Paperbacks, 2006), 81.

<sup>172</sup> John L. Esposito, *Unholy War: Terror in the Name of Islam* (New York: Oxford University Press, USA, 2003), 28.

by Reza Aslan and John Esposito. The concept of *greater* and *lesser jihad* comes from a *hadith* that says, “A number of fighters came to the Messenger of Allah, and he said: ‘You have done well in coming from the *lesser jihad* to the *greater jihad*.’ They said: ‘What is the *greater jihad*?’ He said: ‘For the servant [of God] to fight his passions.’”<sup>173</sup> Cook claims that this *hadith* is from the ninth-century and not part of the canonical *Ahadith*. He explains that this *hadith* is part of “the ascetic movement in Islam that was beginning to coalesce into Sufism, the mystical interpretation of Islam.”<sup>174</sup> Therefore, *jihad* in the context of Islamic tradition can be interpreted as an armed struggle.

### Martyrdom

A martyr, *shahid*, is a term that holds numerous definitions for people of faith. It is a difficult term to define considering that it is used loosely to describe many individuals. In Islamic history, *shahid* has been used to describe people who have died defending one’s family or even those who have been attacked by wild animals. However, in the traditional Islamic literature, a *shahid* is referred to as a Muslim who dies fighting in the way of Allah.<sup>175</sup> A *shahid* is not believed to have died but instead lives on forever with Allah in Paradise. The Qur’an says, “count not those who are slain in the way of God as dead; nay, they are living; with their lord by him provided.”<sup>176</sup> Islamic scholar, Ibn Mubarak, had the earliest discussion on martyrdom. He explained that a *shahid* must have intentions only for Allah’s cause and is not a true *shahid* if he does it for fame,

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<sup>173</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 35.

<sup>174</sup> *Ibid.*, 35.

<sup>175</sup> *Ibid.*, 27.

<sup>176</sup> Qur’an 3:169, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 94.

women, or money.<sup>177</sup> Islamic jurists widely accept the definition of *shahid* to be one who dies fighting in battle for Allah; “A Bedouin came to the Messenger of Allah and said: ‘A man can fight for fame, another can fight in order to receive praise, yet another to receive spoils, and another in order to show off.’ The Messenger of Allah said: ‘Whoever fights in order to make the Word of Allah the highest, that person is [fighting] in the way of Allah.’”<sup>178</sup> A *shahid* has numerous rewards in heaven and on earth. The utmost reward of a *shahid* is guaranteed entry into Paradise. Muslims believe that those who have held high moral standards will enter heaven as well, though it is not guaranteed. Guaranteed access into heaven can only be achieved through martyrdom.<sup>179</sup> Once in heaven, the *shahid* will belong to the highest rank, second only to the prophets in Islam. It is believed that a *shahid* can intercede on behalf of their families before Allah; however, the intercession is not accepted by every scholar. A *shahid* on earth will receive fame and honor among those in his community. Their families will be honored, praised, and some given money for the *shahid*'s sacrifice. The *shahid*'s body will not be cleaned for burial but instead remain unwashed. Their bodies are to remain broken, bloody, and bruised as a sign of their martyrdom.<sup>180</sup>

### Islamic Jurists' Interpretation of Jihad

The organization of *jihad* theory was put into a framework in the middle Islamic period (ce 1000-1500). Muslim jurists of the time wrote about the meaning and rules of

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<sup>177</sup> David Cook, *Martyrdom in Islam* (New York: Cambridge University Press, 2007), 6.

<sup>178</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 27.

<sup>179</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 417.

<sup>180</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 27.

*jihad*. Islamic Scholar, Ibn Hazam, is known for being a Muslim jurist, poet, and historian. He is well known for his literary works on Islamic jurisprudence and theology.<sup>181</sup> He wrote extensively on the *Ahadith* literature and was educated in Qur'anic teachings. In his writing, *al-Muhalla*, he reiterates that *jihad* is fighting in the cause of Allah. He rejected the killing of women and children and condoned the killing of any male. He says that non-combatants can be killed if they are male whether they are blind, young, or elderly.<sup>182</sup> He is one of the only jurists of the time to condone killing non-combatants.

Ibn al Arabi, was another Spanish Muslim jurist who addressed *jihad*. He discussed questions that were left out in classical literature. He examined who could be killed based on *sura* 9:5 in the Qur'an. It says, "then, when the sacred months are drawn away, slay the idolaters wherever you find them."<sup>183</sup> He suggested that individuals can be killed in *jihad* if they are the ones participating in the fighting. Al Arabi claimed that non-combatants should not be targeted since they are not involved in the fighting against Muslims. He added that *sura* 9:5 "permits the use of assassination or treacherous killing, but only of confirmed opponents."<sup>184</sup> He continued to question the location in which individuals can be killed. He explained that non-Muslims can be killed anywhere except at the Holy Mosque in Mecca. In addition to his discussions on *jihad*, he discussed the

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<sup>181</sup> J.W. Fiegenbaum, "Ibn Hazm," *Encyclopedia Britannica*, n.d., <http://www.britannica.com/EBchecked/topic/280763/Ibn-Hazm> (accessed September 15, 2011).

<sup>182</sup> Ibn Hazm, *al-Muhalla* (Beirut, 2002), V p. 348 (no. 928); taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 58.

<sup>183</sup> Qur'an 9:5, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 207.

<sup>184</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 59.

concept of *jizya*. The *jizya* was a poll tax imposed on non-Muslims and was utilized to humiliate its subjects. According to al Arabi, non-Muslims could pay the tax standing while the collector sat, pay with a bent neck, pay with the admission that the Muslims are above them or pay promptly not as an equal.<sup>185</sup>

Islamic scholar, Abu Bakr al Kasani, was influential in the codification of *jihad*. He said, “*Jihad* linguistically means to devote exertion- meaning energy and ability, or an exaggerated amount of work in striving- and in the legal realm it is used for the devotion of energy and ability in fighting in the path of God with one’s self, wealth, and tongue, anything else or an exaggerated amount of that.”<sup>186</sup> *Jihad* is necessary because Muslims are obligated to share the Islamic faith with infidels, which can lead to fighting. He cautioned the killing of non-combatants when fighting in Muslim lands. He continued to say that if an infidel uses a Muslim child as a human shield, a Muslim fighter should try to avoid killing the Muslim child. However, “there is nothing wrong with targeting [Muslim child] them because of necessity, but they should target the infidels and not the children. But if one of the Muslim [children] is hit, then there is no blood-price or expiation [necessary for the one who is guilty].”<sup>187</sup> In his writings, al Kasani discussed Muslim non-combatants but doesn’t address the killing of non-Muslim non-combatants.

Hanbali jurist, Ibn Qudama al Maqdisi, took part in the Battle of the Horns against the Crusaders in 1187. He was another major writer on Islamic jurisprudence regarding

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<sup>185</sup> Ibn-Arabi, *Ahkam al-Quran* (Beirut, 1987), II, pp. 901-902; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 59-60.

<sup>186</sup> Abu Bakr al Kasani, *Badai al sanai fi tartib al sharia* (Beirut, 2000), VI, p. 57; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 60.

<sup>187</sup> *Ibid.*

*jihad*. He discussed the question on who can wage *jihad*. He listed several characteristics of the *mujahid*: individual must be a Muslim, mature to engage in battle, and intelligent.<sup>188</sup> He further discussed the importance of defining an enemy. The Qur'an says, "O believers, fight the unbelievers, who are near you."<sup>189</sup> He opposed long distance migration to fight an enemy when the enemy is closer to home. He additionally explains that Muslims are no longer obligated to invite Christians to Islam. Enough time has passed for them to accept Islam and as a result, Muslims are not obliged to extend an invitation prior to fighting the Christians. He divided the treatment of prisoners of war into three categories. Woman and children may not be killed because it is forbidden by the Prophet Muhammad. Instead women and children are to be enslaved by their captors. Jewish, Christian, and Zoroastrian males who accept the *jizya* can be killed, enslaved, freed, or ransomed. Pagan males, in which the *jizya* cannot be collected, can be killed, freed, or redeemed.<sup>190</sup>

Ibn Taymiyya is a Muslim theologian who fled from Mongolian invasion of the Middle East. John Esposito claims that Taymiyya's writings contributed to the *jihad* movements of the eighteenth-century and continues to influence Islam today.<sup>191</sup> Taymiyya settled in Egypt with his family after fleeing the invasion of the Mongols. He wanted to confront the Mongols militarily since they had conquered Islamic lands. In his

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<sup>188</sup> Ibn Qudama, *al-Mughni* (Beirut, n.d.), X, pp. 366-367; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 61.

<sup>189</sup> Qur'an 9:125, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 222.

<sup>190</sup> Ibn Qudama, *al-Mughni* (Beirut, n.d.), X, pp. 400; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 61.

<sup>191</sup> John L. Esposito, "Violent Jihad Is An Islamic Tradition," in *Islam*, ed. Mitchell Young (New York: Greenhaven Press, 2006), 166.



writings, he wrote extensively about *jihad* and Muslim ethics in warfare. He had a unique situation because the Mongols eventually converted to Islam. However, the loyalty of the Muslim Mongols was to the Mongolian state and not to Islam. They continued to follow the Yasa code of laws of Genghis Khan instead of *Sharia law*.<sup>192</sup> Taymiyya concluded that they were false Muslims and more dangerous than Christians and should be fought.<sup>193</sup> His writings reflect the literal interpretation of the Qur'an and the *Ahadith*. The idea to wage *jihad* against un-Islamic rulers resonated the Wahhabi doctrine that later emerged in the Arabian Peninsula.<sup>194</sup>

### Jihad in the Islamic Experience

Islam has undertaken successful conquests throughout its history. The Prophet Muhammad partook in numerous raids and battles that ultimately led to conquest of Mecca. Following his death, four individuals succeeded him called the Rightly Guided Caliphs. The Rightly Guided Caliphs, or *Rashidun*, consists of Abu Bakar, Uthman, Umar, and Ali. The *Rashidun* conquered lands from modern day Morocco to Afghanistan. The first wave of Islamic conquests included parts of modern day Syria, Iraq, Iran, Pakistan, Egypt, Crete, Tunisia, and all of the Arabian Peninsula.

The *jihad* codification by Muslim jurists' undoubtedly had an effect on future *jihad* movements. The second wave of Islamic conquests occurred after the Crusades and the defeat of the Mongols. The Ottoman state expanded into southern Europe, South

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<sup>192</sup> John L. Esposito, "Violent Jihad Is An Islamic Tradition," in *Islam*, ed. Mitchell Young (New York: Greenhaven Press, 2006), 168.

<sup>193</sup> Ibn Taymiyya, *Majmu'a Fatawa* (Cairo, nd.), XXVIII, pp. 410-67, 501-8, 589-90; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 65.

<sup>194</sup> John L. Esposito, "Violent Jihad Is An Islamic Tradition," in *Islam*, ed. Mitchell Young (New York: Greenhaven Press, 2006), 168.

central Asia, and West Africa. The Ottomans conquered parts of Europe including, Adrianople, Hungary, and the Serbians in Kosovo. By the sixteenth-century, the Balkans, Austria, and parts of Poland and Italy were under Ottoman rule. It wasn't until the Siege of Vienna that the Ottoman expansion was halted in Europe. The Ottomans had more successful conquests in India and South central Asia. Mahmud of Ghazna was a Moghul ruler who ordered *jihad* against the Hindus and Buddhists. He implemented *Sharia* and destroyed numerous pagan temples.<sup>195</sup> Additional conquests took place in Africa. Muslim kingdoms in Africa continued to conquer neighboring lands into the Sudan and West Africa. Ahmad b. Ibrahim Gran led a *jihad* expedition to conquer Ethiopia. Ethiopia was a Christian nation that was protected by Europe. A close companion to Gran, Shihab al Din, wrote about the attempted *jihad*. He writes, "In that manner it [Islam] has become the best of communities, and its best manner of worship has been its constancy for the truth, and its *jihad* against the infidels of all other peoples who oppose this religion- from all directions."<sup>196</sup>

In the eighteenth-century, Muhammad b. Abd al Wahhab began the Wahhabi movement in the Arabian Peninsula. He claimed that the ritual practices and idol worship of the time were not a pure form of Islam. He preached a strict interpretation of Islam and claimed that other practices such as Sufism and Shi'itism was apostasy. He first preached in his home town but received resistance there. He later settled in a village, modern day Riyadh, where his doctrine was welcomed by Muhammad ibn Saud.<sup>197</sup> The

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<sup>195</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 69.

<sup>196</sup> Arabfaquih, *Futuh al Habasha* (Cairo, 1974), p. 2; taken from David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 71-72.

Wahhabi movement implemented the method of *takfir*. *Takfir* is the process in which a Muslim declares another Muslim an infidel. With Wahhabi teachings, the Ibn Saud state declared *jihad* against other Muslims. They destroyed Sufi and Shi'ites holy sites and shrines that were dedicated to the Prophet Muhammad and his Companions.<sup>198</sup> The concept of *takfir* and waging *jihad* against Muslims are remnants that have influenced modern Islamic organizations.

*Jihad* remained in the forefront of Islamic history but nowhere to the extent in which it had before. West Africa saw a wave of *jihad* in the nineteenth-century. Of the most successful *jihad* attempts was the work of Shehu Usaman Dan Fodio. His *jihad* attempts did not include attacking the Sufis or Shi'ites but instead sought to emulate the *hijra*. Dan Fodio wanted to emulate the Prophet Muhammad by first immigrating to another land, establishing *Sharia*, and then fighting those who resisted. He moved to several villages and established *Sharia*. He and his followers eventually defeated other Muslims and he established the Sokoto Caliphate. The Sokoto Caliphate was “dedicated to purging the region of what it considered ‘mix Islam’ in an effort to recreate the perfect, pious society established in Arabia under the leadership of the Prophet Muhammad.”<sup>199</sup> Although they did not bring about a perfect society, their *jihad* conquests had lasting effects on the region.

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<sup>197</sup> Cyril Glasse, *New Encyclopedia of Islam: A Revised Edition of the Concise Encyclopedia of Islam*, Revised ed. (New York: Alta Mira Press, 2003), 470.

<sup>198</sup> David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 75.

<sup>199</sup> Toyin Falola and Matthew M. Heaton, *A History of Nigeria* (New York: Cambridge University Press, 2008), 62.

*Jihad* has continued in a variety of forms during the twentieth-century. The Ottoman Empire declared a *jihad* to rally support against the Allies in World War I. However, this particular *jihad* was unique in that it aligned itself with Christian Germany. The intentions of the Ottoman's *jihad* were not similar to its predecessors. After the defeat of the Ottoman Empire, the region was severed into several mandates. As a result, Muslims lost their central authority figure in which a *jihad* could be issued. *Jihad* remained in several territories of the Middle East particularly in Palestine. As previously mentioned, several key figures proposed *jihad* in order to oppose Jewish migration to Palestine. Hajj Amin al-Huseini, Sheikh Muhammad Izz al Din al-Qassam, Hassan al-Banna, and Sheikh Ahmed Yassin have wanted to use *jihad* against the Jews in Palestine. Recall that Sheikh Ahmed Yassin is the founder of Harakat al-Muqawamah al-Islamiya, HAMAS, and its military branch is named after Sheikh Muhammad Izz al Din al-Qassam. HAMAS claims that its practices are a continuation of *jihad*. However, what practices does HAMAS derive from the Islamic doctrinal sources?

## CHAPTER XII

### ISLAMIC EDUCATION

#### Educating the Young

The Palestinian Ministry of Education and Higher Education is in charge of educating individuals in the West Bank and Gaza and was established in 1994 along with the Palestinian Authority. A unified school curriculum was achieved in universal textbooks by the year 2001; however, not every school was subject to a central authority. The United Nations Relief and Works (UNRWA) was in charge of educating the Palestinian refugees. It operates hundreds of schools in the refugee camps in Gaza. However, there are accusations that UNRWA has links to HAMAS. A HAMAS affiliate, the Islamic Bloc, has dominated the UNRWA's school teachers union. In 2009, HAMAS affiliates won all eleven seats in the UNRWA's school teachers union.<sup>200</sup> HAMAS member, Nasser al-Shaer, was the Education Minister of the Palestinian Authority from 2006-2007 and was later arrested by Israel for his affiliations with HAMAS.<sup>201</sup> There have been accusations that the Palestinian curriculum has not been objective and has maintained a bias against Israel both before and after HAMAS's political achievements.

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<sup>200</sup> Khalid Abu Toameh, "HAMAS Wins Teacher Union Elections for UN Schools in Gaza," Jerusalem Post, <http://www.jpost.com/MiddleEast/Article.aspx?id=137428> (accessed September 16, 2011).

<sup>201</sup> "Israelis Detain HAMAS Deputy PM," *BBC News*, August 19, 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/5265792.stm](http://news.bbc.co.uk/2/hi/middle_east/5265792.stm) (accessed September 25, 2011).

Supposedly, the textbooks had anti-Semitic tones, condoned children's commitment of violence, and refused to recognize Israel. The lack of objectivity, to whichever extent, is used by HAMAS to impose its own objectives on children. It emphasizes the importance for Muslim children to obtain an Islamic education in its covenant so that the children will understand HAMAS's goals.<sup>202</sup>

### Education in Gaza

School curriculums are controlled by the Palestinian Authority and the UNRWA and, as previously discussed, have influences from HAMAS. There have been allegations that Palestinian textbooks promote hate against Israel while others claim that this is false.<sup>203</sup> There have been numerous research institutions that have looked into the Palestinian textbook allegations. There was a report in 2004 that analyzed and evaluated the new Palestinian curriculum. The report was submitted to The Public Affairs Office for the US Consulate in Jerusalem. It examined fourth and ninth grades Palestinian textbooks regarding history, geography, *jihad*, and peace. The report assesses that the history of Palestine lacks full information on the Hebrew/Israeli historical presence in the region. In the ninth grade textbook, Reading and Anthology Part II p. 36, there is misinformation regarding the great civilizations in Palestine. Coverage includes the Bronze Age, Babylonians, Hellenism, Romans, and Byzantines but fails to reference the

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<sup>202</sup> "Hamas Covenant 1988, Part III, Article XVI" The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>203</sup> Jonathan Terry, "UNRWA Accused of anti-Israeli Policies in Palestine," *Bikyamasr*, September 15, 2011, <http://bikyamasr.com/42315/unrwa-accused-of-anti-israeli-policies-in-palestine/> (accessed September 25, 2011).

era of the Hebrews/Israelites.<sup>204</sup> There is inadequate information about the Jewish connection and contributions to the Middle East. In several textbooks, there is misinformation regarding a continuous Arab presence of the region. In the fourth grade textbook, the “National Education” p. 47, it states, “The city [Jerusalem] was built on the crest of mountains, so that it could be easily defended. It has been an Arab city since its establishment and will remain so for ever, God willing!”<sup>205</sup>

Israel and Zionism in Palestinian textbooks are referenced in a neutral or negative tone. Israeli politics and practices are criticized and highlighted such as the demolition of homes and the imprisoning of Palestinian nationalists. The Israeli government is referenced negatively and is responsible for the lack of water resources and shelter. There are no direct calls to destroy Israel but it is only referenced in a negative tone.

Additionally, Israel is not depicted on any geographical maps nor are its cities given references. Palestine is referred to the area that is present-day Israel. The cities that are depicted on the textbook maps reference historical Palestinian cities such as Akka, Haifa, and Ar-Ramla. Israeli cities and towns with large Jewish populations are not represented on maps. In the fourth grade textbook, “Our Beautiful Language” p. 1, and the ninth grade textbook, “Geography of the Arab World” pp. 55, 95, and 108, make references to several cities within the boundary of Israel as Palestinian cities.<sup>206</sup>

*Jihad* and martyrdom are indirectly glorified in the textbooks. There are positive references to being a martyr, or *shahid*, and martyrdom in historical and present day

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<sup>204</sup> Israel/Palestine Center for Research and Information, “Report II: Analysis and Evaluation of the New Palestinian Curriculum,” IPCRI, <http://www.ipcri.org/files/4&9report.pdf> (accessed September 25, 2010).

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

contexts. In seventh grade textbook, *History of the Middle Ages* pp. 50-77, *jihad* is glorified against the Crusaders.<sup>207</sup> There are no direct references against Jews or Israel but there are no references to making peace with them either. The concepts of *jihad* and martyrdom appear in Qur'anic verses that are inserted in the textbooks. Historically, *jihad* is referenced as a duty in order to defend Islam against infidels and apostates. Currently, *jihad* is interwoven with liberating Palestine from occupiers, and invaders. There are no references of *jihad* against individuals of other faiths; however, there are clear inferences of *jihad* against the Jewish people and Israel. There are numerous passages that promote sacrificing for Palestine. Sacrificing for the homeland includes forfeiting ones material possessions, withstanding imprisonment, and martyrdom or suicide bombings. References made to martyrdom and sacrifices are in ninth grade textbooks, “Reading and Anthology”, Part I and Part II pp. 20-26 and 66, and in “Linguistics/Language Sciences”, Part I pp. 22, and 52.<sup>208</sup> The textbooks portray Palestinian society as an Islamic society. The cartoon pictures in the textbooks show women dressing in Islamic garb and Islamic headscarves. There are pictures of Islamic holy sites and religious references to Islamic rituals, and festivals.<sup>209</sup>

The textbook curriculum’s lack of objectivity is used by HAMAS as a method to mold children’s behavior into what it considers Islamic traditions. There is a video of a kindergarten graduation ceremony on May 31, 2007 that depicts young Muslim boys dressed in military camouflage outfits and ski masks. The boys are marching in

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<sup>207</sup> Israel/Palestine Center for Research and Information, “Report I: Analysis and Evaluation of the New Palestinian Curriculum,” IPCRI, <http://ipcri.org/files/report1.pdf> (accessed September 10, 2011).

<sup>208</sup> Israel/Palestine Center for Research and Information, “Report II: Analysis and Evaluation of the New Palestinian Curriculum,” IPCRI, <http://www.ipcri.org/files/4&9report.pdf> (accessed September 25, 2010).

<sup>209</sup> Ibid.



formations carrying toy weapons, swords, and HAMAS flags. There is an audience of young children cheering and repeating what the boys are saying. During the graduation ceremony the boys are emulating HAMAS's *jihad* training exercises including: crawling on the ground with weapons, jumping over hurdles and marching in formations. The boys are chanting phrases such as: Allahu Akbar, *jihad* and death for the sake of Allah, and their desire to become a *shahid*. They ask the audience who their role model is and they reply that it is the Prophet Muhammad and state their goal is to die in *jihad* for Allah. The boys repeat their chants while holding the Qur'an for everyone to see.<sup>210</sup> The effort to influence Palestinian children continues outside of primary school as well. Instruction Cards are given to children to encourage them to follow martyrs who have committed acts of *jihad*. The cards have pictures of glorified suicide bombers and specific steps to take in order to become a martyr.<sup>211</sup> HAMAS influences children through textbooks to promote its interpretations of classical Islamic *jihad*. HAMAS uses education to inspire children by teaching them about the Prophet Muhammad's battles against the Meccans. Since the Prophet Muhammad engaged his enemies in battle, they too should confront their enemies in a similar manner.

#### College in Gaza

HAMAS influences college campuses in Gaza with its interpretation of Islamic doctrine. HAMAS promotes *jihad* and martyrdom through posters, pamphlets, and leaflets. The literature that is circulated condones *jihad*, praises martyrs, and promotes

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<sup>210</sup> "Muslim Kindergarten Graduation Ceremony," MPEG file, [http://www.youtube.com/watch?v=47GG\\_nWuRVg](http://www.youtube.com/watch?v=47GG_nWuRVg) (accessed August 28, 2010).

<sup>211</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 125.

HAMAS's interpretation of Islam. Posters hung on the walls portray suicide bombers that have fought in *jihad* against an enemy. Class schedules have "a photo of Qassam Brigades member Karim Nimr Mararja above the inscription, 'The *shahids* [martyrs] are with their Lord and light shines from them.'"<sup>212</sup> The Islamic Bloc is a student body of HAMAS supporters and is pertinent in al Najah University. Al Najah University is located in the West Bank in the city of Nablus. It is known for HAMAS's influences and its anti-Israel agenda. The Islamic Bloc "has long been a critical component of the *dawa* infrastructure."<sup>213</sup> It is funded by HAMAS charities such as the Islamic Association in the city of Bira. The Islamic Bloc held a fair at the al Najah University in 2004 to hand out school supplies. There were "banners at the fair that pictured HAMAS leaders like [Sheikh Ahmed] Yassin and [Abdel Aziz] al-Rantisi alongside Muslim Brotherhood founder, Hassan al-Banna."<sup>214</sup> The HAMAS affiliate, Islamic Bloc organized a celebration for the victory of winning the student council elections in al Najah University. They won forty of the eighty-one seats while the FATAH Youth Movement won only thirty-four.<sup>215</sup> The newly elected student council president, Muhammad Adas, spoke of previous presidents including Qais Odwan who was martyred during the al Aqsa Intifada. Additionally, the Islamic Bloc's emblem has "a globe atop a Qur'an, assault rifle, and

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<sup>212</sup> Ibid., 127.

<sup>213</sup> Ibid., 129.

<sup>214</sup> Ibid., 128.

<sup>215</sup> Al Qassam, "The Islamic Block in Al-Najah University Celebrates a Decisive Victory," Ezzedeem Al-Qassam Brigades, [http://www.qassam.ps/news-149-The\\_Islamic\\_Block\\_in\\_Al\\_Najah\\_University\\_Celebrates\\_a\\_Decisive\\_Victory.html](http://www.qassam.ps/news-149-The_Islamic_Block_in_Al_Najah_University_Celebrates_a_Decisive_Victory.html) (accessed November 4, 2010).

*jihad* flag, with a map of historic Palestine in the background.”<sup>216</sup> Additionally, Hebron University and the Islamic University in Gaza are both affiliated with HAMAS. HAMAS operative, Munin Shabib, met with other HAMAS leaders in Philadelphia in 1993. According to the Federal Bureau of Investigation, the FBI, Shabib reportedly said that the Islamic University was one of their [HAMAS] institutions.<sup>217</sup> Hebron University employed many faculty members that were HAMAS activists. Sheikh Azzam Naman Abd al Rahman Salhoub was the head of the *Sharia Law* Department at the university. In 2002, he was arrested for HAMAS related activities such as holding meetings with other HAMAS senior operatives such as Sheikh Yunes al Assa al Ubeidi from Bethlehem.<sup>218</sup> The infiltration of HAMAS’s interpretation of Islam into the college school system ensures a large pool of Muslims for *jihad* recruitment. HAMAS has a vast amount of influence and power in Gaza. It influences college campuses by promoting *jihad* and spreading its interpretation of Islam through education, and social institutions.

#### A HAMAS Summer Camp

HAMAS’s influence on the youth in Gaza extends from the education system to *dawa* funded activities such as summer camps. Recall, *dawa* provides services to an Islamic community such as, an Islamic education, public services and cultural activities

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<sup>216</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 129.

<sup>217</sup> FBI summary of translated transcripts of Philadelphia meeting, marked “typed version of Bates 203-287,” Entry for 10/2/93, Tape 6- Conference Room, p. 35, included in evidentiary material brought in deportation hearing for Abdel Haleem Ashqar in U.S. v. Abdel Haleem Ashqar (U.S. Immigration Court), Case No. A 75 422 626, 2003.; quoted in Matthew Levitt, *HAMAS: Politics, Charity, and Terrorism in the Service of Jihad*, (New Haven: Yale University Press, 2006), 82.

<sup>218</sup> C.S.S. Special Information Bulletin, *Spotlight on a Hamas Dawah Institution in the West Bank*; quoted in Matthew Levitt, *HAMAS: Politics, Charity, and Terrorism in the Service of Jihad*, (New Haven: Yale University Press, 2006), 85.

for Palestinian youth. The summer camps offer HAMAS's interpretation of Islam by teaching from the Qur'an and having mandatory attendance in mosques. Therefore, *jihad* and martyrdom are condoned and compared to the Prophet Muhammad's battles. The camps offer weapons, and combatant training. HAMAS Prime Minister, Ismail Haniyah, recently participated in a recent summer camp.<sup>219</sup> In 2001, Palestinian television showed a program on summer camps and it "featured a boy reading a poem: I dedicate this poem to the prisoners, martyrs and the wounded, Oh nation oh my people, make your roar and the sounds of thunder heard. Strike the rock, explode, and stop the soldiers' advance. Make your scream of anger heard by everyone everywhere. They planted the enemy amongst us from the days of Solomon and David."<sup>220</sup> In 2003, HAMAS hosted a summer camp titled, 'The al Aqsa Intifada Martyrs Summer Camp'. This particular camp was run by the Sheikh Ahmad Bahar who heads the HAMAS affiliate Islamic Society. The Islamic Society endorses several schools and summer camps for adolescents. The summer camps offer various activities and include teachings from the Qur'an as interpreted by HAMAS.

HAMAS offers education and summer camps to insert its interpretation of Islam. It wants to educate children, teenagers, and adults about the Prophet Muhammad's behavior during his battles. HAMAS influences the education system by promoting its agenda through textbooks, and teachers. It emphasizes the teaching of *jihad* and martyrdom from the Qur'an, *Ahadith*, and Islamic history. It additionally teaches the Palestinians that *jihad* is the only method that can be used to resist their occupiers.

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<sup>219</sup> Roe Nahmias, "Hamas Summer Camp: Weapons Training For Leaders' Kids," *YNet News*, August 1, 2010. <http://www.ynetnews.com/articles/0,7340,L-3927982,00.html> (accessed August 17, 2010).

<sup>220</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 125.

## CHAPTER XIII

### ISLAMIC LAW

#### What is Sharia?

The Prophet Muhammad governed numerous tribes that were pagan, Jewish, and Muslim. His style of governance is important because he is perceived as the perfect Islamic example. Therefore, the rules of law he taught and followed are found in the Qur'an and *Ahadith*. Islamic law, or *Sharia law*, is a set of laws that govern Muslims and non-Muslim within an Islamic society. It administers law in the political spheres of government and advocates charitable services in social spheres. *Sharia law* additionally manages people's personal lives in the contexts of spirituality, family, and behavior. The sources of law include the Qur'an, *Ahadith*, *Qiyas*, and *Ijma*. As previously mentioned, the Qur'an is the literal word of Allah and the *Ahadith* are the teachings and sayings of the Prophet Muhammad. *Qiyas* is the third source of *Sharia law* following the *Ahadith*. It is considered a secondary source of law because it is a ruling made by a religious figure on matters that is not explicitly stated in the Qur'an or *Ahadith*. *Ijma* is the fourth source of *Sharia law* and it is the ruling consensus of religious leaders, or *ulema*.<sup>221</sup> *Sharia law* covers numerous subjects such as inheritance, punishments for crimes, and relations with non-Muslims. Punishments for crimes can be found in the Qur'an. It states, "This is the

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<sup>221</sup> Fazlur Rahman, *Islam*, 2 ed. (Chicago: University Of Chicago Press, 1979), 68.

recompense of those who fight against God and His Messenger, and hasten about the earth, to do corruption there: they shall be slaughtered, or crucified, or their hands and feet shall alternately be struck off or they shall be banished from the land.”<sup>222</sup> Similar punishments are in the *Ahadith*; “The Prophet cut off the hands and feet of the men belonging to the tribe of Uraina and did not cauterize (their bleeding limbs) till they died.”<sup>223</sup> The techniques for punishment by the Prophet Muhammad may seem fierce and out of date; however, HAMAS has claimed that it’s the proper way to implement punishments for crimes against Allah. HAMAS believes that *Sharia law* should be the governmental law of Palestine. It seeks to establish *Sharia law* in Gaza and in Palestine after it has been taken back from Israel.

### Sharia law in Gaza

HAMAS has taken steps to implement *Sharia law* into the political and social spheres in Gaza. In the social realm, HAMAS has used a campaign called ‘Yes to Modesty’. This campaign aimed to control the dress and behavior of women and young girls from secular to Islamic. It handed out fliers, posters, and sermon tapes with Islamic messages that encouraged individuals to behave in a way that is *Sharia* compliant. Young girls going to school were told to wear traditional Islamic dress and those who have resisted were expelled.<sup>224</sup> Clothing stores have had to change the way they display clothing on mannequins. Mannequins are subjected to the same modesty requirements

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<sup>222</sup> Qur’an 5:33, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 133.

<sup>223</sup> Sahih Bukhari, Volume 8, Book 52, Number 795, Muhammad Muhsin Khan, “Translation of Sahih Bukhari,” *Center for Muslim-Jewish Engagement*, <http://www.cmje.org/religious-texts/hadith/bukhari/052-sbt.php> (accessed August 31, 2011).

<sup>224</sup> C. Jacob, “HAMAS’s Gaza- Four Years Later Chapter 5: Islamization in Gaza,” *MEMRI*, [http://www.memri.org/report/en/0/0/0/0/0/5505.htm/?;jlh#\\_ednref35](http://www.memri.org/report/en/0/0/0/0/0/5505.htm/?;jlh#_ednref35) (accessed September 30, 2011).

according to HAMAS's interpretation of *Sharia law*. According to Taleb Abu Shaar, Minister of Religious Affairs, *Sharia law* implementation efforts are "in line with our [Islamic] religion and traditions. We see some dangers threatening youth and some wrongdoings, and our role is advise and to warn our people against bad things."<sup>225</sup>

Additionally, women have been banned from riding motorcycles with their husbands and smoking the hookah. Women are forbidden from crossing their legs and smoking in public because it sends sexual messages to men.<sup>226</sup>

HAMAS is attempting to impose *Sharia law* in the political system in Gaza. There is an Islamic Penal Code that was being reviewed by the Palestinian Legislative Council. The Islamic Penal Code consists of fourteen chapters and 220 clauses that deal with criminal punishments. A draft of the Islamic Penal Code was sent to *Al Hayatt* newspaper in London by HAMAS leader, Ismail Haniyah. It reported the story on December 24, 2008 and one day later the story was retracted by HAMAS. Several of the articles in the Islamic Penal Code addressed what HAMAS interprets as suitable Islamic behavior. Article LXXXIV states that those who drink alcohol should be punished by flogging and imprisonment. The punishment of flogging would be implemented for crimes of gambling, insulting Islamic religious beliefs, and immorality. Presumably, HAMAS interpreted a *hadith* about flogging to be literal. In a Sahih Bukhari *hadith* it states, "The Prophet used to say, 'Nobody should be flogged more than ten stripes except

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<sup>225</sup> Al Arabiya, "Fears in Gaza Over Hamas' Intention to Impose Sharia," *Al Arabiya*, <http://www.alarabiya.net/articles/2009/08/04/80764.html> (accessed September 4, 2010).

<sup>226</sup> Diaan Hadid and Ibrahim Barzak, "Hamas Brings to Grumbling Women in Gaza a Ban on Hookahs," *Cleveland*, [http://www.cleveland.com/world/index.ssf/2010/07/hamas\\_brings\\_to\\_grumbling\\_wome.html](http://www.cleveland.com/world/index.ssf/2010/07/hamas_brings_to_grumbling_wome.html) (accessed September 20, 2011).

if he is guilty of a crime, the legal punishment of which is assigned by Allah.”<sup>227</sup> The Islamic Penal Code would additionally punish thieves by amputating their right hand.<sup>228</sup> Crucifixions, executions and corporal punishments would also be punishments for adultery and apostasy. HAMAS has made contradictory comments regarding the penal code; however, its support has been demonstrated by several affiliated HAMAS leaders’ statements. Muhammad Abed is the Head of the Bureau of *Sharia law* and the legal advisor to HAMAS Prime Minister Ismail Haniyah. On November 9, 2008, Muhammad Abed addressed the Islamic Penal Code to HAMAS affiliated newspaper Al-Rissla. He said that the Islamic Penal Code will replace the current penal code in Gaza and the West Bank upon its approval. He furthermore stated that the Islamic Penal Code had not been approved but would go before the council again at a later date.<sup>229</sup> *Sharia law* is being further implemented in the Gaza court system as well. *Sharia* courts are growing in numbers throughout the region. They have “become the primary arbiters of disputes in Gaza. These courts, presided over by HAMAS-appointed judges did not adjudicate cases on their legal merit but rather through the prism of Islamic jurisprudence.”<sup>230</sup> As a result, individuals are being judged by *Sharia law* and not the facts of the person’s case. Furthermore, HAMAS has created the Palestine Islamic Scholars Association that has a branch in every district in Gaza. Each district has eight Islamic religious scholars that

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<sup>227</sup> “Sahih Bukhari,” The Holy Qur’an, <http://www.theonlyquran.com/hadith/Sahih-Bukhari/?chapter=82&hadith=828.794>(accessed August 2, 2011).

<sup>228</sup> Al Arabiya, “Palestinian Legislative Denies Reviewing ‘Hamas’ Islamic Penal Code,” *Al Arabiya*, <http://www.alarabiya.net/articles/2008/12/24/62699.html> (accessed September 3, 2010).

<sup>229</sup> Itamar Marcus and Barbara Crook, “Hamas Enacts Islamic (sharia) Laws: Hand Amputation, Crucifixion, Lashes and Execution,” *Free Republic*, <http://www.freerepublic.com/focus/f-news/2154254/posts> (accessed November 17, 2010).

<sup>230</sup> Jonathan Schanzer, *Hamas vs. Fatah: The Struggle For Palestine* (New York: Palgrave Macmillan, 2008), 114.



judge cases based on *Sharia law*. These Islamic scholars do not have any legal training but instead have an education in Islamic doctrine.<sup>231</sup>

HAMAS is attempting to implement its interpretation of Islamic law in Gaza. HAMAS believes that women should dress modestly and that the younger generation should be protected from secular influences that could degrade the Islamic community. It interprets punishments from the Qur'an and *Ahadith* to mean actual flogging, cutting off hands, and crucifixions. HAMAS believes that *Sharia law* should be the law in Palestine because the Prophet Muhammad governed his subjects according to the law established by Allah.

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<sup>231</sup> Taghreed El-Khodary, "Life under Hamas Rule," *Carnegie Endowment for International Peace*, [http://www.carnegieendowment.org/arb/?fa=show&article=20698&zoom\\_highlight=Gaza+Life+Under+Hamas+Rule](http://www.carnegieendowment.org/arb/?fa=show&article=20698&zoom_highlight=Gaza+Life+Under+Hamas+Rule) (accessed December 1, 2010).

## CHAPTER XIV

### HAMAS'S NEGOTIATIONS

Negotiation is a method used by states to deter war and open diplomatic discussions for the purpose of resolving conflicts. It has become the preferred method of conducting international relations after the creation of the United Nations. In the Israeli-Palestinian conflict there are always negotiations being discussed but rarely does it resolve the conflict. In 2006, HAMAS gained political power by winning the majority of seats in the Palestinian Legislative Council. Since the election, HAMAS has maintained a distinct approach to negotiations with Israel. HAMAS claims that it seeks to maintain an Islamic approach when dealing with Israel. In an interview with HAMAS's Chief of the Political Bureau, Khalid Mashaal, he stated that HAMAS sought to emulate the Prophet Muhammad in its negotiations with Israel. In the interview, Mashaal explains HAMAS's view on negotiations according to its interpretation of Islam. He stated that negotiations are sometimes necessary and are not entirely forbidden but only within a specific framework because the Prophet Muhammad negotiated with his enemies. He said, "in Islamic history, in the era of the Prophet (peace be upon him), and in subsequent ages- at the time of Salahudin [Saladin], for example- negotiation with the enemy was conducted, but within a clear framework and a specific philosophy, within a context,

vision, rules and regulations governing this negotiation.”<sup>232</sup> HAMAS claims that negotiations with Israel must be within a specific framework and accordance with Islamic tradition. The negotiations that Israel presents to HAMAS are not within an Islamic context. Mashaal continued his interview by quoting passages from the Qur’an and explained how they pertained to negotiations with Israel. He quoted, “And if they incline to peace, incline (you also to peace), and trust in God.”<sup>233</sup> Mashaal claims that this Qur’anic passage implies the acceptance of negotiation when the enemy is forced to negotiate. He says, “this implies that negotiation is acceptable, reasonable and logical for us as advocates of a just cause when the enemy is forced to resort to it, when they come to us ready for negotiation and for paying the price, and respond to our demands.”<sup>234</sup> He explained that Israel must be in a position of subservience and fulfill HAMAS’s demands in order for negotiations to take place. The passage from the Qur’an for the inclination of peace is interpreted by others as proof that Muslims should negotiate. However, Mashaal clarifies HAMAS’s interpretation of the passage by quoting the passage right before it. He quotes, “Prepare for them what you can of power, including steeds of war to terrify the enemy of Allah and your enemy.”<sup>235</sup> HAMAS interprets these passages to mean continual *jihad* until the enemy is forced to negotiate. Mashaal further quoted another Qur’anic passage, “Do not weaken and call for peace when you have the upper hand.”<sup>236</sup>

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<sup>232</sup> Al Qassam, “ Hamas' Mesh'al Lays Out New Policy Direction,” Ezzedeen Al-Qassam Brigades, [http://www.qassam.ps/interview-3469-Hamas\\_Meshal\\_lays\\_out\\_new\\_policy\\_direction.html](http://www.qassam.ps/interview-3469-Hamas_Meshal_lays_out_new_policy_direction.html) (accessed September 29, 2010).

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

HAMAS perceives Israel's willingness to negotiate as a reduction of power and subsequent surrender. Therefore, since HAMAS believes it has the upper hand and in accordance to its interpretation of the Qur'an, it will not negotiate. Mashaal claims that the decrease in Israeli power is a result of HAMAS's *jihad* strategy. He explained, "that the enemy's inclination to peace and negotiation is a result of *jihad*, resistance, and the possession of power."<sup>237</sup> Similarly, other leaders in HAMAS argue that negotiation is not an option. Ismail Haniyah is HAMAS's Prime Minister in the Palestinian Authority. He lives in Gaza and has a considerable amount of influence. Haniyah's positions on negotiations are similar to Khalid Mashaal's views. On September 2, 2010, Haniyah gave a speech about negotiations with Israel. He explained that Allah had made the Prophet Muhammad victorious during the holy month of Ramadan. He referenced the Battle of Badr, the conquest of Mecca, and the 1973 War with Israel as justification for the current *jihad* against Israel. He stresses the importance of *jihad* during the month of Ramadan because it is what the Prophet Muhammad had done. He further explains that *jihad* and not negotiations is the primary method in its conflict with Israel. He said, "At no time may Muslims- especially under occupation- negotiate whether there should or shouldn't be resistance or *jihad*. This cannot be discussed by a group of believers, a Muslim people, especially a people under occupation."<sup>238</sup> He believes that negotiations with Israel are not an option because Allah had determined *jihad* to be the Muslims' strategic option.

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<sup>237</sup> Ibid.

<sup>238</sup> Ismail Haniyah, "Jihad Is the Strategic Option of This Nation," MPEG file, <http://www.memritv.org/clip/en/2616.htm> (accessed September 29, 2010).

The strategic method of *jihad* is preferred over the method of negotiation with Israel. HAMAS preacher, Sheikh Islamil Aal Radhwan, has a similar perspective to Khalid Mashaal and Ismail Haniyah. On September 23, 2010, he delivered a sermon in a mosque to his followers. He began his sermon by saluting the fighters that had recently killed Zionists and settlers. He claimed that the path to liberating Jerusalem and Palestine is through *jihad* and not negotiations. He explained, “We say today that we adhere to the option of *jihad* and resistance, the option ridiculed by Abbas, Fayyad, and conspirators. The path that they mock is the path decreed by Allah: ‘Fighting is ordained for you, though it is hateful to you.’”<sup>239</sup> He claims that individuals that seek negotiations are evil people and should be thrown into hell along with the Jews. Therefore, negotiating is not an option for HAMAS and its supporters. According to Radhwan, Allah has determined that *jihad* is the strategic method against Israel.

HAMAS does not view negotiations as a method to resolve conflict but instead as a sign of weakness. Therefore, Israel’s willingness to negotiate is an indication that HAMAS’s *jihad* method is working. As a result, HAMAS resorts to the behavior of the Prophet Muhammad during his battles. Recall, that the Prophet Muhammad negotiated with the Meccans within the specific context of the Treaty of Hdaybiyyah. The Treaty of Hdaybiyyah is referred to as the first *hudna* in Islamic history. A *hudna* “is neither a truce nor a genuine ceasefire, but is rather a tactical tool to gain a military advantage.”<sup>240</sup>

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<sup>239</sup> Sheik Ismail Aal Radhwan, “Those Who Negotiate with Israel Will Be Gathered in the Hellfire, Along with the Apes and Pigs” (sermon, Mosque, Gaza, September 3, 2010), MPEG file, <http://www.memritv.org/clip/en/2631.htm> (accessed November 5th, 2010).

<sup>240</sup> Malcolm Bruce, *House of Commons International Development Committee: The Humanitarian and Development Situation in the Occupied Palestinian Territories*, Vol. 2 (London: House of Commons London: The Stationary Office, 2006), 72.

According to HAMAS's interpretation of Islam, negotiations will not deter conflict but instead serve as a strategic operational advantage.

## CHAPTER XV

### JIHAD IN PRACTICE

The practice of *jihad* has held numerous interpretations in Islamic history and has been a controversial strategy in modern times. HAMAS's interpretation of *jihad* includes the practice of violence through martyrdom operations and bombings. It was responsible for 39.9% of the suicide bombings against Israel from 2000-2005.<sup>241</sup> In the HAMAS Covenant, *jihad* against Israel is explained as an obligation on every Muslim. Several of the articles in the HAMAS Covenant refer to *jihad* as a tactical military technique. It states, "Allah is its goal, the Prophet its model, the Qur'an its constitution, *jihad* its path and death for the cause of Allah."<sup>242</sup> HAMAS claims that negotiations, proposals, and international conferences are futile and *jihad* is a strategic method mandated by Allah.<sup>243</sup> Muslims who participate in negotiations and not in *jihad* will suffer the wrath of Allah. HAMAS interprets a passage of the Qur'an to mean that Muslims who turn their back on *jihad* will incur Allah's anger; "Who so on that day turns his back to them, unless maneuvering for battle or intent to join a company, he truly has incurred wrath from

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<sup>241</sup>Efraim Benmelech and Claude Berrebi, "Human Capital and the Productivity of Suicide Bombers," *Journal of Economic Perspectives* 21, no. 3 (Summer 2007): 223-38, [http://www.economics.harvard.edu/faculty/benmelech/files/JEP\\_0807.pdf](http://www.economics.harvard.edu/faculty/benmelech/files/JEP_0807.pdf) (accessed October 3, 2011).

<sup>242</sup> "Hamis Covenant 1988, Part I, Article VIII," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>243</sup> "Hamis Covenant 1988, Part I, Article VII," The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

Allah, and his habitation will be hell.”<sup>244</sup> HAMAS encourages and glorifies *jihad* and martyrdom against Israel. HAMAS uses television, interviews, and recruitment methods to reveal its interpretation of *jihad* and martyrdom.

### Children and Jihad

Martyrdom is the practice of giving oneself as a sacrifice for the sake of Allah. The Western term, suicide bomber, refers to individuals who strap explosives to their bodies and detonate it in a high population area of civilians. The Arab-Islamic term for the same individual is martyrdom bomber. The two different terms shows the difference in perception regarding the strategic method of blowing oneself up. HAMAS believes that the individuals who wage *jihad* and commit martyrdom are forever alive in heaven because the Qur’an says, “Count not those who were slain in God’s way as dead, but rather living with their Lord, by Him provided.”<sup>245</sup> Martyrdom is encouraged from childhood into adulthood. HAMAS’s television network, al Aqsa, has children’s shows, interviews, and religious entertainment. On January, 22, 2010, there was a children’s show that had a female host and an individual in a bear costume. During the program, a little girl called into the show to speak with the host and bear. The host asked the young girl if the Gaza War in 2009 made her afraid of dying. The girl expressed her desire to commit martyrdom for the sake of Allah. She said, “No, I wasn’t afraid. I wished for *shahid* [martyrdom] for Allah.”<sup>246</sup> The host and the bear responded with great joy and

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<sup>244</sup> “ Hamas Covenant 1988, Part III, Article XXXII” The Avalon Project: Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp) (accessed September 2, 2010).

<sup>245</sup> Qur’an 3:169, taken from A. J. Arberry, ed., *The Koran Interpreted: A Translation* (New York: Touchstone, 1996), 94.



encouragement for the young girl. The host praised the young girl and expressed her hope for her martyrdom to become true.<sup>247</sup> In February 2009, the television show depicting Teddy Bear Nassur made his debut on HAMAS television. Teddy Bear Nassur was another individual dressed in a bear costume speaking in a childlike voice. He explains that the reason he has come to Gaza was to wage *jihad* and become a fighter. He wanted to join HAMAS's al-Qassam military brigades and carry weapons for the practice of *jihad*. When he is questioned about his motives to become a martyr, he responds that it is to protect Palestinian children.<sup>248</sup> On March 12, 2010, a children's show depicting a child becoming a martyr was aired on HAMAS television. The little girl's name was Gaza and she lived in harmony until the enemy came and destroyed her home and killed her parents. A flying bird told her to leave Gaza and retreat. However, the young girl returns to her home to pick up rocks that once made up her house and throws them at an Israeli tank. The soldier in the tank shoots her in the heart and she dies. The young girl's spirit rises and is dressed in colors from the Palestinian flag. She takes the bullet from her chest and throws it at the Israeli soldier. The Israeli tank retreats and she is portrayed as a glorified martyr. The song lyrics of the cartoon encourage other children to follow in Gaza's footsteps and become a martyr.<sup>249</sup> There are numerous other cartoons and children's show that glorify martyrdom on HAMAS's television network.

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<sup>246</sup> Al Aqsa (HAMAS) TV, "Hamas TV Hosts Applaud Girl's Wish For Martyrdom Death," MPEG file, <http://www.youtube.com/watch?v=YWie0iM5DtU> (accessed November 28, 2010).

<sup>247</sup> Ibid.

<sup>248</sup> Al Aqsa (HAMAS) TV, "Al-Aqsa TV Teddy Bear Nassur Vows to Join Military Wing of Hamas," MPEG file, <http://www.memritv.org/clip/en/2028.htm> (accessed October 17, 2010).

<sup>249</sup> Al Aqsa (HAMAS) TV, "Girls on Al-Aqsa TV: We Want to Fight to Liberate Jerusalem," MPEG file, <http://www.memritv.org/clip/en/0/0/0/0/0/2457.htm> (accessed October 3, 2011).

### Jihad Recruitment

HAMAS uses various recruitment methods to lead a Muslim to his or her martyrdom. HAMAS's recruitment process is highly selective and demanding. The organization requires skillful individuals that have the ability to carry out tasks successfully. Similar to a business, HAMAS's employs individuals who are highly competent, skillful, and educated. The recruitment process begins when an individual is in his teenage years. Children are taught that *jihad* is an honorable act through school and media outlets. Recruitment occurs from mosques, college campuses, and Islamic community centers. The recruits are taught to memorize the Qur'an and HAMAS's interpretation of Islam. They are additionally educated in *Sharia law*, weaponry, and logistics. Individuals who are recruited by HAMAS tend to have higher education levels than other Palestinians. Several of the martyrs who had the highest casualty rates in their martyrdom operation held Masters Degrees or had at least a high school education.<sup>250</sup> Martyrs are recruited and paired with potential targets based on their strengths and weaknesses. Individuals who are most successful and kill the most people tend to be older and more educated.<sup>251</sup> In 2005, Times Magazine interviewed a martyr who survived his martyrdom operation. He answered questions regarding the motivations of a suicide bomber. He said, "None of the suicide bombers conformed to the typical profile of the suicidal personality. None of them was uneducated, desperately poor, simple-minded or

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<sup>250</sup> Efraim Benmelech and Claude Berrebi, "Human Capital and the Productivity of Suicide Bombers," *Journal of Economic Perspectives* 21, no. 3 (Summer 2007): 223-38, [http://www.economics.harvard.edu/faculty/benmelech/files/JEP\\_0807.pdf](http://www.economics.harvard.edu/faculty/benmelech/files/JEP_0807.pdf) (accessed October 3, 2011).

<sup>251</sup> Ibid.

depressed. Many were middle-class and held paying jobs. Two were the sons of millionaires. All were deeply religious.”<sup>252</sup>

HAMAS has a network of religious, social, and political institutions that participate in *jihad* logistics. Libraries, mosques, and medical services are used by HAMAS to carry out *jihad* operations. Libraries are used to sell videocassettes of Islamic sermons that advocate HAMAS’s interpretation of Islam. Libraries in particular are given great importance because of their low profile. A library was built at the Grand Mosque in al Bireh, and was funded by HAMAS affiliate, Ramallah al Bireh Charity. The library is known for HAMAS related activities.<sup>253</sup> Additionally, HAMAS uses hospitals and other medical related services for *jihad* operations. Medical doctors are recruited by HAMAS because of their mobility through checkpoints. Mustafa Amjad was a doctor at HAMAS affiliated al Razi Hospital in Jenin. HAMAS recruited Amjad in order to smuggle martyrs into Israel to carry out *jihad* attacks in Baka al-Sharkia. Amjad was eventually caught by Israeli authorities and admitted to assisting HAMAS’s *jihad* operation.<sup>254</sup> Furthermore, HAMAS uses mosques strategically for *jihad* related operations. Imams allow HAMAS members to have meetings and use its speaker system to inform the public about its activities, beliefs and goals. Mosques serve as dead drops for materials to be transferred from one militant cell to another without direct contact. These mosques are called ‘dead

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<sup>252</sup> Nasra Hassan, “Are You Ready? Tomorrow You Will Be in Paradise,” *Times*, July 14, 2005. [http://www.timesonline.co.uk/tol/life\\_and\\_style/article543551.ece](http://www.timesonline.co.uk/tol/life_and_style/article543551.ece) (accessed December 11, 2010).

<sup>253</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*, (New Haven: Yale University Press, 2006), 98.

<sup>254</sup> Israeli Security Forces, “Terrorist Misuse of Medical Services to Further Terrorist Activity,” *Israel Ministry of Foreign Affairs*, [http://www.mfa.gov.il/MFA/MFAArchive/2000\\_2009/2002/8/Terrorist%20Misuse%20of%20Medical%20Services%20to%20Further%20Te](http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/8/Terrorist%20Misuse%20of%20Medical%20Services%20to%20Further%20Te) (December 5, 2010).

letter boxes', or DLB. The DLB's are essential to HAMAS's operations in order to avoid detection by Israeli authorities.<sup>255</sup> *Jihad* recruitment and its logistical network are essential for the success of HAMAS's martyrdom operations.

### Dying in the Way of Allah

Martyrdom is glorified by HAMAS on the Izz al Din al-Qassam Brigades website. The website relays current news, interviews, and biographies of martyrs. It is used to illustrate HAMAS's interpretation of Islam. There is a martyr's page that lists the names, and biographies of every martyr who participated in *jihad* or died as a casualty of war against Israel. There is a martyr's memorial portion on the webpage that is dedicated to specific leaders and to women as well. Every martyr has a photo, name, and date of his or her martyrdom. Additionally, a biography is given underneath the photo explaining the background of the individual and how he or she got involved with HAMAS. In each biography, it explains that the martyr loved *jihad* and was a good Muslim who adhered to Islamic practices. Often there is a statement released by HAMAS detailing the stories of martyrdom. There are over 450 individuals who are glorified as martyrs with full praise and admiration. HAMAS references the martyrs as individuals who did the right thing by being martyred. Two of the individuals are women and one of the women is referred to as the 'grandmother martyr'. Additionally, there is a photo gallery specifically for glorified martyrs.<sup>256</sup> For example, Ashraf Na'em Mushtaha was a martyr who is revered on the al-Qassam website. His biography says he was born in Gaza City in 1977 in a humble

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<sup>255</sup> Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (New Haven: Yale University Press, 2006), 101.

<sup>256</sup> Al-Qassam, "Martyrs Memorial," Ezzedein Al-Qassam Brigades, <http://www.qassam.ps/martyrs.html> (accessed December 5, 2010).

house. He was educated in the refugee camps and finished his primary and preparatory studies. In 1988, he married a woman and they had five children. He is referenced as a polite, calm, and respected individual. He always helped his parents with housework and was kind to his neighbors. It portrays him as a Muslim who loved the path of resistance and resisted Zionist occupation. It explains that the al-Qassam Brigades accepted his request to become a member in 2003. He participated on numerous occasions in protecting camps from Zionist forces. He was martyred on June 12, 2008, when he was on a mission inside a house in Beit Lahia. It further states that al-Qassam mourns the death of the *mujahid*, or fighter, and that it reaffirms its commitment of resistance against occupational forces.<sup>257</sup>

HAMAS's interpretation of *jihad* includes the practices of violence through martyrdom operations and bombings. The practice of *jihad* is clearly stated in the HAMAS Covenant as an obligation of every Muslim. It explains that *jihad* is the method it will use against its enemy and that negotiations are not an option. As a result, HAMAS has a *jihad* process that begins with educating children. The children are taught that martyrdom is an honorable act that is pleasing to Allah. They are later recruited by HAMAS for martyrdom operations or logistical support. HAMAS chooses martyrs based on the individual's age, education, and strengths. When the *jihad* operation is a success, the martyr is put on al-Qassam's website for glorification. If HAMAS's interpretation of *jihad* were to continue, the process of peace and negotiations with Israel would remain futile.

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<sup>257</sup> Al-Qassam, "Ashraf Na'em Mushtaha," Ezzedeem Al-Qassam Brigades, [http://www.qassam.ps/martyr-331-Ashraf\\_Naem\\_Mushtaha.html](http://www.qassam.ps/martyr-331-Ashraf_Naem_Mushtaha.html) (accessed October 2, 2011).

## CHAPTER XVI

### CONCLUSION

Since September 11, 2001, the Islamic faith has been at the forefront of discussions, books, and analysis. Violent Islam, as interpreted by the hijackers, became a polemical topic among scholars. Therefore, an objective study of the Islamic sources is necessary for understanding the many interpretations of Islam. Several tenets of the Islamic faith can be interpreted as permission to commit violent acts. HAMAS shares an interpretation of Islam with the September 11<sup>th</sup> hijackers. HAMAS has made claims that it derives its doctrine and practices from the Islamic faith. Some claim that violence is contradictory to Islam; however, the explanation for HAMAS's interpretation of Islam can be found in Islam's doctrinal sources.

Islamic sources are traditionally in Arabic so use of secondary resources and translations is crucial. The Qur'an cannot be translated from the Arabic language but it can be interpreted into other languages. A.J. Arberry is the author of *The Koran Interpreted* and his interpretation of the Qur'an is highly respected by Islamic scholars. His interpretation respects the poetic nature of the Qur'an. The Qur'an has numerous references to violence. These references seem to advise Muslims to commit physical harm against their enemy. The references to violence seem to have been revealed to the

Prophet Muhammad when he engaged in battles and raids. Therefore, it appears that these references are interpreted to mean physical action. Based on A.J. Arberry's interpretation of *sura IX* (Repentance), the passage suggests that violent practices against non-Muslims are permitted and condoned. The terms associated with violence are "slay", "kill", and "cut". Individuals interpret the violent references differently; however, these references indicate that violence against a non-Muslim is permitted.

The *Ahadith* are traditionally in Arabic like the Qur'an, therefore, it was necessary to rely on translations from Islamic scholars. *Ahadith* have to go through an authentication process. The *Ahadith* are granted varying levels of credence and few become part of the canonical collection. Among the six recognized canonical collection are Sahih Bukhari, Sahih Muslim and Sunan Abu-Dawud. Within these *Ahadith* there are references to violence and warfare. These references appear to call for violence against non-Muslims in the form of physical *jihad*. There are entire chapters devoted to *jihad* and violent acts. In these *Ahadith* there are stories about what the Prophet Muhammad said about warfare and how he conducted himself during that time. His behavior during battles seems to indicate that violence against non-Muslims was acceptable. It seems that the Prophet Muhammad promoted fighting against non-Muslims on the battlefield. The enslaving of women and children after battles indicates that *jihad* is permitted and suggests that it is a physical action.

The literature on *jihad* by Muslim jurists supplements what is found in the Qur'an and *Ahadith*. The jurists addressed the rules for physically fighting an enemy including the role of non-combatants. The literature appears to suggest that an enemy needs to be properly identified and once they are identified, violence can be used against them. The

literature on *jihad* seems to advise Muslims to physically bear arms against their enemies. Muslim jurists defined *jihad* as a physical act against an enemy. Therefore, their definition seems to support HAMAS's interpretation of *jihad*. Spiritual *jihad* appears to be a newer concept derived from ninth-century Sufism, the mystical tradition in Islam, and does not seem to be from the established literature. Furthermore, violence against a Muslims' enemy appears to be permitted based on the behavior of the Prophet Muhammad. His participation in battles and raids indicates that conflicts can be resolved with violence. Additionally, *jihad* in the historical perspective appears to be a physical exertion against non-believers. HAMAS refers to the earlier Islamic conquests as examples which it believes it follows. The waves of conquest by Islamic armies suggest that the actions taken by HAMAS are a continuation of Islamic tradition.

Physical observation of HAMAS's practices is not practical and thus secondary sources for research are critical. Secondary sources included textbooks, interviews, and videos. Direct interviews with HAMAS leaders were not permitted and it limited the inquiry; however, available translated interviews made for adequate research. Based on the reviewed Islamic doctrine it appears that HAMAS's interpretation of Islam is a continuation of Islamic tradition. HAMAS uses violent references from the Qur'an and *Ahadith* to defend its practices. These references suggest that violent practices against non-Muslims are permitted. HAMAS teaches this version of Islam to its citizens through social programs. It educates children on Islamic doctrine and encourages them to join its fight against Israel. *Jihad* training is given to teenagers who participate in HAMAS sponsored summer camps and it is endorsed on college campuses. HAMAS advises that *jihad* is incumbent upon Muslims to fight against Israel and glorifies Muslims who



become martyrs. Martyrdom bombings are used instead of direct negotiations with Israel. According to HAMAS, negotiations must take place with an Islamic vantage point. It appears that HAMAS will continue its practice of violent *jihad* until Israel is forced to negotiate out of weakness.

With the onset of the “Arab Spring”, further study is necessary on its effects on HAMAS in Gaza. HAMAS’s practices seem to be unsuccessful in accomplishing its goal of defeating Israel and implementing *Sharia law*. However, how will its success differ if it had a stronger ally in the region? With the changing political landscape in the Middle East, it is important to examine the possibility of the Muslim Brotherhood coming to power in Egypt. Since HAMAS began as the Muslim Brotherhood’s branch in Palestine, how will its practices change? Will HAMAS be emboldened and engage in larger acts of warfare with Israel? If the Muslim Brotherhood comes to power in Egypt, how likely is it that HAMAS will escalate its violence against Israel?

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