

## ABSTRACT

Title of dissertation: UNPACKING INCLUSION, TRACING POLITICAL VIOLENCE: A CASE STUDY OF THE PALESTINIAN AUTHORITY AND HAMAS'S GOVERNANCE UNDER OCCUPATION

Ghada Al-Madbouh, Doctor of Philosophy, 2011

Dissertation directed by: Professor Charles E. Butterworth  
Department of Government and Politics

This dissertation seeks to unpack inclusion and to trace a causal path by which a certain type of inclusion (exclusive inclusion) is linked to the deployment of political violence by incorporated opposition. In doing so, I challenge the assumptions of the inclusion-moderation nexus and its applicability to less institutionalized competitive authoritarianism.

I undertake in-depth comparative case studies in two sectors in the Occupied Palestinian Territories: the Civil Security Sector (CSS) and the Palestinian Security Sector (PSS), where evidence shows that the inclusion of Hamas led to political violence rather than moderation. Based on this study I argue that unpacking inclusion into two components, namely open contestation and ostensible power sharing, is essential to account for the complex interactions between authority-incorporated groups and political violence. Open contestation and ostensible power sharing lead to various levels of what I call "exclusive inclusion" in the CSS and the PSS (and in all institutions). Exclusive

inclusion captures Fatah incumbents' formal and informal practices and manipulations, along with colonial policies and external interferences.

Second, I argue that exclusive inclusion triggers two major internal dimensions - the intermixed approach of incorporated opposition and the intra-group divergence - which significantly shape the deployment of political violence. Improved conditions of exclusive inclusion brought some entitlements back to Hamas's officials in the CSS over time and left some margin for them to practice their intermixed approach (resistance and accommodation with authorities). This occurred while increasingly exclusive inclusion and denial of Hamas's demands in the PSS not only made the continuous exercise of an intermixed approach from within the PA unfeasible, but also led to divergences among currents inside Hamas. Third, intra-Hamas divergences mean the development of various trends within Hamas, despite its unity, each of which had developed different attributions of threats and expected payoffs of exclusive inclusion in the PSS.

In conclusion, the continuous exclusive inclusion in the PSS, along with intra-divergences and the absence of power arrangement outside the security institution, were fertile opportunities for the deployment of political violence against PSS. However, contingent events under sanctions, led to the extension of violence and takeover of the Strip.

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by

Ghada Al-Madbouh

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Dissertation Committee:

Professor Charles E. Butterworth, Chair  
Professor Ken Conca  
Professor Mark Lichbach  
Professor Shibley Telhami  
Professor Madline Zilfi, Dean representative

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*To my parents Adnan and Maysara, and to Suha, Iyad and Ahmad  
For their warmth, courage, and patience*

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## NOTE ON TRANSLITERATION

Arabic nouns in this dissertation are used according to a transliteration system that does not use diacritical marks, other than *ayn* (‘) and *hamza* (‘). There are exceptions made to familiar people and places (e.g., Abbas, Arafat, Fatah). All Arabic terms are italicized and put between parentheses after the English terms: long truce (*hudna*).

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## LIST OF ABBREVIATIONS

CoM — Council of Ministers  
CSS — Civil Service Sector  
DFLP — Democratic Front for the Liberation of Palestine  
DoP — Declaration of Principles  
EF — Executive Force  
Fatah — Palestinian National Liberation Movement (Harakat al-Tahrir al-Watani al-Filastini)  
Hammas — Islamic Resistance Movement (Harakat al-Muqawama al-Islamiyya)  
HLG — Hamas-Led Government  
GD — General Director  
IAF — Islamic Action Front  
ISF — Internal Security Forces  
LoCR — List of Change and Reform  
MB — Muslim Brotherhood  
MoI — Ministry of Interior  
NCA — National Conciliation Accord  
NSF — National Security Forces  
NUG — National Unity Government  
PA — Palestinian Authority  
PF — Preventive Forces  
PG — President Guards  
PFLP — Popular Front for the Liberation of Palestine  
PLC — Palestinian Legislative Council  
PLO — Palestinian Liberation Organization  
PM — Prime Minister  
POS — Political Opportunity Structure  
PSF — Palestinian Security Forces  
PSS — Palestinian Security Sector  
WBGS — West Bank and Gaza Strip

**CHAPTER 1**  
**INCLUSION AND POLITICAL VIOLENCE IN PALESTINE: AN**  
**INTRODUCTION**

*"The Trojans would have expressed a different narrative than that of Homer, but their voices are forever lost. I am in search of those voices."*

*-- Mahmoud Darwish<sup>1</sup>*

Hamas (Islamist Resistance Movement)<sup>2</sup> won its first national election for the Palestinian Legislative Council (PLC) in January 2006, and formed its own government for the first time since its emergence in Palestinian politics in 1987.<sup>3</sup> As a result, the Palestinian Authority (PA), which was formed in 1994 after the Oslo Accords between the Palestinian Liberation Organization (PLO)<sup>4</sup> and Israel as an interim administrative

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<sup>1</sup> Darwish, Mahmoud. 4 February 2006, Retrieved July 2011 ([http://mahmouddarwish.blogspot.com/2006/02/blog-post\\_04.html](http://mahmouddarwish.blogspot.com/2006/02/blog-post_04.html)). Translated to English by Sinan Anton, <http://www.thenation.com/article/presence-darwish>.

<sup>2</sup> Harakat al-Muqawama al-Islamiyya (Islamic Resistance Movement).

<sup>3</sup> The PA system after 2003 became a semi-presidential multi-party system where the President and the Prime Minister (leading the Cabinet) shared executive powers. The Prime Minister is usually from the party that wins the highest number of seats in the (PLC).

<sup>4</sup> The PLO was formed during 1964 at the Arab League Summit as the sole legitimate representative organization for all Palestinians inside and outside Palestine (including the refugees and the Diaspora) and serves a function equivalent to parliament. In 1974 it obtained observer status at the United Nations. Fatah has been the dominant faction within the PLO and it remained under Arafat's direct authority; he was its Executive Committee chair until his passing in 2004. The vast majority of the Palestinian factions are part

entity, for the first time became a bi-partisan institution after having been dominated by the one-party governance of Fatah and the centralized authority of President Yassir Arafat. The PLC national elections brought hope for real pluralism and democratization. All this, despite the fact that Palestinians were unable to declare their promised state in the Occupied Palestinian Territories according to the Oslo peace process (the peace negotiations stalled after the Camp David meeting of 2000)<sup>5</sup> and continued to remain under direct Israeli occupation, in the case of the West Bank and East Jerusalem, and indirect Israeli occupation, in the case of the Gaza Strip.<sup>6</sup>

However, a few weeks after the elections Hamas ministers and officials started complaining and protesting against the sanctions imposed formally by the Quartet<sup>7</sup> over the West Bank and the Gaza Strip (WBGS) in April, 2006 and against internal practices

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of the PLO except the Islamist factions (Islamic Jihad and Hamas). However, the leadership of the PLO was not allowed to function openly in the Occupied Palestinian Territories. Thus this leadership started in Jordan, then moved to Lebanon, and after the Israeli invasion of southern Lebanon they relocated to Tunisia in 1982 until some of them returned to the Occupied Palestinian Territories in 1994 based on signing the peace agreement with Israel.

<sup>5</sup> For more about Camp David see, Mearsheimer and Walt (2008).

<sup>6</sup> Historic Palestine was under Ottoman Empire rule before it came under the British Military Administration then the British Mandate (1917-1948). Afterwards the state of Israel was declared in 1948, absorbing almost 88% of historic Palestine, except for the West Bank and East Jerusalem that remained under Jordanian control, and the Gaza Strip that remained under Egyptian control. In 1967, Israel occupied the West Bank (illegally annexing East Jerusalem) and the Gaza Strip in what eventually became known as the Occupied Palestinian Territories absorbing almost 22% of historic Palestine. The 1948 and 1967 military interventions resulted in thousands of Palestinian refugees fleeing to the WBGS, neighboring countries (mainly in Jordan, Lebanon, and Syria), and elsewhere in the world. UN Resolutions 242 and 338 recognize the 1967 borders of the occupied territories and call upon Israel to withdraw. For more about this contested history, see Migdal and Kimmerling (2003), Pappé (2006a), Morris (1994), and Said (1992).

<sup>7</sup> The Quartet was formed in 2002 and was intended to contain the Palestinian-Israeli conflict while finding ways to resume the peace process. It consists of the United Nations, the United States, the European Union and Russia. The sanctions were mostly driven by the US and Britain, as I discuss later in this dissertation.

by incumbents, Fatah/PA elites and affiliates. Hamas claimed that the aforementioned actors blocked them from practicing their mandated powers and official entitlements within the PA institutions. Hamas officials and affiliates had frequently reiterated a slogan that reflected the above situation by saying: “They [PA/Fatah elites and affiliates] did not delegate [power or prerogatives], and we [Hamas elected affiliates] did not receive [it]” (*la salamu wala istalamna*). In other words, it means that the President, Fatah/PA elites, and bureaucrats delayed and/or refused to deliver power and responsibilities to the newly elected officials and employees in all the PA institutions. Some Fatah/PA elites, Fatah bureaucrats, and various Fatah supporters and affiliates denied the above “accusations” and claimed that Hamas’s victory is what brought sanctions against the Palestinians. This struggle continued throughout 2006 in the media and shifted to the streets with armed Fatah men and some PA/Fatah security forces on one side, and Hamas armed groups (al-Qassam Brigades and later the Executive Force "EF", among others<sup>8</sup>) on the other. (Such skirmishes were intermixed with familial feuds as I show later). This was the first significant showing of internal violence inside the WBGS coupled with human rights abuses on both sides. Officially, Hamas espoused a discourse of non-violence within the PA under the slogan “Palestinian blood is a red line [that should never be crossed].” This commitment began with the PA’s formation in 1994

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<sup>8</sup> The other significant armed group in the Gaza Strip is the Popular Resistance Committee (PRC) formed during the second Intifada (2000) by various armed Palestinian factions including the Fatah al-Aqsa Brigades and previous Fatah security personnel in the Palestinian Security Forces in the Strip. The PRC was a major opposition to the negotiation approach of the PA and mainstream Fatah concerning Israel and the conflict and believed only in resistance. There was cooperation and a tense relationship between Hamas and the PRC and they worked separately. The PRC did not support Hamas’s inclusion in the PA and called on it to emphasize the resistance approach. It seems that there were attempts by Hamas to “co-opt” the PRC to support the Hamas government in 2006 by appointing the head of the PRC, Jamal abu Samahdana, as the head of the Hamas Executive Force (EF) (see chapter 4). They took part in some internal fighting.

and continued even during intermittent times of repression under Arafat's centralized governance (1994-2004).

During 2006, Hamas and Fatah along with other Palestinian factions embarked upon dialogues that led to the signing of a reconciliation agreement and the formation of the first National Unity Government (NUG) between Hamas affiliates, Fatah, and other Palestinian factions and independent ministers in March 2007. The NUG was working in harmony and with consensus on almost all policy matters and according to agreements on what might be seen as "factional dividends" (or factional allocation) between President Abbas and Hamas over power and prerogatives, especially in the civil service sector (CSS) and civil institutions. The factional dividends, however, did not come about in the Palestinians security sector (PSS). Instead a unified security plan was ratified by the NUG and was on its way for implementation under the supervision and direct control of the Prime Minister (PM) and the Minister of the Interior, Ismail Haniyyeh, himself a prominent leader in Hamas. Haniyyeh met with his government at the beginning of June 2007 and took the initiative to implement the security plan.

On 13 June 2007, three months after the formation of the NUG and one week after the above-mentioned meeting, Hamas's armed groups stormed the Fatah Preventive Forces (PF) compound and the presidential compound in the Gaza Strip. Civil institutions and ministries were not, however, attacked at the beginning. The targeted political violence against some security compounds of the PSF did not stop there, and the deterioration of events, mostly by Hamas armed groups, led to the "*de facto*" takeover of the Gaza Strip by Hamas. Fatah/PA security personnel along with their officers fled their security compounds leaving them empty. Some even escaped to the West Bank. While

this became known, even within the circles of Hamas affiliates and supporters, as Hamas's embroilment in the Gaza takeover, many within Hamas insisted they did not aim to claim other non-security/civil institutions, let alone the whole Gaza Strip.

Yet, the event certainly registered a change in Hamas's discourse and behavior and provided a break with its previous historical relationship with the PA since 1994. Various Hamas ministers, members of the List of Change and Reform (LoCR) of Hamas in the PLC, and some Hamas activists and affiliates declared their shock and disagreement with the deployment of political violence against any formal PA institutions along with various Palestinian activists, officials, and academics from all factions. Many were puzzled by such deployment of violence given the formation of the NUG and the ratification of factional dividends in the CSS as well as of a unified security plan in the PSS that was to be implemented in the near future. This constituted a puzzle: Why and how does inclusion of a restrained<sup>9</sup> political group, through democratic election, lead them to deploy political violence? More specifically, why does an incorporated group claim political violence against some formal institutions and not others within the same political context of inclusion (through democratic election)?

In the Palestinian case, one can understand the above question as follows: the inclusion process in the PA is not as homogenous and constant as it is assumed to be or as it appears. That is, inclusion is more ostensible and exclusive to the incorporated group, Hamas, and their entitled prerogatives and demands in some areas but not in others. Furthermore, the incorporated group is more likely to deploy political violence (despite

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<sup>9</sup> That is, a group that is known for its historical reconciliatory relation with the regime. That is, moderation as used in the literature.

overall reconciliation) in some issue areas than others, without aiming to go against the legitimacy of the regime.

Immediately after the takeover, the Hamas leadership made no apology. They insisted instead that they recognized the legitimacy of the President, the Basic Law, and all of the PA institutions, including the Constitutional Court. They justified the political violence against the PF (a major Palestinian security force) on the grounds that the latter had been planning a coup against Hamas's governance along with the US administration – this on the basis of leaked documents and information from the year before (see chapter 3). On the day of the takeover, President Mahmoud Abbas responded by deposing the NUG. Due to the geographic separation between the West Bank (where the President's compound is located) and the Gaza Strip, a separation was instigated by Israel in the early 1990s, that left Hamas as the only authority in the Gaza Strip (the center of the Hamas movement). President Abbas also declared a state of emergency and formed a new caretaker government in the West Bank under PM Salam Fayyad, the previous Finance Minister of the NUG. Hamas also formed its own *de facto* government in the Gaza Strip. Thus, the President did not outlaw Hamas, nor did Hamas deny his presidency or legitimacy.

After the takeover, civil ministries in the Gaza Strip continued to be formally under the jurisdiction of the central executive authority of the President in Ramallah/West Bank, but were run by the deposed Hamas government in the Gaza Strip so as to manage daily life. Also Hamas PLC members continued to hold their memberships in the PLC even though the PLC had not been meeting because of the takeover, the imprisonment of most Hamas members by Israel since 2006, and the refusal of Fatah PLC members to

meet with members of the LoCR-affiliated with Hamas. Security forces were also separated; so the Hamas-run government organized and trained its own security forces in the Gaza Strip.<sup>10</sup>

The above inclusion problems and research questions are embedded in the authority-dissent nexus; more specifically, in the inclusion-moderation nexus, that has been proposed by academics and discussed mainly with reference to democratic and democratizing countries in the comparative politics literature so as to understand and account for the effect of state strategies in changing political actors and opposition behavior. Inclusion, as a means of providing political actors entry to the state apparatus, is viewed as leading to their moderation (i.e., willingness to accept the regimes' *status quo* and reluctance to attempt to overthrow it). The main underlying assumption is that entry to the state apparatus provides incentives for groups to engage in democratic institutions and to realize the benefits of such inclusion, thereby moderating the groups' agendas (Huntington 1991; Przeworski 1991; 1993; Share 1985). Some research in less democratized regimes has shown that inclusion moderates groups that already have moderate relations to the system, but not necessarily those who do not (Schwedler 2006; Wickham 2004). Therefore, the deployment of political violence by incorporated groups in the Occupied Palestinian Territories provides a challenge to the inclusion-moderation nexus. According to the inclusion-moderation nexus, Hamas was previously "moderate"

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<sup>10</sup> Since 2008 there were continued reconciliation talks between Abbas and Hamas on uniting the governments and the security forces. On 27 April 2011, four months after the Arab revolutions in Tunisia and Egypt and the ongoing revolutions in Libya, Syria, and Yemen, Hamas and Fatah signed a reconciliation agreement under Egypt's auspices after three years of interrupted talks and reconciliation attempts. However, we have yet to see the formation of a new unified government in the Occupied Palestinian Territories and new PLC elections (more on this topic in the concluding chapter).

towards the PA and never resorted to political violence to raise claims against it. Thus, Hamas should have continued to be moderate and not have deployed political violence after inclusion. While confirmation of the inclusion-moderation nexus may be found in the example of FIS in Algeria, that is, political actors deploying violence when excluded, challenges to it come from the case of Hamas in 2007 and Hizballah in 2008, namely, political actors using violence even though they have been included.

Nonetheless, this dissertation does not seek to refute the inclusion-moderation nexus, which seems viable with respect to democratic regimes, but to suggest that it works differently and in more complex ways with respect to competitive authoritarian regimes (here the PA),<sup>11</sup> especially those under occupation, under severe external pressure, and/or enduring low-level civil conflict or threat thereof. Differently stated, I argue that a model that does not unpack inclusion, under non-democratic regimes, for what inclusion entails can hardly explain various course of action of the same incorporated group (e.g., the mix between political violence and diplomacy that still respects the legitimacy of the regime). Inclusion under non-democracies is not a unitary state strategy, but encompasses various strategies and institutions that combine various elements of co-optation, repression and coercion, extra-judicial acts, and/or respect of the law in one area but not others (chapter 2 unpacks inclusion and lays out gaps in knowledge).

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<sup>11</sup> Competitive authoritarian regimes are regimes that conduct competitive elections to strengthen autocrats' power and legitimacy but do not necessarily democratize (see chapter 2). The PA is a similar example of the former but it is an authority under occupation. Therefore, total direct comparisons are not possible but limited lessons and similarities can be witnessed, especially with regimes in the Middle East and those under the effects of occupation, like Lebanon and Iraq.

This dissertation aims first to reflect on the above authority-dissent nexus by problematizing and unpacking inclusion into two major processes: contestation (defined as access and extent of competition during election) and power sharing<sup>12</sup> (defined as the extent to which incumbents and powerful elites allow incorporated groups to practice their entitlements in all state institutions and respond to their demands). Each process deploys various incumbent mechanisms and strategies. In the case of the Occupied Palestinian Territories, I uncover and analyze open contestation and ostensible power sharing which I term exclusive inclusion. Second, the dissertation traces the causal path linking exclusive inclusion to political violence. I do this by studying the influence of the strategies and practices of incumbents, whether formal or informal, on the behavior of the incorporated opposition. My findings are based on comparison between the CSS and the PSS. Then, I trace the interaction of incumbents and Hamas, given various contextual constraints, and link them to changes in intra-Hamas dynamics (intra-Hamas divergence) and political violence.

In this chapter, I start by presenting a definition of the dependent variable, political violence, and differentiate it from radicalism in the context of Islamists. From the same perspective, I elaborate on the multiple identities of Hamas as an opposition and

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<sup>12</sup> This is not to be confused with the term “power sharing” agreement or arrangement in post-conflict states in the civil war and negotiation literature on comparative politics. The former term is a certain peace deal or agreement that usually takes place between armed groups and the state to end or mitigate conflict (usually with the mediation of a third party). Peace agreements might lead, for example, to autonomy and/or appointment of opposition/armed group leaders to government positions (or might lead to an elaborate governing system like consociationalism- for more see Horowitz (1985) and Walter (1999)). Power sharing deployed here, however, is a larger notion that encompasses all incumbents’ behaviors and strategies to limit, or not, the incorporated groups’ power in the state institutions and in the polity (this might include a period of power sharing agreement too). That is, power sharing here is based on incumbents’ decisions and practices based on certain contexts, elections results, and/or opposition prerogatives within the state and outside of it.

resistance movement regarding the domestic Palestinian context and as a terrorist organization according to Israel, the US, and other Western countries. Second, I offer an intensive and historical overview of authority-dissent relationship between the PA/Arafat regimes and Hamas since the establishment of the PA in 1994 and until 2006 (when Hamas accepted to be part of the PA). The aim of such a review is to show how a trend of non-violence was the major, if not the only, form of action and behavioral trend adopted by Hamas with regard to the PA since 1994. That is, Hamas's military actions were only used against Israel. I also show how the year 2006 and, more specifically, the takeover of the Gaza Strip in June 2007, was a major break from the earlier trend. This authority-dissent relationship is situated in the context of the Israeli occupation and the Oslo Accords since 1993, where I give a brief discussion of how the former played and molded the PA-Hamas relationship.

Third, I discuss the lacunas in the inclusion-moderation nexus in light of the Palestinian case and uncover the need for further research on "inclusion-violence". I also shed light on the importance of comparisons within sectors of the PSS and the CSS and the use of process-tracing in this work to link exclusive inclusion to political violence. Fourth, I present the major findings and arguments of this dissertation and furnish an outline of the succeeding chapters. Fifth, I elaborate on the singularity of the Occupied Palestinian Territories case and possibilities for comparisons.

## **POLITICAL VIOLENCE, RADICALISM, AND HAMAS: DEFINITIONS AND ELUCIDATIONS**

In this section, I lay out the definition of political violence used in this work and differentiate it from the popular tendency to speak of political actors as radicals or as being part of a radical movement merely because they oppose the status quo. I also present the multiple identities of Hamas as a social movement as well as a resistance movement with an armed group that stands in opposition to the PA, in addition to being ascribed as a terrorist organization. I show how, as a social movement and armed resistance movement, it resembles and differs from other groups such as Hizballah (there are also groups such as the Tamil Tigers and the Irish Republican Army). The difference among these groups notwithstanding, there is usually a tendency to place them all in the same category because of their politics and incentives. In this dissertation, I focus more on Hamas, as I discuss below, from local and domestic politics (as a social movement and a resistant and opposition group) up to regional and international politics and not vice versa.

I try to understand why the newly incorporated Hamas (meaning those who won the competitive national election) used political violence against the PA authorities of a non-democratic competitive authoritarian regime under Israel occupation. Hamas deployed political violence even though there was an active signed agreement between traditional Fatah incumbents, some Hamas leaders and affiliates, independents, and other factions and even though its elected officials declared their general adherence to democratic alteration of power. Yet, when studying political violence, one must remember that however important it is to study such violence, it is not the norm of daily life; rather, its interruption (see chapter 2). McPhail and McCarth, among others, argue

that "...violence is still the exception rather than the rule in all temporary gatherings for which evidence is available" (2005:17).

This work adopts the definition of political violence used by della Porta, in her seminal work on political violence, namely, that it is "...a particular repertoire of collective action that involved physical force, and considered at that time as illegitimate in the dominant culture" (1995: 3-4). Deployment of physical, not symbolic, force or even its threat of violence is necessary for this definition of political violence and is what I focus on in this research. Along the same lines, Tilly clarifies that collective violence always includes physical damage to either persons or objects, involves at least two perpetrators, and partially results from coordination among those who commit the damage (2003: 3). In addition to the above, the discursive side of political violence is covered here, where the state always considers political violence a disorder and political actors who deploy political violence as always having to legitimize it. Apter argues that:

Most violence is random if not criminal. Political violence disorders explicitly for a designated and reordering purpose: to overthrow a tyrannical regime, to redefine and realize justice and equity, to achieve independence or territorial autonomy, to impose one's religion or doctrinal beliefs. Boundary smashing goes together with boundary resetting (1997: 5).

Having said that, the instigation of political violence might have some contingent elements related to its range and timing, but it is also deployed to approach certain goals; thus it is not simply chaotic and destructive. Research that can capture both elements of contingency and purposefulness would promise a fair understanding of the deployment of political violence and its evolution. In this work, political violence is studied as purposeful act but with elements of contingency (see chapter 5).

This dissertation concentrates on how political violence emerged after exclusive inclusion as a shift in the incorporated group's behavior and ideas compared to its historical non-violent relation to the regime. That is, I focus on how political actors shift from deployment of non-violent means of action (sit-ins, vigils, etc.) into mixing between non-violent (I call it "diplomacy" here, since Hamas acted like a "state" actor after 2006 in its relation to locals and international actors and states) and violent forms of action against one state institution and not others. This political violence includes material damage to and seizure of security institutions; involvement of two major parties Fatah/PA security personnel and Hamas armed groups; and the killing of security personnel and Fatah armed personnel and affiliates. There was a planned component for the takeover of some security agencies from the PA and a contingent component when some in the leadership within Hamas were not able to control their own armed groups to limit the scale of political violence on the ground nor to calculate or control for the other factions' reactions and the rapid development of events. In addition, the ideational dimension about the way Hamas justified political (non-)violence remains significant for contextualizing political violence. It permits understanding the alteration between the violent and non-violent acts of incorporated political actors and shows why claims about certain causal mechanisms are valid.

This research treats radicalism and political violence as different concepts (in chapter 2, I try to show why the terms radicals and moderates are not useful for understanding political actors). Not all political actors who deploy political violence are

necessarily radicals, or vice versa.<sup>13</sup> In the social movement literature and the authority-dissent nexus, there is not always a systematic differentiation between the deployment of violence by movements or actors and the radicalism of a movement.<sup>14</sup>

One way to differentiate between violence and radicalism, I contend, is to think of political violence as a means and of radicalism as a goal of a movement or of a certain political group where the latter entails a total change of current systems. In this sense, some movements might have radical aims in their final agenda but do not act upon them using political violence, like the Islamist Party of Liberation (Hizb al-Tahrir) in the Middle East.<sup>15</sup> This party seeks to re-establish Caliphal leadership; drawing on traditional Islamic theology, it contends the Caliphate is the only form of legitimate governance in the Muslim world, regardless of pluralism or liberal democracy.<sup>16</sup> This final aim is radical because it goes against the basis of the existent systems, their institutions, building structures, and constitutive narratives. In comparison, according to the above designation, as has widely been argued by many scholars, the Muslim Brotherhood (MB)

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<sup>13</sup> It is important to note that there are also forms of non-radical actors who use violence. Also there are non-violent forms of politics that are radical, like exploitation and extortion.

<sup>14</sup> Deployment of violence by non-state actors was provoked after the end of the Cold war and became significant in the Middle East region in the context of the post-September 11<sup>th</sup> era and terrorism. Islamist groups were defensive and had to clarify and justify their actions. On this see the proliferation of literature on Islamist social movements and groups (Bayat 2007; Clark 2004; Clark and Schwedler 2003; el-Ghobashy 2005; Esposito 2003; Ghourayeb 2002; Hafez 2003; Hamzeh 1993; Lust-Okar 2005; Moaddel 2002; Saad 2002; Schlumberger 2007; Schwedler 2006; Wickham 2004; 2005; Wiktorwoicz 2004).

<sup>15</sup> For more about Islamists in Palestine see Abu-Amr (1994), al-Barghuthi (2000), Milton-Edwards (1992; 1996), and Nusse (1998).

<sup>16</sup> Overall, the MB and Hizb al-Tahrir are both Islamists because the term Islamist refers to those who believe that *Sharia* (Islamic religious law) is the way to govern their life and politics.

is not a radical movement. That is because while they look for the establishment of Islamic governance in the Islamic world, they focus on the social and educational agenda of building societies as a way to form an Islamic state incrementally and, more importantly, by the consent of all the majority of people in the particular country. They also provide various current explanations and justifications of how their version of Islam is compatible with democracy and the capitalist market (see Butterworth and Zartman 2001; Esposito 1997; 2003). Their agenda is the topic of numerous conferences, talks, TV programs, books, pamphlets, and street orations. Even more, the MB has also spoken and written on different occasions on how this final aim of establishing an Islamic state might not happen now and, thus, they are ready to work with the given regimes (even the authoritarian regimes) and various political actors (leftist, secularists, etc.) until people accept the idea of an Islamic state, if they ever do (for more information see al-Qaradawi 2001; Mitchell 1993).<sup>17</sup>

When it comes to political violence in practice, the MB has rarely deployed political violence against authorities or against fellow citizens as a mean of opposing an agenda of the government (e.g., the actions pursued by the MB against the Syrian regime from 1979 to 1982; and the 1948 accusation that they assassinated Egyptian PM Mahmoud Fahmi Noukrashi were the exception). In the end, needless to say, groups like al-Qaeda are a good example of a group that has radical ends and violent means not only against its own authoritarian regimes, but also across states and including civilians (see Lahoud 2010).

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<sup>17</sup> These ideas might differ from the founding fathers of the MB, Hassan al-Banna and Said Qutub. However, the “new” Islamists of the MB adopted very close versions of liberalism into Islam. For more information, see Abd al-Halim (2004), Abed-Kotab (1995), al-Qaradawi (2001), and Bahlul (2007).

## **Hamas's Multiple Identities:**

This section discusses the many ways through which Hamas can be understood. Therefore it tries to answer whether Hamas is a resistance movement seeking independence, a social movement, an opposition movement, an insurgent movement, or a terrorist group.

For Hamas and the rest of the MB, along with the Palestinian people and most of the Arab world, Israel is an enemy because it occupies the Palestinian/Arab land and is responsible for creating the Palestinian refugee problem beginning in 1948 (Most refugees are now residing in portions of WBGs, as well as Jordan, Lebanon, and Syria).<sup>18</sup> Hamas was denounced as a terrorist organization for deploying violence against Israelis over the Green Line.<sup>19</sup> For Israel, Hamas is a terrorist organization primarily due to its 1988 charter calling for the liberation of historic Palestine as a Muslim land (for an extended discussion, see chapter 3) and for the suicide attacks against Israelis begun in 1993. As a result, during the 1990s Hamas was listed as a terrorist organization in the US, the EU, and Canada.<sup>20</sup> Hamas, however, considered killing Israeli civilians not as a usual

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<sup>18</sup> For more, see Midgal and Kimmerling (2003) and Pappé (2006b). For more information see the website of the United Nations and Works Agency for Palestine Refugees (UNRWA), <http://www.unrwa.org/index.php>

<sup>19</sup> Before that, the PLO was also listed as a terrorist organization for deploying violence inside and outside the country; but this changed after the signing of Oslo Accord I or DoP (Sayigh 1997).

<sup>20</sup> The Treasury Department added Hamas on its list in 1995 and the State Department designated it as a Foreign Terrorist Organization in 1997 (for more, see Greenburg and Smith (2001)).

mechanism, but as a last resort. The goal, especially following the second Intifada in 2000, was to inflict a high enough cost on Israel that it would recognize Palestinian rights. This was, according to Hamas, justified by the huge military gap between Israel and the Palestinian resistance groups that did not allow the latter to fight against Israel's military (see Allen 2002; Gunning 2008; Roy 2007).<sup>21</sup>

Hamas has long argued, especially after 2005, that it does not consider its charter binding and that it issued new documents during the 2006 campaign clarifying its new position about the conflict with Israel, the land issue, and resistance, especially its acceptance of a two-state solution based on the 4 June 1967 borders, if the Palestinian people consent (Hroub 2006; Rabbani 2008; Scham and Abu-Irshid 2009). Hamas, like Hizballah in Lebanon, has a political message that determines its relationship with Israel. That is, for both groups, political goals are more important than religious doctrines (see Hroub 2000; Pape 2005). While Hamas has not condemned the killing of Israeli civilians, some Hamas scholars argue that it has taken some steps forward both by halting its operations from 2005 to mid-2006 and again in 2007-2008) through various ceasefires despite continued transgressions by Israel (Gunning 2008; Milton-Edwards 2004; Scham and abu-Irshid 2009) and also by proposing a long term truce (*hudna*) whereby Palestinians and Israelis will enjoy peaceful co-existence for 10 years or more (for details see Scham and abu-Irshid 2009, also chapter 3). Hamas adhered to the ceasefires for various reasons, but most importantly as a shift in its position due to the demise of the

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<sup>21</sup> Many Palestinians, especially in the beginning of the second Intifada in 2001, considered suicide attacks inside Israel as a response to the loss of Palestinian lives, land, destruction of institutions, and economy at the hands of the Israeli authorities. Yet, there are those who also argued against suicide attacks for moral and practical reasons (e.g., hurting the Palestinian image, causing more harm than benefit to Palestinians daily life and long term solutions).

peace process and attempt to become part of the formal Palestinian decision-making process regarding future peace agreements, and to gain gradual regional and international recognition and certification, especially by the US and the West, as a social movement and independent resistance movement.<sup>22</sup>

Since my work focuses on internal Palestinian politics, it is more concerned with what Hamas is or is not for the Palestinian people and the PA; that is, as a national resistance movement and opposition group with military capacity (similar to Hizballah). However, the aspect of terrorist organization will be addressed to contextualize Hamas's relation with external actors and states and to show the effect of this aspect on Hamas's metamorphosis and on its relation to the PA throughout this dissertation.

Hamas also saw itself as a resistance movement closer to other movements in the world seeking independence and liberation like the Irish Republican Army (IRA) and Sinn Fein in Northern Ireland and the African National Congress (ANC) in South Africa, in which the latter fought segregation and an occupying power. In this sense, Hamas considered ending the Israeli occupation and its hegemony over Palestinian land and society to be the major item on its agenda and even the major reason for its emergence. This view is certainly shared by the majority of Palestinians. The idea is that the Occupied Palestinian Territories, though now occupied by Israel, have been recognized by UN Resolutions 242 (1967) and 338 (1973) and that Palestinians have the right to

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<sup>22</sup> Hamas leaders tried to approach EU and US policy-makers and people by writing for major newspapers. For example: Mousa Abu Marzook, "What Hamas Is Seeking," *The Washington Post*, 31 January 2006; Abu Marzook, "Hamas' stand," *Los Angeles Times*, 10 July 2007; Abu Marzook, "Hamas is ready to talk: We welcome the call for dialogue, and reject insincere demands for an undemocratic boycott," *The Guardian*, 16 August 2007; Ahmed Yousef, "Engage With Hamas; We Earned Our Support," *The New York Times*, 20 June 2007.

resist all forms of occupation and colonialism according to international law and UN Resolution 181 (section 122) among others (the many arguments about the right of resistance are not the focus of this work; for more, see Falk 2002). Hamas also saw itself as an extension of other Islamist social movements in the region – that is, as both a resistance and social movement. Ahmad Yousef, senior adviser to the Palestinian PM, expressed this vision clearly:

...I would argue, however, that this concept [*hudna*/peaceful coexistence] is not as foreign as it might seem. After all, the Irish Republican Army agreed to halt its military struggle to free Northern Ireland from British rule without recognizing British sovereignty. Irish Republicans continue to aspire to a united Ireland free of British rule, but rely upon peaceful methods. Had the I.R.A. been forced to renounce its vision of reuniting Ireland before negotiations could occur, peace would never have prevailed. Why should more be demanded of the Palestinians, particularly when the spirit of our people will never permit it? When Hamas gives its word to an international agreement, it does so in the name of God and will therefore keep its word. Hamas has honored its previous cease-fires, as Israelis grudgingly note with the oft-heard words, “At least with Hamas they mean what they say.” This offer of *hudna* is no ruse, as some assert, to strengthen our military machine, to buy time to organize better or to consolidate our hold on the Palestinian Authority. Indeed, faith-based political movements in Algeria, Egypt, Iraq, Jordan, Kuwait, Malaysia, Morocco, Turkey and Yemen have used *hudna*-like strategies to avoid expanding conflict. Hamas will conduct itself just as wisely and honorably (2006).

In addition, some literature applies social movement theory to Hamas. Other literature notes its similarity with Islamist social movements in the region and social movements in general, pointing to its extensive social and welfare services (Aghazarian 2007; Challand 2008; Gunning 2008; ICG 2003; Mishal 2003; Mishal and Sela 2000; Robinson 2004; Roy 2000a; 2000b; Scham and Abu-Irshid 2009). Gunning (2008) also elaborately argued for internal democratic practices of representation within Hamas as a social movement and deplored the shortcomings of actual practices. To sum up all previous aspects of Hamas, Shaul Mishal, a political science professor at Tel-Aviv University, writes:

Hamas has been reluctant to publicly compromise its ultimate objectives, it does not subordinate its activities and decisions to the officially held religious doctrine. Rather, it operates in a context of opportunities and constraints, conflicting interests, and cost-benefit considerations, and is attentive to the fluctuating needs and desires of the Palestinian population and cognizant of power relations and political feasibility. Moreover, despite the horrifying toll claimed by Hamas's violence, it is essentially a social and political movement, providing extensive community services and responding constantly to political reality through bargaining and power brokering. Along this line, it has been reluctant to adhere to its religious dogma at any price and so has tended to adopt political strategies that minimize the danger of rigidly adhering to principle, doctrine, or ideology, ready to respond or adjust to fluid conditions without losing sight of ultimate objectives (2003: 570).

Hamas continued to adopt the social reform approach of the MB regarding internal politics and providing services (and sometimes jobs) to the poor and needy, mainly in the Gaza Strip during the second Intifada (given the weakening of the PA with Israel's assault against Palestinians and the deliberate destruction of their economy and civil and military institutions as mentioned above, see Baroud et al. 2006; Roy 2007). In this sense it functioned under a weak semi-state institution, where it took the advantage of serving major strata of people when the formal institutions failed to do so and when major NGOs were busy working on a liberal agenda like governance and transparency.<sup>23</sup> In this sense, Hamas is similar to Hizballah in Lebanon: both fill a social and political vacuum by offering a form of movement that resists occupation and cares for people and their daily concerns and needs (health, education, and provision for the families of prisoners and martyrs) in the midst of growing capitalism and corrupt local regimes that proclaim democracy but fail to serve the low income strata. Hamas excelled in this role during the second Intifada when 66.5% of Palestinian households were estimated to be

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<sup>23</sup> In addition, the Hamas women's movement has been very active in mobilizing women and addressing their concerns and engaging women in a debate over politics and domestic issues best seen in the 2006 election campaign (Jad 2005). They were more mobilized and organized than the national women's movement in Palestine.

under the poverty line in 2002.<sup>24</sup> Its popularity rose thereby boosting support for its political and social agenda.

When it came to its social agenda, Hamas until 2006 showed signs both of openness (i.e., personal freedom) and conservatism (i.e., family law). Their election program of 2006 could hardly be differentiated from other programs when it came to women's issues, democracy, transparency, and the liberal economy (see Hroub 2006). I contend that up until I conducted my interviews in 2007, I was not able to find clear traces of enforced religious values or "Islamization" of the society or politics from within the PA. However, after 2008, there were reports from the Gaza Strip about crackdowns on personal freedoms and the growing abuse of human rights within the Hamas-run government that need to be further scrutinized. The abuses point towards further changes for Hamas as the governing body in the Gaza Strip and suggest different dynamics with the caretaker government in the West Bank.<sup>25</sup>

Along the same line, Hamas's leadership made sure to emphasize the image of a resistance movement along with being the opposition group to the Oslo peace process, represented by the PA. Hamas held tightly to its non-violent doctrine and framing of domestic politics concerning "the Palestinian blood is a red line" discussed above. The idea was that Hamas existed first to end the Israeli occupation and other internal issues of repressive governance that were not a priority before liberation. Therefore, Hamas used

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<sup>24</sup> Palestinian Central Bureau of Statistics (PCBS). 26 April 2005, "Statistics Summary". Retrieved June, 2009(<http://www.pcbs.gov.ps/DesktopModules/Articles/ArticlesView.aspx?tabID=0&lang=en&ItemID=260&mid=10973>).

<sup>25</sup> For more information see, Human Rights Watch (2008).

its military wing to target Israel and not the PA and/or Palestinian during the years following the Oslo peace agreement. The PA was worried about Hamas military force, but Arafat also used the former as leverage during negotiations with Israel. One should also note that Hamas was not the only faction with a military wing, but that Fatah and the PFLP had theirs as well even though they were less significant and not as well trained as Hamas.<sup>26</sup> Having said that, a major part of Hamas's legitimacy and credibility in 2000 came from its insistence on resistance and not turning its weapons against Palestinians. When Hamas used its weapons against Fatah and deployed limited political violence against the PSF, its popularity was threatened. To be sure, Hamas argued that the violence was warranted because of the US and Israel having strengthened some Fatah/PA chiefs and agencies in the PSF. While some people accepted the argument, they were in the distinct minority: in total, 73% opposed Hamas's military takeover of the Gaza Strip with only 22% supporting it.<sup>27</sup>

Given the above, Hamas could hardly be described as a full-fledged insurgency in the sense that weapons were not historically used internally to target the PA or to cause a civil war. It is, therefore, not similar to insurgents and militias such as the Revolutionary

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<sup>26</sup> By the end of the 1990s when it was clear for the Palestinian factions and people that Israel would not deliver the peace it promised, these factions were expected to continue resisting the occupation and the PA could not illuminate these groups and risk stability especially given the deterioration of the Palestinian situations during the peace process. In addition, Palestinian factions, especially Hamas occasionally deployed violence against Israel during the second Intifada to compete with the rising al-Aqsa Brigades.

<sup>27</sup> Palestinian Center for Policy and Survey Research (PSR). 6-8 September 2007, "Palestinian Public Opinion Poll No. (25)," Retrieved 21 July 2008 (<http://www.pcpsr.org/survey/polls/2007/p25e1.html#military1>). The support for the takeover, however, was higher in the Gaza Strip (31%) than in the West Bank (17%). This might be due to the greater popularity of Hamas in the Gaza Strip and due to increased feelings of security and safety in the Gaza Strip (49%) compared to the West Bank (35%).

United Front (RUF) in Sierra Leone that claimed the lives of 50,000 people in the 1991 conflict that lasted for 10 years; or the National Liberation Front in El-Salvador which launched 12 years of civil war that claimed the lives of 75,000 people; or the Sudanese People's Liberation Movement/Army with 22 years (1983-2005) of internal war with the Sudanese government to gain autonomy and control land. Hamas was neither in a historical armed conflict with the PA or Palestinians nor a separatist group that declared or demanded autonomy for religious, ethnic, or control over natural resources reasons (like the Liberation Tigers of Tamil Eelam in Sri Lanka).<sup>28</sup> If anything, Hamas wanted to unite the Occupied Palestinian Territories (Hamas's ultimate aim, along with other Palestinian factions, remains to have all the historic land of Palestine united), and to be part of the Palestinian political regime and institutions, to gain legitimacy, and to gain international recognition.

This is not to say that the armed groups did not matter to internal politics, but it is to say that Hamas was looking for adequate "inclusion" in the PA along with certain adequate deals for its armed group. Hamas also did not aim, at least in 2006, to have its military wing be transformed so as to be included within the PA, nor was it ready to become a political party. This is because Hamas's existence and popularity depended on its resistance to the occupation and as long as the occupation existed there were not enough incentives for it to become a political party and to sacrifice its growing popularity. Moreover there were no other incentives in 2006 sufficient to bring Hamas to

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<sup>28</sup> This might have changed after Hamas controlled the Gaza Strip and had already practiced governance without the partnership of Fatah and having to be under the threat of Israeli arrest in the West Bank. Yet, being sequestered and under siege in the Gaza Strip would make the movement reach out to the PA (see conclusion chapter).

merge its militants with the existing PSF. Indeed, the lack of security in the WBGS, divisions within the PSF between Fatah commanders and their lack of institutionalization, continuation of Israel's occupation, and US and Israeli control over the PSF all worked against Hamas making such a merger. In addition, it feared that forming a political party might expose its members and leaders and make them a target for arrest and assassination. Also, for the PA and Hamas leadership, as will be shown in chapters 3 and 4, the integration and incorporation of Hamas's armed groups remained a major obstacle given Israel, the US, and Quartet limitations on dealing with the PA in which Hamas was a part.

Hamas remains closer, despite some differences, to Hizballah as a resistance and social movement. However, while Hizballah represents the marginalized Shia' community in Lebanon and wants more representation in the confessional political system in Lebanon (see Hamzeh 1993; Saad-Ghorayeb 2002), Hamas represents all Palestinians, not just a specific sect, and accepted representation in the PA based on the idea that the Oslo peace process is dead. Thus for Hamas to seek participation in the PA system had little to do with the Oslo Accords. Another similarity between Hamas and Hizballah is that both largely refrained from deploying internal violence against their governments and other factions and focused on preserving their armed wings and forces as means of resisting the Israeli occupation of, and hegemony over, the land and politics. In its first PLC election campaign in 2006, Hamas's major slogan was, "a hand to build and a hand to resist," while Hizballah's slogan during the 1996 election was, "they resist with their blood, resist with your voice" (Norton 2009: 102).

Ironically, both were involved in a major internal conflict – for Hamas it was in June 2007 and for Hizballah May 2008 – against major ruling elite factions. However, while Hizballah’s deployment of violence got it to maintain its armed group and communication system and led to the Doha Agreement of a unity government with the major opposition block of March 14, Hamas’s deployment of violence led to its further institutional and geographical separation from the regime in Ramallah/West Bank and kept it sequestered within the Gaza Strip under Israeli siege. This separation limited Hamas’s ability to politically maneuver and its ability to capitalize on deployment of violence and diplomacy.

In sum, given the complexities of Hamas’s identity as a social movement and opposition, it might also seem closer to a political group like Hizballah and some communist parties in accepting regimes but not being in agreement with their content. In her study on Hizballah, Saad-Ghorayeb argued for parties that are on a continuum (between the two dichotomous categories of being constitutional opposition or anti-system opposition).<sup>29</sup> She writes:

The recent emergence of issue-based, and hence constructive, anti-system parties, which focus their participatory efforts not so much on changing the system as on producing a more responsible government, challenges this view [Sartori’s view of either constitutional or anti system opposition]. Islamic parties such as Hizbu’llah<sup>30</sup> and Turkey’s Rafah, in addition to various communist parties in Europe, represent a new breed of party-anti-system in substance, but constitutional in form (2002: 30).

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<sup>29</sup> Cited in Sartori, Giovanni . 1966. "Opposition and Control Problems and Prospects." *Government and Opposition* 1: 149-154.

<sup>30</sup> Spelled in this dissertation as Hizballah but was put here as it appeared in the source.

In 2006, this remark fit Hamas as an opposition group. It engaged in the PA that it had long opposed for its initial peace agreement with Israel and later oppression and corruption. Yet, since Hamas considered the Oslo peace process with Israel to be dead by 2005 (stated clearly in its campaign), it justified its participation in the PA on the basis that the PA had – despite its repression, corruption, and favoritism – become legitimate. That is, Hamas continued to oppose the neo-patrimonialism within the PA, especially when it superseded the rule of law and democracy, but it also considered the PA a legitimate authority. Still, for Hamas, the biggest threat was the Israeli occupation. This is the position Hamas continued to hold even after the takeover of the Gaza Strip. That is, as long as Abbas did not relinquish the 4 June 1967 borders, the right of return for refugees, and East Jerusalem as the capital of the future Palestinian state, the PA is considered by Hamas as a legitimate representative authority based on election results. Given the above, Hamas is studied within the authority-dissent nexus, especially the inclusion-moderation assumptions of non-democratic regimes under transition (e.g., competitive authoritarian regimes).

**AUTHORITY-DISSENT IN THE OCCUPIED PALESTINIAN TERRITORIES:  
TRENDS OF REPRESSION AND CONCILIATION AND NON-VIOLENCE,  
1994-2005**

This section is an attempt to present a concise reflection of the PA-Hamas relationship after the formation of the PA in 1994 under occupation, first through exploring the selective repression/conciliation of the PA under Arafat and then the non-violent trend of Hamas. I show that during 1994-2005, Hamas was not included but also was not excluded from the PA system. It “chose” not to participate in national elections and not to form its political party given its objectives and based on the constraints of the

Oslo Accords on incorporated groups (later on Arafat kept postponing national elections until his death in 2004). The period is divided into three phases: the first (1994-2001) where Arafat mixed between repression and conciliation to deal with Hamas. The second was an intermittent phase of repression when Arafat and his security apparatus imprisoned Hamas's leaders after major suicide bombings against Israelis in 1995, 1996, 1998. The last phase from 2001-2004 was more of a conciliation relationship between Arafat and Hamas due to the decrease of the centralized power of Arafat (during the second Intifada), but also due to the rapprochement between Arafat and the leadership of Hamas. While Arafat never gave up his centralized power during his life, at least voluntarily, he left political and social matters for Hamas to provide for people in the wake of the total collapse of the PA institutions after 2002 (especially in the Gaza Strip). Figure 4 in the conclusion chapter reflects in a preliminary way on power sharing and governance under Arafat (1994-2004) that constituted a backdrop to the inclusion-to-be and its political outcome.

The second aim of the historical reflection in this section is to demonstrate how the deployment of political violence against authority (mainly part of the PSF) by Hamas in 2007 was a break with its historical relationship to the PA. Yet, this section also situated the political violence of 2007 within its historical and colonial context.

This historical review and analysis up until the deployment of political violence is essential since the stakes of understanding political violence against authority in 2007 was high not only because of the devastating effect for Palestinians in creating two Palestinian authorities, one in the Gaza Strip under Hamas and the other in the West Bank under President Abbas and Fatah, but also for its consequences over any political solution

to the Palestinian-Israeli conflict, the future of a Palestinian national movement and state, and on the regional and international politics in the Middle East. That is, the existence of two Palestinian entities did not only change the dimensions of the Palestinian political system, but also shaped (and was affected by) the dynamics of power in the region where Abbas in the West Bank allied himself with the US and “moderate” Arab regimes and leaders (e.g., Egypt, Jordan, Saudi Arabia, and the UAE), and Hamas joined with Syria and Iran (with an openness to Arab, regional, and Western countries that wished to recognize it) (see Malley and Harling 2010). The theoretical part focusing on political violence against authorities is also important for understanding the various outcomes of “democratization” and the inclusion of groups in non-democratic contexts.

Hamas, an offshoot of the MB, was established in 1987 as an Islamist resistance movement to the Israeli occupation.<sup>31</sup> Soon after, Hamas became a leading movement among Palestinian factions, almost balancing the influence of the PLO’s largest factions: Fatah (later the party in power) and the Popular Front for the Liberation of Palestine (PFLP) during the first Intifada (1987-1993) (Abu Amr 1994; King 2007).<sup>32</sup> It considered

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<sup>31</sup> Before, it was part of the Muslim Brotherhood (MB) in Palestine working on Islamic education and preaching; it was not involved directly in political activism or any acts of resistance against the Israeli occupation. It was not even part of the PLO. For more information about the MB’s history in Palestine, see Abu Amr (1994: 23-52), al-Barghuthi (2000: 126-128), al-Jarbawi (1989: 102-130), Baumgarten (2008), Hroub (2000: 20-29), Mishal and Sela (2000: 16-20, 41-43), and Nawati (2002:11-35). For a history of the Palestinian National movement, see also Baumgarten (2005; 2006), Ghanem (2010), Hilal (2002), Hourani (1980), Jamal (2005b), Robinson (1997), and Sayigh (1997).

<sup>32</sup> The PLO included various Palestinian factions except Islamists: the Popular Front for the Liberation of Palestine (PFLP), the Popular Front for the Liberation of Palestine - General Command (PFLP-GC), the Democratic Front for the Liberation of Palestine (DFLP), the People’s Party, the Democratic Union (FIDA), and others. The PLO was considered a terrorist organization by the US State Department until it embarked on a peace process with Israel in 1993 when the PA was established. The PLO remains the major Palestinian body that is more stable than the PA and represents Palestinians everywhere. Since Hamas came to power there were more calls to democratize the PLO and to include Hamas in it. Criteria of inclusion remained an issue of debate between Fatah and Hamas. For more about the PLO history and its function, see Sayigh (1997), Jamal (2005b), and Parsons (2005: 17-55).

itself a religious and nationalist alternative movement (in addition to the above factions) and the one responsible for the outbreak of the Intifada which altogether led to a subtle competitive relationship with Fatah and the rest of the Palestinian factions (Abu Amr 1994: 59-72; Hroub 2000: 36-40; Jamal 2005b: 110-119; Milton-Edwards 1996: 149-150; Mishal and Sela 2000: 36-46, 59, 91-96; Nawati 2002: 11-35; Robinson 2004);<sup>33</sup>

From 1987-1993, in the few times when Hamas did resort to violence against Palestinian factions or individuals during the first Intifada, it was less across factional lines and more focused on reasons related to the Israeli occupation (e.g., killing Palestinian collaborators/spies, with or without concrete evidence), on internal ‘moral’ issues (i.e., when Hamas deemed that people were violating the moral code according to Islamic religious beliefs), and student fights, mostly over student union elections (al-Barghuthi 2000: 127; al-Nawati 2002: 117-120; Gunning 2008:182). For example, Hamas threatened and sometimes harassed women for not wearing the veil (*hijab*) and vandalized some liquor stores.<sup>34</sup> Overall, minor violent incidences between some members or affiliates of Hamas and Fatah were rather spontaneous, discontinuous, scattered, and individual and usually were condemned by both movements. During these

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<sup>33</sup> This period was characterized by the non-cooperation of Hamas with other Palestinian factions, believing it to have a unique religious identity and a different political agenda. Hamas, for example, distanced itself from the unified committee (the National Front Committee) formed by Fatah and the other factions to lead the Intifada, issued its own pamphlets and induced its own days of strikes against the occupation, and concentrated on building its own religious institutions and charities. Nevertheless, the Charter of Hamas addressed other factions (especially Fatah) as brothers and sisters as long as they did not support Zionism and American imperialism. For the Hamas Charter (1988) in English, see Hroub (2000: 267-291). Hamas also recognized other parties and dealt with them based on mutual respect. Yet, it continued to deal with the PLO as one Palestinian organization that represented Palestinians but not as the only representative (Hroub 2000: 88-101; Jamal 2005b: 112).

<sup>34</sup> This type of violence was reduced during the years of the Oslo process and later on. Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

scattered events of violence, Hamas members did not utilize weapons against other factions, nor did they even get close to an inter-factional conflict; however, they either fought through physical fighting or used hard tools (e.g., chains) to deploy violence. Fatah and Hamas had contained violence in the Gaza Strip for a couple of days in 1992 protesting the Madrid Peace conference on 19 October 1991. The former was the first peace initiative under the supervision of the US and the then-USSR between Israel, the Palestinian representatives, and the Arab countries Jordan, Lebanon, and Syria after the end of the first Intifada and the end of the Gulf War (August 1990-February 1991). Hamas continued to oppose all the Palestinian-Israeli talks (including those in which Arab countries entered), that continued to take place afterwards until 1993 when the Oslo Accords was signed between the PLO and Israel (Abu Amr 1994: 74-75; Mishal and Sela 2000: 95).<sup>35</sup>

### **The Oslo Peace Accords and Israel's Security: The Formation of a Client-Quasi State and Arafat's Centralized Authority**

The period of 1993-2000 led to a transformation of the Palestinian political sphere and the national movement, including the relationship between Fatah and Hamas. It was also the period after the signing of the Declaration of Principles Accord (DoP), or the Oslo Accord I,<sup>36</sup> in 1993 between Israel and the PLO, which led to the formation of the

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<sup>35</sup> On 17 December 1992, Israel deported 415 Hamas leaders and activists along with others from Islamic Jihad to southern Lebanon. Israel accused them of murdering an Israeli soldier (Mishal and Sela 2000: 96-98). Many Hamas leaders believed that they were sent outside the country by Israel and the PLO to prepare for the coming peace meeting for the Israeli-Palestinian signing of the DoP in Washington, DC in 1993. Some of these deportees would later become representatives in Hamas's government in 2006.

<sup>36</sup> Declaration of Principles on Interim Self-Government Arrangements (DoP). September 13, 1994. <http://www.jewishvirtuallibrary.org/jsource/Peace/dop.html>. Last accessed September 2009. Also called the Oslo Accords I (agreed upon between the PLO and Israel secretly in Oslo on 20 August 1993, and signed

PA in 1994 governed by the Fatah ruling party. The peace agreements led to the first ever returning of the external Palestinian leadership (refugees and expatriates) of the PLO, including then-President Arafat, from Tunisia where they were residing, to the Occupied Palestinian Territories<sup>37</sup>. However, by the end of these seven years of “peace” talks, the PLO and the PA leadership were not able to sign a permanent peace agreement and the second Intifada erupted in 2000.

The period after 1994 witnessed the emergence of an authority-opposition nexus in which Hamas emerged as the main opposition movement (with other oppositional Palestinian factions like the PFLP) to the PA, represented by the main ruling movement Fatah and President Arafat. Yet, this relationship was not linear and was conditioned by the DoP and the Oslo II Accords, and the overall advancement (or lack thereof) of the peace process implementation. Therefore, one can hardly, if not impossible, comprehend

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officially in Washington, DC. Permanent issues of Palestinian refugees, Jerusalem, settlements, borders and security were to be discussed after the five-year interim period. In addition, the delivering of governance from Israel to the PA would happen in stages. DoP was followed by Oslo II Accords, known as the Interim Agreement on the West Bank and the Gaza Strip (or Taba Agreement), took place on 28 September 1995 according to which the PA had self-rule over more cities (al-Khalil, Bethlehem, Ramallah, Nablus, Jenin, Qalqilya, and Tulkarem). However, it also divided the West Bank and the Gaza Strip into areas A, B, and C (under Israeli jurisdiction, constituting 68% of the total West Bank area, see Lia (2006: 286-287). For the Accord, see "The Israeli-Palestinian Interim Agreement," Retrieved September, 2009 (<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/THE+ISRAELI-PALESTINIAN+INTERIM+AGREEMENT.htm>). There were more detailed agreements after the DoP like the Cairo Agreement, 9 February 1994; the Paris Protocol on Economic Relations, 29 April 1994; the Agreement on the Gaza Strip and the Jericho Area, 4 May, 1994; Hebron Protocol and Agreement 15 January 1997; the Wye River Memorandum, 23 October 1998; and the Sharm al-Shaykh Memorandum, 4 September 1999. For analysis of these agreements see Parsons (2004:55-121). The DoP (or Oslo I) and Oslo II set the ground for the “Israel-security first” argument, yet the Wye River Memorandum made sure the US was on board to ensure that the Palestinians adhere to conditions of security. That is, at every step Israel took to redeploy its soldiers from the West Bank and the Gaza Strip, it mandated first that the PA show its ability to keep order and protect Israel’s security under what was termed “reciprocity.” For more, see Roy 2007.

<sup>37</sup> For the history and politics of the PLO factions and the internal (in the Palestinian Occupied Territories and among Palestinian 1948) and the external Palestinian leadership (later called the returnees) see Jamal (2005b); Sayigh (1997).

issues of governance and inclusion of opposition after the formation of the PA without understanding the implications of the Oslo Accords on them. It might be even questionable to discuss “democratization” of an entity under foreign occupation. Yet, there should be a way to still study Palestinian internal politics that this study tries to control for. For the purpose of this research, I briefly illuminate two major consequences arising from the DoP and Oslo II Accords. First, I employ for my analysis the formation of the client quasi-state of the PA, in addition to Arafat’s centralized and neo-patrimonial authority; and, second, I discuss the repression and ruling of Palestinian opposition groups, including Hamas (in the last section of this chapter there is a discussion on the singularity of the Occupied Palestinian Territories and venues of comparative explorations).

The PA was formed according to the Oslo Accords as an entity dependent on Israel, especially when it came to crucial rents<sup>38</sup> and internal sovereignty. This dependency led most of the time to compliance by Arafat and the PA (but not all the time) to Israeli conditions (Khan 2004: 2-13). In a major seminal book that tackles the various ways through which the DoP molded the PA’s form and its functions, Khan writes:

Some of the most important resources that were critical for the survival of the Palestinian quasi-state were controlled by Israel as a deliberate feature of the security architecture negotiated under Oslo. The bulk of Palestinian fiscal revenues was collected and transferred to the Palestinians by Israel; Palestinian trade was controlled by Israel in ways that allowed Israeli trading monopolies to

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<sup>38</sup> Khan defines rent as: “a term used by economists to describe incomes that are higher than those possible in a competitive market. In most cases, rents therefore refer to politically generated incomes, since political intervention is the most obvious way in which “above normal” incomes are generated. Rents include monopoly profits, and subsidies and transfers of all types, where political power is used to create privileged outcomes for some” (Khan et al. 2004:4)

extract rents from Palestinian consumers, and Palestinian labour movements, to Israel and even within the Palestinian territories, were rigorously controlled. These restrictions meant that resources that were critical for the survival of the Palestinian quasi-state were transferred to it in the form of rents controlled by Israel, and this leads us to argue that Israel's intention was to create a *client state*. Although neither side used this term for obvious reasons, the Palestinian leadership implicitly accepted the necessity of these Israeli controls over the economy for an indefinite period. It was clear to them that they had no option but to accept these conditions and prove that they could deliver security to Israel's satisfaction... While we do not know precisely *why* Israel insisted on developing and maintaining the controls that we describe as the client-state system of rents, we do know that it did (Khan 2004: 5-6).<sup>39</sup>

The consequences of the above constraints and controls by the DoP and Israel to the formation of the PA led to making the PA a “sub-contractor”<sup>40</sup> for the occupation. These peace accords would lead to two other major consequences: centralization of PA governance and repression of the opposition (mainly to Oslo).

PA officials had to adhere to the premises and the major conditions of the Oslo Accords (and thereafter the sub-agreement), namely to safeguard the security of Israel and the peace process from oppositional movements, especially the Islamist opposition or any kind of “insecurities.”<sup>41</sup> That is, the Oslo peace process, as has been widely debated, with its security-first obligations (Friedrich and Luethold 2007, introduction chapter; Khan et al. 2004; Lia 2006: 268-269; Roy 2007: 230-243), formed the basis (and the

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<sup>39</sup> For more about Israel's policies of asymmetrical containment towards the PA, see Khan et al. (2004).

<sup>40</sup> A term that was widely used by intellectual writers and Palestinians. For more about how the DoP led to the perpetuation on the core-periphery relationship (between Israel and PA) see, Parsons (2004: 95).

<sup>41</sup> See Mutual Recognition Letter by Arafat and Yitzhak Rabin in the DoP on Interim Self-Government Arrangements, Ministry of Foreign Affairs, September 1993, Israel Information Center, Caspit Press: Jerusalem.

upper limit) of the relationship that would bedevil Hamas and Fatah and the PA for years to come.

The relationship to opposition in the Occupied Palestinian Territories (this includes Hamas) functioned and was constrained by the above mentioned institutional and structural context. When it came to the Oslo Accords, Israel's security in principle was the major priority of the implementation of the Accord. Lia showed during his long work with the Palestinian security forces "PSF" how the latter under Arafat were set for failure since they were formed in order to conserve the security of Israelis as a priority (e.g., to prevent any terrorist attack against Israel) over the security of their own citizens – the Palestinians. Even worse, the PSF had to preserve the security of Israelis where the former were not permitted even to enter the land where they resided (Lia 2006: 269).<sup>42</sup>

For the client quasi-state of the PA to fulfill the preservation of Israel's security, it had to silence any kind of opposition to the Oslo Accords, as a strong-handed and centralized counter-terrorism apparatus, in which Arafat controlled for example the power of the courts, the PLC, prosecutors, and human rights organizations, to name a few (for more, see Lia 2006). The "counter-terrorism" role of the PA was quickly understood by Palestinian and opposition factions, and certainly by Hamas. That is, if one extends the previous argument true democracy and institutionalization in the Palestinian system is not feasible because the PA could not genuinely open the door for institutionalization and democratization that would allow opposition groups to win in the national election even

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<sup>42</sup> Later on, under the Road Map, security became the condition for peace and not the opposite, see Roy 2007: 249-250)

if their party enjoyed the majority of votes. This dilemma has been widely discussed as long as the PA has been in existence.

As a result, it has been argued that the Oslo Accords made executive centralization and even corruption key if the PA wanted to operate and survive given, for example, no fiscal autonomy of the PA and the no control over borders and sovereignty. Khan gives an example of how Palestinian traders had to invent a whole system of bribery between Israeli customs and PA officials in order to be able to work daily (Khan 2004: 17). Yet, Arafat did make use of conditions created by the Oslo Accords to deploy centralized and neo-patrimonial domination over the PA in what came to be termed by Palestinians as “Arafat’s rules.” That is, on the one hand, Arafat depended on the PA client-state and deployed informal rules that encouraged patronage, clientelism, personalization, and corruption among others; and on the other hand, he also established formal institutions and deployed a selective democratic discourse with a selective margin of freedom in the polity (Ghanem 2010: 71-90; Irshaid 2007: 14-18; Jamal 2005b: 132-135; Lia 2006: 293-295, 308).<sup>43</sup> To secure his governance, Arafat succeeded in blurring the boundaries between the new PA institutions and his Fatah ruling party, and surrounded himself with PA/Fatah elites who constituted his main supporters and his neo-patrimonial network (Ghanem 2001; Hilal 2006a; Jamal 2005b: 175; Parsons 2005).

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<sup>43</sup> Brynen argued that neo-patrimonialism was important in the PLO and Arafat’s transfer to self-government in 1994 to, “...hold together a dominant political coalition” (Brynen: 1995b: 24). On the history of the PLO and neo-patrimonialism before 1994, see Brynen (1995a; 1995b) and Hilal (2006a: 223). Brynen showed that the neo-patrimonialism of the PLO was a result of, “...a large exile population, unparalleled access to external financial resources, and acute fragmentary and centrifugal forces” (Brynen 1995b: 23).

Arafat also marginalized the legislative and judicial institutions and every matter, major or minor, had to pass under his hand before it was ratified.<sup>44</sup>

By controlling the PA institutions, the security apparatus, and the polity, Arafat had hoped to fulfill the Oslo Accord to gain the promised Palestinian state (Brynen 1995b: 32-33; Khan et al. 2004: 14). Yet, when Israel did not deliver on peace promises, Arafat used the “terrorism threat,” given that the balance of power favored Israel, in order to urge Israel to deliver. Put differently, Arafat used repression, yet he did not totally estrange himself by maintaining a balance with Palestinian opposition forces to secure stability and to use the latter as a threshold to push for a delivery on peace.<sup>45</sup> The above arguments are neatly summed up by Roy, and reflect the constraints faced by the Palestinian opposition groups:

The last seven years of the Oslo peace process were shaped primarily by the policy imperatives of the Israeli government with the explicit support of the United States government, and secondarily by those of the Palestinian authority. Israeli imperatives were there: the solidification of Israeli control over the Palestinian population and resources (notably land and water), the preclusion of Palestinian geographic continuity, and the institutionalization of policies of economic integration with political, social, and demographic separation with the Palestinian people. The PA’s imperatives were also three and fundamentally no different from those of Israel: the demobilization and repression of the Palestinian people and the disempowerment of their institutions; the elimination of all forms of dissent and opposition, particularly to the Oslo Accords, and security cooperation of Israel (2007. p235).

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<sup>44</sup> For a comprehensive account on this, see Brown (2003), Irshaid (2007), and Parsons (2005).

<sup>45</sup> Arafat did not always comply with the DoP terms. For example, in the security domain he established 13 competing security agencies to support his governance, and in the economic domain he intervened in the, “...allocation of resources and contracts in ways that ensured economic performance was maintained” (Hilal and Khan 2004: 88). For a debate on the harm and benefits of Arafat’s centralized approach, see Hilal and Khan in Khan et al. (2004:65-119), Amundsen and Ezbidid (2004: 141-167), and Irshaid (2007:17-24).

## **Hamas and Arafat 1994-2001: Selective Repression and Non-Violence**

Given the above context of authority-dissent nexus, Hamas during this period worked simultaneously on three fronts: 1) they continued to build a welfare infrastructure, (e.g., community services mainly in the Gaza Strip), by enhancing the role of education (Islamic education and preaching) and reaching out to other societal sectors; 2) through the irregular deployment of violence against Israel (responding to transgressions by the Israeli authorities and, on occasion, initiating them to embarrass the PA and avert it from any political concession as seen by Hamas); and 3) they formed a non-confrontational and pacifying relationship with the PA and Fatah despite being the major opposition movement to Oslo.<sup>46</sup> Hamas committed itself to an internal non-violent repertoire of opposition with the PA. This last front, of a conciliatory relation to the PA, is the major point of concentration of this dissertation. However, discussing this conciliatory relation intersects also with the above two fronts in what constitutes the complex identity of Hamas (see below).

As a matter of fact, there was a heavy and constant emphasis from Hamas's side on its accommodating approach (a non-violent mode of action) to the PA, up until the takeover of the Gaza Strip (and even after that) (Abu Amr 1994; Baumgarten 2008: 62-74; Hroub 2000: 62-63).<sup>47</sup> This approach was demonstrated in the constant formal and informal talks between Hamas or close intermediaries, and the two Hamas-affiliated

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<sup>46</sup> This was called negotiated coexistence by Mishal and Sela 2000.

<sup>47</sup> This was verified by most of those I interviewed across the factional spectrum (claiming different reasons ranging from the Islamist teachings of Hamas to its political tactics).

ministers, and with the PA and its elites.<sup>48</sup> Hamas pursued this line of action because of its desire to keep the relationship and communication with the President open and as little contentious as possible, even during periods of repression and arrest of Hamas leaders and the crackdown on its military wing, the al-Qassam Brigades, in the mid and late 1990s (mainly the years 1996 and 1998) (Baumgarten 2008: 79-84; al-Faluji 2008: 267; al-Faluji 2002; Gunning 2004). Despite its opposition to the Oslo peace process, Hamas took the decision to give President Arafat the chance to try to actualize the Palestinian state (especially after 1997, when it reduced its suicide attacks) (Gunning 2004; Milton-Edwards 2004). A major scholar of Hamas and insider to the movement offers the following description of this picture:

In brief, Hamas undertook not to use violence against the self governing authority but instead to engage in opposition through peaceful means and to direct its military attack against Israel. Hamas did not deviate from this position even as tensions between it and the PA increased ... (Hroub 2000:114).

Hamas's repertoire of non-violence, according to secondary and primary literature,<sup>49</sup> was mainly represented by, but not exclusive to: 1) concentrating opposition

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<sup>48</sup> Some of the informal talks took place between Fatah representatives, security heads, the President and his aides with different Hamas leaders and representatives (al-Faluji 2002). Examples of these meetings include the meetings in Sudan, Cairo and Amman in 1993-1996 to convince Hamas to participate in the elections and agree about the kind of relationship they should have, and to convince it to stop guerilla operations (Baumgarten 2008: 62-74; Hroub 2000: 104-108; Tamimi 2007:190-194). The change in the direction of the peace process was threatened after the assassination of Prime Minister Yitzhak Rabin, on 4 November 1995 by Yigal Amir, an Israeli Jew, and the election of Netanyahu in 1996. Thus, formal talks between Hamas and the PA started again in 1997 (in a major meeting in Nablus/West Bank in August of that year) after the election of Benyamin Netanyahu as Prime Minister in which the Israeli government denied some obligations to the peace process and the Oslo agreement (al-Faluji 2008: 228-231; Hroub 2000: 107). These talks usually did not yield concrete results or signed agreements but they maintained communication between the President and Hamas and assisted both in understanding the upper political ceiling for the other (Hroub 2000:105).

<sup>49</sup> See Al-Risala Newspaper of Hamas 1997-1999; Gunning (2004; 2007), Hroub (2000), Jamal (2005a), Mishal (2003), and Mishal and Sela (2000).

through verbal criticism in the media, during activities in the polity, and meetings with the PA elites. Yet, overall, Hamas officially deployed positive language towards the PA (e.g. not one of eroding it); 2) despite Hamas's rejection of taking part in the presidential and PLC elections in 1996, they advised their members and affiliates not to boycott voting in the election;<sup>50</sup> 3) instructing its armed group and members to halt any transgressions or violent attacks against Fatah or PA elites and/or institutions; 4) using diplomatic and democratic means of opposition, like the formation of an opposition block against the Oslo process, writing op-eds, conducting protests (rarely), and issuing press releases and statements to protest the PA's repressive and non-democratic measures against them, and to protest rising corruption in the PA; 5) having various discussions into ways to participate in the PA, not through elections but by other means, for example, to accept administrative, but not political positions; and 6) formation of a political party, the Khalas Party, with the PA support to represent Hamas. This party did not represent the mainstream direction within Hamas and was eventually ended by Hamas, who feared co-optation within the PA.<sup>51</sup>

All preceding political means did not lead to formal co-optation of Hamas or any form of formal participation in the PA. This is due to various reasons related to Arafat's centralized governance and growing personalization in the PA, the Israeli pressure on the

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<sup>50</sup> Hamas had two independent Islamist ministers in the government (the Minister of Telecommunication, Imad al-Faluji, who was known as a major Hamas leader and was ostracized from Hamas, and the Minister of Youth and Sports, Talal Sider. Both served later as major mediators between Hamas and Arafat) and four independent Islamists who were close to Hamas (Mishal and Sela 2000: 131-138). Hamas maintained its rejection of any offer by Arafat to assign its leaders or cadres to executive or high administrative positions.

<sup>51</sup> Prominent Hamas leader, 15 October 2007, Gaza Strip (interview over the phone); Presidency Secretary General, 8, October 2007, Ramallah. About the Khalas Party, see also Mishal and Sela (2000: 140-146).

PA and eventually the erosion of the peace process, and the intra-Hamas disagreements and the rise of the anti-Oslo trend (more than the co-optation trend).

During the period 1994-2000, however, there were some random fights and quarrels among supporters and individuals of Hamas and Fatah, usually around the time of the elections for syndicates and student unions (mostly initiated by Fatah supporters). These fights involved physical fighting (or fist fighting), and the throwing of stones, but did not involve weapons. The major incidence of political violence using arms between the PA and Hamas supporters was on November, 1994. Some within Hamas wanted to challenge the authority of the PA during a demonstration of affiliates of Islamic Jihad to commemorate the death of Hani Abed, who was killed by Israel (Baumgarten 2008; Hroub 2000; Parsons 2005). The clash with weapons started near the compound of the headquarters of public security in the Gaza Strip and outside the mosque after Friday prayers. The security forces of the PA took action and fired on Hamas members, killing 14. This incident was an alarm for Hamas and the Palestinians, but Hamas decided not to retaliate. Arafat apologized for the event, yet denied that the PA police led the killing of the protestors; rather, he suggested that some people from the crowd fired on the protesters. This incident (reported in most of the literature of Hamas and the PA, among others) reflected on Arafat's approach in handling Hamas's opposition to the Oslo peace process and to the PA.

Hamas's conciliatory approach to the PA was based on various factors, most importantly the rising popularity of peace among Palestinian during the 1990s.<sup>52</sup> At that

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<sup>52</sup> Only 30% of the Palestinians surveyed in the Occupied Palestinian Territories wanted to withdraw from the Oslo agreement in 1993 (Mishal and Sela 2000: 100). The percentage of Palestinians supporting the Oslo agreement remained higher than the opposition, yet it fluctuated especially by the end of the

time, Palestinians were enthusiastic about peace and hoped they could have a state with East Jerusalem as their capital, an end to the occupation, and the return of refugees (according to various formulas). Thus, Hamas understood it would be in a better position with the Palestinians if it did not deploy violence against the PA (even if theoretically it wanted to do so). Additionally, Hamas was strongly not inclined to political violence against the PA for what it feared might turn into a civil war. This position was also related to the doctrine of the MB and education within the Hamas movement regarding their relations to internal authority (even if it is an autocratic power), and the Islamic concept of patience (*sabr*) and the liberal notion of public interest (see chapter 4 and conclusion).<sup>53</sup>

In addition, Hamas had sometimes refrained from violence against Israel as an implicit understanding between Hamas and the PA to give the latter a chance to negotiate and materialize the Palestinian state (the suicide attacks were not always against the Oslo

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1990s. After 1996 there was also support for suicide attacks by Hamas at 39%, recorded by the Center for Palestine Research and Studies (CPRS) on December 1996 (Gunning 2007: 217). In December 2000, a public poll by the Jerusalem Media and Communication Center (JMCC) recorded support by 66% for suicide attacks (it was 26% in March 1999). This shows that the support is related to the failure of peace coupled with Israeli attacks and policies in the West Bank and the Gaza Strip (see Gunning 2007: 212-219).

<sup>53</sup> *Sabr* has meant for Hamas and the MB to endure reality and deal with the changes in the political environment and regimes without necessarily submitting to them. According to this view, Muslims who endure such circumstances will eventually triumph, see Mishal and Sela (2000: 64). It was usually recalled that the prophet Muhammad and his followers endured torture and repression to spread their message in Mecca. In addition, *sabr* is related to the MB political thinking of changing governance through a gradual change in society until it gets ready to change the regime. This is thought to take time and cannot happen through violent confrontations with authoritarian regimes. In the end, *sabr* is an Islamic concept that is used to support the tactics of the movement and allow it to cope with the changes of the PA and the peace process. Public interest is also invoked to explain Hamas's non-violent tactics towards the PA (see chapter 5 how *fiqh al-masaleh* "public interest" as a notion was also used to justify violent action and takeover). These concepts were invoked in a presentation by the author in June 2010 under the title "Religious-Secularism in Hamas' Discourse and Practice," in *Europe in the Middle East-Middle East in Europe (EUME) Lecture Series* in Berlin.

peace process).<sup>54</sup> As a result, Hamas did not try to impose its conditions on Arafat or exploit his vulnerability to the Oslo process, especially by the end of the 1990s (Hroub 2000: 104). Even during the worst times, including the arrest of Hamas members and leaders, where most human rights organizations internally and externally wrote of the abuse of human rights in the PA prisons, Hamas was careful in dealing with the PA. For example, Musa Abu Marquz, Deputy Chairman of the Hamas Political Bureau, justified the arrests in 1998 of Hamas members saying that Arafat had to show to the US and the Secretary of State (Madeleine Albright) who was visiting the WBGS at that time that he was serious about peace: “I understand that [the arrest], and Hamas can and will understand it too, but I hope that their [Hamas’s leaders and members] arrest time would not be long” (al-Faluji 2008: 236). Concerning a different incident in April 1999, after the 1998 arrests of Hamas by the PA, Sheikh Ahmad Yasin, the spiritual and political leader of Hamas, criticized Arafat for his policies but Arafat invited him to attend the PLO Central Council meeting to keep the channels open with Hamas (Tamimi 2007: 196-197). Yasin went to the meeting but had to leave due to pressure from external Hamas leadership.

On the PA and Arafat side, the latter deployed a dual approach with Hamas, one that was marked by co-optation and dialogue, yet intimidation and occasional repression as well (when Hamas carried out suicide attacks that embarrassed Arafat) (see figure 4-

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<sup>54</sup> Suicide attacks by Hamas were a complex phenomenon and dependent not only on opposition to peace and retaliations against Israel’s assassinations but also on change of internal political structures represented by change in Israeli policies (increase on coercive measures), intra-Hamas rivalry, intra-Palestinian rivalry, and internal public opinion (Gunning 2007: 203-220). Pappé discussed how the suicide attacks actually aimed to accelerate the Israeli withdrawal from the Occupied Palestinian Territories (2005: 67-73) especially if we focus on the attacks in 1997 against the pause in the peace process. For other perspectives see Bloom (2005) and Levitt (2006: 110-142).

concluding chapter).<sup>55</sup> Based on the Oslo Accords (as discussed above), the Israelis pressured Arafat to silence Hamas. Arafat would react by arresting Hamas leaders and activists or crack down on its military faction (al-Qassam Brigades), while Hamas would sometimes retaliate by attacking Israel, but not the PA (by the end of 1997 Hamas had reduced its military attacks to give Arafat a chance to negotiate). The prior dynamics necessitated constant communication and dialogue between Arafat and Hamas (also see Hroub 2000: 105). This triangular relationship and dynamic was not so clear and linear. That is, Arafat did not always arrest and crack down on Hamas when it was clear to him that Israel was not serious in its negotiations and delivering on the DoP. Thus, he tried to use Hamas as a reason to press on the delivery of peace and pull Israel's military out of the Occupied Palestinian Territories (that was delayed and postponed) (see Gunning 2007).

That is, Arafat understood that he had to maintain a balanced relationship with Hamas. There was a hidden mutual understanding between Arafat and Hamas where he could not simply eradicate Hamas from the Palestinian political and social spheres (and follow the peace accords) or completely repress them given their growing popularity and strength, and the facts on the ground represented by Israel's retreat on the implementation of Oslo Accords and moving towards delaying the final settlement period.

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<sup>55</sup> These measures included: Arrest campaigns of some of Hamas's main leaders, members, and affiliates, especially after the suicide attacks in 1996 and 1998 (some were tortured and killed). Major crack downs on the military wing of Hamas's Izz Ad-Din Al-Qassam Brigades (I refer to it in this dissertation as the al-Qassam Brigades) and confiscating arms; frequent restrictions over popular support to Hamas and over mosque activities, and temporary closures of Hamas institutions, charities, and newspapers; media campaigns against Hamas (especially concerning Hamas's violent attacks against Israel and sometimes insinuating its relationship to Iran). These transgressions were pointed to and criticized by multiple NGOs, international organizations and writers (Ghanem 2010: 84-85; Hroub 2000; Lia: 2006: 345; Tamimi 2006: 195).

## **The Second Intifada (2001-2005): Further Rapprochement between the PA and Hamas**

Rapprochement between Hamas and Arafat improved after Arafat refused to sign on to the Camp David agreement in 2000, and the initiation of the second Intifada. For Hamas, the majority of Palestinians and opposition factions (PFLP and the Democratic Front for the Liberation of Palestine "DFLP") and even a majority of the Fatah movement in the WBGS, the signing of the Camp David agreement would have been a concession over the 4 June 1967 borders according to UN Resolutions 242 and 338, and compromising the borders of East Jerusalem and the right of return for refugees.<sup>56</sup>

Therefore, from 2001 on, the period represented the stagnation of the negotiation over the peace process, the destruction of the civil and militant institutions of the PA by Israeli forces, which invaded and re-occupied most of the area of the West Bank, plus the almost total collapse of the centralized authority, and the emergence and expansion of a state of insecurity, and also the proliferation of new power centers from within the PA/Fatah elites beside the authority of Arafat (especially after Arafat's "death" or assassination as Palestinians believed in November 2004)<sup>57</sup> (see Hamami and Tamari 2001; Hilal 2006a: 277-286; Irshaid 2007). Some of the elites around Arafat were

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<sup>56</sup>For more about Camp David, see: Hussien Agha and Robert Malley, "Camp David: the Tragedy of Errors," *New York Review of Books*, 9 August 2001, website: [www.nybooks.com/articles/14380?email](http://www.nybooks.com/articles/14380?email). Baumgarten (2003), Roy (2007:2 44-245).

<sup>57</sup> Al-Faluji presented reports of Arafat's doctor and reports of the investigation committee of the PLC about Arafat's assassination (2008: 348-384). He quoted Arafat's wife, Suha Arafat, saying to al-Faluji who visited the President while in a coma in France: "They killed him and no one dared to talk" (2008: 352).

dissatisfied with his approach and thought that he should have signed a peace treaty under any circumstances. This situation and others caused Hamas to realize that Arafat was in the end a “national” leader, as I was told by a major Hamas leader who was previously critical of Arafat:

I think that in the beginning of Oslo there was a Palestinian national project [for a Palestinians state and rights], regardless whether I [as Hamas leader] agree with it or not. But I know it was a national and patriotic project even though it had severe mistakes. What I mean is that Abu Ammar [Arafat] had a political ceiling and limit to the concessions [to offer to Israel] that he would never transgress- and this was exactly what happened. I do not doubt Arafat’s loyalty to the Palestinian cause. He proved to be a leader.<sup>58</sup>

This was the period in which Hamas and Arafat became closest, especially when Arafat was under Israeli siege in his compound in Ramallah and was becoming internationally isolated. Arafat and Khaled Mashal, the Head of the Hamas Political Bureau in Syria, were reportedly communicating over the phone, in addition to communications with Hamas leaders in the Gaza Strip and the West, where Hamas was becoming closer to Arafat and supporting his governance against the Israeli, US, and some Fatah/PA elites who wished to sideline him (Jamal 2005b: 162-164; Tamimi 2007: 199-204). Hamas was also becoming the major popular faction for Palestinians, both for its commitment to resistance and retaliation against Israeli atrocities against Palestinians, and for becoming the *de facto* authority providing services, mainly in the Gaza Strip.<sup>59</sup>

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<sup>58</sup> Prominent Hamas leader, 18 September 2007, Nablus.

<sup>59</sup> A JMCC opinion poll showed that almost 70% of respondents supported the continuation of the Intifada in January 2001. By March 2004, public polls by PSR still showed that 67% of respondents thought that armed conflict (with Israel) helped Palestinians to achieve their national rights and that negotiations could not do so (Gunning 2007:180). For Hamas’s popularity in public polls over the years, see Hilal (2006b).

Meanwhile, Arafat was in a dilemma. He recognized that Palestinians and the opposition (including major leader in Fatah) supported his approach towards the peace process, yet he was also afraid that the US and the EU might see him as supporting “terrorism” and suicide attacks which were taking place after the second Intifada. Thus, to preserve his governance and submit to the Oslo Accords security conditions he initiated the arrests of major Hamas leaders after Hamas carried out major suicide attacks in 2001 and 2003<sup>60</sup> (see Gunning 2007; Parsons 2005: 225-281).

Arafat handled these arrests by making sure Hamas understood his actions in the context of pleasing or silencing Israel and the US administration from criticizing him. To illustrate this point, I bring in one incidence that sums up the Arafat-Hamas interaction. This incident I was told happened when Arafat issued a home arrest order against Yasin after a suicide attack in December 2001 in retaliation to a previous Israeli assassinations of Hamas leaders and commanders in July and November 2001. This was widely condemned by Hamas and some of its members clashed with the Palestinian police outside Yasin’s house, outraged at the decision. The mediator between the two leaders (Arafat and Hamas) narrated to me how Arafat asked him to visit Yasin and to apologize to him about the decision of the home arrest and to tell him,

Your brother Abu Ammar [Arafat] is under pressure and had to take this step because Hamas had just launched a military attack in the Gaza Strip against Israeli settlers. Send him my greetings and tell him he can ask for whatever he wants and I will do it for him.

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<sup>60</sup> For the competition and polarization between Hamas and some groups of Fatah concerning the leadership of the Intifada and the armed struggle against Israel but joint military cooperation with other Fatah military groups, see Baumgarten (2004), Jamal (2005b: 155-166), and Nawati (2002: 184-185).

The mediator told me that he went to Yasin where he was told in response,

Send my greetings to Abu Ammar and tell him God help him...also tell him all that I want from him is to allow my physical therapist to come to see me, and to ask him to remove the police a bit further so my family members, mainly the women, can move freely.

The broker went back and told Arafat who said, as he told me, “God bless him [Yasin].” It was the period where Arafat and Yasin understood that they were in this situation together and that Israel would not commit to its promises of peace, but wanted to end them both, according to the mediator and other Fatah cadres.

Despite the fact that the relationship between Hamas and some PA/Fatah elites became increasingly divided, Hamas remained cautious before and after the death of Arafat so as not to challenge the institutions of the PA, and expressed an interest in a united government (Jamal 2005b: 171-173). Hamas showed clearly that they supported Arafat’s policies against those of Abbas and the negotiation team after the initiation of the Road Map<sup>61</sup> by the US administration in 2003 (Tamimi 2007: 203). This earlier relationship was also structured by events that were happening at the same time, like the

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<sup>61</sup> As for the Road Map, at the beginning it came as an initiative from Saudi Arabia in August 2002 in which Arab states would back the US after the 11 September 2001 attacks and the US war on terror if the US committed to solving the Palestinian-Israeli conflict. The Bush Administration in April 2003 issued the Road Map. The former committed to the two-state solution but made security a major prerequisite for resumption of talks and negotiations, in addition to de-militarization of the Intifada and factions. As a result, the Quartet was formed from the US, Russia, the EU, and the UN to lead the previous process. The PA, led by Abbas, accepted the Road Map with no conditions. Israel, however, rejected it and asked for major modifications (14 amendments) if it were to accept the security-first approach (for more information, see Roy 2007: 228-232). For Arafat, Hamas, and other opposition factions, including Fatah, the Road Map ceiling was even lower than the Oslo Accords and did not put an end to the occupation as the major reason for violence and for limiting any peace attempts (i.e., peace for security). It did not call for the establishment of a Palestinian state so that violence could end but, rather, for the opposite, which was to end violence first and then the occupation and the state would be actualized (i.e., security for peace). For a full text of the Road Map see, BBC. 30 April 2003, "Full Text of the Road Map", Retrieved 15 March, 2005 (<http://news.bbc.co.uk/2/hi/2989783.stm>).

US-led invasion of Iraq in March 2003 and the so-called “War on Terror” that Hamas perceived as a major threat to Islamists and to the region. It was also the time when, on 18 December 2003, Israel Prime Minister Ariel Sharon revealed his plan of a unilateral Israeli withdrawal from the Gaza Strip. Hamas was preparing for a different era where it had to achieve balance between its internal popularity and relations with the PA, and to make sure that it had a part and/or a say in any future peace solution to the Palestinian cause (represented by, for example, the Arab Initiative of 2002<sup>62</sup> and the Road Map of 2003).

Having said that, the decline of Arafat’s central authority and the collapse of PA institutions left a major vacuum in the Occupied Palestinian Territories after 2003, and opened the door for lawlessness to emerge. This period also witnessed a growing trend within Hamas’s commanders on the ground not to be at ease with the PSF arrest of or control over them. Hamas noticed its growing popularity and control compared to the PA and the demise of the Oslo peace process. Therefore, in 2003 when the PA came to arrest Abdul Aziz Rantisi, a major leader in Hamas, from his house, the youth of Hamas this time were able to prevent the arrest from taking place. A major Hamas leader described this action by saying that there was no formal decision in 2003 of confronting the PA. Yet he declared that they started mobilizing within Hamas and received commands from some leadership that Hamas should not let the PA arrest them or crack down on them. He

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<sup>62</sup> The Arab Initiative came in 2002 from the Council of Arab countries requesting a just peace and asking Israel to reconsider its policies towards peace. This meant its total withdrawal from the Occupied Palestinian Territories of 1967, establishing a Palestinian state, and a solution to the Palestinian refugee problem. If all these steps happened and received support from the international community then the Arab countries would commit to a peace agreement with Israel. For the text, see The Council of Arab States. 2002, "Arab Initiative," Retrieved May, 2007 (<http://www.jmcc.org/Documentsandmaps.aspx?id=389>).

added, “They confronted the PA in the sense that they prevented the arrest...but it was always on the defense side not the offense.”<sup>63</sup> During this period, the PA started worrying about the growing strength of Hamas as expressed by some Fatah cadres and leaders close to Hamas. .<sup>64</sup>

The Occupied Palestinian Territories entered into an era of lawlessness, namely a state of insecurity and deterioration of the rule of law that bedeviled the country. It was the most dangerous phenomena since 1994. Examples of this state of insecurity included: significant increase in inter-factional vigilante violence and inter-family revenge using light weapons (some families were allied with Fatah while others were allied with Hamas); the illegal use of weapons by some security personnel during their intervention in familial feuds and vindicated killings;<sup>65</sup> the illegal use of weapons and violence within and among different branches of security forces; increases in honor killings; private property invasions; the kidnapping of foreigners (only by al-Qassam Brigades and the PFLP related armed groups) and community figures; and the killing of individuals on the

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<sup>63</sup> Hamas leader and consultant, 28 September 2007; 3 May 2008, Gaza Strip (Interview over the phone).

<sup>64</sup> See Nawati (2002:183); Fatah Revolutionary Council Member, 7 July 2007, Ramallah; Former Fatah Minister and Fatah High Committee Member, 11 April 2007, Ramallah.

<sup>65</sup> There was no sense of belonging to the governmental apparatus in the security forces and their affiliations were more rooted in family, factional and tribal relationships. When it came to some branches of al-Aqsa Brigades their violence was sometimes a protest voice against their marginalization by Abbas and high Fatah cadres, a sign of their within competitions, and/or as a way to survive since violence became a profession for many of them (for more see, Jarbawi and Pearlman (2007)). The previous information was told to the author by some members or previous members of the al-Aqsa Brigades in 2006.

basis of (alleged) collaboration with the occupation (The Palestinian Human Rights Monitoring Group 2006: 12).<sup>66</sup>

While the status of insecurity escalated, it should be emphasized that it was not solely due to inter-factional violence between Hamas and Fatah, which was the least occurring. Rather, it was due to family feuds (sometimes related to the factions), the division inside Fatah and the divided and competing loyalties inside the PA security forces.<sup>67</sup> The security forces and some branches of the armed wing of Fatah (al-Aqsa Brigades) became like a militia, no longer governed by the one strong leadership of Arafat but by several power centers (Irshaid 2007; Jarbawi and Pearlman 2007; Najib 2007; Pearsons 2005: 299-304; Shikaki 2002; Usher 2005b). Some security branches and their high ranking chiefs and other branches of the al-Aqsa Brigades refused the newly elected President's demands (Mahmoud Abbas) to hand over their weapons and to institutionalize the PA (as a first step in fulfilling the Road Map); they reacted by either storming into government institutions or kidnapping foreigners. The number of people who were killed as a result of the lack of security in 2004 was 96 and in 2005 it increased to 176 (an increase of 45%).<sup>68</sup>

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<sup>66</sup> Prisoners were freed and the police were not able to provide safety. Court decisions were not executed and were selectively implemented. Weapons spread, mainly in the Gaza Strip. Families and individuals started to gather them in order to fight the occupation and to protect themselves and their property. The PA and its security forces did very little and sometimes nothing to stop transgressions (Al-Mizan 2007).

<sup>67</sup> This is the claim of the author after going through major human rights organization records and statistics, with the help of in-depth interviews. See al-Mizan (2007); ICHR (2001, 2002, 2003, 2004, 2005), The Palestinian Human Rights Monitoring Group (2006).

<sup>68</sup> The estimations are based on the previous publications of the ICHR and some of their daily data obtained in 2006.

Abbas, who was favored by Israel and the US to follow Arafat and who believed in negotiation as the only means to actualizing a Palestinian state, was at an impasse.<sup>69</sup> After his election as President in 2005, Abbas was not able to deliver on the Road Map of 2003 that prioritized security first before any further step in the peace negotiations (see Roy 2007: 249-251). To be able to accomplish the former, Abbas needed the cooperation of his party Fatah and its divided military wing, the al-Aqsa Brigades (with their multiple affiliations to various Fatah power centers including Marwan al-Barghuthi who was not always on good terms with Abbas). Abbas was too weak to unite Fatah as his Fatah/PA elites, in his office and in the PA, were more influential within the PA and/or in the society than him (some had societal support from their tribes, families or patronage networks).<sup>70</sup> In short, many elites were not in favor of institutionalization of the PA and the rule of law that would prevent them from major political and economic privileges in the PA. Abbas had to look for a Palestinian partner that could control the militarization in the streets and commit to the institutionalization of the PA (Jarbawi and Pearlman 2007). Hamas, who had set a record for observing a unilateral ceasefire in 2003 and in 2005,<sup>71</sup> was Abbas's best second choice. The idea was that by co-opting Hamas through a

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<sup>69</sup> For the Abbas/Arafat impasse in 2003 after the US administration's push towards the formation of the position of Prime Minister in the PA, see Abbas (2003), Parsons (2005: 284-288), and Tamimi (2007: 203).

<sup>70</sup> Palestinian academic, 9 October, 2007, Birzeit; 4 July 2007, Ramallah; Fatah Revolutionary Council Member and Fatah High Committee Member, 29 August 2007, Ramallah; Fatah leader and writer and Former Governor of Bethlehem Fatah leader, April 2008; 7 May 2008, Amman/Jordan.

<sup>71</sup> For more information about the Hamas ceasefire (June 2003, and March 2005-June 2006) with Israel and its dynamics, see Gunning (2007: 232-240) and Milton-Edwards (2004). Also I had the chance to review most of the minutes of the meetings among various Palestinian factions under the Egyptian auspices to agree on an official ceasefire with Israel in June 2003 (Fatah Revolutionary Council member, handwritten dialogue meeting minutes, 2003).

democratic election, Abbas could “moderate” them, end militarization in the streets, and fulfill the “security” conditions of the Road Map that would allow negotiations to resume (for Hamas’s incentives to participate, see chapter 3).

As a result, in 2005, Hamas and Abbas signed the Cairo Accord (see appendix A) through which Hamas agreed to participate in the PA (national elections) and to observe a unilateral ceasefire with Israel in order to provide Abbas with the chance to resume negotiations while it would practice its opposition from within the PLC and local councils (Usher 2005a).<sup>72</sup> According to the Cairo Accord, Hamas and Fatah set the baseline for inclusion of Hamas to the PLO and the formation of a committee that would take the responsibility for following up with both leaderships.<sup>73</sup> The Cairo Accord was an important deal for Hamas where it secured entrance to the PA without abandoning its resistance agenda and its popularity.

However, it was noticeable that the Cairo Accord did not address any kind of details into the integration of the CSS and, more importantly, the PSS was constrained and committed to security coordination with Israel (as discussed above by Oslo Accords and later the Road Map). The security coordination contradicted Hamas’s take on the PSS and its firm position of non-collaboration with Israel. The Accord did not also address

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<sup>72</sup> Representative of the PFLP, 29 May 2007, Ramallah.

<sup>73</sup> The Cairo Accord ratified the resumption of the coming three-rounds of local elections where Hamas-supported lists won a total of a third of the seats in all the rounds (Gunning 2007: 146). Signs of inter-factional violence were boosted even more after the victory of Hamas’s participation in the first local council’s elections at the end of 2004. For example, the second round results were cancelled in the Gaza Strip in May 2005 when Fatah protested the votes (Hamas won a majority again when elections were repeated) and some ballot centers were attacked by Fatah affiliates). Hamas decided to consent and not to increase the tension with Fatah. They did not want their first participation in elections to be disrupted. For more about the dynamics of local elections, see Gunning (2007: 146-160) and Tamimi (2006: 210-211).

issues of incorporation of Hamas's armed group or related armed groups to the PSF. The same went for the CSS where the Cairo Accord did not address the incorporation of Hamas's excluded members from, for example, high governmental positions. That is, the "inclusion" meant political participation in the PA through democratic and competitive elections. However, I argue that this negligence might have been intentional by Hamas and Abbas given the context of 2006, where Hamas was only hoping for winning reasonable seats in the PLC (around 40% as some of them declared), that would allow them to reform the PA from within without having a say on executive matters or matters of negotiation with Israel (which would make them compromise their resistance and political program). Abbas, too, was not looking for total restructuring of the PA and the PSF on total rule of law criteria given his political limits defined by the Oslo Accords and the Road Map (the security-first condition). Hamas and Abbas were at a political impasse given the absence of any development in the peace process and negotiations, in addition to the deterioration of the Palestinian situation on the ground due to Israel's practices that only became worse in the coming three years.

### **Occupation Transgressions:**

To give some idea about the absence of opportunities for the peace process, and of the political situation for the Palestinians due to Israel's policies (especially since the late 1990's), I provide some statistics and basic descriptions. Throughout 2000s, B'Tselem (Israeli Information Center for Human Rights in the Occupied Territories)<sup>74</sup>

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<sup>74</sup> B'Tselem is reported to be a conservative organization by Palestinian civil organizations and other international and some Israeli academics, but I utilize their numbers here since B'Tselem publications are

had been documenting Israel's practices and transgressions in its special and annual reports where it presented a number of alarming statistics. Overall, the number of Palestinians killed by Israel in the WBGs from September 2000 to December 2010 was 6,430, while Palestinians killed 1,048 Israeli. According to B'Tselem, during Operation Cast Lead launched by Israel on the Gaza Strip (December 2008 – January 2009), 1,389 Palestinians were killed; almost 758 of the casualties were not participating in hostilities and 318 were under the age of 18. Three Israeli civilians and six Israeli military personnel were also killed during the Operation.<sup>75</sup>

From October 2001 – January 2005, there were 664 houses demolished as punishment for Palestinians (B'Tselem 2006). In 2007, nearly 66 manned checkpoints and 459 physical roadblocks controlled the movement of Palestinians within the West Bank. These roadblocks limited the freedom of movement and constituted a major hardship for Palestinian people. During the same year there was also an increase by 13% in the number of Palestinians under administrative detention (almost 830 people). By 2007, there was a 38% rise (by 69 homes) in Palestinian home demolitions in East Jerusalem (B'Tselem 2007a).

Israeli Settlements in the West Bank and East Jerusalem<sup>76</sup> have been one of the major predicaments to the progress of peace, and one of the contentious issues in this

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commonly used by various human rights organizations and due to the fact that it has reports and statistics about both sides of the conflict.

<sup>75</sup> For more details see B'Tselem website: [http://www.btselem.org/press\\_releases/20090909](http://www.btselem.org/press_releases/20090909)

<sup>76</sup> Building Israeli settlements in 1967 borders of a land designated to Palestinians started as early as 1967 and until this day. B'Tselem introduces what settlements and their implications are in a simple way: "Israel created in the Occupied Territories a regime of separation and discrimination, with two separate systems of

conflict; however this dissertation is not the place to address it. Nonetheless, I give a glimpse in numbers that should briefly reflect the severity of such issue for Palestinians and how it has impeded peace. As of 2010, B'Tselem reports that there are half a million Israelis living on the Palestinian side of the Green Line (the area separating Israel from the West Bank). 300,000 settlers live in 121 settlements and almost a hundred outposts in the West Bank and are estimated by B'Tselem (based on official Israeli numbers), to control almost 42%<sup>77</sup> of the land in the West Bank.<sup>78</sup> The rest of settlers actually live in twelve neighborhoods in East Jerusalem that have been illegally annexed by Israel to the Jerusalem municipality. In B'Tselem's recent report the illegality of settlements is reiterated:

The settlement enterprise has been characterized, since its inception, by an instrumental, cynical, and even criminal approach to international law, local legislation, Israeli military orders, and Israeli law, which has enabled the continuous pilfering of land from Palestinians in the West Bank (2010: 5).

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law in the same territory. One system, for the settlers, de facto annexes the settlements to Israel and grants settlers the rights of citizens of a democratic state. The other is a system of military law that systematically deprives Palestinians of their rights and denies them the ability to have any real effect on shaping the policy regarding the land space in which they live and with respect to their rights. These separate systems reinforce a regime in which rights depend on the national identity of the individual". B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories. "Land Expropriation and Settlements", Retrieved January, 2010 (<http://www.btselem.org/topic/settlements>).

<sup>77</sup> B'Tselem expected this percentage to be higher than 42% given that there were almost 100 outposts (settlements built without official authorization but with support and assistance of the government ministries) on Palestinian land not included in this percentage (B'Tselem 2010). According to a previous B'Tselem report, the Israeli "government has also funded and assisted in the establishment of a few settler enclaves in the heart of Palestinian neighborhoods in East Jerusalem, including in the Muslim Quarter of the Old City, Silwan, Sheikh Jarrach, Mount of Olives, Ras al-‘Amud, Abu Dis, and Jabal al-Mukabber" (2010: 11).

<sup>78</sup> In comparison, the Palestinian Central Bureau of Statistics, reported that by the end of 2009 there were 144 settlements and 517,774 settlers (267,325 settlers lived in East Jerusalem settlements and the rest in the West Bank), in addition to 205 outposts. For more, Palestinian Central Bureau of Statistics. August 2010, "Israeli Settlements in the Palestinian Territory" *Annual Statistical Report 2009.*, Retrieved November 2010 (<http://www.pcbs.gov.ps/Portals/PCBS/Downloads/book1677.pdf>).

Demographically, the percentage of settlers to the Palestinian population in the West Bank was 20.9% in 2010.<sup>79</sup> These settlements prevent the geographic and urban continuity between Palestinian cities and people, occupy a significant percentage of the Occupied Palestinian Territories (already constituting 22% of historical Palestine), share much of the Palestinians' resources, and compromise their security. Above all, and based on the above simple facts, they render the two-state solution almost impossible.

In addition, since the 2000's, the building of the Separation Wall by Israel (also called the Barrier or the Apartheid Wall) has devastated the life of Palestinians in the West Bank and East Jerusalem even more. The Separation Wall in the West Bank, when completed, will be four times the length of the Berlin Wall (681 km), as it separates Palestinian areas within the West Bank from each other and from Jerusalem (Roy 2007: 227).<sup>80</sup> According to the Palestinian Central Bureau of Statistic (PCBS), the Separation Wall annexes large areas of the West Bank; it does not follow the Green Line, the internationally recognized 1967 border that distinguishes the West Bank from Israel, which translates into the annexation of almost 13% of West Bank land (an estimated 733 sq km).<sup>81</sup> This roughly means that together the settlements and the Separation Wall will

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<sup>79</sup> Ibid., Palestinian Central Bureau of Statistics (p.53)

<sup>80</sup> Roy continues: "According to B'tselem and the World Bank, over 250,000 Palestinians will be trapped in enclaves to the east and west of the wall. Furthermore, the barrier will separate approximately 200,000 Palestinians who live in East Jerusalem from the rest of the West Bank while more than a hundred communities will be separated from their agricultural land. In all, nearly 17 per cent of the West Bank will be totally surrounded by barriers, fragmenting and isolating Palestinian communities over and above the enduring isolation already imposed" (2007: 228). See also B'Tselem. 6 May 2010, "The Separation Barrier – Statistics," Retrieved August, 2010 (<http://www.btselem.org/printpdf/51702>).

<sup>81</sup> There were more human rights violations in the Occupied Palestinian Territories that this research is not able to detail, including discrimination in the allocation of water and resources in the West Bank, halting a policy on family unification and continuing to deny thousands of Palestinians the basic right of family

take more the half of the West Bank's area, including East Jerusalem; and together they have separated Palestinians from their land, schools and universities, working places, relatives and families, and deprived them of their daily normal lives.

When it comes to the Gaza Strip (a totally separate area from the West Bank and Jerusalem where Palestinians in each side do not have direct access to the other), in a report by B'Tselem and HaMoked on the Gaza Strip entitled "One Big Prison" (2005), they document how the unilateral withdrawal or disengagement of Israel from the Gaza Strip in August 2005, led to extreme restrictions on movement to and from the Gaza Strip and led to Gazan families' separation. To highlight how the life of a Gazan worsened after the disengagement, the report notes that a poverty rate of 75% was present after the withdrawal. The report concludes that Israel will continue to have legal responsibility towards the Gaza Strip even after its withdrawal given the fact that it controls the movement of goods and people to and from the Strip. It also controls water in the Gaza Strip and the airspace, in addition to orchestrating continued assassinations against militants that put civilians in harm's way (B'Tselem and HaMoked 2005).<sup>82</sup>

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union and marriage, in addition to daily humiliations and waiting at roadblocks. Yet, the major issue here is that all these policies and practices are set and implemented by Israel in the Occupied Palestinian Territories and are done in the name of security with no accountability or any kind of protection of human rights for Palestinians under Israel's occupation. This has left Palestinians vulnerable to all sorts of human rights abuses and violations (see B'Tselem annual reports 2001-2010).

<sup>82</sup> Also see, B'Tselem (2007b).

## **The Internal Violence after Hamas's Victory and the Takeover in 2007:<sup>83</sup>**

Factional violence increased in 2006 and continued, but as a new phase of lawlessness (which started during the second Intifada and included mostly Fatah militants and armed groups, some security personnel, and families in the Gaza Strip). The civil conflict after mid-2006 was more of an inter-factional conflict between Fatah and Hamas and related families within the Gaza Strip. Internal violence was said to have been fueled by Muhammed Dahlan, the previous Head of the PF, and affiliated armed groups who were in a state of enmity with Hamas and aimed to secure Dahlan's control over the Strip.<sup>84</sup> These were new kinds of explicit armed clashes started mainly between Hamas's EF and their military wing on one side, and the Fatah armed group (al-Aqsa Brigades) and some PA security forces (mainly PF) on the other. This violence represented a major shift in the relationship between Hamas and Fatah and a division of the Palestinian people and their political system. This division marked a change compared to the conciliatory relationship between President Arafat, Abbas's early time, and Fatah in general, and the major opposition (Hamas), and to the overall unity of the Palestinian people.

During 2006, the WBGs, mainly the Gaza Strip, witnessed a rise in internal violence in which 345 people were killed, an increase of 72% in the number of victims compared to 2004. The number increased to 585 persons in 2007 (an 84% increase compared to 2004) (al-Mizan 2007; ICHR 2007a, 2007b; PCHR 2007). However, when

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<sup>83</sup> For more information about the chronology of internal violence, see Conflict Forum (2007).

<sup>84</sup> There was a famous video that was circulated around mid-2006 on Youtube about Dahlan threatening Fatah members not to join Hamas's government unless Hamas recognized Israel: <http://www.youtube.com/watch?v=hsCwRx4DLwQ>. Retrieved December, 2006.

we look closer at these numbers we realize that, first, the number of people killed in direct confrontations and political struggles between factions and the Fatah security forces (meaning between Hamas and Fatah) increased (it was only 8% of the total number of deaths in 2005). The numbers increased by 19% in 2006, and reached 59% of the total number of deaths in 2007. Almost half of the total people and militants killed in 2007 as a result of inter-factional violence were killed during the week of 7 June to 14 June 2007, the week of the takeover of the Gaza Strip by Hamas.<sup>85</sup> In the last eight days before the takeover, there were serious violations of human rights, where both Hamas and Fatah militants used torture, executed captured personnel, and blocked medical help for the injured. Also, Hamas armed groups were reported to have shot Fatah security members in the legs. Civilians were often caught in the middle of shootings, endangering their lives.

Thus, the year 2006 and especially the beginning of 2007, witnessed an increase in internal violence not only out of a lack of security (which was there since 2000), but also out of the political polarization and increased tensions between factions.<sup>86</sup> According to the above, the second week of June 2007 was decisive in terms of internal violence between some Hamas and Fatah/PA militants (more than 2006 and the beginning of

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<sup>85</sup> ICG writes, "...Evidence and eye-witness stories collected by Crisis Group suggest Hamas's armed forces – the Executive Security Force and the al-Qassam Brigades – were strengthening their arsenal and taking steps in preparation for a fight. Their brutality and disregard for human life at the height of the confrontation also is beyond doubt" (2007a: 3).

<sup>86</sup> The misuse of small arms and light weapons (SALW) has increased radically since 2004. Al-Mizan Center for Human Rights reported that in 2002 there were only three incidents in which SALW were used; in 2003 they increased to 39, including the kidnapping of six foreigners. The number increased from 121 in 2004 to 394 in 2005 (including the kidnapping of 16 foreigners), and to 453 until August 2006 (including the kidnapping of 14 foreigners). In 2007, most of the killings happened with weapons and resulted in 529 incidents (Al-Mizan 2007).

2007). During this time major Hamas ministers, leaders, and affiliates expressed their worry that they were not able to control the streets; the same thing happened with the President. Yet, they were discussing ways to control the streets through the NUG formed three months earlier (March 2007). It is at that time when the takeover by Hamas armed groups took place. Thus, the analysis in this dissertation focuses on this last shift by Hamas's leadership and militants towards the PA institutions that they long refused to confront.

Second, the WBGs witnessed an increase in the state of insecurity beginning in 2004, after the death of Arafat and the unilateral withdrawal of Israel from the Gaza Strip, however, the number of incidences of violence was almost evenly divided between the Strip and the West Bank. In 2006 and 2007, a shift in the intensity of violence in the Gaza Strip was observed and was less so in the West Bank (in 2007, 86% of those who were killed were from the Gaza Strip and 14% from the West Bank). This suggests that the victory of Hamas in 2006 stimulated more internal fighting most probably from some Fatah and security personnel, mainly in the Gaza Strip, who were unsatisfied with the election results but thought to express such discontent through agitating internal violence. It also suggests that the constitution of a separate Hamas security force, EF, seemed to be accompanied by the intensification of the incidents of violence since the EF functioned mostly in the Gaza Strip and engaged in violence.<sup>87</sup>

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<sup>87</sup> Fatah militants and security forces in the Gaza Strip led by Dahlan established what was similar to the EF of Hamas and started to arm them and establish new training locations. This contributed to the increase in the polarization between the EF and the security forces of Fatah.

Third, family feuds and revenge killings increased in the last four years mostly due to the lack of security. However, the percentage they constituted of the total number declined: 40% in 2005, 30% in 2006, and 13% in 2007<sup>88</sup> (so only in 2007 was the percentage of deaths due to family feuds reduced radically compared to 2005 and 2006). While this might appear to be good news, a closer look into the incidences of killing in the Gaza Strip shows that the previous numbers decreased because of the complex interplay between political/factional and familial affiliations and feuds. This complexity caused internal violence to worsen.<sup>89</sup> For example, a militant in the Fatah security forces might fight other armed groups of Hamas in what might appear to be a political/factional struggle (in numbers) but, in fact, the reasons are an amalgam of political, combined with tribal and/or familial, affiliations.<sup>90</sup> There were many revenge killing incidents among families in the Gaza Strip that happened to be counted as part of the factional fighting (either Fatah or Hamas). Families' power increased in the Gaza Strip and some of them had their own neighborhoods where militants guarded them. Usually these families switched their political affiliation, due to financial and security reasons, from Fatah to Hamas and vice versa.<sup>91</sup> This meant that not all political/factional clashes could be counted as such and many of them were revenge clashes, even among the families themselves. A major Hamas leader in the Gaza Strip and spokesman for the HLG was

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<sup>88</sup> Calculations are based on the above al-Mizan and ICHR publications in 2007.

<sup>89</sup> Gunning says, "...because of this convergence between clan and factional loyalties, not all inter-factional violence can be unproblematically classified as political violence" (2008: 186).

<sup>90</sup> For more information, see ICG (2007a, 2007b).

<sup>91</sup> For more information see ICG (2007a).

moved by the dramatic shift in the situation in the Gaza Strip due to the fighting. He wrote:

When you walk in Gaza, you want to do nothing but to close your eyes: indescribable chaos, careless policemen, youth carrying weapons over their backs to show off, condolence houses that are made in the middle of the public streets, you hear from time to time that someone is killed in the middle of the night, and as the daylight appears, revenge happens, large families carry weapons...the government [HLG] is not able to do anything, the opposition is watching and quarreling among each other, and the presidency has no control or strength [capacity] (Hamad 2006).

By the end of May 2007, the incidences of mutual killing and assassination from both sides (Fatah and Hamas), including affiliated families, increased daily despite the many ceasefire agreements under Egyptian sponsorship between Fatah and Hamas's leaders and the government. During most of May 2007 and the beginning of June 2007, people in the Gaza Strip were unable to walk in the streets because of continuous clashes that would start at any time of the day.<sup>92</sup>

Yet, on the eve of 13 June 2007, one day before the takeover, the Fatah security forces (especially the Fatah PF) had freed all Palestinian prisoners from the presidential compound (as described by a prisoner).<sup>93</sup> In addition, some important Fatah security and political leaders were out of the Strip, like Dahlan, Rashid abu-Shbak and Hasan Asfur. When the PF, the al-Qassam Brigades, and the EF launched an attack on the Fatah security forces at the main compound of the PF and the presidential compound, Fatah security forces gave up their weapons, while some hid them and changed their military

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<sup>92</sup> For more information see, ICG (2007) and ICHR (2007).

<sup>93</sup> PM consultant, 3 May 2008, Gaza Strip (Interview over the phone); Member of the Fatah Revolutionary Committee, 1 May 2007 and 7 October 2007, Ramallah.

clothes to civilian ones while fleeing. Tawfiq abu Khusa, the spokesman of Fatah, said in a documentary interview that there were no major clashes between Hamas and Fatah in mid-June, but only in very limited places like the central compound of the PF, and especially not at the presidential compound.<sup>94</sup> Hamas armed groups found the remainder of the security compounds and the presidential compound empty and they did not face resistance from the Fatah security forces when the major security compounds were without their Fatah security chiefs- the security forces having fled. The rest of the Fatah security forces left the remaining PSF security compounds in the Gaza Strip to Hamas. Abbas later set up a military court for the forces that fled and reduced their military ranks.<sup>95</sup> Hamas's EF and the al-Qassam Brigades did not meet much, if any, resistance as expected and must have been pleased to see that Fatah left the security locations with everything inside (weapons, computers, data, etc.). They entered celebrating their victory over Fatah and having the new security locations for themselves. The attacks were mostly centralized against the PSS and Hamas wanted to make the point that it was the PSS, and not even all of the PSS but only part of it, that was related to the PF of Dahlan that they targeted.

Fatah was divided and its military was decentralized; it did not follow the President and the people of the Gaza Strip knew this. Fatah, and especially the PF, did not accept Hamas's victory and wanted to enforce their control as well. They wanted the

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<sup>94</sup> "Middle of June, What Happened?" Documentary by Al-Hiwar Satellite Channel (1-6), Britain, part 5. Available at <http://www.youtube.com/watch?v=bsj8UPELFoI&feature=fvwrrel> . Retrieved 3 May 2009.

<sup>95</sup> "The Full Text of the Report of the Commission of Inquiry to the Event Related to Hamas Coup over the PA on June 2007." 22 February 2008. Palestine Press.

HLG and the NUG to fail and to reveal that Hamas was unable to govern the people. They were encouraged by international policy (mainly US and Israeli policy) to put Hamas, its government, and the people under sanctions until Hamas adhered to the Quartet's conditions. On the other side, Hamas might also have wanted to end the hegemony of the PF over the PSS and restructure the PSS in a way that suited its politics towards Israel. At the end of the second week of June 2007, when Hamas took over the Gaza Strip after eight intense days of fighting, 161 Palestinian died, 41 of them were civilians and around 700 were wounded (PCHR 2007).

Yet, why would Hamas engage in civil strife and takeover the Gaza Strip by force in a coup that looked as if it was directed against the Hamas PM? How were open contestation and ostensible power sharing related to the takeover of security institutions within the diplomacy approach of incorporated groups? How did the takeover happen? These are questions that this dissertation proposes to answer.

## **THE INCLUSION-MODERATION NEXUS AND THE PALESTINIAN CASE (2005-2007)**

I have argued through this dissertation that the inclusion-moderation nexus fell short in explaining inclusion and integration of groups in non-democratic settings and especially in the case of Hamas as an incorporated group that deployed political violence against authorities instead of assumed moderation. This failing does not come as a total surprise. It has failed in other countries of competitive authoritarianism, especially countries with internal conflict. That is why this work, among others, is a step toward revealing its failure. In chapter 2, I go into an extensive discussion of the inclusion-

moderation nexus, its contributions and shortcomings, and the disaggregation of inclusion to various incumbents' policies and practices in order to link it to the varieties of incorporated groups' behavior (ranging from non-violent to violent ones). I chose one country case study, the Occupied Palestinian Territories (the West Bank, Gaza Strip, and East Jerusalem), and I deploy a comparison to the CSS and PSS within the PA institutions, examining late 2005 to mid-2007. In addition, process tracing is used to follow the link between "exclusive inclusion" and political violence. The aim of using such a research design is to get as close as possible to the micro-level foundation of events hoping to tell a close narrative that cannot always be told without careful scrutiny, as the opening quote of this chapter by Mahmoud Darwish suggests. My aim is to trace political violence and understand the motivations of political actors behind it. By understanding these motivations and their interplay with existing local and external political actors and structures, one hopes that policy makers and designated political actors will address these motivations to prevent and/or alleviate political violence.

I focus on the Palestinian case to trace the link between inclusion and political violence for three main theoretical reasons. First, studies of inclusion in democratic countries have focused on institutional incentives and constraints to understand opposition behavior. When inclusion-moderation was later applied to authoritarian regimes or regimes under transition, with a focus on inclusion of Islamist movements, the attention was on cases where opposition Islamist movements were included but did not "moderate" (e.g., Islah in Yemen), on cases where they became even more "moderate" (e.g., the Islamic Action Front (IAF) in Jordan), and on cases where they are moderating to prepare to be included (e.g., Wasat in Egypt). The Palestinian case offers a different

example and outcome from the above cases, in that it is a case where the Islamist movement is committed to a non-violent approach with authorities, and was elected and became the government, but resorted to limited political violence, and yet continued to accept the pluralism and the legitimacy of the PA and its president (Hizballah is a similar case where the group was included and was considered moderate but deployed limited internal violence in May 2008 for a week).<sup>96</sup> Some Islamist opposition that deployed violence in the literature of authority-dissent in the Middle East had done so after being actively and unfairly excluded by incumbents after winning national elections, or when incumbents canceled out elections or changed election results to remain in power (e.g., the National Liberation Front “FLN” in Algeria). The same goes for some cases in competitive authoritarian countries in Africa and post-communist countries (See chapter 2).

Second, according to the literature on Islamist movements, Hamas was not expected to deploy violence against the PA since it already had historical “moderate” relations with the PA and was assumed to become more moderate after inclusion (see Schwedler 2006). Again, this case presents a challenge to our understanding of moderation after inclusion. That is, the deployment of violence was not only new according to Hamas’s discourse, writing and scholarly work about the movement, but

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<sup>96</sup> While the literature assumes that movements with previous moderate politics towards the system will not deploy violence when included and would even further moderate, the Palestinian case shows that inclusion of strong opposition groups that already had moderate relations with the regime can still bring political violence. Therefore, this case assists to further question the authority-dissent nexus, mainly the inclusion-moderation nexus.

also according to assumptions and hypotheses about “moderate” Islamist movements in the region.

The deployment of political violence also came at odds with how Hamas understood its governance and how the MB supported it. The victory of Hamas was one of the first successful victories of the MB in the Middle East where the group came to govern through democratic means and by the will of the people. This was constantly compared to two previous failed experiences of Islamists, the first in Algeria (“FLN”) where the elections were cancelled and incumbents shunned the FLN and the military establishment that led to a 10-year civil war in Algeria. The other example involved the non-democratic governance of the National Islamic Front (a splinter group of the MB) led by Hassan al-Turabi in Sudan in 1989. Turabi came to governance through a military coup against the previous democratic government of Sadeq Mahdi and opened the door for today’s authoritarian regime of Omar el-Bashir. Hamas and the MB were careful to project that their experience was different than the above ones and to emphasize that the democratic experience in Palestine should simulate that of the Justice and Development Party in Turkey, in the sense that they wanted to continue being part of the democratic process and the political system (despite difference in the political context and constitution).

Third, in most of the authoritarian studies on the Middle East and even in competitive authoritarianism (where states have a higher military capacity and are stronger than the opposition, or they are as weak as opposition), transition to democracy was not possible without external support of the opposition by the West. Yet, here in this case, the PA institutions and the President were weak, with fragmented traditional ruling

elites, whereas the opposition movement Hamas was at least more coherent organizationally (with maybe the same military power or less in terms of numbers). Thus, the expected outcome would have been transition and democracy, especially since opposition called for genuine transition, yet Western support went to incumbents and assisted in changing the whole internal power formula.

The complex authority-opposition plus external actors' relationship made the interaction in 2006-2007 multi-dimensional and dynamic between incumbents and elected officials mediated by Israel and the US. The Palestinian system was becoming polarized and it could not go back to one party rule anymore.<sup>97</sup> This dynamic of power necessitated an investigation into the inclusion process of Islamists in 2006-2007 and into the system in general. Also, investigation into varying degrees of expected "inclusion" within various sectors within the same case also proved important to trace political violence. During my fieldwork, I found that different sectors were less or more inclusive to political factions than others. The CSS, as I discuss in chapter 2, was not so constrained by the peace agreements and the condition of "the security of Israel," and thus was not as exclusive to other Palestinian factions (mainly Hamas), and was not as strategic as the PSS to all political parties, including Hamas, the President, Fatah/PA elites, Israel and the US. Hamas was able to secure a minimum footing within the CSS in terms of jobs for its affiliates and in terms of participation in policy-making and implementation. The CSS case seemed promising at least to some within Hamas,

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<sup>97</sup> Finally, the country was becoming more politically and institutionally segregated because of the geographic separation. Hamas had been building regional alliances with Iran, Syria, and Hizballah, and Fatah, the President and his PM Fayyad wanted to continue to be considered as moderates and allies of the US hoping that the latter would become a serious mediator and broker for a peace deal between the Israelis and Palestinians.

including the possibility of long term further integration within the PA institutions. This was not the case with the PSS.

## **FINDINGS, ARGUMENTS AND CHAPTER OUTLINES**

Outlined below are the major findings of the case study research I conducted comparing two sectors using in-depth interviews and observation. These findings are followed by arguments that support my thesis.

First, despite Hamas having won the PLC national elections and the formation of its first government, political violence was still deployed against the PA a year after the victory within a limited range and within a certain space and time. Unlike the expectations of Hamas and the prediction of the inclusion-moderation nexus, the inclusion of Hamas to the PA brought both accommodations in certain issue areas and institutions, but the deployment of political violence against other areas. Put differently, it led to a complex mixture of acceptance of the legitimacy of the PA by Hamas, while still limiting deployment of political violence to protest certain institutions and policies. Evidence indicated that the deployment of political violence was related to the experience of inclusion in various PA institutions.

Second, in spite of the free and fair contestation (open contestation) process in the Occupied Palestinian Territories, evidence from PA institutions (judicial, executive, legislative, and media arena, in addition to bureaucracies i.e., the PSS and CSS) uncovered major impediments and obstructions in the practice of power (ostensible power sharing) with Hamas by various local and external actors after the election. A

combination of open contestation and ostensible power sharing indicated “exclusive inclusion” in the PA. There were formal and informal mechanisms and practices used by incumbents to jeopardize and withdraw incorporated opposition prerogatives and entitlements, mainly related to policy-making, implementation and development, and administration prerogatives. Major blockages to exercise power, that is ostensible power sharing, were traced within the two sectoral comparative studies in the PSS and CSS. Ostensible power sharing in the CSS was mainly represented by controlling and jeopardizing the public employment procedures (and other administrative procedures) by PA incumbents, and the defection and abstention by Fatah/PA affiliated public employees against the newly elected officials and employees of Hamas. At the same time, evidence of ostensible power sharing in the PSS was represented by controlling employment and administrative procedures (mainly on who “really” controlled the Ministry of Interior "MoI") by the President and various Fatah/PA commanders and chiefs; the defections, discounting of authority, and challenges to the Hamas Minister of the Interior ordered by Fatah-related security personnel and rank and file were uncovered in 2006-2007.

Third, ostensible power sharing was noticed in the PSS more than the CSS, partially due to an initial widespread uneven playing field in the PSS, more than the CSS. Therefore, historical and institutional differences between both sectors were also taken into consideration. Even though both the CSS and PSS were formed after the Oslo peace process in 1994 and were governed by its conditions, had near similar number of employees, and functioned under the neo-patrimonial domination and relationship since Arafat’s time, they also had differences. The PSS was initially closely tied to the DoP conditions with relation to being co-responsible for the preservation of the internal

security of Israel by eradicating any opposition to the Oslo peace process which, in turn, led to the imprisonment of Hamas leaders and affiliates during the 1990s. In addition, the PSS was already more exclusive than the CSS in employing only Fatah affiliates and members; it was largely divided between contending power centers of the Fatah/PA commanders and it was a major focus of external players (the US and the EU). Even though these differences made the PSS more susceptible to ostensible power sharing than the CSS under the same regimes and constraints, fieldwork shows that the active manipulations of various incorporated opposition prerogatives and entitlements by internal and external actors were also taking place and aggravating power sharing.

Fourth, mechanisms of ostensible power sharing were found to improve in the CSS, at least in the arena of public employment, through the agreement and application of factional dividends or allocations between Hamas and Fatah in the CSS after the formation of the NUG in March 2007. Defections and abstentions of Fatah-related employees in the CSS registered a slight improvement, as reported by many Hamas ministers and employees, but it was not radically different. Yet, the potential of future cooperation and change over time were perceived as possible (by various actors in the civil ministries and institutions). Contrary to the CSS, ostensible power sharing in the PSS did not experience positive change and remained largely ostensible. Employment practices of incumbents did not change in the MoI (e.g., controversial Fatah personalities remained in their senior positions), and defection of security personnel was still the same or deteriorating. More importantly, despite the ratification of the unity security plan by the new NUG (consisting of Hamas, Fatah and others), the implementation of this plan did not see the light despite the various attempts of the NUG to implement it. Hamas had

refused the total incorporation of its EF under the PSS (more specifically the Internal Security Forces "ISF") due to flawed existing institutions and practices, the PSS security agenda, and political ties to Israel which offered no guarantee for Hamas's security and no place to satisfy Hamas's demands.

Fifth, the external dimension represented by Israel and the Quartet policies (mainly sanctions by Israel, the US and EU) supported the incumbents and exclusive inclusion and worked directly to exclude opposition. That is, Western leverage in the Palestinian case was actively against incorporated opposition (usually it is either neutral or supportive as we have seen in other competitive authoritarian regimes). By doing so, they skewed the internal balance of power within the PA and the whole transition experience. This lack of a neutral international third party involvement deepened further the mistrust and augmented gaps among domestic political actors. In particular, the US supported and promised financial support to the PSS represented by certain security agencies related to incumbents and Fatah/PA elites (the President Guards "PG" and PF) and even insinuated in its proposals to depose Hamas from the PSS and the PA. When it comes to the occupation policies, they had trapped both the incumbents and the incorporated opposition by contributing to the sanctions and institutionalizing geographical separation (between the Gaza Strip and the West Bank, and within the West Bank itself, and with the West Bank and East Jerusalem) and restrictions over movement, among other policies. However, Israel had also targeted Hamas, specifically by refusing to accept it as part of the PA, incarcerating PLC members (targeting Hamas-affiliated LoCR members), Hamas-affiliated ministers, and threatening to further arrest Hamas members and affiliates, in addition to assassinating them.

Sixth, the interaction between various incumbents' policies and manipulations and incorporated oppositions' attempts to maintain entitled power was found to simulate "the nested game" in the competitive authoritarianism literature, as applied to election competitions. The nested game analysis was extended in this dissertation to the post-election era. As an effect of this interaction, it became evident that Hamas's behavior evolved into the "intermixed political approach" during 2006. It is an approach of accommodating some transgressions over their entitled power but protesting others or finding a backdoor to address others. This approach was conducted from within the PA institutions and through its regulations in the CSS but that was not always the case in the PSS. For example in the CSS, Hamas's reaction to ostensible power sharing was the employment of some Hamas affiliates and non-affiliates in the PA, through a common practice and a ministerial internal regulation called contract system (the practice was deployed earlier and on a much smaller scale by Arafat). Whereas, according to Hamas, the employment of affiliated security personnel in the PSS, mainly the IAF, would not have helped it retain power nor deter insecurities arising from the historical affiliation of the PSS with Israel and rampant client-patron relationships. Thus, Hamas decided in the short run to form the EF as a security force responsible for the HLG and Hamas leadership and not the MoI and Fatah/PA elites and Israel. That is, the EF was a force working outside the PA institutions to provide Hamas with powers that its Minister of the Interior and government could not have inside the institutions, as Hamas argued. However, the formation of the EF had the negative consequence of increasing mistrust and polarization between the President and Hamas leadership and officials. There were also indicators that the EF, at least in the beginning, contributed to increasing the

momentum of internal strife between various Fatah and Hamas armed groups and supporters. It also created a major debate inside Hamas and contributed to the surfacing of intra-Hamas divergences among the leadership and with the rank and file.

Seventh, evidence in this study has shown the centrality of the intra-group dynamics (here intra-divergences among homogenous groups) to the study of political violence. That is, groups do not need to be strictly divided to deploy violence as mostly assumed in the literature. The perceptions and motivations of the leadership and rank and file do not always converge, as my case revealed, and intra-divergences might become public sometimes. Therefore, some united groups might deploy political violence when they witness intra-group divergences, as in the case of Hamas.

Concerns over negotiation, signaling, certification and validation, and intra-unification were significant parts of the decision to deploy political violence by the rejectionist current within the movement. These concerns emerged first and foremost out of the perplexed and complex nature of exclusive inclusion. It is, therefore, the ostensible power sharing manipulations mediated by intra-groups' divergences which made the deployment of violence a possible action by incorporated groups.

Eighth, the deployment of political violence by some Hamas leadership and armed groups (the EF and al-Qassam Brigades) was limited in time and space but the effect of political violence was drastic and led to two separate Palestinian governments in the West Bank and the Gaza Strip. Geographical separation made the division possible. Despite existing interpretations by Hamas leaders of the total contingency of the deployment of political violence in the Gaza Strip, there was also evidence of a decision behind the initial deployment of violence which later on was extended and carried out by

unanticipated events on the ground that led to a total takeover of the Gaza Strip and the control over all PA institutions. Preliminary evidence indicated that this important incidence of political violence was mostly planned to be limited and discriminatory. That is, neither to be extensive nor to be radical (revolution against the PA) and was to be focused on some security agencies. Reasons behind the deployment of political violence varied from material to non-material motivations.

I have four arguments that I make in this dissertation:

First, the inclusion-moderation nexus is helpful to understand dissent under democracies although more is needed to account for the complex interaction between authority and opposition under non-democracies (especially competitive authoritarian regimes) and for the deployment of political violence. That is, inclusion does not always lead to moderation (as theorized) but may also lead to political violence. Evidence from the Occupied Palestinian Territories demonstrates that political violence can happen after or despite inclusion of opposition to formal institutions.

Second, following the foregoing assertion, I argue that research which does not unpack inclusion beyond the unitary state strategy to its various and sometimes contradictory incumbents' mechanisms and strategies under non-democracies can hardly explain political violence by incorporated opposition. Thus, I unpack inclusion into two main processes: contestation (access to power) and power sharing (exercise of power) to capture all possible incumbents' strategies and mechanisms towards opposition within certain context and particularly when possibilities of external interference exist. The combinations of open contestation and ostensible power sharing examined in the case

study here form what I call exclusive inclusion. The within-case comparison of the CSS and PSS deployed in this study uncovered various levels of exclusive inclusion.

Third, I argue that after exclusive inclusion takes place there are two major internal dimensions - the intermixed approach of opposition and the intra-group dynamics of divergence - that significantly shape the deployment of political violence. The improved conditions of exclusive inclusion, in terms of more sharing in policy implementation, satisfied some incorporated groups' demands in the CSS and left a margin for incorporated opposition to practice the intermixed approach from within the PA. This occurred while increasingly exclusive inclusion and the non-responsiveness to incorporated opposition's essential demands (e.g., separate the EF) in the PSS, not only made the possibility of continuous use of an intermixed approach from within the PA almost impossible, but also led to divergences among trends within Hamas (primarily the leaders and the file and rank).

Finally, I show that intra-Hamas divergences mean the development of various trends within the group, each of which had different attributions of threats and expected payoffs of exclusive inclusion (especially regarding the PSS). Deployment of a limited scale of political violence seemed reasonable to the "rejectionist" leaders and the Hamas armed groups protesting exclusive inclusion. In others words, the continuous exclusive inclusion in the PSS, the uneven playing field, and the non-responsiveness of groups' essential demands for arrangements outside the state institutions (here security institutions) provided a fertile ground for the eruption of political violence.

Securing demands and/or institutional guarantees through reform for incorporated groups is essential given the lack of trust between contenders. Sometimes these demands

are not met through the incorporation of oppositions into state institutions. On the contrary, they are met through guarantees' outside state institutions (especially if the state institutions are not trusted, follow informal rules, or are highly skewed towards incumbents' interests). When an incorporated opposition functions in coordination with incumbents from outside the state institutions through certain power arrangements, there will be a chance for trust to be cultivated and for "better" ostensible power sharing in the short and medium term (and the development of substantial power sharing in the long run).

### **Outline of the Dissertation Chapters**

This dissertation contains six chapters, including the present one. Chapter two focuses on the conceptual and methodological issues central to my thesis. The chapter starts with an extensive literature review of the authority-dissent relationship in comparative politics in order to situate the puzzle in this dissertation within the broader theoretical scholarly work of social movements and contentious politics. Still, its primary focus remains the inclusion-moderation hypothesis and its theoretical significance with respect to the empirical shortcomings elucidated by the case study examined herein. To this end, it unpacks inclusion as a complex process under non-democratic governance into two dimensions: contestation and power sharing. The Palestinian case study provides evidence of open contestation and ostensible power sharing, which I call exclusive inclusion. This notion of inclusion sheds light on the access to power by opposition through democratic elections, which in no way guarantees the full exercise of power. The chapter then proceeds to present various theoretical arguments and hypotheses of political

violence in comparative politics and shows how this dissertation borrows from works on political opportunity structure and the intra-group dimension to trace violence. Finally, it presents my research design and discusses the spatial comparison of within case study to two major sectors, the PSS and the CSS, in addition to a process tracing method of data processing for linking exclusive inclusion to political violence through a causal path. In the end, it presents indicators of open contestation and ostensible power sharing and discusses methods undertaken in the field.

Chapter 3 is mostly concerned with revealing and illuminating exclusive inclusion in the Occupied Palestinian Territories. It begins before the 2006 PLC election to show that the election process was, to a large extent, free and fair despite some minor attempts at manipulation. Then, it examines the notion of power sharing in all PA institutions to show that it was ostensible in the legislative, executive and judicial branches, in addition to the media. The chapter then provides the dissertation's major comparative studies of the PSS and the CSS in the PA. It examines and traces power sharing in the CSS through various incumbents' practices and informal rules that undermined the HLG's power entitlement, with a focus on public employment (public employment encompasses legislative, executive, judiciary and administrative decisions). Ostensible power sharing in the CSS is compared with ostensible power sharing in the PSS and the focus is on the equivalent informal and formal rules and practices used by incumbents in 2006 until the beginning of 2007. The two sectors are compared before and after the signing of the National Unity Agreement in February 2007, to demonstrate how ostensible power sharing had a chance to improve in the CSS with some concrete steps based on factional dividends between Fatah and Hamas. Yet, in the PSS power sharing did not have the

chance to improve, as I reveal. This chapter focuses also on the role the external environment, represented here mainly by the US and the Quartet's specific conditions over the HLG and the sanctions imposed by the former. The structure of the Oslo Accords and policies taken by the US and Israel are more significant in the PSS and played a role in delaying any power sharing agenda with Hamas.

Chapter 4 researches the interaction between incumbents and incorporated groups within the PA institutions by applying the nested game approach to the post- election era period. This interaction, after some time, produced what I call an intermixed approach by Hamas to counter manipulations of ostensible power sharing after free elections, in order to gain power and to remain as honest to its constituents and message as possible. The chapter disaggregates Hamas's intermixed approach and traces its interaction with incumbents in the CSS and the PSS. Hamas's intermixed approach varies in the two sectors, that is, while Hamas employed factional politics along with formal rules in the two sectors, it demanded extra arrangements outside the PA in the case of the PSS (but not the CSS). This approach also varied over time. While Hamas was able to continue to deploy its intermixed approach after the Mecca unity agreement in the CSS, this intermixed approach was not possible in the PSS and from within the institutions. Finally, along with changes in Hamas's approach there were ideational changes that are captured in the chapter. Both the evolving intermixed approach of Hamas and its ideational change also played a role in the re-configuration of the ostensible power sharing, especially after the formation of the NUG.

Chapter 5 presents an overview of Hamas's organizational structure and internal practice of power. Then it explores intra-Hamas dynamics as the second intervening

dimension, after Hamas's intermixed approach in the causal path linking exclusive inclusion to political violence. It traces the effect of ostensible power sharing in the PSS and CSS and Hamas's adoption of the intermixed approach on the change in Hamas's organizational structure and increased intra-divergences (see figure 1). It demonstrates that the intra-Hamas divergences grew as a result of practices of exclusive inclusion and despite the unity of Hamas. These divergences implied various motivations within Hamas and I show how the former led to political violence.

In the concluding chapter, I offer suggestions for theory building in light of the findings and arguments made in this dissertation. This study captures one among many potential causal paths that link exclusive inclusion to political violence, and it recommends testing and extending this causal path within case studies and comparative case study for generalization. Moreover, this chapter revisits the initial task and aim of this dissertation set at the beginning, that is, unpacking inclusion and linking it to political violence, and summarizes how it was fulfilled and answered. Afterwards, it moves on to explore primarily other types of inclusion in the Occupied Palestinian Territories from 1994-2005 and to compare them to exclusive inclusion (during 2005-2007). This comparison highlights the necessity of unpacking inclusion to gain greater understanding of opposition behavior (violence and non-violence). Additionally, it offers primary comparisons with cases similar to the Occupied Palestinian Territories where inclusion also led to political violence in the case of Lebanon and Iraq. Rival explanations to political violence for my case study are discussed to show that while some explanations are rejected, others merge into the causal path offered here. In conclusion, I analyze the Fatah/PA-Hamas relationship including unity dialogues after the takeover of the Gaza

Strip, and the prospects of bridging divisions between them to eradicate any possibilities of future political violence. The dissertation ends by offering suggestions for contemporary research on Palestinian politics.

### **COMMENTARY ON THE OCCUPIED PALESTINIAN TERRITORIES CASE**

Palestine's situation is different from that of many countries since it is a quasi-weak state, as I elaborate below (with a weak authority institution and an increasingly strong opposition). Yet, despite uniqueness it exhibits similar and even inter-related Islamic activism (like that found in Jordan and Egypt) and has displayed authority-dissent dynamics similar to those of some other competitive authoritarian countries. Some of these countries do not conform to the inclusion-moderation nexus and some even witness political violence like in Africa (Kenya after 1992), the post-communist states (Georgia 2003), Latin America (El-Salvador 1992), and Middle East (Lebanon 2008). Therefore, inclusion is not a straightforward process, nor are its outcomes neat and clear-cut enough for categorization (moderation or radicalism). In fact, combinations of contradicting inclusion policies lead to combinations of outcomes. It is noteworthy that within the same case study of the Occupied Palestine Territories, the various formal sectors (CSS and PSS) had various interactions and outcomes stemming from various "inclusion," processes or their omission. This point is examined in chapter 2 to show how the Occupied Palestinian Territories case is a deviant case study with reference to the inclusion-moderation nexus.

Therefore, one cannot overlook that the Palestinian case presents a different situation from the countries referred to in the democratization, competitive

authoritarianism, and social movement literature.<sup>98</sup> The Occupied Palestine Territories (the West Bank, Gaza Strip, and East Jerusalem) are occupied land within a border decided on 4 June 1967 (based on UN Resolutions 242 and 338). As discussed above, the PA as an entity or quasi-state was established in 1994 after the signing of the DoP between the PLO and Israel in 1993 (and a later follow-up agreement in 1995, also known as Oslo II) based on the mutual “assumption” that the PA would eventually govern the Occupied Palestinian Territories when the final stages of the peace process are finalized (scheduled to start five years later). According to the above peace agreement, the PLO, as Telhami argued, was responsible for, “...domestic sovereignty and some Westphalian sovereignty, in exchange for more legal sovereignty and some limitation on Westphalian sovereignty” (2001: 319).<sup>99</sup> Palestine is hardly the only country found in recent history with a problematic sovereignty and without international recognition (e.g., countries like Taiwan, Tibet, Hong Kong, and Northern Cyprus).<sup>100</sup> Problematic

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<sup>98</sup> The Palestinian case seems a bit alien after the Oslo peace process because one might think of it as a post-colonial country going through democratization and state building, but everything that happened after 1994 shows that it is one of the few cases that where colonization remains entrenched. Also, see Parsons (2005, chapter 1) on the transition of the PLO from a liberation movement to a national authority.

<sup>99</sup> Kranser defined various kinds of sovereignty a state can have: “Interdependence sovereignty refers to the ability of a government to regulate the movement of goods, capital, people, and ideas across its borders. Domestic Sovereignty refers both to the structure of authority within the state, and to the state’s effectiveness or control. International legal sovereignty refers to whether a state is recognized by other states, the basic rule being that only judicially independent territorial entities are accorded recognition. Westphalian sovereignty... refers to the autonomy of domestic authority structures-that is, the absence of authoritative external influences” (2001:2).

<sup>100</sup> The PLO acquired the status of observer at the UN in 1974, which is a step before becoming a member of the UN. The PLO enjoys representation in all international organizations related to or emerging from the UN. It is also a member, like any other Arab state, in the Arab League and the Organization of the Islamic Conference. It has recognition from more than 100 states and has diplomatic missions in almost all western and non-western countries. The Chairman of the PLO enjoys various presidential privileges in many countries (for more about the PLO as a quasi-state, see Sayigh (1997) and Telhami (2001)).

sovereignties exist, likewise, in other countries in the Middle East, e.g., Lebanon. However, the bias towards international legal sovereignty excludes countries like Lebanon from the question of sovereignty (Telhami 2001: 301). Telhami argues that, for example, Lebanon has full international legal sovereignty but does not have full Westphalian and domestic sovereignty (2001: 301). This multifaceted understanding of sovereignties, without total bias towards international legal sovereignty, is a rich perspective that opens the door to comparisons among countries with various problematic sovereignties (through external powers, occupation, or even internal non-state actors).

In the last 10 years of the 17-year peace process, the PA, the PLO, and the Palestinian factions had hardly any hope of gaining international legal sovereignty out of an agreement with Israel due to the stagnation of the peace process and the retreat of various Israeli governments after 1996 from its mandate towards peace (e.g., dismantling settlements, a systematic withdrawal from Palestinian land, freeing Palestinian prisoners, let alone coming to an agreement and implementation of a final stage settlement). On the contrary, Israel, especially after 2000, has pursued policies of increasing surveillance via a system of surrounding Palestinian areas, building settlements, confiscating land, demolishing homes, and elaborate road blocks and closure, among others) (see Mearsheimer and Walt 2008; Roy 2007). As a result, the PLO and the PA's domestic sovereignty and Westphalian sovereignty have been eroding, especially since the second Intifada (see Telhami 2001: 319-320). In recent years, this erosion is manifested in the growing institutional weakness of the PA, the proliferation of Fatah/PA power centers and divided loyalties of the security forces, Israel's control over the Palestinian natural resources and a worsening economy that is totally dependent on Israel, the increase of

Israeli road blocks and checkpoints in the WB cities and towns, the assassinations and recurrent invasions of the Palestinian areas by the Israeli army, the total geographical separation between the Gaza Strip and the West Bank and separation between the West Bank and Jerusalem through elaborated system of checkpoints, the separation between some areas within the West Bank and others and confiscation of Palestinians land in the West Bank for the Separation Wall.

Despite these setbacks and despite its status of being under occupation and its quasi-state features, the analysis of the Palestinian case in the comparative literature in general and in the regime transition and social movement literature in specific offers an opportunity to scholars to examine the shortcomings of the inclusion-moderation nexus. This is because investigating deviant cases, like the Palestinian case, can help uncover omitted variables in this nexus which can be a step towards generating and/or testing causal mechanisms and theory development (see chapter 2). In other words, we should preserve and account for the particularity of the Occupied Palestinian Territories and the PA as a case under occupation, but engaging it with universal processes and similar contexts when possible.<sup>101</sup> This vision is aligned with Mitchell's approach (1991) of understanding the state as a "set of structural effect" (not as a coherent and defined organization). It provides a way to account for the Palestinian case, and other "problematic" cases and countries in comparative politics research. According to Mitchell, the formal institutions and practices of the PA can be seen as producing the

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<sup>101</sup> I do not in any case argue that the specificity of the occupation and non-sovereignty should not be treated very seriously, on the contrary I argue that we should control for the specificity of the Palestinian context yet also try to draw some lessons and similarities with other countries, cases, groups, and/or social movements that seem to undergo the same working dynamics and politics.

“state effect” that sets the state apart from society and explains how the PA functions and how it is perceived by its people as a “state” even if it is without full sovereignties.<sup>102</sup> In Mitchell’s account, therefore, state is seen as an ideological and/or material construct in modern times and not as a coherent organization:

The state should be addressed as an effect of detailed process of spatial organization, temporal arrangement, functional specification, and supervision and surveillance, which create the appearance of a world fundamentally divided into state and society...that is to say, it [state] should be examined not as an actual structure, but as the powerful, metaphysical effect of practices that make such structure appear to exist (1991: 94).<sup>103</sup>

According to this perspective, if we look within the boundaries of the state (policies, processes, arrangements, and practices) we can understand how a given state(s) has the effect it has and how people realize its effect and comply with it (or not). Therefore, I argue here that Palestinians have been dealing with the PA “as *if*” it were a state and noticing and recognizing its *effect* as a state. This was not only evident in the

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<sup>102</sup> The state has been subject to a study in comparative politics begun from the “political system approach” that abandoned the state as a vague and narrow concept (Dahl 1961), to emphasis on the state with the Statists approach (the state as autonomous and seen as policy-making actors and/or organizations) after WWII during the 1950s and /i1960s (Krasner 1978; Nordlinger 1988). Later on, by the late 1970s, scholars called for “bringing the state in” (Evans et al. 1985) where the state was defined versus society and as autonomous from society. Yet the previous allowed also for a non-zero game process between state and society and, thus, emerged the “state-in society approach” by Migdal, Kohli and Shan (1994). The previous approach aimed to situate the state in its society context and have a more balanced account to state/society relationship where they both empower each other (win-win game). They call for disaggregating the state and not treating it as an organization. Other different approaches to understanding state come from Foucault (e.g., governmentality) (1991) and Mitchell (1991; 1999) where they do not see the state and society as defined categories to start with. For example, the principle of “governmentality” implies that there is no “natural” separation between state and society where they are defined and separate entities as Statists approach and others assume. Yet separation was created in order to maintain political power. The former happened when states imposed some kind of normalizing power over its people and the people came to “accept” and perpetuate it.

<sup>103</sup> For example, a military apparatus looks better than the sum of the parts. Mitchell continues, “...it is an effect produced by the organized partitioning of space, the regular distribution of bodies, exact timing, the coordination of movement, the combining of elements, and endless repetition, all of which are particular practices” (1991: 93-94).

daily processes and arrangements it established but also in the Palestinians recognizing, for the first time after 1994 and the formation of the PA, what it meant to have some national formal institutions that were responsible for services impacting their daily life (given that the previous Israeli civil administration did not provide Palestinians with needed major services and its status as an occupier institution foreclosed dealing with it). Concrete evidence of its function as a state was represented, for example, by a central bureau for statistics (PCBS) that conducted for the first time surveys on and for Palestinians; the establishment of a national police and a system of security and surveillance; the creation of almost 24 ministries to serve Palestinians and generate income for families; the invention of representative institutions and Palestinian law-making processes represented by the PLC; the establishment of some form of national transportation system (e.g., traffic lights, licenses, and insurance); and the issuance of Palestinian traveling documents (albeit not a passport) for traveling abroad.

The PA was not a state but “its effect” as such was felt even though it was with limited sovereignties.<sup>104</sup> The growing repressive power of the PA was increasingly discussed among Palestinians, adding to their sense of subjection to not one but too authorities: the Israeli occupation and the PA.

In conclusion, this dissertation aims to include the usually marginalized Occupied Palestinian Territories into the comparative political debates and models. In so doing, it seeks to contribute to the contemporary study of Palestinian politics in three ways. First,

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<sup>104</sup> Sovereignties’ boundaries fluctuated according to the relation with Israel and progress on the peace process. Ironically, its impact was felt when, during the late 1990s, Palestinians while protesting Israel’s oppressive measures were confronted by the Palestinian police, which consisted of previous Intifada fighters and others, in order to prevent them from clashing with Israeli soldiers.

it focuses primarily on the interaction of the PA/Fatah and Hamas. That is, it is not a study of the PA alone, and it is not a study of Hamas alone, but it is a study of the dynamics of the interaction of both in the Palestinian political system within their shared history, context and institutional challenges. Heretofore, contemporary Palestinian politics, especially when it comes to the authority-dissent nexus, has been largely studied from two perspectives; 1) PA politics from various angles, such as corruption and neo-patrimonialism, the dependent economy, the coupling and entanglement of the PLO and Fatah within the PA as if they were one body, subordination to Israel, and the decline of a Palestinian national movement (e.g., Brown 2002; Brynen 1995a; 1995b; Ghanem 2001, 2010; Hilal 2006; Irshaid 2007; Jamal 2005a, 2005b; Khan et al. 2004; Parsons 2005; Robinson 1997; Sayigh 1997); 2) from the Islamist movement, mainly Hamas (due to a retreat in the role of the Palestinian left), as the major opposition and resistance movement, its ideological and behavioral changes, its relation to the PA, and its regional and international relations (e.g., Abu Amr 1994; Graham 2004, 2008; Hroub 2000, 2006; Levitt 2007; Milton-Edwards 1992, 1996, 2004; Mishal and Sela 2000; Scham and Abu-Irshid 2009; Tamimi 2007). These two spheres of study are not totally separate yet, they do not focus on PA-Hamas interactions.

The second major novel contribution of this research is that it problematizes various levels of inclusion within the PA across sectoral levels (in specific the PSS and CSS, along with general comparisons of all other institutions). By doing so, it allows for a delicate differentiation between authority-opposition interactions in the CSS and PSS, to show the effects of the former on Hamas's developed intermixed approach, and its intra-divergence dimension. This approach updates the existing literature in Palestinian

studies by systematically highlighting an amalgamation of the internal violent and non-violent course of actions in intra-Palestinian relations in 2005-2007 that links them to the previous era from 1987.

Finally, this study of internal Palestinian politics bridges gaps between the internal and the external. Even though, there is a proliferation of studies on the Palestinian-Israeli conflict in terms of its contested history, various solutions to the conflict, the role of regional powers, external superpowers, and international community in the conflict. It contributes to these by contextualizing the study within its colonization framework and engaging, when possible, with the role of the external.

## CHAPTER 2

### INCLUSION AND POLITICAL VIOLENCE: THEORIES AND FRAMEWORK

In this chapter I situate my empirical concern and topic in related theoretical frameworks within comparative politics. First, I furnish a discussion of the authority-dissent nexus with greater focus on the inclusion-moderation nexus. I then show how this nexus is applied in a non-democratic setting, deriving interesting and important insights from the authority-opposition nexus with a concentration on Islamic activism. Second, I investigate inclusion-moderation more deeply in light of the competitive authoritarian literature (under conflict or not). I show that the inclusion-moderation nexus and assumption work in democracies but are challenged when applied to non-democracies, mainly competitive democratic regimes. Therefore, I argue that unpacking inclusion within its various incumbents' policies and practices in differing issue areas is essential as a starting point to studying incorporated groups' behavior. I develop the exclusive inclusion concept as a specific kind of inclusion that captures not only the election period but the post-election power sharing dynamics by focusing on two categories: open contestation and ostensible power sharing (that I draw from comparative politics literature and field work).

Third, I present various alternative hypotheses for political violence in comparative politics. More specifically, I draw and extend on pioneering works like della Porta's study (1995) on linking state strategies to "meso" and "micro" levels of dissent. I

also draw on major theoretical insights from competitive authoritarianism and the work of Schedler's nested games (2002a). Finally, I draw on works that focus on change of intra-groups dynamics and structures in order to trace political violence under exclusive inclusion.

Building on the above works and through my observation in the field, I approach my research question by way of case (country) study using spatial comparison to trace the micro-observations and intervening dimension between exclusive inclusion and political violence that helps to shed light on the causal path and mechanisms of the latter. Various levels of exclusive inclusion are unpacked amongst two major governmental sectors (the civil security sector, or CSS, and the Palestinian security sector (PSS). Process tracing is mainly used to trace specific employment of ostensible power sharing mechanisms in each sector and their relation to incorporated groups' behavior of non-violence and violence where political violence is deployed sometimes for means beyond, or in addition to, cost-benefit analysis.

Finally, I argue that my study of the Occupied Palestinian territory is also a theoretically promising case. That is, despite the unusual and singular situation of the Palestinian case, it is also not an exceptionally unique case regarding the authority-dissent dynamics of comparative authoritarian literature (as it might be assumed) that has experienced political violence after inclusion. Preceding moderate relations of opposition to incumbents did not guarantee non-violence after inclusion, as was assumed. Comparative authoritarian literature and authority dissent literature, along with primary sources, help to uncover indicators that account for exclusive inclusion and for the link political violence.

## **AUTHORITY-DISSENT NEXUS IN NON-DEMOCRATIC REGIMES**

The emphasis on the role of the state in determining the strategies of opposition and deployment of a violent and non-violent course of actions is not new in comparative politics and contentious politics literature. Christian Davenport, a prominent scholar in the studies of repression and violence writes:

Violence is a by product of a specific interaction between states and their citizens principally around the subject of control/influence over domestic politics. In fact it appears to be the underlying element that starts both dissidents and state on the path of violence in the first place (1997: 980).

Scholars of social movements (e.g., the political process approach) have studied state strategies under the concept of political opportunity structure (POS).<sup>105</sup> POS mainly refers to system accessibility, meaning the opening or closing of the system,<sup>106</sup> which is the political environment that provides constraints and opportunities for mobilization and dissent (Eisigner 1973; Kitschelt 1986; Kreisi et al. 1995; McAdam 1982; McAdam et al. 1996; Parsa 1989; Tilly 1973; 1978). Lichbach, for example, highlights the role of state coercion as perhaps the most important factor accounting for political dissent. He writes, “Government is the key agent of “social control,” and the reason why opposition groups

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<sup>105</sup> Most researchers of mobilization analyze dissent as a function of major factors and schools: structuralists working on political opportunity structures and mobilizing structures (McCarthy and Zald 1977); culturalists working on cultural frames (McAdam 2000; Snow 1986, 2000; Snow and Benford 2000; Swidler 2000); and rationalists with the study of Lichbach (1995) who offered to solve the puzzle of collective action through four solutions to the rebels’ dilemma: contract, hierarchy, market, and community. Through the four solutions, he made it possible to understand why people rebel or how they come to rebel. Yet, more work is needed to explain the varieties, change, and alteration of the strategies and repertoires of contention by groups ranging from non-violent to violent. These schools collectively became known as social movement theory (for more information see McAdam, McCathy, and Zald 1996).

<sup>106</sup> POS is also referred to as the stability of a broad set of elites that undergird the polity, the presence of elites, and the state capacity for repression (McAdam 1982; Skocpol 1979; Tarrow 1998).

turn to, say, violence, is therefore sought in the conflict situation rather than within the opposition groups itself” (1987: 288). The state institution is, in general, conceptualized in terms of two types: repressive regimes and accommodating regimes. Originally, scholars drew on the relationship between the strategies of the movements (as unitary actors) and the strategies of the state (as unitary actors) only to emphasize the main conventional understanding of the authority-dissent nexus. The more confrontational and repressive the state, the more radical the strategies of the movements, whereas, the more accommodating the state strategy, the more moderate the strategies of the movements are. Meanwhile, radicals in the literature are generally defined as those who aim for a revolutionary change to, “...overthrow the system entirely, perhaps (though not necessarily) through the use of violence” (Schwedler 2006: 8). The same goes for moderation in which it is also assumed that if the movement accepts inclusion, it should adhere to democratic norms, not to deploy violence to convey demands. That is, the repertoires of violence and non-violence are often intermixed and mistaken for or with radicalism (as always violent) and moderation (as always non-violent).

### **Exclusion-Radicalism Nexus: Contributions, Shortcoming and Prospects**

When it comes to dissent in general and to its place in comparative politics, Lichbach presented the 5% rule, where he showed that dissent is a rare phenomenon and that 95% of the people 95% of the time will not participate in mobilization (Lichbach 1995). Yet, contentious politics as a field evolved and some studies have focused on the effects of the repression/exclusion - dissent/radicalism relationship. This literature has demonstrated various relationships between repression and dissent (Hoover and Kowalewski 1992; Khawaja 1994; McAdam 1982; Muller and Weede 1990; Opp-Roehl

1990; Tilly 1978; Tilly et al. 1975; White 1993). There are four main outcomes of this relationship that have caused the research to be inconclusive: 1) repression decreases mobilization; 2) repression increases mobilization; 3) mobilization decreases repression; and 4) mobilization increases repression. Table one below presents general possibilities typically portrayed in the literature. Other studies have looked into levels of repression and exclusion where low levels of repression and high levels of repression give different results. These were attempts to uncover nonlinear relationships and to understand the differences of the above relationships concerning the state and dissidents. Some have argued that this nonlinear relationship between repression and dissent takes a U shape (Opp-Roehl 1990), and others have found that it was an inverted U shape (Muller and Weede 1990).<sup>107</sup> These studies are helpful, but also add to the complexity of reaching concrete overall outcomes. A promising work approaches the exclusion and repression studies by drawing attention to the variation of state policies deployed under the same political regimes and how it lead to various actions from dissidents and opposition. That is, it documents the alteration of repressive and accommodative policies on occasion and show how such inconsistency by the state's strategies might reflect a state of weaknesses that, accordingly, triggers dissidents to alternate their form of contention by employing violence sometimes and non-violence at other times (Lichbach 1987).

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<sup>107</sup> That is, some argue that repression increases the cost of collective action and limits the resources of dissidents that then lead to a decline in opposition (McAdam 1982; Tilly et al. 1975; Tilly 1978; White 1993). Others find an inverse relationship: when repression is high, dissidents' activities increase out of anger and outrage. Repression here tends to unify dissidents (Hoover and Kowalewski 1992; Khawaja 1994). In a later study, Hafez (2003) divided repression into discriminate and indiscriminate repression, and reactive and preemptive repression.

**Table 1: State Strategies and Dissidents' Strategies according to the Authority-Dissent Nexus**

<b>State strategy/ Dissidents' strategy</b>	<b>Moderation</b>	<b>Radicalism</b>
<b>Exclusion</b>	Possible (Wasat in Egypt)	Possible (FIS in Algeria)
<b>Inclusion</b>	Possible (MB in Jordan)	Rarely ( Hamas or Hizballah in Lebanon)

A recent study by Davenport (2008) clarifies that dissent always increases the repressive behavior of the state (see also: Davenport 2005 et al., 2000; King 1998; Regan and Henderson 2002), but complicated and blurry outcomes remain when we study the effect of repression over dissidents and their deployment of violence. Therefore, more is needed to understand the relation between repression and exclusion as state strategies and behaviors, and rebellion and/or the deployment of violence by political actors. The underlying assumptions of most of the above works follow a rational choice approach which explains rational actors as taking anti-regime mobilization through cost-benefit analysis and strategic interaction (Francisco 1995; Gurr 1970; Lichbach 1987; Olson 1965; Tilly 1978). While these insights are helpful in steering the debate of the centrality of the state policies in understanding mobilization, further gaps must be bridged. For example, further research is needed to elaborate on the reasons why social movements and incorporated oppositions go for their second or third best choices that might lead to their further repression and the loss of political privileges (and not for their first best choice as rational actors).

In summary, the studies on repression/exclusion - dissent/violence remain lacking in various ways. These lacunas also intersect with the inclusion-moderation literature discussed below. Below, I provide an overview of these lacunas (I revisit some of these

points again when I address the inclusion-moderation nexus) and consider them in my research. Scholars in the field have discussed some of these lacunas in order to improve the research agenda<sup>108</sup> (Davenport 2008).

First, the authority-dissent nexus has mostly dealt with the state as a unit. There is a need for further systematic disaggregation of the various and sometimes contradicting state strategies, especially in a non-democratic system, in addition to the disaggregation of the various informal rules along with formal rules used in the system. Second, groups, social movements, and oppositions are mostly seen through the dichotomy of moderates or radicals. These concepts, as I discuss below, label actors and groups and hinder understanding their “real” and various behaviors and strategies. Therefore, there have been rising calls to unpack and deconstruct the variety of social movements (under the one regime) (Lust-Okar 2005) and their varying strategies into different forms of contention and beliefs (especially in the context of Islamic activism, e.g., Clark and Schwedler 2003). Based on the former, I argue and clarify below that the concepts of moderates and radicals are ideologically laden and parsimonious and should be disaggregated.<sup>109</sup> Third, repression is mostly studied as the act of the state and violence as

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<sup>108</sup> See Davenport (2004, 2008). I am indebted to the series of contentious politics seminars in the Government and Politics Department at the University of Maryland in 2008, in offering a stimulating arena of debate regarding the above frameworks of the authority-dissent nexus.

<sup>109</sup> There are promising works that move a step ahead to unpack opposition strategies, beyond cost-benefit analysis, and offer complex analysis into ruling elites’ policies that prevent contentious politics altogether. For example, Wedeen’s (1999) work on the disciplinary-symbolic power analysis of Syrian covert dissent, and Scott’s (1985) study of the covert dissent of Malaysian peasants in Kedah state (culturalist perspective). They both focus on covert dissent under authoritarian regimes. For them, covert is a different type of dissent and strategy than the overt rebellion of violent (attacks, etc.) and non-violent acts (peace vigils, etc.). For example, this can be through false compliance, foot dragging, desertion, pilfering, critiques in movies, cartoons, jokes, etc. that do not evolve into social movements or contentious politics but delay repression or lessen it. While such a perspective does not reveal the alteration between violent and non-violent politics, it is useful to show how we can move down the ladder of concepts and variables.

the act of the dissidents or opposition;<sup>110</sup> however, as Davenport (2008) argues, there is more to gain by focusing on the interaction between incumbents' strategies and incorporated opposition strategies in various issue areas. This is reflected in the study of della Porta (1995) on the interaction of state policing and groups strategies (I engage with this study in the section below). Fourth, while investigating the effects of repression on dissent through cost-benefit analysis, institutional incentives, and opportunities has been helpful, it is necessary to focus on the link between certain state strategies and certain opposition strategies to uncover various causal mechanisms and processes. The latter provide researchers with the knowledge of exactly how repression relates more or less to mobilization (Tilly 2005: 211-226).

Regarding the above final point, it is part of a new research project, post-positivism, that criticizes the general shortcomings of social movement theory. It captures contention after its initiation and calling for a greater focus in understanding how protest repertoires change over time (violence to nonviolence and vice versa). This new analysis of contention and social movements led by McAdam, Tarrow and Tilly (2001) advocates for the move from the one-size fits all rule (for example, the social movement theory) and focuses on uncovering the interplay of mechanisms<sup>111</sup> and processes as a way to explaining contentious politics.<sup>112</sup> That is, they argue that what makes one form of

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<sup>110</sup> The idea of interaction is not new and was addressed earlier by Tilly (1995: 39). Also see Davenport et al. (2005).

<sup>111</sup> Mechanisms are defined as: a delimited class of events that alter relations among specified sets of elements in identical or closely similar ways over a variety of situations (McAdam, Tarrow, and Tilly 2000: 24)

<sup>112</sup> In his book the *Politics of Collective Violence* (2003), Tilly applies a former perspective and argues that varieties of collective violence result from variable patterns of social interactions. For him there is some

contention different from the other is the kind of causal mechanisms and causal chains from one form of contention to another.

Tilly applies above perspective to understanding the mobilization-repression nexus (2005). He calls for the need to understand *why* a specific form of mobilization (including violence) is related to a specific form of repression. He aims to look within the causal arrows (between the above two) for elements (i.e., mechanisms) that distinguish one form of contention from another. Within this perspective, mobilization is not studied as something that is done only by dissidents and repression as something that is done only by authorities, but by both. Thus, the focus is on a complex form of combination analyzed through mechanisms that concentrate on the social interaction of authority and dissent (Tilly 2005: 222). For example, when he studies the causal relationship that linked repression to mobilization, Tilly indicates that there might be different combining mechanisms, like brokerage,<sup>113</sup> certification and decertification,<sup>114</sup> polarization,<sup>115</sup> and others that might explain the effects of repression on mobilization and vice versa (not only the cost-benefit analysis or mechanism). For example, governmental repression

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relatively small set of causal relational mechanisms that underlie the entire range of collective violence, in which different violent events (riots, rebellions, civil wars, etc.) are built from identifiable causal mechanisms and should not be treated as totally separate phenomena.

<sup>113</sup> Brokerage, according to Tilly, is, “Linking of two or more previously unconnected social sites by a unit that mediates their relations with one another and/or with yet other sites.” (2005: 221).

<sup>114</sup> Tilly also defines it as, “Validation (or invalidation) of actors, their performances, and their claims by external authorities” (2005: 222).

<sup>115</sup> The way polarization works (Tilly 2003: 20-24) is where it makes the “us-them” boundary very clear, raises the stakes of winning and losing, and enhances opportunities for leaders to initiate action against their enemies.

might threaten the survival of opposition and split elites over repression policies. This new perspective is a promising trend of research that highlights what's inside the causal "arrows" that link from one variable to another through mechanisms. It also focuses on the interactions and relations of the parties and political actors involved that lead to certain outcomes. Yet, this research agenda is far from being systematic and more should be done through in-depth case studies and comparison case studies to reveal mechanisms and their relationships in the aim for a mid-range theory. Lichbach argues for causal mechanisms and causal processes to be part of a large and structured knowledge structure, for example rationalist, structuralist or culturalist approaches. He warned of focusing only on mechanisms that can be like focusing on bits and pieces that reveal partial realities (compared to general laws) (2005: 234). I introduce the causal mechanisms debate under the section of research design and process tracing within the case comparison of the Palestinian case.

### **Inclusion-Moderation Nexus: Contributions, Limitations and Prospects**

The other stream of research on the authority-dissent nexus comes from studies on the inclusion-moderation nexus. The literature of democratic transition and rational choice approach offers insight into the inclusion-moderation debate (Huntington 1991; Przeworski 1991; Share 1985).<sup>116</sup> Inclusion is, in general, defined in this literature as the entry of political actors to the state, usually through elections. Moderation is also

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<sup>116</sup> This is a primarily rational choice and a structuralist perspective (Goldstone 1991; Goodwin and Skocpol 1989; Gurr 2000; Huntington 1968; Parsa 2000; Sambanis 2001; Skocpol 1979.).

generally defined as accepting the *status quo* of the existing system (presumably democratic) and formal institutions and not trying to overthrow the regime. The logic behind inclusion or accommodation is that when a government absorbs opposition voices into the system during democratization, the opposition becomes part of the system and takes advantage of this new status and institutions where opposition finds it hard to defect and to play against the rules. As a result, dissidents usually work to perpetuate the system that provides them with incentives to organize their agenda (Huntington 1991). Thus, even if the opposition chooses inclusion strategically, over time they become moderates and learn how to modify their behavior (Przeworski 1991). Actors act according to strategic behaviors within certain institutional constraints that usually lead to moderation (Przeworski 1985; 1991; 1993). In the democratization literature, opposition parties compete for inclusion where moderates<sup>117</sup> embark on the persuasion process to persuade radicals within their own parties and across parties to respect and abide by democratic pacts and institutions with incumbents (Dahl 1971; O'Donnell and Schmitter 1986; Przeworski 1991).<sup>118</sup>

Learning was also cited as an important factor with moderate political actors in the direction of despising authoritarian rules and becoming more tolerant and compromising with other political actors through pluralism (Beremo 1992: 274;

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<sup>117</sup> Here, radicals are those who refuse to be in agreement with the government unless the agreement conditions are democratic in their view. A moderate, in contrast, accepts agreement with governments even if it has undemocratic limitations within institutions.

<sup>118</sup> Moderates continue to persuade radicals about the incentives of institution and their strategic interest within the state, until radicals are persuaded and democracy is consolidated.

Wickham 2004). However, the direction of learning and how it happens as a process is not clear and is debatable. In his study on Chile, Roberts (1994) shows that the Socialist Party in Chile moderated and joined the Christian Democratic Party in a coalition government in 1988 and 1990 while the Communist Party did not “learn” and moderate, even though both experienced the same authoritarian regime. This suggests the presence of other mechanisms that lead to moderation. He argues that what matters for moderation is not learning, but the group’s organizational factor and the existence of a favorable strategic environment that constrains the group’s alternative and plays into their strategic behavior. The Socialist Party in Chile, as Roberts points out, has a more flexible organizational structure that increases political interactions and encourages intra-political debates and more innovative ideas than the Communist Party. The Socialist Party also enjoyed relative autonomy compared to the Communist Party.

### **Islamic Activism and the Inclusion-Moderation Nexus**

The inclusion-moderation nexus, therefore, was widely debated and used during the third wave of democratization<sup>119</sup>, for example, in the context of inclusion of leftist parties and movement to the liberal/capitalist system. The Spanish Socialist Workers’ Party, for instance, was the focus of some studies that showed its evolution to moderation in Spain after 1976 as a result of the transition of Spain from authoritarianism to a parliamentary democracy (Roberts 1994; 1995; Share 1985). The nexus was again widely debated at the end of the Cold War and at the beginning of the new wave of liberalism

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<sup>119</sup> This began in 1974 and when the number of democratic countries doubled in Southern Europe, South America and then in East Asia. See Huntington (1991).

(sometimes called the fourth wave of democratization in Eastern Europe and the post-Soviet countries) and the opening of some remaining authoritarian regimes.<sup>120</sup> Islamic activism, in particular, and its moderation and commitment to democratic values as a result of promised inclusion in their regimes, became a growing topic of debate in comparative politics by the end of the 1980s and early 1990s (el-Ghobashy 2005; Esposito 1997; Hafez 2000; Hamzeh 1993; 2003; Kramer 1995; Norton 1995; 1998; Wickham 2004).<sup>121</sup> This was considered a development in the study of Islamic activism, as it was usually conceptualized as an exceptional and radicalized faith movement. New attempts to apply social movement theory (structuralist, culturalists, and rationalist perspectives) to Islamic activism have been in process. In this regard I concur with Wiktorwoicz who argues that,

Though the ideational components and inspiration of Islam as ideological worldview differentiate Islamic activism from other examples of contention, the collective action itself and concomitant mechanism demonstrate consistency across movement-types. In other words, Islamic activism is not *sui generis* (2004: 3).

For instance, some scholars study the way Islamists gain more public support through their charity activities (characterized as non-violent) (Clark 2004; Moaddel 2002; Wickham 2002). Some concentrate on the relationship of the Islamists with the regimes

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<sup>120</sup> From the 1950s until the 1980s, Social Movement Studies focused on different kinds of social movements in the Western world: feminist movements, student movements, Black movements, environmentalist movements, and leftist movements in Europe and North America. Recently, some social movement scholars have turned their attention to Islamic activism, but the research has only begun to consider the full complexity of this movement.

<sup>121</sup> Islamists groups such as: the IAF in Jordan, the Justice and Development Party in Morocco, the MB and Wasat Party in Egypt, the Islamic Renaissance Movement in Tunisia, the Islah Party in Yemen, Hizballah in Lebanon, Jamaat-i-Islami in Pakistan, and the Prosperous Justice Party in Indonesia.

and what kind of strategies Islamists follow (Hafez 2003; Lust-Okar 2005; Moaddel 2002; Saad-Ghourayeb 2002; Schwedler 2006; Wickham 2004), while others concentrate on the networks of support to the Islamist parties (Clark 2004; Singerman 2004; Wickham 2004) and their evolution (Saad-Ghourayeb 2002). Most of these Islamist movements in the Middle East are working within existing authoritarian regimes with little challenge to these regimes and/or any strategies to overthrow them. They seem to have an already moderate relation to the authority (Schwedler 2006: 16-17). Yet, the issue of Islamists groups' moderation has remained the subject of debate in the last decade fearing that Islamists might use democratic means to overthrow regimes once they govern, usually citing the example of the Iranian Revolution. Therefore, ideological moderation has become a matter for scholars in the region to prove in order to show that Islamists can also commit to democracy (Clark and Schwedler 2003; el-Ghobashy 2005; Hamzeh 1993; Norton 1998; Schwedler 2006; Wickham 2004). Moderates in the context of Islamic activism are sometimes hinted at as those who work within the democratic system, whereas radicals are those who reject participation based on their rejection of secular regimes, whether democratic or not.<sup>122</sup> Yet, the variation of contention has not been addressed adequately in which, for example, a group might accept participation and still deploy violence.

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<sup>122</sup> Part of this ideological moderation is examined through the willingness and commitment of Islamist parties and movements to cooperate with other parties across the ideological spectrum (liberals, leftists, etc.) (Clark 2006). Ideological cooperation was part of a three-day conference session where various scholars, including the author, presented papers on the topic of the Ideological Cooperation in the Middle East and North Africa at the Robert Schuman Center for Advanced Studies, European University Institute, 5<sup>th</sup> Mediterranean Social and Political Research Meeting, Florence & Montecatini Terme, 24 March 2004.

Based on the above attention, studies have begun to unpack and define moderation. Scholars have tried to answer major questions in the last decade about Islamic activism and have focused on Islamist parties' change of ideas and practice, mainly, how to recognize moderation when it occurs. To answer this question using the inclusion-moderation hypothesis, scholars have written of how some Islamist parties moderated even under authoritarian regimes that use political openings only as a strategy to protect incumbents' governance and the *status quo* (el-Ghobashy 2005; Hamzeh 1993; Norton 1998; Schwedler 2006; Wagner 2007; Wickham 2004). At the same time scholars also have revealed the various incumbents' manipulation dynamics under authoritarian regimes that open the regimes for a while to stabilize autocratic governance, then close back or de-liberalize (e.g., Jordan after 1989). Yet, unpacking inclusion was not the focus, rather, it was moderation under authoritarianism or limited openings. Below, I give an extended discussion of the major studies and arguments of the inclusion-moderation nexus regarding Islamists and then uncover the lacunas within them.

Wickham shows how the Wasat Party<sup>123</sup> in Egypt moderated even under an authoritarian regime and before it was included or even allowed to become a formal party. She defines moderation as, "...the abandonment, postponement, or revision of radical goals that enable an opposition movement to accommodate itself to the give and take of "normal" competitive politics" (Wickham 2002: 206). This process of moderation includes a commitment to democratic principles, a peaceful alternation of power, ideological and political pluralism, citizenship rights, renouncing violence and revolution

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<sup>123</sup> Wasat was formed by activists who used to be part of the MB in Egypt but decided to "further" moderate their agenda when compared to the MB agenda, and to reconcile with the system.

as their *goals*, and accepting capitalism and democracy. She shows that when opposition movements are faced with limited political openings under an authoritarian regime they choose to moderate to increase their opportunities of becoming included in the regime in the future. In others words, opposition adopts the incumbents' repressive policies in order to survive and to enter the system in the future when the system decides to open up again.

The moderation described above is further problematized in the literature when scholars realized that such "moderation" within non-democratic and authoritarian regimes had actually assisted regimes to stabilize and to entrench their dominance (Schlumberger 2007). Islamist parties and movements who planned to enter or entered the system were confronted with tough compromises. On the one hand, they were applying their reform plans outside state institutions and challenging authoritarianism and dominance, yet also gaining and maintaining popularity and support as a major opposition movement. On the other hand, they were committed to their obligations to work from within the autocratic regimes as "moderates" after inclusion in order to preserve the few institutional benefits that they received and would not otherwise be able to achieve in the short run from within a repressed civil society. Advocates for the latter institutional benefits among Islamist movements sought to bring slow change and push for more rights within authoritarian regimes. Most Islamists in Egypt, Jordan, Kuwait, and Morocco had to primarily weigh and calculate their costs and benefits based on the above major premises. Thus, "too much" accommodating and moderating within the context of an authoritarian regime or competitive authoritarian regime sometimes threatened the credibility of Islamists in the eyes of their constituents. They would be seen as cooperating with the repressive regime instead of fixing it. Having said that, the

very notion of Islamist moderation is highly contested by populations and activists who have long suffered from authoritarian regimes. Moderation for many of them has a different meaning and connotation than the ones recalled in the context of democratic systems where it emerged. That is, it sometimes means compliance and subordination to authoritarian repressive rules and other times it means opportunism. Therefore, as I show below, disaggregating opposition behavior beyond terms of radicals and moderates, especially in the context of Islamists, gets researchers closer to their subject's ideas and makes them even more sensitive to local contexts.

Middle Eastern regimes have prepared for Islamist inclusion and have tried to restrict and restructure their activists and “moderate” them to accept the regime's *status quo*. In their studies, Lust-Okar (2005) and Schwedler (2006) uncover the state's response to Islamist inclusion and the various structuring of the contestation field and laws in order to limit the former's reach and effectiveness. Lust-Okar (2005) argue that moderation of opposition depends not on the type of regime (authoritarian/democratic) and the possibility of elites opening the regime or closing it (POS), but on the kind of election-related institutions incumbents create. This is namely the divided or unified Structure of Contestation,<sup>124</sup> and some informal institutions such as neutralization, co-optation, and fragmentation to target various groups of opposition (not only one movement). Lust-Okar apply a rational choice perspective to clarify the role of institutions created by incumbents' elites and how they shape and determine when political opponents unite and when they divide against ruling incumbents by controlling

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<sup>124</sup> The divided or unified Structure of Contestation is based on whether all opposition groups or some of them are allowed to be included to the state system, or not, by incumbents.

the rules of when an opposition group is permitted to form parties and run elections, and when it is not. Therefore, for Lust-Okar, "...opposition groups are simply created [by the state], not only discovered" (2005: 35).<sup>125</sup> She argues that contestation institutions created by incumbents shape not only the incentives of moderates within the system but they shape the incentives driving the relationship among various opposition groups (in the polity and the state). This study moves a step ahead in disaggregating state policies in terms of contesting formal institutions and by considering not only the relationship between incumbents and one opposition, but also multiple oppositions. Yet, further disaggregation of state policies and strategies within various state institutions remains essential to uncover and situate the possibilities of opposition's behavioral change. In addition, cost-benefit analysis deployed here is helpful, but various mechanisms and intervening processes that link state behavior to opposition behavior remain uncovered.

Finally, in her comparative study of Yemen and Jordan, Schwedler rejects the notion that inclusion always leads to moderation and find that while accommodation and inclusion lead to "more" moderation among the IAF in Jordan, this was not the case in Yemen (2006). She explains that this was because inclusion and accommodation can

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<sup>125</sup> For example, unified Structures of Contestation means that opponents are either all included in the system or they are excluded. Since they are all treated in the same way, they protest the regime together once they have the chance since the cost of rebellion is low to all of them and they have little to lose because moderates are not expecting less repression by joining radicals (Marxists, Islamists, and communists protested together in Jordan for that reason). However, the logic is different in divided Structures of Contestation since some opposition groups would have the privilege to participate in the formal political sphere and others do not enjoy that privilege. The parties who are given the privilege (moderates) to share will always be committed to maintain the system in order to enjoy the benefits and to express their demands through formal channels. If they cross the limits they pay a high price and become excluded. However, radicals, especially where there is crises and since they are excluded, push for more reform. Moderates fear joining radicals and losing their privileges and also fear that radicals make use of the protests (Okar 2005). She tried to show why moderates, while able to rebel (cost of rebellion is low), do not always have the willingness to do so and to protest against regimes.

work with moderates (who have historically been moderates with existing local authorities, like the IAF) but not with radicals. Inclusion makes moderates more moderate but does not do the same with radicals. She then shows what it means for political actors to become moderate and how we know that a group is “really” moderate or not by tracing the link between inclusion to the state and opposition moderation.<sup>126</sup> To do so, she further unpacks and studies moderation as a dynamic and changing process with three dimensions: a structural dimension (elite sponsored opening of regime), a behavioral dimension (intra-group structure and debate and interactions with other societal groups), and an ideational dimension. Finally, she uncovers a mechanism that helps to explain “real” inclusion that is a change in the modes of justification, at the level of internal party debates, with relation to political narrative-like democracy (Schwedler 2006). That is, Islamist parties, after participating in elections and state institutions, have had to justify their participation according to their ideology. By doing so, they formulate new opportunities for further strategic changes that were not imaginable to them when they started participating; the more they justify unimagined practices and ideas, the more they continue to do so (i.e., to justify unimaginable choices) (Schwedler 2006: 149-191).

The abovementioned study advances the analysis and the link between inclusion-moderation by offering causal mechanisms through an intra-party dimension, in addition to accounting for the rational/institutional analysis. It also offers a good example of how

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<sup>126</sup> Schwedler committes to a wider notion of moderation where she defines moderation of political groups to be a, “...movement from a relatively closed and rigid worldview to one more open and tolerant of alternative perspectives” (2006: 3).

researchers can move from structural dimensions of analysis, to behavioral and ideational dimensions in the public sphere through process tracing in order to understand moderation after inclusion. That is, it combines structural and institutional analysis (POS) with intra-party dynamics (e.g., change of organizational structure) in uncovering the linking of inclusion to moderation under stalled democracies (like the ones in Jordan and Yemen). This dissertation benefits from this perceptive by further tracing various inclusion policies to the deployment of violence within the unfolding chapters of this dissertation demonstrate.

In this dissertation I argue for opening up the inclusion-moderation hypothesis when applying it to non-democracies. This means to focus on various kinds and strategies of so-called inclusion and trace its various strategies in relation to various opposition behaviors. Below, I provide some discussion that challenges the inclusion-moderation nexus in general, and then I show how the case of Palestine has also challenged it.

I use the Palestinian case of inclusion in 2006 to discuss challenges to the above inclusion-moderation nexus. First, in the Palestinian case, inclusion of a political group led paradoxically to a mixture of radicalism and moderation (more precisely violence and non-violence), that has been assumed by the literature. That is, it led to the deployment of political violence by the group (as a mean) and at the same time to the acceptance of the *status quo* of the regime or adhering to its legitimacy that can hardly be explained by the inclusion-moderation hypothesis. Second, the hypothesis can hardly explain why and how inclusion of a political group that already has a history of accommodation and moderation with the regime might still deploy political violence. Third, inclusion is not linear and unitary, incorporated opposition has some room and privilege in some

authority institutions and some sectors but are totally blocked in others. Therefore, one cannot speak of a “bundle” of coherent incentives and constraints offered by the regime institutions and one cannot use the same term “inclusion” to mean strategies and processes under democracies and under authoritarianism, given the different dynamics of inclusion under both. In addition, even under the same PA, inclusion is experienced differently not only by various groups but by the same group in various government sectors or issue areas. Fourth, the external factors and pressures from outside powers, mainly the West (the US and the EU), is important in affecting inclusion and domestic balance power, especially in competitive authoritarian regimes after the end of the Cold War and the rule and pressure of the IMF and the World Bank. By disaggregating inclusion to various strategies and practices over multiple issue areas or sectors within the one country, one can also reveal the differences in external power influences across issue areas (for example, direct funding to military or media institutions during conflict and not to other state institutions).

#### **Notes and Reservations on the Inclusion-Moderation Nexus:**

I further argue that the inclusion-moderation nexus implies, directly and sometimes implicitly or unconsciously, investigations over opposition’s behavior and agenda, whether they are moderates or not. When applied to non-democracies it is assumed that inclusion has taken place even when scholars note that the election process is not democratic and its outcomes not always respected, as in the cases of stalled democracies or de-liberalized authoritarianism in the Middle East and Africa. Put

differently, under previous conditions scholars have continued using the inclusion-moderation hypothesis to check if moderation has also happened or not and whether actors would become “real” moderates or not. Below, I challenge using notions of moderation and radicalism, and then I challenge the inclusion-moderation nexus itself.<sup>127</sup>

In the context of Islamic activism under authoritarian regimes, especially after 11 September and the “war on terror,” a discussion of the inclusion-moderation nexus became very crucial. This is especially because the term “moderates” means different things for different actors and within different contexts.<sup>128</sup> In practice, a “moderates” label is granted to political actors and countries that mostly intersect with US foreign policy and interest in general, and in the Middle East in particular, sometimes regardless of their position towards democracy. Thomas Carothers writes:

When democracy appears to fit in well with U.S. security and economic interests, the United States promotes democracy. Where democracy clashes with other significant interests, it is downplayed or even ignored (2000: 3).

The US continued to support Middle Eastern authoritarian regimes and others that were known for oppression and a lack of human rights, as long as they preserved its interest in the region (see Khalidi 2004). For example, Egypt under Mubarak was a strategic ally of the US in the region and was known to be a moderate regime despite the atrocities and abuse of human rights of its citizen. For the Palestinians, Fatah at certain

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<sup>127</sup> For information see, Malley and Harling (2010).

<sup>128</sup> Moderation, especially when concerning Islamists, means, “...those who are willing to participate in the democratic system (even if their understanding of a democracy within a future Islamic state differs from secular, liberal vision being introduced)” (Clark 2006: 541).

points has been termed moderate under Abbas and his PM Fayyad even when they worked more like a semi-militant state than a democracy, silencing any opposition to the peace negotiations (and other domestic issues) with Israel since 2008.<sup>129</sup>

The issue becomes more complicated when one questions notion of moderation by asking “Moderates according to whom?” For many Egyptians, the MB and Wasat are moderates but this is not how Mubarak’s regime and/or the US administration and the EU define them. Hamas is a hard case too. For a large percentage for Palestinians who voted for Hamas to win 73 seats in the PLC, they did not see the party as a radical but, rather, as “moderate” and a resistant movement that sought to bring back their political and social rights. It is almost seen the same way in the eyes of most people in the Arab world under authoritarian regimes and who are invested in the Palestinian-Israeli conflict and believe in the Palestinians’ right to resist occupation using all means possible, especially through UN resolutions. Yet, still the former idea did not stop many people and academics from opposing suicide attacks against Israeli civilians. Israel, the US and the EU, on the other hand, portray Hamas solely as a terrorist organization. Even when the movement respected the norms of democracy in 2006 it was still seen as radical because it did not recognize Israel and all international accords, in addition to not denouncing violence (see chapter 3 for further discussion and more complex understanding to the above three conditions). As a bottom line, labels of moderates and radicals get even

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<sup>129</sup> Brown, Nathan. June 2010, "Are Palestinians Building a State?" *Carnegie Commentary* Retrieved 8 September, 2010 ([http://www.carnegieendowment.org/files/palestinian\\_state1.pdf](http://www.carnegieendowment.org/files/palestinian_state1.pdf)).

messier in cases where groups on the one hand go against domestic authorities, as in the cases of Hamas in 2006 and Hizballah in 2008 (Saad-Ghorayeb 2007).

Another case is the Sadrist group under Muqtada al-Sadr, a popular Shia' leader in Iraq who has opposed the American troops in Iraq and deployed violence against them, as an occupation power, through the Mahdi Army. Yet, at the same time took part of the Iraqi government and recently, al-Sadr ordered his armed groups to disarm but promised to resist by all means possible the US "occupation" if they did not withdraw from Iraq according to the proposed timetable at the end of December 2011. The Sadrist group also remains a key player in the Maliki government coalition (who are US allies) and enjoys popular support. While it is easy to consider al-Qaeda as a radical group that uses violence as a means to an end against individuals, groups, and nations that do not agree with their ideology, there have been varieties of Islamic activism that are far from the al-Qaeda model (for more see, Clark 2004; Ghorayeb 2002; Hafez 2003; Lust-Okar 2005; Robinson 2004; Schwedler 2005; Singerman 2004; Wickham 2002, 2004; Wiktorowicz 2004). Therefore, social movements have to be understood for what they are and what they do within various contexts and according to various perspectives and players without labeling.

Agents and political actors change during their interaction with incumbents, other actors, and the environment, sometimes combine mixed elements of what might be defined as radical or moderate. For example, some democratic opposition in competitive authoritarian regimes who run competitive elections still mobilized para-militants and even thugs to make sure that the incumbents do not hijack or steal elections and to stop them from doing so. This happened in Kenya in 2002 and Serbia in 2002. Calling former

opposition groups (claiming democratic program) simply radicals does not, for example, say much about the political dynamics under competitive authoritarianism, does not account for the context of the deployment of violence, and does not account for change.

On a final note, one should also not forget that such a dichotomy of analysis of moderation versus radicalism in the context of non-democracies (even under democracies) is inherently built on the “moderation” notion as acceptance of the existing *status quo*. That is, in the context of non-democratic moderation becomes most of the times as another word for submitting to coercive existing institutional processes and constraints. It also masks submission to the most accepted views of politics that are tied to relations of power and centers of power. I argue that moderation, as a concept, cannot be separated from power relations that most probably in a non-democratic context would not exclude the hegemony of the most powerful (e.g., incumbents) over the less powerful; this makes moderation an ideologically laden concept. Rashid Ghanoushi, a prominent Tunisian Islamist leader and thinker, articulates a similar argument (before the recent Jasmine Revolution):<sup>130</sup>

If we are truthful to our language and in dealing with it, then it is deception to recall and use the concept of opposition altogether in the context of the Arab regimes...because opposition is a major pillar in democratic system...but in our hypocrite systems of democracy the major opposition rights is exclusion and negation if not eradication... thus, when we talk of opposition groups [in the above context] we simply put ourselves in a context that is not ours. That is we deceive and mislead ourselves and mislead our people about our “participation” in legislative or executives power through “elections” and we call that process moderation and/or centrism in contrary to contention or maybe extremism. And we hope this participation, over time, would lead to what we aim for in terms of change to the authoritarian rules, supported by businessmen, toward a democratic system. That is, a system that serves people and not vice versa; a system that

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<sup>130</sup> Ghanoushi, Rashid. 2010, "The Egyptian Elections and the Total Exclusion of the Muslim Brotherhood," Retrieved 6 December 2010 (<http://www.aljazeera.net/NR/exeres/74F226E5-06AD-4AB3-8B44-B84850B649F8.htm?GoogleStatID=1>).

achieves security from fears and hunger. And we refuse to enter into struggle for power only to call it moderation! Even though competition for power is part of the nature of life (2010).

As a result of all of the above, in this work I refrain from using terms like “radicals” and “moderates” and, instead, I study and unpack oppositions’ practices and ideas of their historical, domestic, and external contexts across time. I argue that it is more useful for academics and policy makers, and it is closer to our subjects, to study groups’ actions instead of studying the labels of the actions or the “labels” of the political actors. That is not to say that opposition cannot be non-democratic and/or violent. Rather, it is the opposite, to hold opposition responsible for any action they undertake whether it is violence, non-violence, or participation, but within their contexts and with consideration of power relations.

A second facet of the above argument and a related one is that applying the inclusion-moderation nexus to non-democracies has tacitly shifted the attention from those who do not “directly” possess power and cannot directly decide participation (i.e., opposition forces),<sup>131</sup> to the entities that actually make final decisions about the qualities and levels of participation and inclusion or not (i.e., regimes and incumbents). That is, before or in addition to questioning the adherence of opposition movements to “moderate” politics or not (which most of the time means compliance with regime stability under non-democracies), we need to check the regime’s adherence to “moderate” and democratic means of governance and representation (or lack thereof) by unpacking

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<sup>131</sup> That does not mean that political actors are not agents of change and that they do not change their regimes and contests sometimes, but it is to say that the final word of repression or not of exclusion or not is ultimately the incumbents’ decisions (not necessarily backed by the law and constitution) under non-democracies. For more about the agency of opposition even under authoritarian regimes see Wedeen (1999) and Scott (1985).

inclusion. As a result, the task of unpacking inclusion, beyond its definition of entry of the opposition to the state institution, into various mechanisms and processes within formal institutions, designed and determined by incumbents, becomes a major first step to understanding incorporated opposition's change of behavior and ideas and to account for a various range of contention. Fundamental questioning regarding the existing regime's strategies and practices and their severe violations of democratic norms and rules, let alone to human rights values in general, under the banner of "inclusion" and election becomes a priority in the context of authoritarian regimes. Consequently, while my research benefits from previous effort of linking inclusion to moderation, it approaches the authority-dissent relationship from a different angle. It questions the "moderation," or lack thereof, of the process of "inclusion" and disaggregating it. Put differently, as a first step, it focuses on the level of "moderation" (or not) of regimes and incumbents given the usual calls of "inclusion" by oppositions.

The previous argument becomes even more urgent if we know that, in general, most Islamist groups adopted co-opted and accommodative policies towards the authorities in the Middle East. They have also been the party that ironically pushed states in the Middle East to adopt more pluralist and democratic practices and the human rights norms of respecting the freedom of speech and political gatherings and activities, among others. In other words, they have been asking the state and incumbents to "moderate." Thus, I argue that there is a normative and intellectual urge to systematically reveal what inclusion involves, entails and covers. What are the practices, institutions, and mechanisms deployed by incumbents to engineer access to power and the practice of power of oppositions? How are the previous linked to the deployment of violence, non-

violence, negotiation or any mixture of them? These questions have become even more urgent after the Arab revolutions in Tunisia and Egypt, in the beginning of 2011, and the formation and reformation of political institutions, the rise of new and “old” political and business elites, and the open opportunities of bottom-up transformation (that has yet to be seen). For the revolutions not to be offset by counter-revolutions and for democracy not to be hijacked by exclusive inclusion (by internal and external actors) a sharp scrutiny and questioning of the inclusion process should prevail (regardless of the potential political actors in governance whether, for example, Mubarak’s old guards, members of the MB, or the new youth. Of course the old guards are the first in imminent danger of real transformation because the stakes of transformation to “real” democracies are higher for them than others). With this notion, I turn to the below related, yet indirect literature, on inclusion and moderation (or not) of competitive authoritarian regimes; some of which went through revolutions in the beginning of the past decade, like Georgia and Ukraine.

### **Inclusion under Competitive Authoritarianism:**

Attempts at singling out some incumbent strategies to examine their effects on opposition are not new and are explored in some of the above literature of inclusion-moderation (for example, Anderson 1987; Lust-Okar 2005; Schwedler 2006; Wickham 2004), but their main concentration remains to study opposition change of behavior and ideas. On the other hand, a whole set of publications have made efforts to understand the reasons and ways through which authoritarian regimes in the Middle East have endured and resisted democratization compared to other regimes beyond the Arab/Muslim

exceptionalism claims<sup>132</sup> (Bellin 2004; Brownlee 2002a; 2002b; 2005; 2007; Dawisha and Zartman 1988; Harik 2006; Posusney and Angrist 2005; Pratt 2006; Schlumberger 2007).<sup>133</sup> This literature, in general, is not oriented to check for interaction with opposition during and after elections but offers insightful findings focused on structural and institutional reasons for regimes' endurances and non-transition. That is, both kinds of literature (mainly in comparative politics and about the Middle East) are not dedicated to disaggregating inclusion in a systematic way and as a major task of research but were flirted with and some of them opened up such path. Having said that, the latest studies (from the late 1990s onward) on competitive authoritarian literature offer promising assumptions about inclusion for the variety of authority-dissent dynamics reflected in them and the complexity of manipulations incumbents use under one regime including the incitement of violence. Below, I give an overview of how the literature handles inclusion matters and opposition actions, and I situate the case of the PA among such debates. This is not necessarily to claim direct comparisons with various competitive authoritarian regimes but to use frameworks and assumptions of competitive authoritarianism literature to the benefit of this study.

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<sup>132</sup> For more see, Huntington (1998), Lewis (2003), and Sanford (2004).

<sup>133</sup> There has been a proliferation of works on this topic that have highlighted various structural and institutional reasons like the alliances of ruling parties that are robust and flexible despite a disagreement of elites (Brownlee 2007). Bellin discussed the coercive institutions of the Middle East regimes and their robustness due to security apparatuses and rentierism, international support, patrimonialism, and the degree of popular mobilization.

Research has shown that the third wave of democratization from authoritarianism did not always led to democracy and that transitology<sup>134</sup> as a model is not applied to all transitioning countries (Brumberg 2002; Bunce 1995, 2003; Cammack 1997; Collier and Levitsky 1997; Crothers 2002; Esposito 1997; McFaul 2002; Quandt 1998; Vitalis 1994; Wood 2000). However, in the previous decade, a substantial number of authoritarian regimes adopted elections (38.4%) compared to closed authoritarianism without elections (16.5%) (Schedler 2002b: 48). This especially happened after the end of the Cold War,<sup>135</sup> where a particular kind of electoral authoritarianism developed and came to be known as competitive authoritarian with examples of regimes in Africa (Ghana), Latin America (Peru), the post-communist states (the Ukraine), and Asia (Malaysia). These regimes were neither totally authoritarian, nor totally democratic. They combined democratic elections with autocratic traits (Brumberg 2002; Carothers 2002; Diamond 2002; Levitsky and Way 2002; McFaul 2002; Schedler 2002a, 2002b, 2006). Brownlee, citing Levitsky and Way, describes competitive authoritarianism:

Levitsky and Way coined the term “competitive authoritarianism” for cases in which elections were the principal means for acquiring power but where “incumbents routinely abuse state resources, deny the opposition adequate media

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<sup>134</sup> Transitology is mainly the assumption that democracy unfolds in stages that are known and explicit in all countries and across space and time. For more see Rustow (1970) and O’Donnell and Schmitter (1986). Usually democratization is also seen as driven by elites (top-down approach to transition). This assumption of the ways to democracy dominated academia with academics enthusiastic for the spread of democracies around the globe (e.g., Bratton and van Walle 1997; Diamond 1999; Di Palma 1990; Huntington 1991; Karl 1990; Linz and Stephen 1996; Munch and Leff 1997; Przeworski 1991, 1993; Snyder 2002). Transitology remained until it was challenged by scholarly work highlighting new countries that did not witness successful transitions to democracies but new forms of non-democracies or “democracies with adjectives” (Collier and Levitsky 1997).

<sup>135</sup> A major reason for the proliferation of competitive authoritarian regimes after the Cold War is that countries were obliged and/or conditioned to follow the Western liberal democracies to benefit from various funds and the global market (Brownlee 2009; Levitsky and Way 2002, 2006; Schedler 2006).

coverage, harass opposition candidates and their supporters, and in some cases manipulate electoral results (2002, 53) (2009: 516-517).

Some authoritarian regimes seek to open the system and allow for competitive elections just enough for opposition to contest. This is not for the sake of democracy, but for the incumbents to stabilize the *status quo* and preserve their positions and governance (sometimes to avoid rebellion, civil war, or end existing internal conflicts etc). However, as suggested by the literature, incumbents are not always successful in maintaining the previous balance. Competitive authoritarian regimes with significant electoral platforms and contestation over power also open the door for various regimes' outcomes, sometimes against the incumbents' will and calculations. Therefore, competitive authoritarian regimes in the last decade either remained as they were despite election turnovers, for some of them more than once (Belarus, Georgia, and Kenya in 2002, and Senegal), moved back to authoritarianism (Malaysia and Tanzania), or democratized (Ghana, Mexico, Peru, Slovakia, Taiwan, and the Ukraine).<sup>136</sup>

As a result of the above, the inclusion of opposition forces into the state institution within electoral non-democracies has not been a smooth process as predicted by the inclusion-moderation nexus for democracies (Huntington 1991; Przeworski 1991). That is, opposition forces are not able to satisfy their demands as they expected for inclusion within state institutions, mostly through non-democratic and manipulated elections. Elected officials, therefore, have no real powers to govern. Also, ruling elites and incumbents, as the designers of inclusion, do not always succeed in neutralizing

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<sup>136</sup> This is not a linear one-way transition, but some countries have multiple transitions of authoritarian regimes to competitive authoritarianism and back to authoritarian or in between.

incorporated groups' demands while preserving the *status quo* (which is democratic in the case of democratic regimes). Hence, the previous nexus falls short in assisting researchers understand the relationship and links between authority and opposition in less democratic contexts like the competitive authoritarian regimes. These regimes signal the increasing need to unpack inclusion to understand its various mechanisms and dynamics in competitive authoritarian regimes, to account for continued obstacles to democracies, and to be able to trace the authority-dissent relation and link it to incorporated oppositions' behaviors and strategies.

The major concentration, I argue, of this literature on democracy and transition in the last decade has been occupied with two major issues regarding rising competitive authoritarianism.<sup>137</sup> The first is the engineering of inclusion as an entry to the state, through the engineering of competitive elections as a major incumbent's approach and strategies to block opposition. That is, researchers moved beyond the transitology framework (i.e., assuming progression from authoritarian to democratic regimes) and have uncovered the various strategies of electoral manipulations deployed by incumbents that usually keep incumbents in power, despite competitive elections and sometimes despite incumbents' defeats in elections (Case 2006; Fish 2006; Levitsky and Way 2002, 2006; Lindberg 2007; McFaul 2005; Schedler 2002a, 2002b, 2006). Major manipulations uncovered include electoral confinement, exclusion of competitors, preventing campaigning, controlling the composition of the electorate, election fraud, and election

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<sup>137</sup> There is also a propagation of writing about competitive authoritarianisms to distinguish them from closed authoritarian regimes (with no elections), and hegemonic electoral authoritarian regimes that have elections but the opposition do not stand a chance to win and incumbents are unbeatable (e.g., Tunisia under Ben Ali and Syria under Asad) see Howard and Roessler (2006), Levitsky and Way (2002).

irreversibility. Second, there has been a focus on the final outcomes of competitive authoritarian regimes. That is, analyzing how and why some competitive authoritarian regimes democratize and others fall back to authoritarianism or instability and conflict (Brownlee 2002a, 2007, 2009; Bunce 2003; Bunce and Wolchik 2010; Howard and Roessler 2006; Levitsky and Way 2006, 2010; Lindberg 2009; Lust-Okar 2005; Schedler 2006; Schlumberger 2007; van de Walle 2006). More precisely, some main concentrations of the literature have focused on understanding the manipulations of election processes that, while keeping incumbents in power in some cases, could also open up possibilities for oppositions and advance democracy for others<sup>138</sup> (Brownlee 2009; Bunce and Wolchik 2010; Howard and Roessler 2006; Levitsky and Way 2010; Schedler 2006).

This dissertation, however, joins with some of the above researchers' efforts, especially looking into the dynamics of authority-dissent in regimes that already have an election turnover or opposition victory in national parliamentary or presidential elections (like the PA), but did not democratize. These regimes became unstable, and inclusion was

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<sup>138</sup> For example, some studies concentrate on the role of opposition cohesion and coalitions as essential for democratization in competitive authoritarianism, even if gradual (Howard and Roessler 2006; van de Walle 2006). Bunce and Wolchik showed, however, that opposition coalitions and unification are not enough for democracies but what is also important is, "...the deployment of a set of innovative, well-planned, detailed, and sometimes dangerous strategies for winning political power" (2010: 73). For example, they clarified these as, "...running ambitious political campaigns, orchestrating elaborate voter registration... that in combination made oppositions more effective and more politically attractive to voters, created a widespread sense that victory was possible, and made it much harder for the regime, as a result, to win the election and remain in office after it had lost" (2010: 73). Others, like Levitsky and Way (2006: 199), argued that the role and power of opposition and incumbents became necessary for a regime transition to democracy only under cases where linkage with the Western world (mainly the US and Europe) is low (more discussion on that below). Others argued that opposition should not boycott elections even when they are fraudulent because the boycotting of elections by opposition did not facilitate a transition to a more democratic regime, and it is better for that matter if opposition participates and accepts the results of the not very fair or free but peaceful election (Lindberg 2006).

rendered unsustainable<sup>139</sup> (e.g., Georgia in 2003, Malawi, Kenya 2002, and the Ukraine in 1994).<sup>140</sup> That is, this dissertation does not aim to study whether the regimes are getting more democratic or not (it does not focus on the regime type and outcome) but it aims to look into varying “inclusion” processes, policies and practices after opposition wins a national election. I intend to do the former task using the Palestinian case where the PA is similar in some ways to the competitive authoritarian entity than it is to democracies and robust authoritarian regimes- despite its singularity as a quasi-state under occupation.

In the competitive authoritarian literature, newly elected officials or incorporated opposition are mostly weak oppositions (or as weak as incumbents) that cannot survive the incumbents or ruling parties’ manipulations after winning elections. Usually they do not survive due to institutional predicaments such as a lack of resources and finances which are usually in the hands of transitional incumbents termed an “uneven playing field” (Levitsky and Way 2002, 2006, 2010); and/or for the little support some opposition groups get from Western countries or their allies (the US or the EU) (Levitsky and Way 2006, 2010). Yet, as I mentioned earlier, the focus until recently was on the transitional outcomes of competitive authoritarianisms, and/or on electoral institutions and its manipulation and not so much systematically around post-election various manipulations

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<sup>139</sup> In other cases, new leaders arise but form similar ruling parties or affiliates to previous incumbents (Russia as an example). This is not included here since turnover assumes opposition won national elections and not simply offered a change of incumbents.

<sup>140</sup> This happened also, for example, in Nicaragua in 1990, Slovakia in 1998, Indonesia in 1999, Mexico in 2000, Ghana in 2000, Madagascar in 2001, Senegal in 2000, Zambia in 1991, and some post-communist regimes (1996-2005) like Romania 1996, Croatia 2000, Serbia 2000, Ukraine 2004, Kyrgyzstan 2005 (see Bunce 2010). However, election change was considered the exception in the Competitive authoritarianism and most regimes remained to be so or regressed to stable authoritarianism even after opposition won national elections (Brownlee 2009).

and interactions. This led Thompson and Kurtz to comment, “It is remarkable that such post-electoral choices [incumbents’ choices to hand over power or deny elections results] have been neglected by comparativists” (2006: 115). In my work, I endeavor to build on the above writings by directing systematic attention toward the post-election era. The aim is to uncover manipulations that are not only confined to the elections process but also extend to the rest of the formal institutions and when possible to the polity.

In addition, the competitive authoritarian literature is helpful in revealing the variety and sometimes contradicting incorporated opposition behavior that is resorted to after winning in national elections in the hope to preserve their existence in the system and possibly to turn it into a democracy. These scenarios included the deployment of violence and civil war (usually after being ostracized or after an election is hijacked or provoked by incumbents), co-optation, boycotting elections, oppositions continuing non-democratic policies, and/or mobilize protests. Sometimes, incorporated opposition uses a combination of scenarios. These scenarios give an idea of the complex interactions of incumbents-incorporated groups in regimes where winning electoral elections and having access to power does not always determine and guarantee an exercise of power.

Here I offer a brief discussion of these major scenarios and options that alternate among various competitive authoritarian regimes where the case of Kenya went almost through as many of these scenarios and situations as we also see in the Palestinian case despite their differences. First, in some cases, incumbents and ruling parties co-opted newly elected officials through joining the former government coalitions (as in Cambodia, Malawi, Russia, and the Ukraine). In Kenya, president Moi co-opted opposition leader Raila Odinga who lead the National Development Party (NDP) in 1997

to block any possibility of constitutional reform. Odinga saw that state resources were in the hands of Moi and looked for gradual inclusion through co-optation (after a period of civil war). Later on, in 2002, Odinga became the general secretary of the ruling party Kenya African National Union (KANU).<sup>141</sup> Second, the new opposition leader who won the national election became the authoritarian ruler, taking high powers from within the executive branch in the laws and constitution. This was also the case of Kenya where in 2002 the country had transitioned when the opposition coalition, the National Alliance Rainbow Coalition (NARC) under Mwai Kibaki (part of the coalition old ruling party elites), won an election. They continued to abuse state resources and created a media bias. The same happened in Georgia after the Rose Revolution where opposition leader Mikhail Saakashvili, who led the revolution, carried on competitive authoritarian regime where he controlled the media and hijacked the election process to win the 2008 presidential elections. Third, this has also led to a scenario where sometime after an opposition victory, the group is ostracized or outlawed by powerful ruling elites and the country slides into civil and political violence, as was the case of Algeria in 1991<sup>142</sup> and was the case of the opposition “Movement for Democratic Change” (MDC) during the Zimbabwean presidential elections in 2002.<sup>143</sup> Additionally, elections and victory may be

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<sup>141</sup> Joseph (2008) discusses that few African leaders, even in electoral democracies, are committed democrats. For example, president Abdoulaye Wade of Senegal who himself was the major opposition against an undemocratic incumbent who ran four times and lost (Abdou Diouf governed for 20 years) when he came to power in 2002 elections (due to the oppositional coalition, see Howard and Roessler 2006) he acted like a non-democratic incumbent and used existing nepotism.

<sup>142</sup> For more information, see Quandt (1998).

<sup>143</sup> For more, see International Crisis Group. 2005. “Post-election Zimbabwe: What next?” ICG Africa report n93 (June 2005). Harare, Zimbabwe: International Crisis Group.

stolen from elected oppositions like during the 2007 Kenyan presidential elections, where Mwai Kibaki stole the elections from Raila Odinga who ran under a different party (Orange Democratic Movement). This led to high intensity political/ethno-violence that cost thousands of lives.<sup>144</sup> Later on Kibaki had a coalition government with Odinga's party in order to remain in power. Fourth scenario is when other incorporated groups have resorted to boycotting elections when the engineering of power happened as in the case of the IAF in Jordan (1997-2001). This was also the case in Senegal's 2007 legislative election and when president Abdoulaye Wade' opposition boycotted the election in the midst of massive fraud.

The Palestinian case, I argue, show a relatively similar traits and dynamics with competitive authoritarianism since 2006 (with the attention one should pay to the role of occupation and external actors as I show in this dissertation into molding this dynamics). Competitive authoritarian regimes, for example, have contradicting strategies and practices that allow for democratic and competitive elections but hijack the results or block the exercise of power by the opposition. Arafat came to power in 1994 after a competitive presidential election and also conducted free and fair legislative elections in 1996. Yet, as a major opposition movement to the Oslo Process and the PA, which were permitted and encouraged by Arafat to take part in the national elections, Hamas boycotted those national elections to protest the peace agreement. They argued that it not signed by all Palestinian factions or drafted with Hamas's consent and according to Hamas had major concessions on Palestinians' rights (related to borders, East Jerusalem,

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<sup>144</sup> Barkan, Joel D. 8 January 2008, "Breaking the Stalemate in Kenya", Retrieved June, 2009 ([http://csis.org/files/media/isis/pubs/080108\\_kenya\\_crisis.pdf](http://csis.org/files/media/isis/pubs/080108_kenya_crisis.pdf)). See also Mutua (2008).

refugees, resources, etc). After the elections, Arafat's governance was centralized and deployed neo-patrimonial domination over the state and society. While Hamas was not completely repressed, there were moments of high repression when Arafat arrested members of Hamas for going against the peace agreement (see chapter 1). Many have argued, however, including some Hamas members and affiliates that Arafat was obliged to do so according to the DoP but that he tried to deploy a conciliatory approach and develop relations with Hamas (Hroub 2000; Jamal 2005b; Mishal and Sela 2000; Parsons 2005).<sup>145</sup> After his death, the election of President Abbas, who was the second person after Arafat in Fatah and the PLO, was at a promising stage for real pluralism and democracy in the WGBS despite the Israeli occupation. The second PLC election in 2006 was free and fair, but the exercise of power was blocked for incorporated opposition from domestic incumbents, their elites, and external powers and Israel. Therefore, the quasi-state of the PA became similar to a competitive authoritarian regime than a democracy and robust authoritarianism and thus one can benefit from the literature of these former cases.

In the Palestinian case, the above-mentioned scenarios against various incumbents' manipulations were deployed in multiple combinations like the formation of a coalition government with incumbents and later the deployment of political violence. Incumbents' manipulations were not linear and varied from one sector and institution to another and resulted in various incorporated opposition behavior. A sectoral-comparative comparison to the within case of Palestine offers a valuable opportunity in capturing the

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<sup>145</sup> This was one of the recurrent comments during interviews with Hamas's affiliates about Arafat, especially after 2001.

complexity of interaction within competitive authoritarianism and then tracing political violence.

### **UNPACKING INCLUSION: OPEN CONTESTATION AND OSTENSIBLE POWER SHARING**

Inclusion in the democratization and social movement literature has mostly meant an entry to the state (mostly through election or appointment to governmental positions) This usually should happen through elections and sometimes through appointments of some leaders of opposition to represent the group in formal institutions. I will briefly outline some general theoretical underpinnings of inclusion in democracies, based on the work of Dryzek (1996), to explore how it can apply to non-democracies.

Inclusion emerged with democracies to better democracies in terms of institutions and practices.<sup>146</sup> That is, it is designed to give an advantage to disadvantaged groups within democracies (for example women, minorities, seniors, gays and lesbians, immigrants, the lower class, leftists in capitalists societies, etc.). Dryzek argues that,

Once universal adult citizenship rights have been secured in a society, democratization is mostly a matter of the more authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion or oppression (1996: 475).

The major conventional understanding of inclusion is that the more inclusive the system is to more groups in the polity, the more democratic it will be. This idea has mostly directed some democrats and feminists in the West (Young 1990; 1989) to note

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<sup>146</sup> For more, see Schmitter (1992).

that, in order to progress equalities in democratic regimes, representation should be more genuine and extended where groups have a wider representation and have the power to veto policies that they disagree with (Dryzek 1996: 476-477). Others believe that states should not intervene actively in this matter of representation since democratic institutions are functioning (described mainly by pluralists like Dahl 1956). Entry to the state happens through a variety of ways:

...through organization as an interest group and associated lobbying activities; participation in policy development and implementation through ongoing negotiation between group leaders and public officials; participation in conventional party and electoral politics, either by organizing as a party or in formal affiliation with an established party; acceptance of governmental appointments by group leaders; or enhancing the group's ability to participate in policymaking through changes in public policy (Dryzek 1996: 475).

Nevertheless, entry to the state can take different forms, mainly co-optation or genuine inclusion. In the former, inclusion is only symbolic where groups do not get to practice genuine power, even though they are part of the system, and their demands are usually not achieved.<sup>147</sup> In this case, it is advised that groups work from the polity and not from within the state. This is because, as Dryzek explain, if we are to have a form of inclusion that deepens modern democracies, then the interests of the groups should be directly connected to the state's imperative, otherwise groups will not benefit from inclusion within the state (1996: 476). These imperatives are defined as accumulation (states aim to facilitate capitalist investment and economic growth) and legitimization (keeping internal order). Consequently when a disadvantaged group outside the state, that

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<sup>147</sup> Co-optation is defined by Selznick (1966: 33) as, "...the process of absorbing new elements into the leadership or policy determining structure of an organization as a means of averting threats to its stability or existence" (quoted in Dryzek 1996: 476).

also has the power to destabilize it, accepts the above two imperatives of the state, then inclusion works for both sides (Dryzek 1996: 477-480). That is, inclusion becomes a win-win game.

Applying the above underpinning framework of inclusion to democracies and non-democratic regimes (here competitive authoritarianism) illuminates some of the problems one can face applying the inclusion-moderation nexus to non-democracies. First, competitive authoritarian regimes are mostly “democracies by election” which means that the state institutions and the way they are run are not democratic (elections are mostly not free and fair), freedom of association and activities are not protected, and/or most probably the results of elections are not always respected by incumbents (this is called the norm of irreversibility by Schedler 2002b). Therefore, basic universal adult citizenship rights like the right to vote and to associate are not taken for granted. Second, representative individuals or groups who get the chance to unexpectedly win national elections and enter the system have little chance to practice real or effective power due to various incumbents’ transgressions and manipulations. The former make the process more like co-optation (like in democracies) than inclusion. Yet, co-optation might not be the precise and right term to describe power sharing under competitive authoritarianism. This is because of the active process, sometimes extra-judicial, of denying power that incumbents undertake against incorporated groups and try to demean them by getting them to lose not only their power but also their popularity in the polity. Co-optation here is not a benign neutral process but might entail no protection of the minimum of rights of oppositions and the absence of rule of law. More importantly, in democracies groups can always leave the state if their demands are not met and work from the polity and civil

society to pressure policy makers. This former sphere is also constrained or can hardly exist under non-democracies which leaves very little room for opposition if they want to raise demands and affect public policy from outside the state institutions. Usually opposition's best bet is to try to enter formal institutions hoping to have a higher leverage over public policy and protecting their various interests even if the process is not too democratic or democratic at all.

Third, while many incorporated groups might not “disagree” with and resist the accumulation imperative of the state, as discussed above, given the hegemony of liberal capitalism as a worldwide doctrine, there is doubt that incorporated groups in competitive authoritarianism are “on the same footing” with incumbents in keeping the internal order (or *status quo*). This is because the internal order is not always based on democratic rules but on the survival of incumbents or ruling parties with personal privileges (or affiliated classes or groups over the marginalized public). For example, there are varieties of political parties in emerging democracies that are willing to be part of the system but still resist it, as described by Saad-Ghorayeb who argues for new kind of parties. These parties, as she describes, are constitutional yet they also anti system in substance like Hizballah in Lebanon and some communist and leftist parties in East Europe (2002: 30). For example, in the case of Hizballah the group accepts the constitution and plays by the rules of the game, but strongly opposes the close ties and subordination to the West, mainly the US, and claims under-representation of the Shia' community in the Lebanese system that does not reflect their weight (Hamzeh 2003; Saab-Ghorayeb 2002). The group even allies with Syria and Iran, two states that are at odds with the leadership in Lebanon.

To unpack inclusion in a way that captures the above dynamics and complex interactions between authorities and opposition, I look into two main processes that I derive from Dryzek's work (1996) and the above discussion, in addition to studies of inclusion in social movements and competitive literature. The first is contestation (incumbents' decision to allow competitive elections), and the second is what I call power sharing (defined as incumbents/powerful elites' decisions to tolerate opposition and their demands) (I will expand on the previous two notions under the research design section below). Contestation in competitive authoritarian regimes works as a minimum formal margin of access offered to political groups and individuals to enter the system.<sup>148</sup> Yet, as I explained above, elections have not been free or fair in competitive authoritarianism; most of the time when opposition manages to score a victory they have to work with traditional incumbents or get co-opted if they are to practice some power, like the case of Kenya. More importantly, even when groups experience genuine and fair elections there are major formal and informal manipulations used against them not only to limit their power but also to prevent them from reforming and advancing real democratic governance and institutions. That is, Inclusion is defined as an entry to the state that might have guaranteed opposition access to power sometimes but not the exercise of power. This was the case in Slovakia's free and fair parliamentary election in the 1994 where PM Vladimir Meciar abused his power by restricting media and limiting even the president's powers. This was also the case in Tanzania where opposition was not able to win elections (despite being relatively free and fair) due to structural imbalances

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<sup>148</sup> All other forms, like lobbying and advocate groups, either do not exist in such regimes or are not secured under non-democracies and are constantly crushed by the regimes. In general opposition is weak and constantly blocked from raising demands from the polity and civil society.

in the state's resources toward traditional incumbents (an uneven playing field). This does not mean that there were no obstacles and impediments to incorporated opposition or groups in democracies, but compared to competitive authoritarian regimes as Levitsky and Way put it, "...violations are not broad or systematic enough to seriously impede democratic challenges to incumbent governments" (2002: 53).

I unpack inclusion as a process that does not end by the groups' entry to the system but extends to encompass the very dynamics of power between oppositions and authority. I do that by researching and unfolding major decisions and practices of incumbents (power sharing) and their interaction with opposition. Structures and institutions skewed towards incumbents are part of the analysis to capture and to uncover robust and embedded practices and forms of domination that otherwise would continue to be covered by macro aggregated terms like inclusion.

Contestation is simply defined here as the access and extent of competition during election (following Dahl's definition of polyarchy in 1971). It is basically whether a group is allowed to enter formal institutions and run competitive elections (when these elections actually take place).<sup>149</sup> The existing incumbents and traditional ruling elites and incumbents are the ones who grant this access to power to groups, especially under competitive authoritarian regimes where the rule of institutions is not clearly defined. Contestation can be free and fair with insignificant transgression; therefore, I call it "open contestation," and it can have a degree of fraud or manipulation (not open and fair), that I call partial contestation. That is, contestation in general is open when societal forces and

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<sup>149</sup> This is close to the minimum concept of democracy for Schumpeter (1942), that is representation and competitive election.

different groups run for public office (and all legislative, executive and local level elections) in a pluralist, free, and fair electoral process.<sup>150</sup> Schedler, building on Dahl's work (1971; 1989), listed conditions that should be altogether fulfilled for elections to be considered open and democratic: empowerment, free supply (free formation of alternatives or election with choice), free demands (access to plural source of information), inclusion (universal suffrage), insulation (citizens express their preferences freely), integrity (bureaucratic integrity), and irreversibility (winners should be able to assume office) (2002b: 40-46).<sup>151</sup> When some of the above conditions are not fulfilled the election is not free and fair. It is called here a partial contestation for parsimonious reasons and to differentiate it from open contestation which experiences very minor transgressions. Also, groups can and do choose to compete even though they know the election process might be partially or vastly hijacked under competitive authoritarianism. Opposition is "allowed" to win according to the laws and regulations and, in some cases, they have to have minor wins (to guarantee the legitimization of the system) but not to the extent to compete with incumbents. Partial contestation can vary in their degree, for example competitive authoritarianism in Zimbabwe under president Robert Mugabe had

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<sup>150</sup> This section also takes into consideration political rights and civil liberties that should be guaranteed in democracies for elections to happen freely and fairly, and the rights of all citizens to vote (see Levitsky and Way 2002: 53).

<sup>151</sup> Part of the irreversibility condition above is for the party to be able to "exercise power" after they resumed power. This category will be elaborated on under power sharing. In the coming section on power sharing, I show how even after winners were able to practice some power in office, their participation was still hijacked in various ways within competitive authoritarian regimes.

committed violence and killed activists of the opposition Movement for Democratic Change (MDC) to prevent them from running in the presidential election of 2008.<sup>152</sup>

Incumbents are widely believed to be the party that decides state policies (Linda 1996; Lust-Okar 2005: 75; Mufti 1999; Ryan and Schwedler 2004) and control the access and practice of power in non-democratic regimes. Therefore, I define power sharing here as the extent to which incumbents and powerful ruling elites tolerate power and prerogatives, and satisfy demands of the newly incorporated opponents (elected officials) and societal groups. That is, the extent to which incumbents allow incorporated groups to practice their prerogatives and entitlements in all state institutions (executive, legislative, and judicial branches and bureaucracies) and recognize and actualize their demands (within the state institution or outside it). Incumbents can practice various means and establish or use various formal and informal rules to block incorporated opposition from practicing power. In other words, existing incumbents and powerful ruling elites make choices on whether to share and deliver power with these elected groups or not and the extent to which they share power and delegate authority to them (even when the opposition had just won a national election in competitive authoritarian settings). Incumbents and various ruling elites are usually more privileged than incorporated oppositions because they control important state resources in competitive

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<sup>152</sup> Hegemonic authoritarian regimes are like the case of the national parliamentary elections in Egypt in 2010 where the possibility of hijacking the election was so high that the contestation was a total show and not a real reflection of groups' competition. Also, there are robust authoritarian countries that have no national contestation to start with, like Libya. Also, when political groups, under competitive authoritarian regimes, decide to boycott elections (usually as an objection to election fraud and violations or change in elections law, like the case of the IAF in Jordan in 1997) scholars consider these cases under the "no contestation" category.

authoritarianism, even after a defeat in elections, including media and finance (sometimes through wide patronage networks) in what is termed an “uneven playing field” by Levitsky and Way (2002, 2006). Accordingly, my work answers questions regarding whether, to what extent, and how far included oppositions or elected officials are tolerated or not, within the institutional authority setting in competitive authoritarian regimes. That is, power sharing here encompasses practice of incumbents based on existing structural and institutional contexts.

Based on the above, and compared to democracies, power sharing in competitive authoritarianism and here the PA is usually not substantial.<sup>153</sup> Newly elected officials are faced with autocratic exclusive practices and informal and personal practices of incumbents and their network of supporters (e.g., harassment, intimidation, and violence). That is, it is somehow “intermediate” (less than substantial) power sharing that is largely dictated by incumbents and ruling elites’ strategic interests and personal agendas, more than the law and the institutional procedures (see figure 4-conclusion chapter). The blocking of the exercise power by incumbents can happen in some or all state institutions and bureaucracies (not only regarding election politics). Demands of the included opposition are mostly unfulfilled, but sometimes are not totally dismissed either where elected officials can have a minor unsustainable and uncertain exercise of power in limited areas.

There are various kinds and levels of power sharing that differ from total, direct and comprehensive exercises of power to more indirect and/or selective power sharing or

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<sup>153</sup> For more information see Levitsky and Way (2002, 2010).

various combinations on a continuum of power sharing. This might be a promising area for a typology of power sharing and contestation that produces various kinds and levels of inclusion (or exclusion).<sup>154</sup> This dissertation, however, is not going to work on this typology as it lies beyond its scope. But what this dissertation will do is investigate one kind of inclusion and show variations of contestation and power sharing and the causal path connection of these variations of groups' behavior (see figure 4).

I focus on one form of partial power sharing under competitive authoritarianism, in what I term here "ostensible power sharing." Ostensible power sharing is when incorporated oppositions within state institutions are practically denied to act upon some, if not all, of their jurisdictions and are blocked from practicing powers and realizing their essential demands. This is particularly so when policy making, implementation, or developments are blocked indicating the significance of such jurisdictions for the opposition (on the two levels of the nested game of governance -see next section).<sup>155</sup> This type of power sharing is usually accompanied with some level of participation where political actors work within formal institutions (through democratic elections or through the ruling party) and have already won some prerogatives and entitlements.<sup>156</sup> That is,

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<sup>154</sup> That is a typology of various combinations of contestation and power sharing and the effect of the previous on various internal groups' behavior.

<sup>155</sup> Other forms or types of intermediate (not substantial) power sharing might be conciliatory power sharing, when most of the opposition group's demands are satisfied but some minor areas are lacking. One can argue that at some stage of the relationship between Arafat and Hamas (1994-2004) in the polity and not the state institutions, there was this kind of power sharing. The same goes for the MB in Jordan before 1989. This means that power sharing is not always better for opposition after inclusion.

<sup>156</sup> Included opponents are formally entitled or granted powers, whether through electoral contestation, partial entry into assemblies with or without contestation, formal/informal affiliation with ruling parties, or acceptance of state appointments by group leaders.

powerful and traditional incumbents and ruling elites are not totally capable of blocking the opposition from raising demands or influencing policies at a minimum level, since the opposition enjoys some institutional engagement. Still, opposition is mostly not engaged in a win-win game where incumbents win from the entry of the group by blocking their power and gaining legitimacy from conducting contestation; opposition, even though they won the election, get to practice a minimum of or no power. They are mostly blocked from any kind of reform and fighting corruption that could threaten incorporated opposition by losing their constituents. Usually constituents would have elected them as a democratic substitute for corrupted and oppressive authoritarian incumbents. Under ostensible power sharing, incorporated groups can hardly realize their demands from within the formal institutions, at least in the short run. Yet this ostensible power sharing might also vary from one formal institution to another and/or from one sector to another within the same country, at the same time or over time. This variation might cause small victories for incorporated opposition within some sectors and not others. It also has the potential of moving towards becoming a win-win game in the future (or towards maybe becoming “conciliatory” power sharing, for example).<sup>157</sup>

I show in this dissertation how the incorporated group Hamas enjoyed relatively less ostensible power sharing in the CSS than in the PSS after its first inclusion in the PA in 2006 (see figure 4). That is, there was a shift in incumbents’ delivery of power, in terms mainly of policy-making, development or implementation among others, into providing more power exercise to opposition in the CSS than in the PSS. Chapter 3 and 4

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<sup>157</sup> There is a similar debate about society-state relations in Migdal, Kohli, and Shue (1994) but this discussion is more focused on the interaction of incumbents and incorporated groups within certain settings.

also show that even inviting Hamas to incorporate its affiliated security forces in the ISF did not mean improved power sharing or did not mean more delivery of power and exercise of power. On the contrary, Hamas thought, incorporation in the ISF would limit its power even further.

In the Occupied Palestinian Territories case, Hamas had earlier experience with the PA regime and may have expected, before running in the elections, that it might not be able to totally practice all its entitlements. Yet, Hamas wanted to practice entitlements after the win and hoped that the democratic victory in the election would provide that opportunity. As long as there are open competitive elections, expectations and hopes of opposition remain that democracy might prevail out of competitive authoritarian regimes (see Howard and Roessler 2006).

In ostensible power sharing, the incorporated opposition might theoretically have the chance, for example, to change and ratify laws and bills since they occupy seats in the parliament. However, such prerogatives and powers of incorporated groups are usually deemed phony, are spoiled, and/or are practically blocked by traditional ruling elites through different formal and informal rules and mechanisms<sup>158</sup> that keep the incorporated opposition within the system with a minimum of power to practice (less than the incorporated opposition's mandate or entitlement). For example, the Lower House (of Parliament) of Jordan in 1997 had 17 seats (out of 80) for the democratically elected IAF. King Hussein limited the IAF's power by demanding that the Higher House have the

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<sup>158</sup> Informal institutions are defined by Helmke and Levitsky as, "...socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels" (2004: 731). For more debate see research design section.

final word over the Lower House's decisions and laws (Moaddel 2002; Schwedler 2006). In the case of the PA, President Abbas issued a decision on 8 May 2006 where all high level public employment (to senior positions) had to be ratified only by the President preventing the Hamas-Led Government (HLD) from major executive entitlement.

I call the combination of open contestation and ostensible power sharing exclusive inclusion where elected officials are incorporated institutionally, and through free and fair elections, but are stripped from their jurisdictions and practice of power at most (if not all) of the institutional and governance levels. I also call it exclusive inclusion to distinguish it from inclusion under democracies and to stress the unfulfilled meaning and quality of inclusion in competitive authoritarian regimes compared to its expected meaning and practice in democracies. In the research design section below I develop various indicators to capture contestation and power sharing. Power sharing is studied in all three branches of the executive, legislative, and judicial, in addition to the media and bureaucracies (in which executive, legislative, and judicial decisions and elements intersect). Formal and informal rules and practices of incumbents and supporters will be uncovered, too. Below I outline the debates concerning the importance of revealing informal politics in non-democracies.

### **Informal Politics and the External Dimension: The Further Unpacking of Inclusion**

To further unpack inclusion, there are two components that have to be illustrated: First, the informal as well as formal (discussed above) rules and practices; second,

uncovering the role of external players over the inclusion process and its components along with internal actors.

Bratton provides a good introduction to formal and informal institutions and the latter's centrality in non-democratic regimes:

According to Douglass C. North's classic formulation, political institutions can be "any form of constraint that human beings devise to shape human interaction," and can work through "both formal constraints—such as rules that human beings devise—and informal constraints—such as conventions and codes of behavior." Most practitioners of the new institutionalism disregard North's qualification and focus only on formal institutions, thereby underrating the impact of the informal realm. This bias may be reasonable for established democracies, where the rule of law guides political actors and a widespread ethic of "constitutionalism" reinforces written constitutions. But these conditions rarely hold in emergent democracies, where legal limits on state power are usually novel and untested. Even if the rule of law is not completely absent in such societies, it is often weakly developed or sometimes ignored with impunity, usually in deference to personal or communal ties. Under these conditions, the influence of formal institutions may be sharply attenuated as political actors align themselves with more familiar relationships and routines (2007: 96).

I agree and engage with Bratton's comment to take new institutionalism seriously through connecting with both formal institutions and informal institutions when studying non-democracies. In a careful study of informal institutions and its various forms, Helmke and Levitsky define informal institutions as:

Socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels... to the extent that these rules are created in a context in which power and resources are unevenly distributed, they can be expected to produce winners and losers (2004: 731).

The informal aspects of contestation and power sharing, in this instance the Palestinian case, across formal authority institutions and bureaucracies has been important for various reasons. First, informal rules and practices are usually invisible to

local and international observers and usually publically unacceptable. Yet they are the sites where “exclusion” of the other can happen in tacit ways. Thus, an endeavor of unpacking inclusion has to pay attention to informal rules and practice used by incumbents. Yet, informal rules and practices are harder to trace than formal institutions and require careful analysis of the situation (Brynen 1995b; Dittmer, Fukui, and Lee 2000; Helmke and Levitsky 2004; Meyer 2006). Second, informal rules and practices are other important venues to understand practices of political actors because actors respond to a mixture of formal and informal arrangements and incentives (Bratton 2007: 96-97). Informal rules also shape formal rules and their outcomes in various areas, such as judicial politics, public administration and state building (Helmke and Levitsky 2004: 726-727). Most importantly, informal practices and institutions seem to develop polarization between groups and ruling elites where there is hardly any trust in the state institutions and democratic norms (Meyer 2006: 20-29).

In a prominent article by Helmke and Levitsky (2004), they discuss the typology of informal institutions and distinguish between four types based on the idea that not all kinds of informal institutions are harmful to democracies and systems.<sup>159</sup> Therefore, informal rules exist in regimes within democracies, authoritarian, or competitive authoritarianism. In some of the latter two types of regimes, the effect of informal politics can intervene essentially to disrupt genuine practices of power sharing and inclusion. This happened in the case here where most of the informal institutions used were competing informal institutions set to take over the formal institutions. Informal rules and

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<sup>159</sup> The types of informal institutions include: complementary, accommodating, competing, and substitutive. For more see Helmke and Levitsky (2004).

practices are even more noticeable and remain unchecked for regimes that have neo-patrimonial<sup>160</sup> domination or are transitioning from neo-patrimonial domination. The former happened in most African countries (e.g., Botswana has a democratic system with neo-patrimonial domination) (Bratton 2007; Erdman and Engel 2006; Pitcher, Moran and Michael 2009) and my case of the PA (before and after President Arafat (1993-2004)) (see Brynen 1995a; 1995b; Irshaid 2007). Yet, it is important to note that I do not resort to the analysis of neo-patrimonialism as a default and ready module where I deduce that ostensible power sharing should necessarily result from it. However, I commit to the research which studies the many outcomes of neo-patrimonial domination with no prejudgments. Thus, the reasons for highlighting the neo-patrimonial dimension (with client-patron relations and personal/factional ties) here is mainly to help probe the kind of informal mechanisms used in governance.<sup>161</sup>

In addition, in regimes with neo-patrimonial domination like the PA in particular, it is not only the governance sphere or major executive, legislative, or judicial branches that might be run by informal rules and practices, but also the bureaucratic institutions. These institutions are mostly run by a mixture of formal and informal rules (which is not

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<sup>160</sup> Erdmann Engle writes: “Neopatrimonialism is, then, a mix of two types of domination. Elements of patrimonial and legal-rational bureaucratic domination penetrate each other. The distinction between the private and the public sphere formally exists, but in the social and political practice it is often not observed. Thus, two role systems or logics coexist, the patrimonial of personal relations and the bureaucratic of impersonal legal-rational relations. The patrimonial system penetrates the legal-rational system and affects its logic and output, but does not take exclusive control over the legal-rational logic. Ideally people have a certain degree of choice as to which logic they want to employ to achieve their goals and realize their interests best” (2006:18-19).

<sup>161</sup> Current research shows that there might be a concurrence between such a type of domination and democratization. For example, the patrimonial dimension has actually helped democracy to flourish in Botswana. For more see Pitcher et al. (2009: 136-150).

always the case for authoritarian regimes). Erdmann and Engel argue that, "...in a political system characterized by neo-patrimonial rule, [both] political and administrative decisions partly follow legal-rational or formal rules but also patrimonial and informal ones" (2006: 22-23). Therefore, in the case of the PA I focus on major informal institutions defined in the literature, like clientalism or client-patron relations, and the growing personalization based on factional ties and politics (similar or parallel to clan politics) (see Brynen 1995a; 1995b; Irshaid 2007; Jamal 2005b; Meyer 2006: 19-24). The former is partially defined as, "...the expression of political loyalty to providers of patronage" (Bratton 2007: 98), or defined, more precisely, as when , "...the president or "strongmen" relies on awarding of personal favors, e.g. the distribution of public sector jobs and public resources through licenses, contracts, and projects..." (Erdmann and Engel 2006: 24). In addition, I also focus on informal institutions of coercion and control like the deployment of paramilitary groups, co-optation, and intimidation (Helmke and Levitsky 2004: 731). All the previous kinds of informal rules or institutions fit under the category of "competing informal institutions," according to Helmke and Levitsky (2004: 729), were the former coexist with ineffective formal institutions and sometimes overshadowed them. This means, according to Helmke and Levitsky and, that formal rules and procedures are not systematically enforced, "...which enables actors to ignore or violate them" (2004: 729).

In addition, my fieldwork also focuses on other informal dimensions that fit under non-institutional behavior of incumbents and ruling allies according to Helmke and Levitsky (2004), like abuses of executive authority, forming parallel executive bodies, defections of Fatah employees against newly elected officials, disobedience, and the

absence of public employees. In addition, there is also the imposition of sanctions by the Quartet over PA institutions.

Up until now, the discussion was about internal incumbents and traditional ruling elites (domestic dynamics of power) in engineering exclusive inclusion. Nonetheless, I contend that the above picture of unpacking inclusion remains incomplete in the Palestinian case and in most of the competitive authoritarian regimes without considering external factors, namely the role of the US, the EU and/or regional powers. These factors mold the inclusion experience and the path of transition, as some research has revealed. The consideration of this external factor is important, especially in the Palestinian case, which is known as being under a colonial power and dependent on the US in brokering a peace process to actualize a Palestinian state, in addition to the significant economic independence on external players. Thus, I incorporate the external factor in my analysis as one determinant of the level and direction of exclusive inclusion (and overall transition). However, to focus and limit the scope of this research, I will not disaggregate this external factor and the differences of policies and practices of various major external powers on the Palestinian case (e.g., Israel, the US, the EU, the Arab world and regional powers), nor will I go into attributing motives to the above external players. I leave the prior tasks to future research. Here, however, I basically focus on the implications of Israel and the US's (less so the EU) policies and actions on exclusive inclusion across two sectors and, when necessary, throughout this dissertation, as seen and understood by my interviewees. The main focus of this work remains on the behavior of internal Palestinian political actors. I situate the external factor in my research through engaging with the assumptions and work of Levitsky and Way (2006, 2010) as I show below.

The concentration on the international factors of democratic transition in comparative literature became increasingly important in the 1990s and afterward.<sup>162</sup> With the prominent studies of Snyder (1992) and Brownlee (2002a)<sup>163</sup> of the transition of neo-patrimonial authoritarianism and the role played by super powers along with domestic factors (oppositions and incumbents' strengths and patrimonial penetration of state and societies) in determining the transition outcomes. Scholars, however, differ on the importance of the international dimension, especially after the post-Cold War and the urgency for democratization led by the liberal West between those who thought it was essential<sup>164</sup> and others who saw it as secondary.<sup>165</sup> Levitsky and Way, however, contend that, "...rather than assert the primacy of international or domestic factors [of democratization studies], we argue that their relative causal weight varies across countries and regions" (2010: 24). They conceptualize international factors through two main terms: Western linkage and Western leverage. Western leverage is the, "...governments' vulnerability to external democratizing pressure" (Levitsky and Way

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<sup>162</sup> The literature of transitology has mostly focused on domestic dimensions (O'Donnell and Schmitter 1986; Schmitter 1996). Yet, recently this changed to a greater focus on the international dimension.

<sup>163</sup> The role of dependency for hardliners and rulers (foreign involvement) on a superpower patron has been theorized in the above-mentioned two studies on transitions of authoritarian and neo-patrimonial regimes and/or their stability in various regions: Africa, the Middle East, the Philippines, Haiti, Cuba, Paraguay, etc.

<sup>164</sup> Some talk of the US's major role in affecting domestic regime outcomes in some regions. Brownlee notes that, "...recognizing that the American government adopts distinct postures toward regime change depending on the target of aid (or criticism)" (2006: 55). Thomas Carothers also argued, "...when democracy appears to fit in well with U.S. security and economic interests, the United States promotes democracy. Where democracy clashes with other significant interests, it is downplayed or even ignored" (2000: 3). Pevehouse (2005) argued of the essential role played by the EU in democratization of Central and Southern Europe. Others wrote of the essential role of external dimension in Africa's transitions (Joseph 1999). For more see Levitsky and Way (2010).

<sup>165</sup> An external dimension remained secondary to the domestic factors (Linz and Stepan 1996).

2006: 201, 2010). This can happen, as Levitsky and Way explain, through punitive sanctions, diplomatic pressure, conditionality, and military intervention (2006: 201). The idea is that countries that have high leverage with the West raise the cost of repression or elections fraud and abuses for incumbents and oblige them to open the systems up (e.g., as in Cambodia and Kenya) and sometimes Western countries support oppositions to do so, like the cases of Guatemala and Haiti. Western linkage, however, is defined as, "...the concentration of ties between a country and the EU, the United States, and Western-dominated multilateral organizations" (Ibid: 202). Dimensions of linkages are economic, geopolitical, social, communication, transnational, and civil society. Those countries closer to the US and Europe have high linkages of all of the above kinds when compared to states in the Middle East and Africa, for example. The idea here is that countries with high linkage to the US and/or Europe have a higher cost of repression than in others countries because it is harder to hide it from the West who would intervene and, because there are more domestic supporters to democratic norms who would not tolerate authoritarian rulings.

The main argument of Levitsky and Way (2006; 2010) is that for countries that have a high linkage with the West, this previous dimension becomes more important than any internal domestic balance of power (i.e., the high capacity of incumbents and the weakness of oppositions) leading the country to democratize. However, when Western linkage is low (like it is with most African cases) then Western leverage and domestic factors like the internal balance of power (state capacity and organization versus opposition) matter for transition. That is, competitive authoritarian regimes survive if incumbents and the state are strong with high organizational capacities (and vice versa)

compared to oppositions. However, in cases where there is low Western linkage and low incumbent capacities, the competitive authoritarianism usually is unstable (open to democratize) since incumbents are prone to within elite defections and they are usually unable to contain street protests and challenges. It is under these previous circumstances where Western leverage makes the difference with domestic factors and regime outcomes. This means that when the Western leverage is low (in cases of already low linkage and low incumbents' capacities) incumbents still survive and regimes do not democratize (Belarus and Russia under Yeltsin) since there is no outside pressure from a Western country (here the US or the EU). Yet, when Western leverage is high (given low linkage), incumbents (with low organizational and repressive capacities) are more likely to democratize due to outside pressure on them to do so (like in the cases of Zambia and Georgia). These cases of low Western linkage and low Western leverage concentrate in some parts of the world more than others:

Low-leverage/low linkage countries are found in much of the Middle East and parts of the former Soviet Union and East Asia. Stable non-democracies are most likely to be found in these countries...a similar pattern can be observed in Sub-Saharan Africa cases in which support from an alternative regional power (usually France) limited Western leverage...although Western leverage remained relatively high in these countries, this alternative assistance blunted the impact of external pressure and thus enhanced the stability of nondemocratic regimes (Levitsky and Way 2006: 212).

In the case of some Middle Eastern authoritarian regimes, the support of the US (and less so Europe) for incumbents and authoritarian regimes in Saudi Arabia, Tunisia, Egypt, and Jordan limited Western leverage to pressure incumbents to democratize (Bellin 2002, 2004; Brownlee 2002, 2006).<sup>166</sup> In the case of the PA, which has a low

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<sup>166</sup> It is important to note, as Brownlee argued, "The current trend of U.S. support for the status quo in the Middle East does not make the region extraordinary or "exceptional." On the contrary, the Middle East's political landscape is typical to the extent that its regimes, like others around the world, are influenced by the signals and relationships America extends to incumbent leaders and opposition movements (Brownlee

linkage to the West, it is geographically separated from not only the West but from its surroundings by borders controlled by Israel; domestic factors matter for transition and/or genuine inclusion based on the above discussion. When it comes to the PA/Fatah incumbents, they have low organizational and repressive capacities manifested in the PA as an almost failed quasi-state after the second Intifada,<sup>167</sup> divided and multiple power centers of ruling elites, a weak President, weak and divided security institutions, and a weak economy that is totally subordinate to the Israeli economy and political will. Yet, the opposition, represented by Hamas, called for democratic elections and pluralism, had a high organizational capacity that was reflected clearly in its campaign in 2006 and in its extended social network in the WBGS. It also had high military capacity, especially in the Gaza Strip, represented mainly by the al-Qassam Brigades (which began to grow after they were smashed during the 1990s and the first years of the second Intifada in 2001-2003).<sup>168</sup>

The strength of opposition and the weakness of the incumbents (given the low Western linkage) according to Levitsky and Way (2006, 2010) should indicate that the Palestinian system would be heading towards democratization. Yet, I argue that similar to

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2002a: 56). In a different place, Brownlee explained that "...U.S. "leverage" over regimes stems from the regimes' reliance on American patronage, but the use of that leverage as restraint or support varies across cases of high dependence...In the Middle East, for example, the current Saudi Arabian and Egyptian regimes receive large amounts of military and, in the case of Egypt, economic aid, with few political strings attached...moreover, the U.S.-led "war on terrorism" has significantly boosted the legitimacy of domestic repression as regimes receive a "green light" to crack down on political opposition movements, regardless of their tactics and goals" (2002a: 54-55).

<sup>167</sup> Sayigh (2007a).

<sup>168</sup> Prominent Hamas leader, 18 September 2007, Nablus; Presidency Secretary General, 8, October 2007 Ramallah; See also Nawati (2002).

the cases of sub-Saharan Africa mentioned above, the Western regional support, represented by the US and Israeli occupation policies (against Hamas), to the PA/Fatah incumbents militarily, financially, and diplomatically changed the internal dynamics of power and blocked any overall Western leverage to pressure PA/Fatah incumbents to accept Hamas's "inclusion" and move towards democratization. Even more, the US (less so Europe) and Israel assisted Fatah/PA incumbents through the imposition of sanctions on the HLG and the Palestinians to move the balance of power towards non-democratic incumbents and to stabilize competitive authoritarianism (here, the PA). That is, they supported the exclusive inclusion, especially in the PSS sector as I discuss in this dissertation. This happened despite the President's hesitancy to maintain inclusion and avoid civil war as I show. Therefore, one can argue that the PA case represents an extreme case of low Western leverage in which not only were incumbents not pressured to be responsive to democratic opposition of inclusion and democracy, but also they were to go against the democratic results of the national elections and to silence oppositions. Hence, in the Palestinian case, the international dimension and external power (represented mainly by Israel, the US and, to a lesser extent, the EU policies and kinds of intervention) were significantly present and intertwined with the incumbents and ruling elites' attempts to manipulate power sharing.

The external actor factor in terms of third party involvement is also influential from a close perspective to the above as discussed by civil war literature. Stedman argued that the role of custodians of peace like international actors is of a central importance and major intervening variable into making spoilers (here groups) fail or succeed in hijacking peace agreement (1997: 6, 15). Yet as I show throughout this dissertation, this factor

intermixed with other internal factors related for example to the intra-groups dynamics and their perception of threat and benefits. In the coming sections, before I move to the theoretical framework that links exclusive inclusion to political violence, as this research sets to do, I present major arguments in the literature regarding the emergence and deployment of political violence.

### **POLITICAL VIOLENCE: HYPOTHESES, ASSUMPTIONS AND THEORIES IN COMPARATIVE POLITICS**

I start by presenting some causal variables and alternative hypotheses on the deployment of political violence in the social movement, terrorism, and civil conflict literature. Later, I situate my work within the tradition of Political Opportunity Structure (POS) and perspectives on the intra-group dimension in determining dissent and opposition behavior.

Political violence in comparative politics is approached under various fields like terrorism, civil war, and social movements; various approaches from structuralist, rational choice, and culturalists deal with it, as well. Below, I build my review of the various fields on comparative politics and the way they draw on the above approaches in order to understand political violence with a concentration on the social movement field of study.

For some time since the 1970s there has been a general trend, mainly in terrorism studies, that has focused on the ideological belief of actors as gravitating toward violence. The main claim is that some actors, due to their ideological beliefs, are inherently more equipped to deploy violence than others. Some studies argue that Islam is an inherently

violent religion and that Islamists tactically postpone radical politics to be deployed when needed (Darby and MacGinty 2003; Davis 1969; Zwerman 1992).<sup>169</sup> The reason given as to why Islamists, or any other activist of another monotheistic religion, employ violence against others is due to their belief of what is worthy or unworthy and/or what is just and unjust (Moore 2000). Radical ideologies as explanations of violence against authorities have been rejected by the social movement theory and literature (e.g., McAdam et al. 1996; Wiktorowicz 2004) for obvious reasons. These were mainly related to the focus on the ideology as a set of fixed rules and beliefs instead of focusing on the behavior of the activists and social movements. In the context of Islamic activism, the above “essentialism” of the Islamist is rejected when scholars argue that Islamic activism has been found to have the same form of contention like other social movements and that deployment of violence is consistent across various kinds of movements (Clark 2004; Esposito and Voll 1996; Moaddel 2002; Rashid 2002; Robinson 2004; Saad-Ghorayeb 2002; Schwedler 2006; Wickham 2004; Wiktorowicz 2004: 3).

Civil war literature concerns itself with the deployment of political violence by groups. The role of elites’ manipulation in determining the use of political violence (coming from a instrumental theoretical tradition of ethnic conflict) especially in ethnic and civil war over other forms of contention for elites’ own benefits and to restore their power and gain authority has been discussed (Hardin 1995; King 2004: 444; V.P. Gagnon, JR 1994; Snyder 2000).<sup>170</sup> According to this perspective, ethnic conflict and

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<sup>169</sup> In such studies, Islamists are titled “religious fundamentalists” (Darby and MacGinty 2003; Kepel 1994; Marty and Appleby 1992).

<sup>170</sup> For an extensive review of the four main approaches to civil war and ethnic conflict (primordial, instrumental, structural/institutional, and constructivist) and how those approaches to the study of ethnic

violence was studied as a function of ethnic identity to serve political and economic purposes for the elites and leaders of some ethnic groups (Brass 1985; Hobsbawm 1992). That is, leaders manipulate the masses into deploying violence (Fearon and Laitin 2000; Lake and Rothchild 1997). This might be the case for some, yet much has to be known about cases where ethnicity is not the reason behind contention and cases when opposition leaders are weak and the group is not unified and violence was deployed against authorities.<sup>171</sup> In addition, as some civil conflict scholars argue, elites might want to start violence but the mechanisms through which people follow is not clear (Varshney 2002). Varshney pointed to a level of analysis below the nation-state that is the “every day form of association” of being a major impediment to violence, even if leaders try to fuel civil conflict and violence (Varshney 2002: 4). This perspective of political violence is important because it opens the door for a level of analysis related to the groups themselves, their structural organization and relations to each other. Yet the literature of civil conflict is criticized for remaining intermixed with nationalism literature and for not engaging well with the work in social mobilization and social movement theories and collective violence (King 2004).

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and civil war intermix with nationalism literature and overlook social movement literature and approaches (structuralist, rationalist, and culturalist) by focusing on identities/ethnicities, see King (2004) and Varshney (2002).

<sup>171</sup> The geographical dimension was studied by some scholars like (Fearon and Laitin 2003: 84) where they argued that mountain terrain are more prone to have civil wars than others. Also areas of lower levels of citizen organizations and low levels of participation in remote areas (not involved citizens) it is easier for insurgents to select the deployment of violence than in democracies where there is involved citizenry. The geographical dimension is no doubt important as we will see in this case, but does not by itself explain the deployment of violence among diplomacy.

Another explanation came from civil war literature involving armed groups to explain violence based on “security dilemma” (Posen 1993; Synder and Jervis 1999; Walter 1999).<sup>172</sup> Yet this explains maybe the non commitment or defect of armed groups from some peace agreement not others but does not necessarily explain the timing and deployment of violence thereafter. That is, not all opposition groups who are part of the security dilemma would necessarily deploy violence (they might however refuse to sign peace agreement). Further explanation of political violence is needed with a focus on the varieties of groups and their contexts.

Grievance and psychological studies in social movement literature explain dissent and political violence as a result of some psychological processes. When people feel more grievances as a result of inequality, poverty, economic rearrangements (like urbanization and industrialization) there is more possibility that they will use violence as a reaction (Gurr 1970; Tilly et al. 1975; White 1989). Relative deprivation theory by Ted Gurr (1970) explains collective violence as a result of frustration among people regarding their expectations and the reality of their situation. Grievance and frustration, and other emotional/psychological factors play a role in understanding groups’ contexts, but they were not found to be the mechanisms that make people who are frustrated carry on with violence. This is because political groups alternate between different forms of dissent (violence and non-violence) under the same environment of grievance. In some cases,

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<sup>172</sup>Groups and parties in armed conflict usually face security dilemma as states do during inter state conflicts. That is, each party fears the other defection and not having the ability to strike (militarily). Thus even when peace and negotiation is better for all parties involved in conflict they are all stuck in the previous security dilemma. Thus negotiations should always focus on reducing this dilemma to all parties involved to making peace agreement more possible.

people had grievances but did not use violence as means of resistance (see Wedeen 1999); the channels and means that translate grievance to action were lacking.

Social movement literature, therefore, indicates the mobilization of resources as channels and means that help dissidents and political groups to capitalize on violence or not (using a rational choice approach) (McCarthy and Zald 1977). The idea is that conflicts in societies do not always translate directly to collective action. Actors find and use certain organizations, networks, and informal channels and ties that transform conflict to action. Yet, generally this literature does not focus on political violence per se (della Porta 1995: 8). The focus is more on moderate collective action (except for a few studies, see Tilly 1978). It was later on when Tarrow (1989a) made the distinction that violent repertoires are different than non-violent ones and the latter does not always work for the movement's benefit and success (della Porta 1995: 9). Therefore, more is needed to understand the deployment of violence among other repertoires.

A rational choice approach and strategic action that assumes that groups and oppositions behave to maximize their benefits and reduce their cost within certain constraints is important for understanding opposition behavior and political violence (see above discussion on the authority-dissent nexus) (Hoover and Kowalewski 1992; Lichbach 1987; Olson 1965). Yet, the cost-benefit account by itself is not sufficient in explaining the deployment of various repertoires of violence and non-violence at the same time and same place. It also can hardly explain cases in which social movements and groups deploy violence with no clear benefits and sometimes with a loss of privileges, as della Porta showed in the case of Italy and Germany (1995). There seems to

be additional and other non-materialistic reasons and various dynamics for the deployment of violence and tracing it.

Therefore, a pioneering work to understanding political violence comes from the structuralist approach, mainly concerning the POS and their influence on political groups' strategic choices. Coupling this approach with constructivists or culturalists' insights into approaching the study of political violence through understanding intervening processes that make people interpret situations in one way and not another and give meaning to events (Klandermans 1992)<sup>173</sup> is elaborated on in della Porta's study (1995) which my research draws upon (see above review on authority-dissent literature). Below, I revisit della Porta's study to reflect on the perspectives she used and to emphasize the importance of the roles of the intra-group dimension in tracing violence.

Significant research on structural and agent levels comes from della Porta (1995), in which this study draws, linking state policies to groups' behavior (through intra-group analysis).<sup>174</sup> The della Porta study on political violence by some left-wing dissidents in Germany and Italy in the 1960s-1990s engages with various levels of analysis to link state policies to political violence by combining structuralism and rational choice approaches with constructivism. Della Porta took research on the POS a step further by disaggregating repression/exclusion through studying the effect of a particular state

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<sup>173</sup> Also see earlier debates like Snow and Robert (1988) on ideology and framing.

<sup>174</sup> Yet political scientists have been engaged with discussion of the subject of resistance always with relation to the state. For example, Mitchell argues: "...political subjects and their modes of resistance are formed as much within the organizational terrain we call the state, rather than in some wholly exterior social space" (1991: 93).

strategy and response, here state policing, more systematically than previous studies and showed its affect on the interaction between policing and activists' behavior as mainly political violence. She focused on "the *policing of protest*, that is, the police control of protest events" where she assumed that the policing of protest according to the activists represented an accurate indicator of the state attitudes" (della Porta 1995: 11). I engage with this by unfolding various state policies and practices in the executive, legislative, and judicial, media and bureaucracies, showing the interaction these various policies and practices have with incorporated opposition behaviors, and explaining them as perceived by incorporated oppositions.

The significance of della Porta's study comes from the emphasis in linking the *structural* with the *agent* levels of analysis to the study of political violence using more than mere institutional constraints of analysis and the role of incentive and constraints to determine opposition's behavior. She reveals how protest policing<sup>175</sup> was the reason behind the beginning of the intensity of violent acts in Germany and Italy during the 1970s; after violence started there were other factors that determined and maintained violence related to intra-group dynamics (meso-level) of marginalized group, and their objectives. Most intra-group dynamics involve outbidding among organizations, which is competition over power or over the population within the same movement and is an important factor in perpetuating political violence (sometimes deployment of violence becomes important to recruit those groups unsatisfied with existing politics). Radicals sometimes become entrepreneurs and/or hope to protect themselves from isolation by the

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<sup>175</sup> She also studies the configuration of power within the state and the attitudes of different parties in the government (the civil rights coalition in the government and the law-and-order coalition).

government and by their mother movements (who choose alliance with the government). Later on, these radicals, under continued interaction with state repression and due to their objectives, develop their own understanding of the outside world especially that they became isolated clandestine groups functioning from underground (micro-level). At this point, violence is perpetuated and takes on a life of its own in a way that is hard to predict by the state at the beginning.

My work benefits from the above study, mixing levels of analysis for tracing the link between exclusive inclusion and engagement with the intra-groups' relations and the change of groups' organizational structures. Yet, the above interpretation does not explain groups that have different intra-groups dynamics and do not divide (remain united), and/or remain a major strong player in their political system when deploying violence, as my case reveals.

Other prominent works of political violence focus on individualized rational calculations and instrumentalism for maximization of benefits within groups to explain group violence (Bloom 2004; Hafez 2006; Horowitz 1985). Yet, there is a need to take further steps to understand the situation that causes groups to deploy violence when it is not always in their best interest and to relate it to institutional and ideational dimensions. Other works that focus on intra-group dynamics single out spoilers as separate opposition groups over moderates. They document how spoilers always work to end agreements with incumbents through violence (Kydd 2002; Stedman 1997; Zahar 2003). For this model, spoilers determine the outcome of negotiations, civil war, and other scenarios. Such research starts with the type of groups to determine outcomes and, thus, cannot explain cases where so-called spoilers do not deploy violence all the time or cease to

deploy violence other times. Further research has focused on the fragmentation of groups that lead them to deploy violence sometimes, where the coherency of groups leads to less deployment of violence and more deployment of non-violent acts against authorities.<sup>176</sup> Therefore, fragmented groups might deploy violence for the lack of ability and organization to deploy non-violent protests in order to compete with intra-groups (within the same movement) for more power (so-called outbidding),<sup>177</sup> and/or for the sake of gaining fame and getting their demands to be acknowledged by authorities. This is promising work for discussing non-materialist dimensions behind violence, but more is needed to understand cases where groups are actually coherent (not divided) but still mixed between the deployment of violence and non-violence (diplomacy) courses of actions against authorities. Sometimes, groups are coherent and organized with specific leadership, aims and plans, but there exists a difference in views and outlooks that might develop into action and divisions. It is this difference, before fragmentation and within coherency that I account for in this research (see last chapter). In the theoretical section below, I engage with Greenhill and Major's perspective (2007), about civil war and collapse of internal peace agreement), on linking intra-group dynamics of violence and draw upon it.

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<sup>176</sup> Pearlman, Wendy. 2008. "The Rise and Fall of Two Uprisings: Internal Influences on Strategy in the Palestinian National Movement." Pp. 1-39 in *The Annual Meeting of the Politics of the Middle East Working Group*. Princeton: Princeton University (unpublished).

<sup>177</sup> See also, della Porta (1995).

## **LINKING EXCLUSIVE INCLUSION TO POLITICAL VIOLENCE: CHANGE IN THE NESTED GAME, INTERMIXED GROUPS' APPROACH, AND INTRA-GROUPS DIMENSIONS**

The study of the deployment of political violence and its link to inclusion in this work borrows from some institutional, structural, rational choice and/or culturalist assumptions and theories that are needed for tracing the link. I aim to trace the link and reveal causal mechanisms. That is, I do not refute inclusion-moderation hypothesis but I argue that the inclusion-moderation hypothesis could not aid in understanding more complex political systems (than robust democracies) and interactions through the cost-benefit analysis of institutional incentives and constraints alone. A further development of the hypothesis becomes immanent. Therefore, this work presents a rich case, as a first step into such development, for future theory building and hypothesis generation. My study does not claim to offer a theory of inclusion and political violence, but puts forward a framework for a hypothesis that should be extended to other case studies later and tested on larger cases for generalization. A major reason for placing limits on the generalization of the Palestinian case is the centrality of the external factors, including a colonial context that mandates further scrutiny and careful comparison of cases that is beyond the scope of this dissertation (I am not contending that the case cannot be compared, on the contrary one should be more careful when comparing with certain alike cases due to the contextual factors). Yet, I do contend that on the other hand, this is a rich case for going below the state level and showing “strong contestation, weak power

sharing” traces to political violence through causal paths and mechanisms.<sup>178</sup> Now I will map out the way I traced exclusive inclusion to political violence in the coming chapters.

I start by addressing authority-dissent nexus studies, discussed above, to disaggregate state strategies and behavior regarding incorporated opposition (i.e., not treat them as unitary) in all formal institutional levels. POS suggests that change in state strategies would change opposition behaviors through the incentives and opportunities they offer. Therefore, I unpack inclusion to various incumbents’ strategies in two processes: open contestation and then ostensible power sharing that forms exclusive inclusion. Yet, each process contains various incumbents’ strategies and formal and informal manipulations.<sup>179</sup> The formal and informal institutions interplay to affect political actors’ behavior. Figure 1 below is a simplified diagram of the process (causal chain) that this dissertation undertakes to link a type of inclusion to the deployment of violence. I will discuss each varying intervening component in the link and uncover what is ‘within’ the casual arrows connecting various dimensions below (e.g., through cost-benefit analysis and other mechanism) using a process tracing method (see research design section below).

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<sup>178</sup> Further mechanisms can be revealed over other future case studies to have a typology of inclusion and political violence and reach a mid-range theory. This case study is the first step in this plan. It is at the level of developing more causal mechanisms that can be tested in other cases. See below argument.

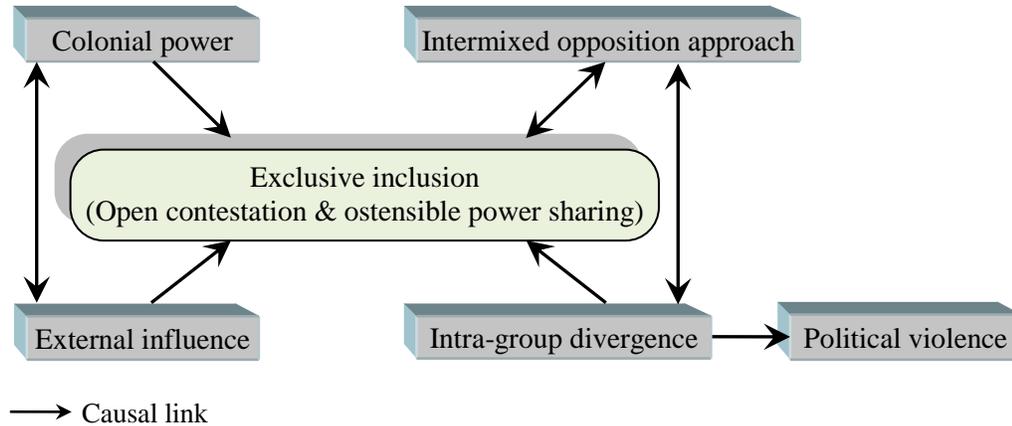
<sup>179</sup> The deployment of informal institutions and practices is a major interest of this research because of their tacit and indirect existence and functions in general and the valuable role they have played under non-democratic systems

(see below section).

My analysis goes to the second level by focusing on the interplay and interaction of state strategies and opposition strategies within state institutions. To account for this interaction, I deploy the concept of the “nested game” (two-level games: the game level and the meta-game level) proposed by George Tsebelis (1990) and applied by Schedler (2002a) to studying the strategic actions of the election institution in competitive authoritarian regimes (see chapter 5). Yet, I extend the nested game application to post-election politics and the struggle for power in the PA.

The two-level games are, first, a game of competition and strategic interaction over votes and gaining victory in elections. The second consists of two meta-games; one is the game of authoritarian manipulation to control rule of law and the elections process and results, and the other is a (opposite) game played by opposition to reform and institutionalize rule of law and end non-democratic practices (to eventually win votes). Therefore, opposition in competitive authoritarianism tries to score in competitive elections as the party that holds democratic agenda against authoritarian rulers. Yet, they also want to change the rule of the elections themselves to become more democratic and less restricted by incumbents. The more they succeed in the reform (e.g., having free and fair elections) the more they can guarantee scoring in a free and fair election and winning the election. The same goes for incumbents, the more they restrict opposition from winning and the more they delay reform plays, the more they guarantee to continue to govern.

**Figure 1: Outline of Linking Varying Dimensions between Exclusive Inclusion and Political Violence**



I extend this application of the nested game to the post-election period where the incumbents' manipulation of power sharing or continued participation of the incorporated opposition was a continuous process and did not end through the victory of some opposition in competitive elections. Ostensible power sharing within all state institutions, like authoritarian elections, is not a conventional game in which manipulation of the rule of law and results continue even after elections in competitive authoritarian settings. Schedler hints in this direction when he proposed that the nested game could be applied to the post-election relations of incumbents-opposition: "Incumbents may also perpetuate the two-level dynamic by introducing "corrective" post-electoral safeguards" (2002a: 113). These post-electoral safeguards here are mechanisms of ostensible power sharing, deployed by incumbents and the ruling party at the executive, judicial and legislative levels, and in the comparative sectors like the CSS and PSS. I argue that the nested game unfolded in the Palestinian case from 2006-2007 and constituted a major initial

explanation for the interaction of incumbents and incorporated opposition and the power sharing dynamics.

Therefore, the struggle over power and prerogatives within the PA is considered the first game level, and the second meta-game level is the struggle over institutional reform by the opposition on the one hand and maintaining the *status quo* by incumbents on the other (a reverse reform or halt institutional reform and/or rule of law). This former meta-game is also directly linked to the struggle with the Israeli occupation and the DoP conditions regarding the role and function of the PA. The PA does not have external sovereignty, with eroding domestic and Westphalian sovereignty, due to being an entity under occupation acting as a quasi-state (see chapter 1). In the Palestinian case, governance is not only a matter of the incumbents wanting to keep their grip on the PA, but it is also a matter in which local actors are “permitted” to access the PA system and practice power according to the Oslo agreement (by Israel’s condition) and the Road Map (the US’s condition).<sup>180</sup> That is, Hamas (along with any Palestinian opposition groups), given its political program against the Oslo peace process, was technically not “allowed” or permitted to be part of PA institutions based on the peace process and the DoP with Israel. The former mandates the subjugation of any opposition to the peace process and conditions of Israel’s security (Khan et al. 2004). If one submits to the former outlook, this means that the meta-game of the PA, as *de facto*, could not be totally democratic and embrace the rule of law because it always has to end opposition to the Oslo peace process (or find a way to neutralize them) and prioritize the preservation of the security of Israel

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<sup>180</sup> For a full text of the Road Map see, BBC. 30 April 2003, "Full Text of the Road Map", Retrieved 15 March, 2005 (<http://news.bbc.co.uk/2/hi/2989783.stm>).

(see chapter 1).<sup>181</sup> Put differently, the struggle over power within the PA intuitions is embedded in, and goes hand in hand with, the meta-game of struggle over institutional “reform” and rule of law and its colonial dimension. Yet, when institutional reform was not possible in some sectors (like the PSS), a special power arrangement was demanded by Hamas outside the PA security agencies in the short run to guarantee “better” power sharing and continued participation. This special arrangement could sometimes be factional and not necessarily democratic. In order to be able to include the Palestinian case at least theoretically, despite its specificity, in a comparative analysis with other vaguely similar competitive authoritarianism (like maybe Iraq), the colonial dimension will be accounted for here under the meta-game.

According to the nested game, struggle over power and politics in the PA (in the various sectors and in the judicial, executive and legislative powers, as well as the PSS and CSS) is itself a significant source for negotiation and struggle over the basic rules of the game of power sharing, too. The more the incorporated group, Hamas, is able to practice mandates and power within the PA and to satisfy essential demands, given their electoral victory, the higher the possibility that they can restore reform and rule of the law and vice versa. The previous scenario is promising for a genuine transition to democracy in practice and beyond the mere competitive elections. Of course rule of law and democratization in Hamas’s case goes hand in hand with its political view of the Palestinian-Israeli conflict that rejects certain compromises, at least in the short run, over

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<sup>181</sup> One might consider colonial and international dimensions as a third level in the game of power sharing but, for parsimonious purposes, I treat the colonial and international dimensions as context in some cases, and with others as other ways of ostensible power sharing mechanisms that undermine the power of incorporated opposition (like sanctions and non-transfers of financial revenues to the HLG, see chapter 4). For the colonial and international dimension see chapter 4, and the end of chapter 5.

the 4 June 1967 borders as the border of the Palestinian state, with East Jerusalem as the capital of the state, the return of the Palestinian refugees, and resistance. The former entails keeping its military wing intact at least in the short term or/and until the end of occupation. Therefore, I argue, that the option of institutional reform (laden with political overtones) determines to a large extent the outcome of the struggle over power within the PA (and vice versa). Put differently, if incorporated opposition is unable to practice its power and entitlements due to manipulations by incumbents and external influences (through ostensible power mechanism in the power level) then it would be harder for them to reform or make any institutional changes. Reform, however, should guarantee fair future practices of power within the state institutions and even guarantee future free and fair national elections and/or continued access to power for all political actors (see Schedler 2002a: 110). In the same token when institutional changes and reform is not possible, in the short run, opposition can hardly practice power and/or guarantee their continued participation. In the security sector, the matter of institutional reform is more delicate in the Palestinian cases as it is similarly delicate in other contentious cases for example in Sudan (*Sudan People's Liberation Movement*), Sri Lanka (*Tamil Tigers*), and Lebanon (*Hizballah*), and North Ireland (*IRA*). In the former countries armed groups need to guarantee certain security concerns and demands (that ranges from uniting their armed groups with the state security forces to keeping their own police force) to accept an inclusion deal. These demands might not always work with the liberal notion of what democratization and rule of law is but it might work with the political specifications and contexts within these countries (See Walter 1999). For example, in some of the above

countries, under certain conditions, they allowed armed groups to function along with the police force.

Therefore, the nested game has had a strategic interdependence of incumbents and incorporated opposition that is marked by uncertainties unto them which all parties involved try to overcome. According to Schedler (2002a), these uncertainties are part of the nested game where there are multiple uncertainties regarding the general rules of reform and institutions regarding the payoffs and correlations to power and how these uncertainties also interact with each other.<sup>182</sup> To overcome these uncertainties, my fieldwork reveals that Hamas deployed specific approaches that I call an “intermixed approach.” It was adopted by Hamas to accommodate various changes and uncertainties within the two-level games (since it did not decide to adhere to only one level of the game over the other). This approach varied sometimes from one sector to another but, in general, it combined tolerating some institutional transgressions and deployed a backdoor approach around others to gain entitled powers. Put differently, an “intermixed approach” of incorporated opposition serves as a creative middle ground option between co-optation and defection, to counteract ostensible power sharing from within the system and create a space for incorporated groups within. I show in chapter 4 how the intermixed approach played into exclusive inclusion too.

The same happened with the incumbents, who also wanted to overcome uncertainties, but their approaches were less flexible. The President and Fatah/PA elites, backed by foreign powers, deployed manipulations along with some co-optation

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<sup>182</sup> Uncertainties for political parties in my case might be higher than other cases given the existence of the Israeli occupation and its dominance over political choices.

techniques (for example, Abbas tried to co-opt Hamas and form a unity government) in some institutions and sectors more than the others. I deploy the nested game more carefully on the within comparative case study of the CSS and the PSS. My comparison case study shows that in the PSS, incumbents' manipulations are high and sometimes only increasing, despite unity talks and agreements with powerful incumbents. While the CSS is less strategic to the incumbents than the PSS, it had witnessed some promising, if not a very noticeable and significant delivery of power to incorporated opposition, especially in the area of policy-making and implementation after the unity talks in March 2007. However, I reveal, too, that the nested game is not only about strategic interaction and interdependence but that the uncertainties inherent in it led to increased gaps of mistrust between incumbents and elected officials. The gaps made any future agreements not easy to strike and that also endangered the emerging unity government of March 2007. The mistrust gap, which later led to polarization, had ground to flourish given the weakness of the President and the growing Fatah elites' power center all over the PA institutions and in the polity, the strength of Hamas organizationally and militarily, especially in the Gaza Strip, and the continuous support of the US and the EU of Abbas to regain their power back over the PA (regardless of the PLC election results).

The nested game, nevertheless, does not work in a vacuum. Schwedler's (2006) work of the political opening in Yemen and Jordan in the late 1980s and early 1990s provides a new venue for studying transition not only within state institutions but also in the polity and public space. Participation in election leads to changes in the political structure of groups (e.g., formation of parties and freer press and media) and on the emergence of new narratives (e.g., democracy) in the polity. In addition, it sometimes

leads to new modes of justification within groups through an internal debate and justification of the discursive boundaries over a long period of time. This dissertation engages with such analysis and shows that, along with the nested game and the emerging new intermixed approach of groups, there is also a noticeable change of some ideas of Hamas and an increasing emphasis on other ideas and narratives like the “democratic legitimacy” of the group to govern. I further contend that under the banner of democratic legitimacy, Hamas pursued some factional practices and arrangements that it would not have otherwise been able to pursue and justify (if not under ostensible power sharing). Thus, the emergence of democratic legitimacy as a major discourse of Hamas would not only structure its behavior, but that of incumbents and ruling elites even lower in rank in the movements and armed groups in 2007. Further research on the above will be interesting to trace after some years.

The third level of analysis (see figure 1) is concentrated on linking the above components with the changing intra-Hamas organizational structure and divergences across various domestic political matters. As I discussed above under the political violence section, the study on the intra-group dynamics of groups is not new and has been studied in social movement and terrorism studies. The complexity of exclusive inclusion with its varying manipulations mechanisms (formally and informally) and the intermixed approach pursued by Hamas, eventually led to intra-group debates and divergences (not division) as I show in detail in chapter 5.

The intra-groups dimension is also the concern of the literature on democratization that discusses opposition divisions and their effects on democratization (Linz and Stepan 1996; O’Donnell and Schmitter 1986: 15-17). It is also provoked in the

nested games application to competitive authoritarian regimes, discussed in chapter 4 by Schedler (2002a), where nested games are ambivalent with uncertainties of outcome and unclear rules of the game itself. These types of games and manipulations in competitive authoritarian regimes lead to various perceived threats by different leaders within oppositions and lead to possibilities of aversions within incumbents and within oppositions in the election era. Schedler writes:

Since actors may differ in their tolerance as well as in their strategic management of electoral ambivalence, each of the critical decision points in the electoral cycle may introduce tensions that lead to splits and provoke the emergence of “the classic four player game of transition” (Linz and Stepan 1996). The successive dilemmas both groups of actors face may lead authoritarian incumbents to split into hardliners and softliners, while democrats [opposition] may split into radicals and moderates. Both subgroups entertain different degrees of aversion towards electoral ambivalence. Hardliners are highly averse to electoral uncertainty, softliners less so; radicals are highly averse to electoral ambivalence, moderates less so; the “purists” on both sides are reluctant to play the two-level game of ambivalent elections, the moderate less so (2002a: 118).

Here I argue that the previous quote extends also to the post-election era of manipulation (the ostensible power sharing era). Incumbents offer access to power (through open contestation) but block the practice of such power (through ostensible power sharing) resulting not only in an emerging intermixed approach of opposition to contain uncertainties (chapter 4), but also intra-group divergences and outcomes (I also show how the emerging opposition’s intermixed approach becomes itself an arena of divergence, see chapter 5).

To understand and trace the intra-Hamas dimension, I engaged with insights and explanations of a promising work about violence by Greenhill and Major (2007) on the capabilities-based model. They worked on reversing the relationship offered by the “spoilers’ model” (Stedman 1997), discussed above, where the expected outcomes of an

agreement here determine the types of groups (spoilers or not), and not vice versa (Greenhill and Major 2007; Gunning 2004). Greenhill and Major argue that, "...the kinds of outcomes that are possible determine the type of spoiler that may emerge at any given time" (8: 2007). According to them, this is because prevailing opportunity structures and expected payoffs determine opposition's behaviors and final goals (and not these actor's intentions) for the options they present opposition. When there are not enough incentives (disincentives) and low expectations or low potential payoffs, this might lead to confrontation, not cooperation, with any peace treaty with incumbents. In addition to the above, there is also a concentration in Greenhill and Major's work on the military capacity of the opposition as a major component that leads opposition to take the decision to break agreements with authorities as long as they are capable of doing so (2007). While the military capacity cannot be neglected when talking about deployment of violence, there are also further factors to consider such as geographical factors (like the separation between the Gaza Strip, where political violence was deployed, and the West Bank where the President resides; for more see chapter 6).

I engage with such work by arguing that expected threats and payoffs are important for the deployment of violence. Nevertheless, this dissertation builds on the above hypothesis of Greenhill and Major (2007) and extends it to show that within the same opposition group, different trends or currents may also perceive and thus respond differently to the same prevailing opportunity structures and prevailing incentives, payoffs and threats under the process of exclusive inclusion. That is, even within groups that look as a coherent unit, there are emerging divergences under the process of exclusive inclusion. Intra-Hamas divergences were initially made possible when open

contestation demanded change in Hamas's organizational structure, and offered an extra-institutional arena for some of Hamas's leaders and affiliates to have a voice outside the movement's organization. However, when access to power in some sectors (like the PSS) continued to be blocked later on by incumbents and external powers, the same Hamas leaders could not defend their participation any longer. This process caused an emergence of intra-divergences of incorporated oppositions since some of them supported providing more power by incumbents even if it was superficial. Yet, others did not agree when ostensible power sharing continued in the PSS (even if the CSS was more promising) and some in Hamas feared mixing their EF with what they perceived as the corrupt PSF (for their divisions and close security cooperation with Israel). Some other current raised a red flag regarding the whole exclusive inclusion process.

Intra-opposition divergences were further bolstered out of the evolving intermixed approach of Hamas itself (see figure 1). Some currents, mainly rejectionists and armed groups, within Hamas grew unsatisfied and worried about the intermixed approach of Hamas itself. In their view, this approach endangered the group's reforms and resistance goals and risked its popularity. The rejectionists' trend wanted the preservation of Hamas's authenticity and political agenda as a resistant movement that would not compromise with the 'corrupted' PA and foreign powers. However, these divergences over Hamas's approach also grew due to the fast pace of political changes in 2006 and the lack of interactive and public debates among Hamas officials, leaders and armed groups. Channels of communication and debates within Hamas existed but were not direct and interactive (due to Hamas's organizational structure as a resistance movement –see chapter 5). Additionally, this was also due to the initial lack of Hamas's governance

experience and outlook. The former divergences made bridging differences and arriving at similar perspectives unachievable.

Thus, divergences among incorporated opposition make them differ on how to attribute opportunities and threats of exclusive inclusion after the formation of the NUG, and on how potential payoffs were set (not always material ones) which led to deployment of limited and directed political violence. Put differently, the increased divergences accelerated the decision of deploying violence by some trends in order to make sure that other internal trends in the group would not accept co-optation within the political system by incumbents. That is, given the growing ostensible power sharing in the PSS (less so in the CSS), the intra-opposition divergences increased the potential of deploying violence and made it more imminent.

Yet, the extension and widespread of political violence and the takeover by armed groups is further explained by the growing polarization between Hamas's military groups on the grounds and some of the Fatah/PSS military and security personnel (see chapter 5). It can be further explained to be possible given the geographical separation of between the West Bank and the Gaza Strip where armed groups knew that further deployment of PSF from the West Bank to the Gaza Strip would not have been possible.

In addition, I further argue in this dissertation that political actors (here incorporated opposition or elected officials) who deploy violence do not always do it to maximize their power but for other reasons; I argue that these reasons can be multiple. First, they do so because it relates to their resistance identity and objectives. Secondly, they do so for fear of an intra-division and wanting to bridge divergences and increase

unity within the group (by signaling to internal leadership to return back on co-optation as an option). Third, they do it to raise the bar on negotiations for a unity agreement with incumbents that should provide an opportunity to expand their political power and gains on the game level (e.g. better share in resources and having their own security force) and should open the potentiality for reform at the level of the rules of the game under non-democratic practices and institutions. And, finally, they do so to signal to the international community to support the democratic demands of the opposition in respecting the ballot results against fraudulent incumbents and showing them that Hamas is there to stay. While deployment of limited violence might send “bad” signaling in the time being to international actors about Hamas but it had hoped that it would also present Hamas as a strong, powerful, and legitimate player in the internal Palestinian politics. As a result, Hamas should be recognized and certified by international actors and powers if they aimed to intervene to settle intra Palestinian problems or more importantly if they wanted to mediate a final peace deal between Israel and the PA.

To situate the previous reasons and show more evidence of their link to political violence, I investigate the ideational justification used by the group to justify violence using the “*fiqh al masaleh*” concept (translated as public welfare or interest). This concept is analyzed in relation to earlier discourses of the group before the deployment of political violence against authority, like the discourse of democratic legitimacy (chapter 5) and patience (*sabr*).

In summary, through the above causal chain (intervening processes and causal mechanisms) I link exclusive inclusion to political violence against authority. To do so I use a process tracing model for causal inferences. Therefore, this research does not aim

and should not be understood as offering a predictive model of violence in general; instead, it aims to identify some intervening variables and causal mechanisms. Identifying specific causal mechanisms, among other causal mechanisms and causal paths, is the first step. These causal mechanisms have to be tested in future research on others case studies in order to form a mid-range theory of exclusive inclusion and political violence. Conducting process tracing on other within case studies is also essential to reveal further causal paths that lead to similar outcomes of political violence. This might lead to a typology and mid-range theory as I discuss below.

#### **STUDYING EXCLUSION INCLUSION AND POLITICAL VIOLENCE: WITHIN SPATIAL COMPARISON AND PROCESS TRACING**

To generate the links that I propose in this dissertation between exclusive inclusion and political violence, I have chosen a quasi-experiment design and have supported it with process tracing. In the rest of this section, I clarify my within case study design (sectoral comparison between the CSS and the PSS), determine factors and variables for studying political violence and for exclusive inclusion, and clarify the process tracing that I used. Then, I furnish some working hypotheses and clarify the method used for this research.

#### **The Palestinian Territories as a Deviant Case to the Inclusion-Moderation Nexus:**

The Palestinian Territories, as one example of competitive authoritarianism, fit under the deviant-case analysis regarding the inclusion-moderation nexus (for more on the reasons why this case was chosen, see chapter 1). Deviant cases are cases in which the outcomes do not fit comfortably with existing theories and anticipations. Gerring

explains that the deviant case method, "...selects the case(s) that, by reference to some general understanding of a topic (either a specific theory or common sense), demonstrate a surprising value" (2007: 105). Therefore, deviant cases are deviant according to certain models or theories. In my work, the deployment of political violence after inclusion by incorporated groups in the PA (among other cases) seems to be a deviant case to the overall inclusion-moderation nexus where groups are expected to either moderate or leave the system if they find it non-beneficial or if the cost of inclusion is high for them (see chapter 1).

The merit of studying deviant cases is that they offer the role of an exploratory kind of research (Gerring 2007: 107-108).<sup>183</sup> This is because investigating these cases using in-depth case studies might reveal new independent variables, show some omitted variables from the model (that they deviate from), or reveal causal mechanisms. All the previous factors can help to better the causal argument and offer new analysis.<sup>184</sup> My case reveals intervening variables and causal mechanisms:

... studies of single "deviant" cases and of single cases where a variable is at an extreme value can be very useful for heuristic purposes of identifying new theoretical variables or postulating new causal mechanisms. Single-case studies can also serve to reject variables as being necessary or sufficient conditions (George and Bennett 2005: 81).

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<sup>183</sup> For example in the model that assumes that economic development leads to democracy, there were deviant case where this was not the case like Iran, Syria, and Indonesia, as argued by Gerring (2007).

<sup>184</sup> Originally, King, Keohane and Verba (1994) argued that since a case study can hardly eliminate any alternative hypothesis based on the idea, the case study has only one observation on the dependent variable. Yet Gerring (2004) and others showed that this is not the case and that there are many observations, not only one in both the dependent and independent variables in case studies. Case studies later have been acknowledged for their role in theory development and theory testing.

Once new outcomes, variables and/or causal mechanisms are identified they can be applied to other cases, comparative cases, large N studies to be tested, and new models which can emerge where the original case is not deviant anymore (Gerring 2007: 107).<sup>185</sup> Therefore, while the outcomes of deviant cases and their findings cannot usually be directly generalized or might not lead to inferences at a macro-level, especially when these inferences are complex, they can look for some inferences and define some causal mechanisms (George and Bennett 2005: 75). The former can be used later by other research designs for generalization or mid-range theories (contingent generalization).<sup>186</sup> Thus, the major aim of the deviant case is to generate preliminary hypothesis or preliminary new causal mechanisms and causal paths as the Palestinian case is set to do in this dissertation.

### **Spatial (or Cross-Sectoral) Comparison and Process Tracing:**

After one sets the research question of particular  $X_1$  and Y, researchers begin to think of how to show this causal relationship through an appropriate research design and avoid the problem of internal validity (Gerring 2007: 151). Internal validity, "...refers to correctness of a hypothesis with respect to the sample (the cases actually studied by the

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<sup>185</sup> When new factors and findings from deviant cases are applied to other cases and new models emerge, the original deviant case is not deviant anymore to this new model and finding across cases.

<sup>186</sup> In addition, process tracing, as I will discuss below, also works well with deviant cases by offering new explanations. George and Bennett argued that the reason for the previous is that deviant cases are by definition cases where outcomes were either unpredictable or do not fit effectively with existing theories. Therefore, these cases can lead and open the door to contingent or conditional generalization that has the form of middle-range-theory that is applicable in some limited scope (2005: 215-216).

researcher)” (Gerring 2007: 217). Quasi-experimental research design and process tracing both are suggested for case study research designs for their advantage to address the internal validity of qualitative research and provide reliable causal inferences about the phenomenon under study (George and Bennett 2005; Gerring 2007: 184-185).

The second aim of my research, as discussed throughout this chapter, is to show and trace the assumed link between exclusive inclusion with its various strategies and opposition behavior, and political violence. To do so, I use an in-depth case study research design with spatial comparison (cross-sectoral comparison) between the PSS and the CSS from the second half of 2005 to mid 2007 in the Palestinian Territories. The reason this case study research design is used is to draw careful causal inferences through causal mechanisms that link the independent variable to the dependent variable, not only to focus on the covariance of the dependent and independent variables. The comparative advantage of within case study research design has long been acknowledged by scholars in the social sciences and political science, especially for research that aims to uncover the why question; that is, why  $X_1$  leads to  $Y$  (Eckstein 1975; Evan Evera 1997; George and Bennett 2005; Gerring 2004; 2007; Ragin 1987). Other research designs like large  $N$  statistical designs are valuable and acknowledged for their comparative advantage in revealing causal effects<sup>187</sup> (i.e., expected value of change in outcome) (see Brady and Collier 2004; King, Keohane, and Verba 1994). The two research designs are not in competition with each other, but they complete each other as understood by some

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<sup>187</sup> Causal effect is an ontological definition in which it “...is the expected value of the change in outcome if we could run a perfect experiment in which only one independent variable changes. Statistical tests and controlled case study comparisons are operational procedures for estimating casual effects across cases” (George and Bennett 2005: 138).

scholars in the field. For example, cases studies uncover and develop new causal mechanisms and statistical research design can take the causal mechanisms and check whether these causal mechanisms at the micro-foundation are applicable to other cases. In addition, while statistical research design and formal theory design start deductively to test existing theories, this work of within case study is problem-driven research that aims to be part of hypothesis formation and theory development.

Spatial comparison, as a semi-experimental research design, is the closest we can get to capturing exclusive inclusion after the participation of Hamas in the PA, given the transformation of the PA to a bipolar institution in the wake of Hamas's participation and the sudden change of behavior to violence.<sup>188</sup> In addition, the alternative of comparative case study research design (comparing two cases or more) is helpful, but its major limitation has been that no perfect comparison exists (two perfect cases to compare). The former makes quasi-experiment research closer to drawing "more accurate" causal inferences by making use of various kinds of treatment for comparisons (i.e., temporal, spatial, counterfactual, or dynamics comparisons) (Gerring 2007: 155). Yet, spatial comparison here is also supported by process tracing (not formal research design) for increasing the internal validity. This is because quasi-experiment research (e.g., spatial comparison) design still assumes *ceteris paribus* which can never take place totally; also it assumes co-variation of  $X_1$  and Y that is not causality. Therefore, process tracing bridges the above mentioned two gaps by uncovering the many confounding variables

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<sup>188</sup> Yet, the temporal comparison between the Arafat era (1994-2004) and the post-Arafat era (2005-2007) is useful since one can compare how inclusion changed after Arafat and how such change affected the deployment of violence. When applying temporal comparison across the same case, researchers, however, should check and control for changing contextual factors. For preliminary comparison see the conclusion chapter.

between  $X_1$  and  $Y$ , and addressing various kinds of evidence to reach causal inferences. Process tracing, as Gerring contends, provides contextual evidence and deductive logic necessary for case studies (2007: 172-173). Below, I discuss the spatial comparison and process tracing used in this research.

I conduct spatial comparison between two primary similar governmental sectors with some differences: the PSS and the CSS. The comparison takes place across the same time period, mid-2005 to mid-2007, under almost the same political system and domestic circumstances. These two sectors were chosen because they were both contentious and widely debated and argued about in 2006-2007. These two sectors were continually and generally compared in some talks I attended and interviews I conducted. It was becoming clear that there were some variations in both sectors in terms of practice of power for Hamas that demanded further research. My fieldwork shows that both sectors had experienced exclusive inclusion, but that one had “high” ostensible power sharing (treatment, that is the PSS). The other sector, however, had “less” ostensible power sharing that was improving and had more potential (control, that is the CSS) as I show in figure 4.<sup>189</sup> This means there were positive changes in the ostensible power in the CSS that did not happen in the PSS especially related to policy making and implementation. In chapter 3, I go into details about these two levels of ostensible power sharing. I also show similarities between both sectors to control for other variables. Then I show the deployment of political violence by incorporated groups against one sector and not the other (especially at the beginning). The general hypothesis is that the more/higher

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<sup>189</sup> Treatment is the sector that has exclusive inclusion; control is the one that has less or no exclusive inclusion.

exclusive inclusion is, the higher tendency of political violence. I also trace exclusive inclusion in all other authority institutions (executive, legislative, judicial, and media) in which former institutional decisions and policies intersect with the above two sectors.

In the PSS, the incorporated group Hamas, after some time of participation, did not gain or granted control compared to the CSS. Power sharing conditions in the CSS were improving (at least on the game level), especially after the reconciliation unity deal between incumbents and incorporated opposition in March 2007. That is, Hamas had power leverage over policy-making and implementation in the CSS. It got to keep its employees, through factional dividends, and to partially run ministries with the theoretical support of the President. Power sharing in the PSS, on the other hand, was not promising and remained the same if not worse for Hamas after the reconciliation unity agreement in terms of blocking exercise of entitled power and jurisdictions and having leverage over policy-making. There was also the potential of losing the little power on the side of Hamas (as was recognized by Hamas's leadership). That is, the level of exclusive inclusion was higher and manifested greater in the PSS than in the CSS, especially after the reconciliation between Fatah, Hamas and other factions. I demonstrate the varying levels of exclusive inclusion and how they led to varying interactions between authorities and incorporated opposition in each sector, to divergences within Hamas, and to the outcome of political violence. Hamas finally deployed political violence against some agencies in the PSS, while they refrained from the CSS in the beginning. Even when they justified the deployment of violence against authority institutions and personnel, they almost always excluded the civil institutions and emphasized that their enemy was certain agencies in the PSS.

The PSS and the CSS's structural and institutional contexts are similar in many ways but they have differences too. The PSS and the CSS were similar in the sense that both were formed as a result of the Oslo Peace Agreement in 1993 and were tied and restricted by its conditions (e.g., number of employment, exclusion of opposition, etc.) and by Arafat's centralized governance. Both sectors and all the PA institutions were neo-patrimonial in the sense that they had functioning laws, in addition to informal working institutions of client-patron relations, among other things, and were mostly controlled by Fatah/PA elites and cadres (Hilal 2006a; Irshaid 2007; Parsons 2005). Yet the PSS witnessed an internal power competition between various PA/Fatah commanders supported by Arafat. The CSS and the PSS were considered major sources of income to a large portion of the population; by 2006 they employed almost the same number of people, 80,000 in the CSS and from 60-80,000 in the PSS (20,000 of them on probation). Many of these employees were PLO activists, Fatah cadres and affiliates, commanders, politicians, and regular qualified people. Yet Hamas-affiliated personnel were almost completely excluded from both sectors, but more so in the PSS.

In addition, both sectors witnessed a total collapse during the first half of the second Intifada (2000-2005); this included Israel's invasion of almost all major Palestinian cities and attacks to security and civil institutions (see Roy 2007). The previous resulted in weak Palestinian governmental institutions and the flourishing of multiple power centers of Fatah/PA elites and commanders. The latter tried to override the formal executive power of the President and the PM (Jarbawi and Pearlman 2007; Usher 2005a). However, the dismantling of the security sector was more devastating than the CSS and was related to the spread of significant lawlessness in the WBGS beginning

in 2004 (Friedrich and Luethold 2007; Lia 2006). Despite their similarities, the PSS was more exclusive to other political groups except that of the governing party, Fatah, than the CSS. It was more fragmented by multiple power centers of ruling elites and security chiefs and, while both sectors depended on external aid and were vulnerable to outside aid and intervention, the PSS was more significantly shaped and constrained by the Oslo agreements and the Israeli authorities' monitoring and scrutiny. It also had a higher degree of external intervention than the CSS (discussed further in chapter 4). It goes without saying that the strategic importance to the PSS to internal and external political players differed from the CSS given that each party (President, Fatah, Hamas, the US and Israel) wanted to guarantee its (and its allies) control over the "legitimate" deployment of forces and violence. Having said that, and given the higher initial uneven playing field in the PSS than the CSS, it made the process of inclusion in the PSS more prone to becoming exclusive.

### **Process Tracing and Causal Mechanisms:**

Research that commits to causal explanations via causal mechanisms differs from the "deductive nomological" or "D-N"<sup>190</sup> model of explanation and its commitment to covering laws in the form "if A, then B" (which is a correlation to understand causal effects). The former is a predictive relationship more than a causal one where initial conditions A, through a certain law, show B as the result expected (George and Bennett 2005: 131-132). However, a causal mechanism is defined as an, "...ultimately

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<sup>190</sup> For more, see Hempel and Oppenheim (1948).

unobservable physical, social, or psychological processes through which agents with causal capacities operate, but only in specific contexts or conditions, to transfer energy, information, or matter to other entities” (George and Bennett 2005: 137). Thus, to uncover causality, not just causal effects, scholars deploy mechanism-based approaches, opposite to overall covering law, which means that the approach reveals the explanatory process through which “(“X leads to Y through steps of A, B, and C”)” (George and Bennett 2005: 141). That is, the causal mechanism approach triggers new opportunities for researchers to get closer to the finest level of detail (micro-foundations) they can observe about things or phenomenon in which researchers make explanations that are sensitive to the continuity of space/time relations and series (Bennett 2003). Yet, mechanisms can be agent-to-agent mechanisms like persuasion, communication, and strategic interactions or, for example, structure-agent mechanisms like socialization (George and Bennett 2005: 145).<sup>191</sup>

Process tracing, however, is a data analysis method (Bennett 2003; George and Bennett 2005; Reilly 2010) that gets close to the micro-details to identify or test mechanisms that lay behind the observed in the case study. It is used, for example, to uncover nonlinear relationships, multiple causality, and tipping points (Reilly 2010). As George and Bennett put it, “...the process tracing methods attempts to identify the intervening causal process-the causal chain and causal mechanism-between an independent variable (or variables) and the outcome of the dependent variable” (2005:

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<sup>191</sup> Causal mechanisms can thereof be rational choice mechanisms (on the level of the individuals). But for George and Bennett these rational choice mechanisms, including others, cannot be assumed to be generalized universally but their generalization will depend on the research question at hand and “the research objective.” For more see George and Bennett (2005: 44-145).

206). Process tracing does this through working empirically to find hypothesized intervening variables and observable implications. That is, process tracing produces many observations about the case at hand and then links the observations together to generate a reliable explanation and inferences of an outcome. A combination of independent variables and factors interact and intermix where process tracing then is used to uncover their relations and interactions through certain causal paths or chains (i.e., a chain of events). Tracing new causal paths and chains helps to generate new hypotheses in case studies that are observed inductively.

One has to note that there are a variety of ways to conduct process tracing (theoretical and a-theoretical). Recently it has come to mean that researchers give a qualitative description or detailed narrative of some events that happened and reveal intervening variables with the use of existing hypotheses, explanations, or theories in the field.<sup>192</sup> Therefore, process tracing is not a mere historical account of narratives. I use this form of process tracing in this dissertation where the process tracing method engages with hypotheses in the field of study or outside of it (not explicit theoretical forms) at least for a significant part of the narrative to transfer historical events to causal explanations. Previous hypotheses and assumptions in the literature help to make connections in each of the above-mentioned steps (of B, C, and D) and in assessing patterns with observations and with the data. Using existing assumptions aims also at minimizing any bias of inferences.<sup>193</sup>

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<sup>192</sup> For a review of process tracing varieties, see George and Bennett (2005: 210-212).

<sup>193</sup> Counter-factual arguments can also be deployed whenever necessary.

Finally, it has always been a challenge for researchers to define their starting points of process tracing in a given case and narrative. Some researchers use major tipping points and junctures to start their process tracing (since the end or outcome is always known). Process tracing here begins with the preparation for the PLC elections during the second half of 2005, under President Abbas, because this stage was a critical juncture for inclusion and for the transformation of the Palestinian system into a two-party system. Hamas was not totally excluded from the PA under Arafat (1993-2005) but was not included either. That is, Hamas refrained from running in the presidential and parliamentary elections of 1996 under the Oslo peace process that it rejected (see chapter 1). Therefore, entering into the Palestinian political system ten years later not only meant a change for the political system but it also transformed the group (Hamas) in significant ways. The transformation happened due to new institutional constraints and opportunities (POS) and due to the new arenas of participation opening for the groups.

Even after using process tracing in this research, issues of elimination of rival hypotheses and increase internal validity remain a matter of concern in case study research (that is determining the causal power of an independent variable). When we trace the processes that link some causes to an outcome, it helps to define these causes out there from a variety of existing independent variables. Yet, sometimes process tracing cannot help to eliminate all plausible rival hypotheses but one. Sometimes it helps to eliminate more, but that depends on the case under research (see chapter 10 of George and Bennett 2005). In my case, there were various rival hypotheses that were eliminated through thorough investigations into some variables (discussed in conclusion chapter). This method of process tracing and eliminating some evidence and variables has been

depicted by scholars as the work of a detective (George and Bennett 2005: 219; Gerring 2007: 173). The latter keeps tracing clues and signs that reveal the outcome and disqualify the non-related observation.

In the chapters here, I trace the link between exclusive inclusion and violence by applying the above technique in which traces of other possible causes are explored when possible (e.g., the military power as a major reason for political violence in this case).<sup>194</sup> However, the challenge to process tracing will always remain to identify some or one causal mechanism and to isolate it from other causal mechanisms taking place at the same time in the same context under the same case. To do so, one has to carefully recognize and map out various contextual conditions that helped a specific mechanism to be stimulated, in the causal path, and not others (George and Bennett 2005: 137).<sup>195</sup>

The above discussions in my research will be further clarified in the chapters. Process tracing is essential to this research to eliminate some evidences and variables and focus on tracing some path that points to the underlying reasons for the deployment of

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<sup>194</sup> This process is carefully clarified by Lawrence Mohr in George and Bennett: "...when X causes Y it may operate so as to leave a "signature," or traces to itself that are diagnostic. In other words, one can tell when it was X that caused Y because certain other things that happened and observed unequivocally point to X. at the same time, one knows the signature of other possible causes of Y and one may observe that those traces did not occur. By using this technique, one can make a strong inference that X either did not cause Y in certain case" (2005: 217).

<sup>195</sup> In the larger sense there might be alternative causal paths that lead to the same outcome (equifinality). Researchers are encouraged to always think of these alternative causal paths in their study, if possible, and by extending the case study research to more cases. In these new cases, researchers look for an alternative causal path that works under certain conditions and leads to the same outcome as the main case. This means a researcher can find more than one causal path the leads to the same outcome. This opens the door for a typological theory; see chapters 10 and 11 in George and Bennett (2005).

political violence. Most important is a rival independent variable mentioned in the literature and claimed in my case; the military capacity of the incorporated groups as a major determinant behind the takeover of the Gaza Strip in 2007. The argument of Hamas's military capacity seemed compelling, but after I traced the clues and evidence, I was not only directed to dismiss it as a major direct factor but looking for it helped me to trace other clues. These clues were based on observations related to the intra-party dynamics of incorporated groups and their internal divergences and unobserved tensions. That does not mean that the military capacity of a political group is not important, but I argue that military capacity factors into the decision of political violence though it is not the main component and covers some other internal dynamics within the group. As a matter of fact, Hamas's military capacity had existed in earlier times and stages where Hamas did not deploy violence before 2005. The same happened when I traced other major claims and independent variables regarding the deployment of violence in the Palestinian case as a result of the increasing militancy of some Fatah/PA militants and security agencies that had to be controlled by Hamas through violence. While this claim is also compelling and widely sighted in most of my interviews, I found that it covered deeper power dynamics within the incorporated group itself and with relation to incumbents and external powers that I tried to present here. On an important final note, I found that tracing the role of the international factor and power to be increasingly important in the Palestinian case. Nonetheless, given the limitation of fieldwork and the scope of this study I was not able to trace that important component to its micro-dynamics to show the various differences among various external powers. Yet, I point to the external powers' roles (the US, the EU and Israel) as important to engineering

inclusion and changing internal power relations as discussed above. Further research should work on disaggregating the external component.

Finally, it is important that process tracing establishes the causal link between causes and outcomes without interruption (George and Bennett 2005: 218-219). Disruption might happen at some point in the causal chain of the analysis due to an inaccessibility of evidence. If that happens, it makes the elimination of a competing hypothesis a harder task. Yet the causal path would not be disapproved. During the process tracing of the causal path in this dissertation, and despite the difficulty of getting evidence due to limitations on the movement and travel of the researcher to meet some people due to the geographical separation of the West Bank from the Gaza Strip, the overall path was not interrupted in my case. This happened due to finding alternative ways to interview and due to the extensive interviews and primary material available.

When it comes to a generalized explanation of case studies, as I mentioned before, process tracing is not set to generalize explanations of the cases, but it can generate some preliminary hypotheses that lead to the direction of generalization (or external validity). Therefore, in this work, process tracing does not lead to grand theories but aims towards the direction of generating some mid-range theory when this research extends to more within case studies in the future. Further examinations of the mechanisms here have to happen in other case studies to refute or confirm these mechanisms and add others. Therefore, causal paths and mechanisms discussed here are not comprehensive.

Reliability is usually, "...understood to concern replicability of research findings and whether or not they would be repeated if another study, using the same or similar

methods, was undertaken” (Ritchie and Lewis 2003: 270), and is a challenge for case studies and is not always feasible when using process tracing, as in this dissertation. Yet, as I mentioned before mechanisms found here might be identified by other researchers, or they might be tested, refuted, or added to other mechanisms when conducting future comparative research. Reilly suggests that in case studies that use process tracing the, “...clear and concrete description can greatly enhance validity and reliability” (2010: 5). I am confident that in every juncture of process tracing I was as clear as possible and gave generous explanations. I do not, however, claim that my study is replicable. When it comes to measurement error, the case study is less prone to this problem since researchers can define their variables carefully and measure them within the case without the need to stretch them quantitatively across cases.

### **Political Violence and Exclusive Inclusion: Indicators and Measurements**

The deployment of political violence by incorporated groups, in this case Hamas, after entry to the state marks a change in the behavior of incorporated groups from a non-violent approach to authority to deployment of limited political violence intermixed with continuous diplomacy on the level of elites and leaders. The deployment of political violence is mostly unexpected and needs further explanation.

There are indicators of political violence against authorities that I select from earlier studies on political violence, like the studies of della Porta (1995) and Tilly (2003), for use in this case study. These indicators include: attacks and damage of government property and facilities; rioting when it leads to damage of government

property; clashes and violent interactions with the police and security forces; groups attacking the authority party and causing injuries or death; armed seizure of public places and/or people; and assassination of citizens and officials based on their affiliation with authority. All these forms use literal physical force (not symbolic).<sup>196</sup> Violent attacks and clashes can happen using light arms, locally made bombs (mortar bombs, grenades, and other small missiles), or beating with sticks or sharp objects.<sup>197</sup> This political violence can be further distinguished in the light of its forms from non-violent strategies of opposition and political actors mentioned in wide-spread research on social movements including, verbal violence or assault, negotiations and open channels of talks, demonstrations and vigils, and op-eds in the newspaper.

I gather and investigate the occurrence and alteration of the above forms of political violence and non-violence with authority from 2005-2007 based on primary resources and publications mainly from the al-Mizan Center in the Gaza Strip and the monthly data and reports of the Independent Commission for Human Rights (ICHR) in

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<sup>196</sup> One should not mix political violence against authorities studied here with general internal violence in 2006-2007 between Fatah and Hamas armed groups and others, including family feuds. The former case of lawlessness and civil conflict included other indicators of violence. For example, family feuds and individual conflicts, acts of revenge and honor crimes, public property seizure by extended families and armed groups of former settlements, assassination of citizens based on an assumption or proof of their cooperation with the Israeli authority (al-Mizan 2007). This research does not cover previous indicators and is concerned only with political violence deployed by incorporated groups against authorities and allies (personals and facilities).

<sup>197</sup> Armed groups usually obtain light weapons to fight an occupation in which there is no law to regulate such processes. The struggle of these military groups within Hamas and Fatah against the Israeli occupation is viewed as legal and legitimate for most people. It is understood that as long as there is an occupation, these groups will exist and have a moral mandate to own and use guns. Ironically, the light weapons that are used to fight the Israeli occupation have been used in individual, familial, and factional confrontations inside the Palestinian community (personal interviews April 2007 and May 2007).

the WBS, in addition to the day to day Chronology by the Conflict Forums report.<sup>198</sup> I also compare incidences of political violence with prior years from 1994-2005 (almost non-violent) where they are shown to dramatically shift in quality and occurrence in the first week of June until 14 June 2007.

Exclusive inclusion, with the two processes of open contestation and ostensible power sharing, is also operationalized. I explore the process of contestation by looking into the timing right before, during, and after contestation. Contestation is determined by the existence of a competitive election process according to a defined election law in a defined geographical country. The aim of my work is to check for certain criteria provided in the literature on competitive authoritarianism regarding transgressions against elections as indicators of a free and fair election. These indicators (discussed above under unpacking inclusion) include: empowerment, free supply, free demands, inclusion (i.e., universal suffrage), insulation, integrity, and irreversibility (i.e., winners should be able to assume office) (Schedler 2002b: 40-46). Indicators should be altogether fulfilled for elections to be considered open and democratic. When some of the above conditions are not fulfilled the election is not free and fair, nor is it partial contestation. I go through each of these conditions to verify them and trace their occurrence. Schedler (2002b: 42) has demonstrated some of these manipulations in what is termed a “tool kit” of manipulation (by incumbents) of elections that corresponds to the above indicators. These include:

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<sup>198</sup> Conflict Forum. 2007, "A Conflicts Forum Chronology: the Failure of the Palestinians National Unity Government of the Gaza Takeover (December 2005-July 2007)", Retrieved June 2009, <http://conflictsforum.org/articlepdfs/failure-of-the-national-unity-government.pdf>

- Deploying electoral confinements (like reserved positions where incumbents keep a high center of power out from electoral pressures or reserved domains where incumbents remove crucial policy areas from opposition jurisdictions);
- Securing the exclusion of opposition and competitors (through murder, banning, or issuing laws and regulations with exclusive criteria to disqualify competitors);
- Preventing the dissemination of knowledge and opposition campaign messages (denying competitor's right to speak, to move and travel, and to access media);
- Controlling the composition of the electorate (discriminatory registration methods and voting procedures);
- Applying pressure on voters to not choose freely (including threats to voters, violence against voters, and clientalist control of voters);
- Electoral fraud (stealing ballot boxes and using fake ID voting cards); and
- The norm of irreversibility, where elected officials are not endowed with real power (e.g., incumbents put elected officials under their tutelage or straightforwardly remove them from their positions) (Schedler 2002b: 45).

As we see, the above-mentioned tools are mostly related to the election process and access to power, except partially for the norm of irreversibility. The latter has two components, as is illustrated in the literature: access to power (e.g., incumbents cancel

out or deny election results) and exercise of power (e.g., incumbents put elected officials under their tutelage and prevent them to exercise constitutional powers) (Schedler 2002b: 39). Here I argue for the separation of the norm of irreversibility category or indicator in order for the researcher to investigate the latter component closely and as part of a complex process of manipulation (I call it ostensible power sharing) to the exercise of power by incumbents after elections (access of power). That is, I aim to be able to investigate how and what the formal and informal means, through which incumbents deny elected officials the exercise of power.

Thus, power sharing is captured and traced within the judicial, executive and legislative formal state institutions,<sup>199</sup> or branches, of power in addition to the media with a focus on bureaucracies like the PSS and the CSS. That is, I focus on the decisions and practices of incumbents and the traditional ruling elites against incorporated opposition and within above formal state institutions. I argue that there are various decisions and practices taken by incumbents to manipulate incorporated groups' jurisdictions. These decisions and practices sometimes follow state or authority-enforced rules and regulations (that is, follow formal institutions). Nevertheless, other times they are informal, meaning they follow unwritten widely known rules and norms (known as informal institutions like clientalism, rent seeking, nepotism, use of paramilitary thugs,

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<sup>199</sup> Formal institutions can mean more than one thing. Most of the time, I follow Helmke and Levitsky's definition: "...formal institutions are rules and procedures that are created, communicated, and enforced through channels widely accepted as official ... This includes state institutions (courts, legislatures, bureaucracies) and state-enforced rules (constitutions, laws, regulations) ..." (2004: 727).

etc.<sup>200</sup>), or they are even extra-institutional and extra-judicial (e.g., imprisonment and/or assassination of the opposition).

As I discussed above, I endeavor in this case study of the PSS and the CSS where many of the above executive, legislative, judicial practices and decisions taken by incumbents have been practiced and intermixed within the two sectors. For example, transgressions by traditional ruling elites over legislative power, represented by the basic security law that regulate the sovereignty over the security forces and the relations and responsibilities of each security agencies to each other and to the President, directly affect newly elected incorporated oppositions entitled power and its exercise in the PSS.

Before I move to the indicators of power sharing under each formal branch and authority/state institution, I start with informal rules and practices by incumbents. The latter are traced here and their indicators for their centrality in non-democratic settings along with formal rules and regulations for governance and manipulations. As I mentioned earlier in this research, informal rules and practices are not easy to identify and trace. Therefore, I depended partially on the literature of the Palestinian case before and after 1993 and primary sources to identify some existing informal rules of clientelism and factionalism in the PLO that were transformed with the same elites who established the PA, especially President Arafat (Brynen 1995a; 1995b; Hilal 2006; Irshaid 2007; Jamal 2005b; Khan et al. 2004; Parsons 2004). I trace some informal rules

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<sup>200</sup> Examples of informal institutions include presidentialism (power in one hand), clientelism (the president relies on awarding of personal favors like distribution of governmental jobs to people and licenses, contracts, etc.), patronage (use of state resources for political legitimation), and rent seeking (using public resource for private use through public office in non-productive projects and investments) (Erdmann and Engel 2006: 23-27).

and practices<sup>201</sup> that I found through fieldwork. Yet, I only focus on certain informal rules related to my topic where I found they still existed within the PA institutions and affected exclusive inclusion. These informal rules were mostly through client-patron relations, personalization and/factionalism, and other coercive and informal rules. Client-patron relations between the PA and some affiliates were sometimes announced by people and were not always hidden. Sometimes elites would talk indirectly about them during interviews under different terms like discussing “reviving the Fatah movement within the polity through using their formal positions in the PA institution!”<sup>202</sup> Sometimes I had to trace relationships between some elites and second rank cadres who held governmental positions or were in para-militant groups. Personal-factional relationships needed further examination, but existed, and I found some evidence of primary sources. The informal practice of coercion (e.g., violence and intimidation) was mentioned through repeated interviews and participant observation; a few I was able to witness myself, while the rest I found evidence of in primary sources and publications. While most informal institutions and practices I chose were recurrent themes in my interviews that led me to trace them further, few were found while looking for other observations. Informal institutions and practices uncovered here were not exhaustive, but I captured those that were mostly related to the phenomenon I studied and those who interacted with formal institutions as

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<sup>201</sup> Various kind of informal institutions are mentioned in the literature of the Palestinian system since 1994 (even before PLO patrimonialism). These are: nepotism (family and friends being favored to govern regardless of abilities and skills); patronage (corrupt use of state resources for the interest of some groups and not others, usually for electoral support); abuse of administrative resources; growing and actual rule of political clans and factions to safeguard authority privileges through informal personal networks; and personalization (existence of connections between elites and citizens) (Brynen 1995a; 1995b; Hilal 2006; Irshaid 2007).

<sup>202</sup> Fatah Revolutionary Council member and previous Fatah Minister, 17 September 2007, Ramallah.

well. Accordingly, informal rules were not discussed separately in unfolding chapters but I show how they intertwine with formal rules. Defection and absence were other informal practices registered by public employees in the PA institutions.

On the same token, indicators and observations derived in this dissertation to capture power sharing under each branch or institution (executive, legislative, judicial, media, and bureaucracies) were sometimes mentioned and researched in most of the authoritarian literature and newly emerging literature on competitive authoritarianism. However, they were not systematically studied and analyzed in one research agenda. I gathered these insights and indicators from the literature and added some similar and different ones from my fieldwork and combined them to be analyzed systematically through this case study. Interviews and primary sources were valuable to devise and account for these indicators. Yet, I do not claim that these indicators under each branch are comprehensive and more research in other cases might reveal more insights and indicators. However, I argue that the indicators listed below did assist in tracing power sharing in these various branches' institutions and revealed major domination and power relations between incumbents and elected officials. Also, some indicators were better captured than others due to observation and/or the data available.<sup>203</sup>

In the executive branch, I focus on the extent to which incumbents allow newly elected officials to practice mandated powers and entitlements. To capture this, I look

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<sup>203</sup> Other intervening variables revealed through process tracing, like intra-party structure, will be operationalized in the coming chapters where I discuss each of them and their role in the causal path (see figure 1).

into the major decisions and practices taken by incumbents formally (and sometimes informally) to block incorporated opposition entitlements. Thus, I focus on:

- The existence and frequency of consultations and communication between incumbents and newly elected officials;
- The existence and frequency of engagement of newly elected officials in policy making, policy implementation and/or policy development;
- The kind of policy elected officials are allowed to engage with (high politics like national security and/or low politics like local urban planning);
- The transgression over the rule of law and regulations by the incumbents and affiliated elites and the formation of specific “incumbents personal regulations” instead of existing formal ones;
- The relative dependence/independence of incumbents from powerful local ruling elites and/or from external powers pressures and demands; and
- The function of existing informal institutions and sometimes extra-judicial practices that prevent substantial power sharing (for example, the existence of a virtual body of powerful ruling elites of executive power over the elected opposition, personal networks, patron-clients relationships, intimidation, blackmailing, coercion, violence, and/or sanctions).

Many of the above executive prerogatives and entitlements between incumbents and elected officials (e.g., ministers) also intersect in the security sector and/or civil service sector. For example, the president can block executive powers from the Minister of Planning or Minister of the Interior from newly elected officials in the semi-presidential and parliamentary system (where the majority party (ies) in Parliament forms its government).

Based on the above, if there are no frequent consultations, no participation of policy-making, implementation and development, and the President is weak where a shadow of a virtually functioning body of executives is actually running the state institutions, and the rule of law is sidelined for the benefit of certain ruling groups or interest, then the elected officials can practice little if any of their entitled powers. In this case, power sharing is ostensible in the executive domain. Incorporated oppositions also perceive such power sharing as ostensible and work on gaining back some power through various direct and indirect ways (see chapter 5). Overall, my fieldwork shows that sharing in policy-making, implementation and development were the priorities of elected officials in order to consider themselves as an active part in the political process and as actually included (it also enjoyed relative importance over other prerogatives). In other words, if opposition groups are able to have higher margins in practicing power related to policy-making, implementation or development of the power sharing conditions are thought to be better and more promising (by elected groups), even if the above other indicators are not fully satisfied (for example, if there is still informal politics deployed by ruling elites).

In the legislative domain I investigate whether and how incorporated opposition is permitted or tolerated by incumbents and ruling elites, according to their mandates and entitlements to practice legislative powers. This includes:

- The possibility and frequency through which elected oppositions are able to be involved in law making, initiation, drafting, modification, and ratification, and in public budget ratification;
- How frequent the parliament was able to convene, and how the absence or attendance of the incumbent party impacts sessions (to assess whether they want to delay the work of the parliaments); and
- The extent to which newly elected members of parliament are exposed to various forms of informal and extra-judicial practices like intimidation, blackmail, threats, imprisonment, coercion and violence against members, their assets and/or the parliament.

The same almost applies to judicial and media institutions. That is, I trace the extent to which newly elected officials or incorporated groups are allowed to practice their power in the judicial system. In the judicial branch this means the relative independence of the judicial system and constitutional court from the incumbents' direct control, and the extent to which rule of law is implemented and respected as a neutral arena where elected officials might resort to major constitutional transgressions. One has also to check for client-patron relationships and favoritism within the judicial institutions. The media has always been the conventional arena in which autocrats have wanted to guarantee their grip over as cited by most literature of competitive authoritarianism and

usually has been one of the first arenas for incumbents to claim their power over and/or tighten the rules and margins related to all kinds of written or spoken media. Also, media manipulations and attacks against journalists are widely cited in competitive authoritarian systems. In this research, I also trace incumbents' formal decision and practice to claim supremacy over visual and written media, in addition to restructuring publication laws, implicit and explicit media campaigns, and constructing, inciting, and insinuating "damaging" and negative narratives against newly elected groups.

The above executive, legislative, judicial and media transgressions of the power of elected officials intersects within the bureaucracies and are investigated along with other administrative prerogatives in the CSS and the PSS. The study of bureaucracies and their informal elements is not new and can explain policy outcomes.<sup>204</sup>

Power sharing in terms of the extent to which incumbents tolerate or grant power to newly elected officials is not genuine, as was the case with the PSS. I study power sharing in these two sectors, the PSS and the CSS, by focusing on the same major executive and administrative jurisdictions of newly elected officials. That is, first I trace the above listed executive, legislative, and judicial jurisdictions of elected opposition related to the PSS and CSS sectors and whether and how incumbents and their allies blocked them. A major focus is on the ways incumbents (backed by external powers) undermined the rule of institutions and provided incumbents the executive power of

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<sup>204</sup> This is similar to the case of bureaucrats in authoritarian Brazil (Schneider 1991). Schneider reveals that the career path and personal ties of bureaucrats explained their preferences and policies better than material incentives, interest, ideology, loyalties, and goals. The success of Brazil's industrial policy, despite the fragmentation and informality under authoritarian regimes, is partly because of linking bureaucratic careers to promotion through appointments (1991).

supremacy over other institutions, as well as on the lack of formal communication and deliberation over major policies in the PSS and CSS.

Second, I underline a major area of contended jurisdictions, that is public employment (for security and civil personal), which falls mostly under the jurisdiction of the Council of Ministers (CoM and the PLC) but was hijacked in various formal and informal ways as I reveal. Public employment includes recruitment, appointment, promotion, and dismissal of public senior and junior employees and security personnel. The reason I choose this specific jurisdiction is that because it is a highly controversial jurisdiction among the newly elected opposition, incumbents, and affiliates of the Fatah traditional ruling party and bureaucrats. It was a critical arena of jurisdiction that reflected polarization of political actors and drew on formal and informal institutions and practice. In addition, while the center of focus of the power struggle in the competitive authoritarian literature has commonly been on election and competition over occupying the national office (for example, by the leader of the party in opposition), public employment offers an extra implicit arena to investigate power sharing and reflect on the levels of power sharing of the newly elected officials under non-democratic settings.

In other words, investigating the public employment process goes beyond elites' politics into unpacking power relations at the lower levels in the state institutions among bureaucrats and employees (related to incumbents). This issue gets even more crucial in reflecting on the level of power sharing in places where the PA public sector is large and government public employees constitute almost 160,000 employees (in 2007) for a population that was less than four million in the WBGS at the time. While one would expect that public employment as a bureaucratic process might be intact from immediate

power struggles and polarization and more related to the needs of formal institutions and the qualifications of the recruits as it is in democracies, public employment in the PA was part of the power struggle and the power polarization between traditional ruling elites and newly elected officials (especially neo-patrimonialism). Also, it is an interesting arena to explore since it is usually not scrutinized as other more visible formal institutions and processes. To examine public employment I focus on:

- The process of employment (who makes the decision to recruit, promote and dismiss);
- How the previous decisions are taken and the means through which employment issues take place. For example, whether they occur through presidential decrees of incumbents, haphazard factional decisions or through legal measure or a mixture;
- What kind of employment decisions the newly elected officials are actually able to implement at the junior or senior governmental levels or both;
- The (non)political affiliation of newly appointed employees (civil and security personnel); and
- Whether one faction or group of people has more advantages than others within formal institutions.

Third, and as part of public employment arena, I research and document implicit and informal transgressions over the elected official's jurisdiction in the PSS and the CSS

that happened not directly by incumbents and elites but indirectly through their aids, affiliated employees, and para-militants. This was uncovered through focusing on the day-to-day practices within ministries and the flow of bureaucratic work and communication between ministers (of newly elected officials) and their employees (mostly affiliated with the incumbents' ruling party). This kind of examination revealed transgressions from below over the newly elected officials' jurisdictions through tactics like the choice by government employees to not perform their mandated responsibilities according to their titles through the delay of work; not attending meetings; absence from work; and intimidation of new employees. These practices were intended to send a message of non-acceptance to the newly elected officials. Even more, they aimed in many cases to discredit newly elected officials and delay the achievement of their political programs (according to their election campaign platform), and/or to compel them to work according to the existing balance of power and not according to the election's outcome and formal mandates. As I show in chapter 4, Hamas utilized these transgressions through "backdoor strategies" to succeed in allowing entitlements such as employment (across factional lines) to occur.

### **Methods in the Field:**

I apply personal in-depth interviews, participant observation, and some document analysis in my research of a within case study. My systematic fieldwork was conducted for almost 12 months (June 2006, February - October 2007, and April - May 2008) mostly in the West Bank, the Gaza Strip (over the phone since I was not given permission to enter the Gaza Strip by the Israeli authorities), and for a week in Jordan (meeting

Palestinian activists in the Diaspora). Participant observation and observation took place for eight months earlier in the research phase (April 2004 - January 2005). Below I outline my methods and explain carefully how they were conducted.

Participant observation and observation: In 2005, when I was working on my dissertation proposal, I began work as a UNDP volunteer with the Ministry of Women's Affairs (MoWA) in the West Bank as the Director of the Research Department. The Ministry was newly formed and I was part of the team working on its strategic plan for the coming five years according to a participatory approach. From April 2004 - February 2005, my work at MoWA played an important component in formulating my research (I had taken notes during my time at MoWA) and provided me greater insight, through my first-hand experience, of the PA public institution's functions and preparations for the entry of Hamas into the system. This happened in three ways. First, I was able to explore the administrative processes and daily practices between the central government and ministries not only in MoWA, but also within the PA institutions in general. This was because MoWA's main objective was to work on gender mainstreaming within governmental institutions. Thus I had to meet with different senior and junior employees and policy makers. These meetings implicitly gave me the "feeling" of how the PA institutions work and the personal and factional tensions from within, in addition to the tensions within the PA institutions and security sectors (where the latter was seen many times as a sector in the hands of the Israeli authorities). It also gave me a good sense of how Islamists (here Hamas) were thought of by government employees and senior officials within the CSS before Hamas had won the PLC elections (even though, at that

time, Hamas had participated in the local council elections and had big wins, especially in the local councils of the Gaza Strip).

Secondly, I returned a year later to continue my formal fieldwork and interviews in 2007, to find that MoWA had a new minister, this time from Hamas, and some new employees. I conducted further interviews and had informal discussions concerning power sharing and the experiences of the newly elected officials from Hamas in the PA, and was able to compare these discussions with my notes and observations from the previous year. Furthermore, participant observation helped me establish relationships with various activists and employees who trusted me and were willing to share private and sometimes exclusive experiences from within the PA institutions (including some who worked in non-governmental institutions). I was also exposed to the Palestinian elites and politicians, whom I conducted interviews with a year later.<sup>205</sup>

Third, my work on gender issues with the Ministry sensitized me to the fears of many secularists who were concerned with Hamas's participation in the PA system and the gender segregation some anticipated and feared. Therefore, concerns over Hamas's "moderation" and "radicalism" were the subjects of some informal discussions in the

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<sup>205</sup> It might be worth mentioning that during my work, I had joined a team of the ministry employees, researchers, and consultants in addition to the Minister of Women's Affairs to meet with President Arafat and update him on the work of the Ministry when he was under siege by the Israeli authority in his almost collapsing presidential compound in Ramallah. He listened to all the questions everyone raised and to the last question I asked regarding ways to end the mismanagement and corruption I saw in the PA institutions. He nodded his head and was silent for a moment and then answered calmly by asking me whether the US (meaning the American administration), where I was pursuing my doctorate degree as he put it, had not treated Palestinians and other under-developed countries with the same, if not worse, mismanagement, dishonesty, and corruption of aid and politics.

ministry(ies) and in the streets among some who were middle class and/or leftist. These conversations raised my interest in the relationship between inclusion and moderation and set my research agenda early on. Yet, this concentration shifted when I started pursuing my fieldwork deeper and a step further. It shifted from concentrating on the behaviors and practice of incorporated opposition, to the contexts through which these behaviors take place and to the surrounding circumstances of the whole inclusion process and its implications and within working mechanisms. It struck me during my first month of fieldwork that when I described to political actors from various political factions my research topic and theme of inclusion-moderation, a sense of anger was the first reaction against my work even from some of Fatah (ruling party) activists. I frequently was directed to investigate and figure out how and why sanctions were imposed and how and why democracy had no ability to prevail in the WBGS. During times of internal violence between Palestinians, the level of tension among people, political actors, and elites was high. Conferences and talks were frequently taking place to determine how the peaceful inclusion of Hamas turned into a “nightmare” for all Palestinians, how they could stop sanctions and internal clashes and, above all, there were many complaints by Hamas-affiliated officials regarding not being able to practice their mandated powers and jurisdictions, and about major transgressions against them in the PA institutions that were increasing polarization on the ground. Under such situations, it seemed that questions of moderation were not the only priority for the people, activists, and leaders, but also a misleading starting point. At the same time, there were Fatah/PA elites and others who argued about the radicalism of Islamists, including Hamas, and about Hamas’s self-interested approach to put the PA institutions under their power regardless of how high a

price Palestinians would pay for such a decision. The time and the situation had mandated urgent re-investigations of the democratization/competitive authoritarianism literature, authority-opposition nexus, and the inclusion-moderation hypothesis I had learned of until that time to question inclusion before moving to moderation.

Observation: For a topic about exclusive inclusion and the process through which is connected to the incorporated opposition's behavior, a prior step was needed before the in-depth interviews to map out the process that involved several players. Observations are argued to be a useful method when,

“...a study is concerned with investigating ‘a process’ involving several players, where an understanding of non-verbal communications are likely to be important or where the behavioral consequences of events form a focal point of study” (Ritchie 2003: 35).

In addition, I resumed my fieldwork research during the beginning of the initial internal violence in the WBGS and increasing polarization between the two main parties Fatah and Hamas, and circumstances of internal sanctions and later takeover of the Gaza Strip. As a result, conducting interviews was not the easiest way to start collecting data and it was not easy to win the trust of new activists and political actors. Therefore, I spent two months examining the behavior of incumbents, elites, oppositions, and activists, analyzing them and understanding their interactions earlier in the research. This process was carried out during my fieldwork even when I started interviewing. Observation happened by attending various conferences and workshops to discuss various current political issues (sanctions, violence, employment, mismanagement, public employee's strike, and corruption of the security forces). I attended all the PLC sessions (a total of

three) and saw the give and take between factional parties. I also attended some meetings with different political parties, protest activities, and lectures conducted by universities and research centers. In addition, I attended various and numerous informal talks and discussions that enriched my understanding of the political context and familiarized me with key players and the interrelated web of variables and observations.

Primary sources and documentary analysis: These sources included public documents (mainly speeches of the President, PLC members, and leaders of Hamas and Fatah), two biographies (by Hamas PLC affiliates and a major Fatah cadre), private minutes of meetings, statistical records and surveys by public and private organizations, local books, pamphlets, magazines articles, newspapers, and periodicals. Materials from election campaigns of each movement (visual and printed material, including television and radio advertisements and debates, press releases, party conferences, websites, posters, printed speeches, and election platforms). These sources provided historical accounts of the experience of the PA and political actors and covered some events and gaps of data when direct interviews were not always available.

### **In-Depth Interviews as a Main Source of Information:**

I conducted 80 interviews with political elites, activists, leaders and members of factions and political parties (Islamists, Fatah, and leftist), ministers and various governmental officials and employees, militant groups and security force personnel, members of the PLC, professionals in associations, professors and academics, journalists, and independent researchers. Some of these interviews were with activists that I have

known personally since my undergraduate studies and work experience in the West Bank beginning in 1994. Some of them were senior or junior employees in the civil and security sectors and had trusted me enough to discuss with me internal practices and informal politics that extended sometimes beyond the interviews.

In-depth and open-ended interviews should be conducted based on earlier careful observation (Silverman 2001: 87). Interviews were based on a handful of semi-structured questions (not standardized interviews), but they were mostly open for interviewees to address their perspectives, concerns, and ideas. Interviews in my research were critical to direct the investigation to the most important changes of behavior, ideas and interpretation of experts and activists across the spectrum of factions and their intermixed affiliations. Major original insights have been drawn from these interviews about political actors' contexts, their understanding of their experiences, interactions with each other, and about their position with the international community. In-depth interviews were sometimes also a major source for detailed subject reporting, clarification, evidence, and for filling gaps in the causal path and narrative.

The problem with open-ended interviewing is that interviewees and interviewers are familiar with a social construction; that is, what is appropriate or inappropriate, or what is "politically accurate" or not. Sometimes the interview itself and the way the dialogue unfolds are material for research in which interviewees create their own meaning during the interview or even send indirect hints that signal critical ideas about sensitive topics (like violence). While I did not problematize the social construction and dialogue of interviews as my subject of study, I kept this idea in mind during the interviews and later when I analyzed the interviews. Therefore, I tried to constantly be

sensitive to how interviewees tend to create their own meaning of events. That is, I avoided picking and choosing from the answers of the interviewees according to my own perceptions and judgments. I, however, concentrated on deviant cases in which the answers provided were very different from the other similar pool of actors and considered them as a break with social understanding and interpretations. Sometimes, since the major topic was political violence and the way through which it happened and linked to inclusion, I had to look beyond the immediate dialogue into the meanings of the justifications and interpretations given for violence and link them to similar ones in the literature of the Islamist movement. Also, I constantly looked into the different and similar threads of evidence across interviews.

### **Obstacles to Fieldwork:**

I encountered various obstacles while conducting this research. Here I highlight only two main issues. First, restrictions on movement were high between the West Bank and the Gaza Strip after 14 June 2007. I was not given a “permit” by the Israeli government to enter the Gaza Strip; thus, I tried to compensate for this in the research by conducting interviews with people from the Gaza Strip over the phone and being in touch with some activists and friends there for collecting primary resources and insider feedback. Traveling within the West Bank was not always easy, especially when going to the north to the city of Nablus where I had to wait for hours to exit the city through the main Israeli road block established; I was often worried that my camera or laptop with dissertation materials might be destroyed as it happened to other local researchers and

journalists. However, I valued being in the West Bank at that very transformative and intense moment of history in Palestinian politics in 2006, 2007, and 2008 which provided me with the privilege to observe the dynamics of politics, and the interaction of elites, politicians, activist and people towards it.

Second, it was not easy to conduct interviews with Hamas faction members or affiliates due to security reasons and mostly due to the fact that most of Hamas's officials and activists were arrested by the Israeli authority and where not always available. However, I managed to interview most of them in the West Bank and was able to communicate briefly with few leaders inside Israeli prisons. Matters of privacy and security were important and seriously considered in my fieldwork. Interviewees were not always comfortable meeting with me, and some I had to meet twice, three or even four times before they began to engage with me in discussion. For matters of confidentiality and sometimes upon the request of my interviewees all names are kept anonymous in this dissertation.

## **CONCLUSION**

This chapter provides an overview of the authority-dissent nexus in comparative politics with a major concentration on the inclusion-moderation nexus evolved in democratic contexts. After challenging the former nexus in its applicability to non-democracies, it calls for unpacking inclusion as a first step toward tracing the link between various kinds and levels on inclusion and opposition behavior. Inclusion is unpacked through two main processes: contestation and power sharing. Unpacking

inclusion captures the formal and informal rules and practices of incumbents and their local allies and related elites used to manipulating incorporated groups' entitlements with major state institutions: the executive, legislative, judicial, media, and bureaucracies (the CSS and the PSS). The external factor, represented mainly by the Israeli authorities and the West (the US, and less so the EU), is also taken into consideration when mapping out the domestic power balance and the former role in supporting incumbents and undermining inclusion. When applied to the Palestinian case, researchers have argued that it was an exclusive inclusion that Hamas witnessed in 2006-2007. That there was open contestation but ostensible power sharing with various levels in the two within sectoral comparisons: the PSS and the CSS.

This chapter has demonstrated how the literature on social movements, political violence, and competitive authoritarian regimes is used in this dissertation to trace the link between exclusive inclusion and the deployment of political violence in the Palestinian case in 2007. Mechanisms concerning strategic interaction, nested game, and intra-groups dynamics were also useful. This chapter has explained the use of the within case study research design with cross-sectoral comparison (the PSS and the CSS), in addition to the process tracing data analysis method in order to draw causal mechanisms and a causal path between exclusive inclusion and political violence. The dissertation, thus, is set to offer a framework for hypothesis and theory building and not to offer a predictive model of political violence. It is stimulated and driven by a problem-solving approach to understanding unexpected political violence and is provoked by a quote like the one below:

What happened in the Gaza Strip was not a random event, there were events and reasons that led to it...now unless we investigate the reasons that led to such an explosion, it will happen again and we will witness the same internal factional clashes even if we hold hundreds of dialogues [to solve the problem]...there are for instance issues that need to be discussed concerning the [unity] government, the Palestinian Authority (PA), the security forces, corruption- which has been intrinsic to the PA, and all the practices that led those who embarked on the Political violent event of Gaza to take an action. However, all previous factors still exist until today!<sup>206</sup>

In the next chapter I take the reader on a journey of tracing the above link and connection. In the following chapters, I introduce observations and elaborate on further intervening variables and reveal interactions. The concluding chapter helps in eliminating rival hypotheses and explanations.

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<sup>206</sup> Shallah, Ramadan, the Secretary-General of Palestinian Islamic Jihad (PIJ) (PIJ did not take part in the inclusion of the NUG), an interview with Ahmad Mansour, Al Jazeera Arabic TV channel, 13 June 2008.

### **CHAPTER 3:**

#### **EXCLUSIVE INCLUSION: OPEN CONTESTATION AND OSTENSIBLE POWER SHARING IN THE GOVERNANCE AND BUREAUCRACY REALMS**

This chapter takes the first step of unpacking the process of “inclusion” in PA institutions. It does so by shifting the attention more toward the post-election era and uncovering manipulations that are not only confined to the elections process, but extend to the rest of the formal institutions. To do so, inclusion here is disaggregated into two processes. The first is open contestation and election process where turnover happens and the opposition wins a national election. The second is the continued participation process or what I term power sharing. Power sharing is found to be ostensible here in which further manipulations of elected officials’ jurisdictions take place for the benefit of traditional incumbents and eventually prevent “real” inclusion to occur. I call open contestation and ostensible power sharing exclusive inclusion where elected officials are incorporated institutionally, and sometimes through free and fair elections, but are stripped from their jurisdictions and practice of power at almost all institutional and governance levels (executive, legislative, judicial, and the media) and within bureaucracies. Yet, this chapter endeavors to trace power sharing in an in-depth sectoral comparison of the CSS and PSS. This exploration (in the CSS and PSS) is not in any way final or comprehensive, but it opens the door for investigation beyond elections into the everyday manipulations in various institutional realms combining formal and informal means and rules.

This chapter is a first step in the chain that links exclusive inclusion (as state and incumbents' strategies and POS) to the elected oppositions behavior (mainly the deployment of violence amongst diplomacy) that traces the various mixtures of incumbents and ruling elites' strategies of manipulations and rules in various state institutions (in addition to elections). In chapter 4, I show the exact counter actions and ideational changes that were deployed by elected officials to earlier incumbents' strategies and rules, and the interaction of incumbents and elected opposition. In chapter 5, I show how this interaction unfolded in various ways and led to intra-opposition divergences and the deployment of violence against authorities.

In this chapter, I start by looking into the competitive legislative election, "open contestation," for the major opposition movement Hamas's entry into the PA institution. I examine few manipulations to the election process that proved to be mostly free and fair. Second, I show that despite the free and open election, power sharing was made ostensible in many ways by incumbents as well as by external forces and the Occupation. I start by analyzing manipulation in the three branches of power: legislative, executive, and judicial, in addition to the media. Third, I illustrate ostensible power sharing taking place within the two comparative sectors the CSS and the PSS. I show how ostensible power sharing in the PSS was less promising than that in the CSS. That is, incorporated group (Hamas) in the PSS had little chance to practice entitled power mainly concerning policy making, implementation or development in addition to formal public employment in the security sphere. In various institutional domains, the focus of this study is on formal along with informal rules and practices by traditional incumbents that aimed for structuring power sharing and prevent genuine exercise of power.

Finally, I reveal the role of the external domain, and its actors in concert with the local domain, in molding ostensible power sharing. The external dimension (including colonization in the case of the Occupied Palestinian Territories) proved to be very influential in the post-Cold War and post-9/11 eras for some competitive regimes, than others, including the Middle East and the Palestinian case. For this Schedler warned: “Unfortunately, the new global agenda after 11 September 2001, which clearly gives priority to security over liberty, may well end up favoring electoral autocrats over democratic electorates” (2002b: 49).

### **OPEN CONTESTATION: THE PLC ELECTION OF 2006**

The smooth transition of power to Abbas after Arafat’s death, through a presidential election in January 2005, promised more legal authority but did not guarantee transformation from neo-patrimonial rule to a legal-rational authority (Jarbawi and Pearlman 2007). On the contrary, the West Bank and Gaza Strip witnessed an initial shift to democratization under Abbas, but personalized politics flourished among the multiple power centers of the Fatah/PA elites under the weak authority of Abbas. The transition from Arafat to Abbas guaranteed a somewhat freer and fairer election, but not real inclusion and democracy. Even worse, Abbas was a weak leader and Fatah’s ruling party had multiple power centers and divided political and security elites. One of Abbas’s advisors declared,

The situation in 2005-2006 is much worse than in 1996 [when] there was the strong authority of Arafat. But now the [Palestinian] Authority is weak and, in practice, it does not exist on the ground.<sup>207</sup>

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<sup>207</sup> Fatah Revolutionary Council Member and Fatah PLC Member, 1 May 2007, Ramallah.

In an attempt to restore his legitimacy and power among the divided Fatah/PA elites who went against Abbas's orders, Abbas aimed to institutionalize the PA and signed the Cairo agreement (2005) with Hamas (see chapter 1). Hamas agreed to run in the PLC election and to be included in the PA for the first time in its history. The goal of including Hamas was to secure a cease-fire with Israel that would assist Abbas in fulfilling the conditions of the Road Map (see chapter 1) and demand the actualization of a Palestinian state based on continued negotiations with Israel.

In this section, I show how contestation, as the access and extent of competition during election (following Dahl's definition of polyarchy (1971)), served as a major component of entry to the state and was relatively open for Hamas when it ran in the PLC election. Contestation in general is open when societal forces and different groups run for public office (and all legislative, executive and local level elections) in a pluralist, free, and fair electoral process.<sup>208</sup> Schedler, building on Dahl's work (1971; 1989), listed conditions that should be altogether fulfilled for elections to be considered open and democratic: empowerment, free supply (i.e., free formation of alternatives or election with choice), free demands (i.e., access to plural source of information), inclusion (i.e., universal suffrage), insulation (i.e., citizens express their preferences freely), integrity

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<sup>208</sup> This section also takes into consideration political rights and civil liberties that should be guaranteed in democracies for election to happen freely and fairly, and the rights of all citizens to vote (see Levitsky and Way 2002: 53).

(i.e., bureaucratic integrity), and irreversibility (i.e., winners should be able to assume office and exercise power) (2002b: 40-46).<sup>209</sup>

In competitive authoritarian regimes<sup>210</sup> like the PA, incumbents design democratic transitions through elections and take decisions regarding the opening and closing of the system, including its extent and level. This was explained clearly by Lust-Okar who stated, "...formal inclusion and exclusion may not always appear to be the incumbents' choice, but fundamentally it is" (2005: 79). Abbas and a few Fatah/PA elites indeed chose, with the green light of the US, to go for PLC elections that would include Hamas. However, there were also attempts to make the elections less open and fair, as I show below. The case of the PA is one where the local and external powers intertwined critically. We cannot discuss incumbents' policies and behaviors without looking into how these policies and behaviors are directly affected and sometimes directed by Israel and US policies regarding the Palestinian-Israeli conflict (see last section in this chapter).

### **Unsuccessful Attempts of Garmenting the PLC Election:**

The manipulation strategies, or what is known as the toolkit of manipulation of elections (Schedler 2002b: 41-46, 2002a: 104-110) used by authoritarian rulers to maintain their governance has been applied by democratic transition scholars as a guiding

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<sup>209</sup> In the coming section on power sharing, I show how even after winners were able to practice some power in office, their participation was still hijacked in various ways within competitive authoritarian regimes.

<sup>210</sup> This also happens in authoritarian regimes.

map into understanding manipulation techniques of authoritarian incumbents. As I discussed in chapter 2, there are key components and strategies of the manipulations of elections. For example, deploying electoral confinements (like reserved positions where incumbents keep a high center of power out from electoral pressures) (Schedler 2002b: 42); securing the exclusion of opposition and competitors (through murder, banning, or issuing laws and regulations with exclusive criteria to disqualify competitors); and/or preventing the dissemination of knowledge and opposition campaign messages (denying competitor's right to speak, to move and travel, and to access media) (see Schedler 2002b). In the section below, I show how there were some attempts to manipulate elections through the exclusion of Hamas competitors when Israel imprisoned some of the candidates before the election. There was also limited prevention during the dissemination of Hamas campaign materials in East Jerusalem and the change of the Election Law.

Months before the PLC election in mid-2005, it became clear to Hamas, the Palestinian factions, and the President, that Israel and some of the Fatah/PA elites, mostly Abbas's aides and cohorts, were the two major parties that opposed the convening of the PLC election in January 2006. In the months leading to the election, Israel refused the integration of Hamas into the PA, considering them as a threat to their existence. Urging the international community to do the same, then Justice Minister Tzipi Livni declared:

Israel and the international committee will find a terrorist organization as part of the Palestinian Authority, and there is going to be an end to the Road Map, which requires Palestinians in the first phase to dismantle terrorist organizations.<sup>211</sup>

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<sup>211</sup> Israeli Justice Minister Tzipi Livni, speaking at the Interdisciplinary Centre, Herzliya, 12 September 2005 (ICG 2006a: 16).

In a dramatic step before the election, Israel attempted to halt the preparation of the PLC election when it imprisoned a number of Hamas-affiliated candidates and supporters, almost 100 of them. Hamas, however, declared that it would run in the PLC election and kept its list of imprisoned candidates for the election (indeed, many of them became PLC members while in Israeli prisons). In addition, Israel forbade elections to convene in East Jerusalem and prevented political campaigning of Hamas-affiliated members there, as well (Tamimi 2007: 217).<sup>212</sup> These tools of undermining competitive elections are discussed widely in the democratization literature and are not new (Schedler 2002b: 43-45). However, they were done in ways that did not impede the overall election process and its democratic environment.

The US endorsed Hamas's entry into the PA in 2006. This was a considerable change given the US's consideration of Hamas as a terrorist organization in 2003, and its position a year earlier, in 2005, to boycott Hamas's heads of local councils and municipalities (see chapter 1). The change in the US decision happened in October 2005 during the visit of Abbas to Washington, DC. Abbas emphasized that he could do nothing to reform the PA or end militarization without the participation of Hamas. Abbas saw Hamas as a major player in the Palestinian politics and should be engaged, while also viewing it as a critical potential spoiler to the peace process that should be neutralized (Weisman 2006). Thus, given the state of fragmentation within Fatah and the internal lawlessness within the West Bank and more in the Gaza Strip, the US had no other Fatah

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<sup>212</sup> Hamas insisted on holding elections regardless of Israel's decision. In the end, Israel permitted some Jerusalemites to vote at the post office and others in the WBS area (Tamimi 2007: 216-217).

partner but Abbas, who still had some legitimacy among the Palestinian people who voted for him a year earlier. Abbas was also viewed as able to convene a multiparty election with the hope of ending lawlessness, while also taming and demilitarizing Hamas. It was thought that such efforts might encourage Hamas to commit to the Road Map (which Hamas along with other Palestinian factions including some branches in Fatah did not agree with) based on the conditions set by the Quartet, mainly the US. By the end of 2005, the US administration succeeded in convincing Israel to give the PLC multiparty election a chance to convene.<sup>213</sup> The US even funded the election, including the Palestinian Central Elections Commission (ICG 2006a: 29).

Multiple power centers of Fatah/PA elites fractured over their preferences of the new PLC election and the entry of Hamas to the PA. On the one hand, some of the Fatah/PA minority elites rejected the entry of new actors in the upcoming PLC election because this meant that Hamas would compete with these elites and share their privileges (a common justification for incumbents not sharing elections, see introduction of Lust-Okar 2005). On the other hand, some Fatah/PA elites and young Fatah cadres thought that democratic elections could bring a new legitimacy to the system, save and reform the

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<sup>213</sup> Yet even the US administration was under pressure to not integrate Hamas. For example, in December 2005, the House of Representatives voted 397 to 17 to demand that the PA begin efforts to dismantle Hamas before elections and threatened to freeze aid if Hamas was integrated into the PA (House Resolution 575, in ICG 2006a: 30). American officials went along with election at the end because, as Weisman argued, there was no alternative when Abbas was not able to disarm Hamas. In addition, the decision was related to the US regional politics and political campaign of “democratization of the Middle East” after the war on Iraq (ibid. 2006).

PA, guarantee these elites a place within, as well as render Hamas less popular after participating in the PA and engaging in governance.<sup>214</sup>

This division within Fatah/PA elites regarding the entry of political actors in times of democratic transition from neo-patrimonial authority speaks to the transition literature from neo-patrimonial/authoritarian regimes (like the PA regimes, see chapter 1). Bratton, in his research on African regimes, saw elite factionalism as an important feature of personalistic regimes during transition (1994: 463). He argued that the interests of elites usually defined the position of neo-patrimonial elites toward a democratic opening of the system:

Instead of fracturing ideologically over whether or not to liberalize, neo-patrimonial elites are more likely to take sides on pragmatic grounds in struggles over spoils. Their political positions come to be defined according to whether they are insiders or outsiders in relation to the patronage system... meanwhile, the insiders in a patrimonial ruling coalition are unlikely to promote political reform... Recruited and sustained with material inducements, lacking an independent political base, and thoroughly compromised by corruption, they are dependent on the survival of the incumbent regime... they derive their livelihood from state or party offices. Because they face the prospect of losing all visible means of support in a political transition, they have little option but to cling to the regime and to sink or swim with it (Bratton 1994: 463-464).

Therefore, in 2006, the above insiders and neo-patrimonial incumbents and ruling elites, known in the democratic transition literature as hardliners (O'Donnell and Schmitter 1986), rejected the entry of Hamas into the PA. This was mostly related to the fear of losing their political privileges and/or entrenched interests in the PA. For some ruling elites, the PA simply constituted the main source of livelihood, social status, and security for Fatah elites within the PA and they would not let the PA be run by Hamas,

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<sup>214</sup> Political advisor to the President, 16 September 2007, Ramallah; Fatah Revolutionary Council Member and Fatah PLC Member, 1 May 2007, Ramallah.

who opposed the Oslo process and opposed the PA from 1994-2004. Hamas's incorporation into the PA, as new actors with a different value system and reform agenda, would disrupt the dynamics of power and the formula of shared interests and resources of the Fatah/ PA elites in the neo-patrimonial setting. One of these Fatah insiders explained:

If the PA is destroyed [due to Hamas's inclusion in the PA] and the Oslo agreement is ended today, this means the death of Fatah [as a ruling party]... Fatah as an entity does not exist by itself. [Thus] Fatah [and its elites] has no way to restore today but through the PA...the PA is the lung through which Fatah breathes.<sup>215</sup>

Fatah hardliners pushed Abbas to cancel the expected PLC election altogether.<sup>216</sup>

Despite the fact that they were successful in deferring the election for six months (from July 2005 to January 2006), they failed to postpone the election to an undefined date. Thus, they moved to the other famously used mechanism to tailor ruling parties' victories in elections. This was done through tailoring the election law in a way that should serve their self-interest and guarantee victory. Some of the Fatah/PA ruling elites wanted to keep the current election law, known as the District-Based Law, but they failed when other Fatah/PA elites advocated for a mixed system which they thought would serve Fatah candidates better.<sup>217</sup> The election law was voted by the current Fatah-majority PLC

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<sup>215</sup> Fatah Revolutionary Council member and previous Fatah Minister, 17 September 2007, Ramallah.

<sup>216</sup> On 4 June 2005, Abbas issued a decree to postpone the PLC election under Israel's threat not to withdraw from the Gaza Strip if Hamas won the election, and under PA/Fatah elites pressure for more time to unite Fatah so they could run as united for the PLC election (Former Fatah Minister and Fatah High Committee Member, 8 April 2007, Ramallah).

<sup>217</sup> The country (Occupied Palestinian Territories) is divided into different districts and the number of seats assigned to each district depends on its population. The candidate who gets the highest number of votes wins the district.

to be a “mixed system” (which is district-based mixed with proportional laws). The District-Based Law previously worked to Fatah’s advantage since Fatah had already secured power in local Palestinian areas (ICG 2005: 6). Proportional representation, however, did not depend on factional or personal local power, as with the District-Based Law, but on the power and popularity of the faction within the whole country. It also did not depend on how large the party was, but on its influence and national popularity.<sup>218</sup> Some Fatah/PA elites calculated that the Mixed System Law would provide Fatah with more votes than Hamas since its power in local areas was fading and it needed to depend on a proportional system and not only the District-Based Law. Abbas and new mid-ranking Fatah leaders wanted the mixed system too because they thought it provided a good chance for local networks of historic Fatah elites to fade away and for new Fatah leadership to emerge.<sup>219</sup>

Hamas registered its disappointment about the postponement of the elections and asked for an adherence to the conditions of the Cairo Accord, but it did not take any further actions or measures. The movement was pre-occupied with preparations for the election and was still going through an internal debate about its participation. It also had many internal differences and opinions about participation in the PA (as chapter 5 reveals).<sup>220</sup> Hamas was mainly a resistance movement with no governance strategy; On

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<sup>218</sup> Informal conversation with Palestinian expert on the Election Law, Talib ‘Awad, 2 August 2007, Ramallah.

<sup>219</sup> Former Fatah Minister and Fatah High Committee Member, 8 April 2007, Ramallah.

<sup>220</sup> Hamas leader and consultant, 3 May 2008, Gaza Strip (interview over the phone).

the contrary, it developed as the opposition to the PA and the Oslo peace process and it gained its popularity as such.<sup>221</sup> There were, therefore, many members and mainly its armed group, the Al-Qassam Brigades, which were hesitant about the benefits of participation in the PA under occupation, given the weakness of the President and the divided and corrupt Fatah/PA elites in their eyes. They thought that participation in the PA would discredit Hamas. Thus, they saw governance as an “evil that should be avoided” (as expressed by one of the Hamas leaders).<sup>222</sup>

Others, however, had different views and saw that participation in the PA in 2006 would serve Hamas’s interests. The argument in favor of participation, led by major Hamas leadership at the end<sup>223</sup> was that Palestinians were already in a post-Oslo era after the second Intifada when Israel destroyed any peace option for a viable Palestinian state.<sup>224</sup> There were many structural and contingent considerations that led the total body

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<sup>221</sup> Hamas was against the Oslo agreement based on its perceived unfair solution to the conflict and the concessions it offered to Israel on behalf of Palestinians (Usher 2006a; Usher 2006b). For them, the Oslo agreement intensified, rather than lessened, the existing imbalance of power between Israelis and Palestinians to the advantage of the former (PLC General Secretary, 15 June 2006, Ramallah).

<sup>222</sup> An expression used by a prominent Hamas leader during an interview on 3 May 2008 (over the phone). Governance and participation in national elections was part of the MB doctrine (the umbrella organization that produced Hamas), but participation in the Oslo PA, per se, was rejected by both the MB and Hamas. For more information, see Mishal (2003); Mitchell (1993), Qaradawi (2001).

<sup>223</sup> See chapter 4 on the dynamics of internal decision-making in Hamas.

<sup>224</sup> Musa abu Marzuq, Deputy of the Head of the Political Bureau of *Hamas*, summarized the reason why Oslo was already a dead agreement: “...as we embark on a new phase in the struggle to liberate Palestine, we recognize the recent elections as a vote against the failures of the current [peace] process. A new “road map” is needed to lead us away from the path of checkpoints and walls and onto the path of freedom and justice. The past decade’s “peace process” has led to a dramatic rise in the expansion of illegal settlements and land confiscation. The realities of occupation include humiliating checkpoints, home demolitions, open ended administrative detentions, extrajudicial killings and thousands of dead civilians” (Tamimi, 2007: 288). For more information see, LoCR election manifesto of the PLC, 2006 in Tamimi (2007: 292, appendix VI).

of Hamas to embrace participation despite concerns with manipulations to the election and to any future experience with the PA institution. Among these considerations were the rising popularity of Hamas as a transparent social and resistance movement, especially since the second Intifada, due to the services it offered Palestinians in the absence of centralized PA institutions (Abu Amr 2007: 174). Rising popularity made advocates for participation within Hamas feel confident that Hamas would win significant seats in the PA even if there were unfair elections. However, Hamas was institutionally undergoing a crisis after the loss of its major internal leaders (the assassinations of its spiritual leader and founder, Shiekh Ahmad Yasin on 22 March 2004, and its major leader, Abd Al-Aziz Al-Rantisi on April 2004). Therefore, some trends wanted to gradually shift the movement from a clandestine movement to a political party within the PA. In addition, externally Hamas was listed as a terrorist organization by the US and EU since 2003, hence, its participation in the PA would guarantee Hamas the external recognition needed to be part of the PA and to protect its leaders from continuous assassination and incarceration (Usher 2006a, 2006b).<sup>225</sup> Previous reasons might have been built on ideas of insecurity sensed by Hamas in the post-Arafat era. It might have feared counter actions by the remaining Fatah elites against them, and/or they might have feared a peace agreement that would go even beyond the minimum of the Oslo peace process to the disadvantage of Hamas and other Palestinian factions. A Hamas senior leader stated:

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<sup>225</sup> Hamas had been kept out of the diplomacy track and other agreements concerning the Palestinians and conflict resolution. Yet, Hamas first embarked on two main unilateral truces with Israel in 2003 and 2005 that signaled an approach where Hamas combined the method of resistance with diplomacy (Gunning 2004; Milton-Edwards and Crooke 2004) and a prelude for its willingness to take part in the PA among popular and internal pressure to participate in the PA.

Hamas thought that the PA should not be left without their participation...Arafat was the one who protected Hamas; they felt secure that Arafat was not a tool [in the hands of Israel and the US] to end Hamas. He had resisted all foreign pressure to commit a massacre or to embark on a civil war [with Hamas for any peace agreement deal]. Thus, after Arafat's death, Hamas had no confidence or trust in any other Fatah leader. Accordingly, they wanted to penetrate the PA in order to pre-empt this authority from acting against them [through a peace deal that goes against them]!<sup>226</sup>

### **Transformation of the PA Institution from a One-Party to a Two-Party System:**

Thus, if the death of Arafat represented a major transformative event within Palestinian politics, it was indeed the victory of Hamas and the formation of the first non-Fatah government that shook the foundation of the one-party governance of the PA into the bipolar system of Hamas and Fatah. As is the case of competitive authoritarian regimes, the turnover of governance after the opposition wins a national election is an unavoidable outcome despite all measures taken by incumbents to preserve power in their hands (Howard and Roessler 2006; Levitsky and Way 2002; Schedler 2006). The victory, therefore, transformed Hamas from the opposition movement since 1994 to the elected officials and incumbents in the PA. This victory changed and re-set various opportunities and constraints for all political actors, and it constituted a great challenge for Abbas and Fatah ruling parties, and some Western powers and Israel.

The election was deemed free and fair with no transgressions registered during the day of election. The President did not contest the election's results and did not initially jeopardize Hamas's victory, despite being in shock. Some elements within Fatah, mainly in the Gaza Strip, were not able to digest the results and refused to share in any unity

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<sup>226</sup> Close Hamas affiliate, 6 May 2008, Gaza Strip (Interview over the phone).

government with Hamas. An example was Muhammed Dahlan, the prior head of the PF in the Gaza Strip and PLC member, who was known for his animosity toward Hamas. Nonetheless, even the President himself, who accepted the election's result, felt the need to justify the landslide victory of Hamas and was apologetic about it to the external community on various occasions.<sup>227</sup>

Contestation in the Palestinian system was open in 2006 because it was a pluralist election with several competing electoral lists and candidates running; all Palestinian factions, societal groups, and individuals, including Hamas, could technically run for public office (parliamentary and presidential election).<sup>228</sup> In addition, the LoCR was allowed to campaign like any other political group with protected rights of freedom of speech and expression including criticism of the previous government and the PA system (except in East Jerusalem by Israel's command). The election was conducted according to the PA's Basic Law (2003) and the Palestinian Election Law (2005) despite earlier attempts by some Fatah elites to postpone or cancel the elections, in addition to efforts to change the Election Law. Contestation happened in a relatively peaceful environment without major transgressions (against election observers, election locations, candidates, and voters) and the election results were not associated with fraud and were not

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<sup>227</sup> In a speech to the European Union in March 2006, Abbas said: "I do not want to provide any justifications for the success of Hamas that was unexpected to that extent or to the defeat of Fatah that was also unexpected despite the fact that Fatah got 51% percent of the total voting while Hamas got 42%. This percentage for Fatah emphasizes that the Palestinian people did not become extremist as the results reflect. But the type of the electoral system and the multiplicity of the candidates of Fatah led to such results."

<sup>228</sup> While Hamas ran for the local councils and PLC elections, there were many signs and declarations from its leaders that it would run for the next presidential elections. There were also some announcements by Fatah leaders (such as Marwan al-Barghuthi) that they welcomed such attempts as long as they were democratic.

garmented and manipulated by any power. The results were initially respected by the Palestinian people and the President, but not by the international community and some Fatah elites, as I show below. The process of election (before, during, and after) was free and fair with the approval and the support of the President and the supervision of international observers (including former US President Jimmy Carter).<sup>229</sup>

The contestation that was designed by Abbas, Israel and the US, with the cooperation of Hamas, took on a direction and life of its own after the victory of Hamas. On 25 March 2006, Hamas formed its own government after all Palestinian factions refused to form a coalition government with it. The victory did not follow the process of “inclusion” and governance that were envisioned by Hamas and Abbas in the Cairo Accord (see chapter 1), nor did it take the root of real inclusion and democratic practices. On one hand, the victory challenged the planned scenario developed by President Abbas, the US, and Israel to embrace Hamas within the PA with just enough to guarantee its cooperation in future peace talks and peace treaties between Israel and the PA. On the other hand, it also challenged Hamas’s plan to gain a reasonable percentage of seats in the PLC (expected at 40%) in order to enable Hamas to implement reform under the Presidency of Abbas. Hamas became the center of the very subject it had feared: authority. Combining governance with resistance was new for a movement that had no documented strategy for governance.<sup>230</sup> Abbas and Hamas expected to institutionalize the

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<sup>229</sup> In his book, *Democracy and Its Critics*, Dahl gave certain characteristics of polyarchy (1989: 233). Hamas’s candidates, during my interviews with them, agreed to the terms of frequent elections and agreed to be removed in a fair and free election after their terms ended (as suggested in Dahl 1989: 233). For more about the Palestinian Election and Israel see, Carter (2006a: 177-179).

<sup>230</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

PA by imposing the rule of law and reducing militarization in the Palestinian arena (with the exception of weapons of resistance, according to Hamas) in a way that would not change the total balance of power with Israel and the US. However, the victory of Hamas and the formation of its government altered the balance of power momentarily to the advantage of Hamas.

It was at this point that Abbas's exploration into ways to handle such a victory would determine the events to come and the outcomes. Thompson and Kurtz argued that:

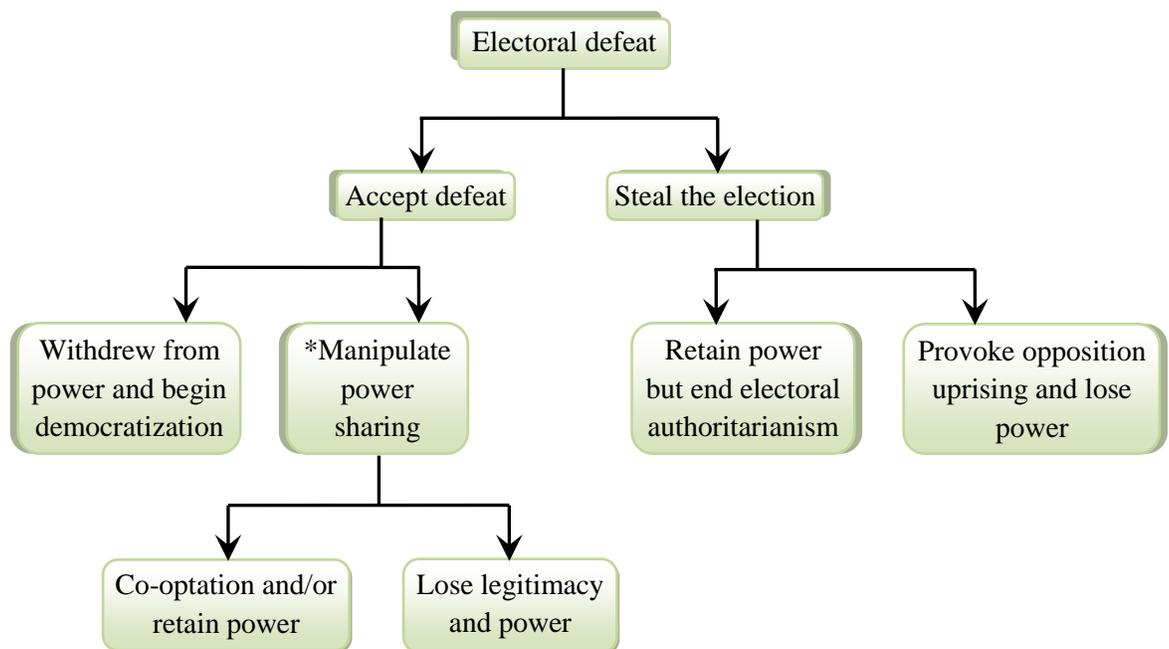
The occurrence of stunning election is to a substantial degree contingent upon the incumbents' decision-making. Had they possessed better knowledge of their own weaknesses and the opposition's strengths, rulers would not have announced polls in the first place or at least would have taken more precautions when holding them...after the election, the steps taken by the regime again become crucial. Having suffered defeat, incumbents are forced to make a decision that profoundly shapes their countries' political future. They have to choose between openly acknowledging the opposition victory or blatantly stealing the election (by manipulating the final vote count or annulling the entire balloting (2006: 113).

According to the above quote, it was at this point (after stunning elections) where Abbas had to take a decision to both accept the election results and permit Hamas to form its own government (and hopefully for the whole system to endorse democratic inclusion), or to cancel out the election results or alter them to maintain incumbents' power. These choices might have led to a civil war (e.g., like the case of Algeria in 1991 and Kenya in 2007) or mobilization and loss of power by incumbents (e.g., Georgia in 2003, Ukraine in 2004, and Madagascar in 2002). However, as figure 2 below shows, Abbas chose a third way where he embraced the results of the elections temporarily and

officially. Yet later on, with the pressure of his cohort and outside power, Abbas blocked elected officials of Hamas from real power sharing in practice.

Below is a figure proposed by Thompson and Kurtz (2006, figure 1: 113), where I have added a third choice made by Abbas as another major option into how competitive authoritarianism might handle election turnover and the expected outcomes. This option of incumbents' acceptance of election defeat temporarily was initiated and mentioned in the literature and the cases from South America, post-communist states, Asia, and Africa.

**Figure 2: The Possible Consequences of Incumbents' Electoral Defeat in Competitive Authoritarianism:**



\* This is my addition to the figure proposed by Thompson and Kurtz (2006, figure 1: 113).

Even in the same article of Thompson and Kurtz (2006) they discuss, in some cases, that when the incumbents' power and authority are not in danger (maybe this

means victory in the parliament and not presidential elections), incumbents might still recognize defeat in elections in order to maintain their power and turn the system eventually and back to authoritarianism like the case of Iran in 1997 and Zimbabwe in 2000. Furthermore, Schedler wrote about all possible scenarios of what he called “corrective” post-electoral safeguards:

...They [incumbents] may adjust official election results, as in the 2000 parliamentary elections in Iran (Boroumand and Boroumand. 2000: 117-120). They may jail the elected president, as in Nigeria in 1993. They may strip legislators of their mandates, be it through the “whitewash courts...or by executive decree, as in Brazil in the 1970s. Or they may rely on intimidation and material seduction to “persuade” opposition actors to join their ranks, as reported in Kenya in the 1990s and Peru in the year 2000 (Schedler 2002a: 113).

The acceptance of election results by incumbents coupled with the deployment of intimidation, co-optation, and executive decrees against new elected opposition officials to maintain the former power, were frequent as indicated by the above quote and other works on competitive authoritarianism. However, much of the literature until 2009 has still been occupied with the manipulation tools of the institutions of elections themselves. Moreover, it has still been more focused on the various scenarios and possibilities through which competitive elections and opposition participations can lead to real transition to democracy in competitive authoritarianisms (Brownlee 2007; 2009; Brumberg 2002; Bunce and Wolchik 2010; Diamond 2002; Howard and Roessler 2006;

Levitsky and Way 2002, 2010; Lindberg 2009; McFaul 2005; Schedler 2002a, 2002b, 2006).<sup>231</sup>

In this coming section, I tackle the post-election era from a different angle than the above quote (not about the incentives of incumbents to take one choice over the other) by revealing the many options incumbents deploy after they accept competitive election results as a way to stay in power. That is, through investigating the formal and informal mechanisms and means by which traditional incumbents can accept national election defeat to oppositions but still control the process of inclusion and the real practice of power in the formal institutions to prevent meaningful inclusion and democratization to take place.

The aim here is to provide a greater attention and examination into the post-election manipulation mechanisms in order to reveal the “nature” of competitive authoritarian regimes and the inclusion process that takes place. Also, to show how incumbents can deploy various means including “democratic” (like endorsing competitive elections results) and soft means (like co-optation), along with hard means (like coercion and intimidation) to regain power over the system. Therefore, elected new officials shall not think of an election victory as the end of the game. In addition, I show in the last section of this chapter, how such process of manipulation in the post-election era is also conditioned by the existence of some factors, mainly the support of a super power to losing incumbents (instead of supporting pro-democracy elected officials).

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<sup>231</sup> There are studies on the manipulation of the election or post-election era in authoritarian regimes in the Middle East, such as: Brownlee (2007), Clark (2006), Lust-Okar (2005), Schedler (2006), and Wickham (2004).

The election results and his acceptance of them soon put Abbas in a sensitive position. This was because of an Israeli and American rejection of the results, and harsh criticism against Abbas by some Fatah/PA minority elites accusing him of ruining Fatah and the PA.<sup>232</sup> Abbas, however, made the decision to not cancel the election results for fear of causing a civil war and so exhibited his willingness for co-optation instead. Abbas, in the coming months of Hamas's governance, leaned more towards his advisors, aides, and the position of the minority Fatah/PA elites. It seemed that his revert towards Fatah was necessary to secure his authority and legitimacy, especially after the imposition of international sanctions over the WBGS (as I discuss extensively below). Right after the formation of Hamas's government and in April 2006, the Quartet (mainly the US) imposed sanctions on the WBGS that eventually crippled public life. The Quartet laid out its terms for lifting sanctions: 1) commitment to the principles of Israel's right to exist; 2) acceptance of international accords and agreements; and 3) the renunciation of violence. The Quartet expected Hamas to adhere to these terms if it aimed to govern (in chapter 4, I revisit such themes and how Hamas and its officials reacted to them).

The above led to the first apparent test and tension at the executive and legislative levels between the President and his PM, Ismail Haniyyeh, before the formation of the HLG and after the victory of the LoCR on January 2006. The tension was over different political visions regarding the above-mentioned points of the Quartet and induced by foreign countries. In his Letter of Commission<sup>233</sup> for the formation of a new government

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<sup>232</sup> Most Fatah/PA elites I spoke with conveyed this idea of being angry with the President. Even more, some of them think that he led the PA to its end.

<sup>233</sup> Palestinian laws do not mandate the Letter of Commission, but it is a norm that has been followed since 2003 (after first PM Abbas and then Ahmad Quria<sup>6</sup>). For the Presidential Letter of Commission and

(in item number three), the President asked his PM to adhere to previous agreements and accords signed by the PLO and the PA. That is, to adhere to all the previous decisions of the Palestinian National Council of the PLO, the Independence Accord,<sup>234</sup> the Basic Law, decisions from the Arab summits, the Oslo agreement and its potential two state solution, international decisions and accords (e.g., UN resolutions 242 and 338), and peaceful and non-violent means of resistance along with negotiation as a method to achieve Palestinian national goals. Hamas, in its response to the Letter of Commission, did not address the above points with the President but emphasized that the government would work for the interest of the Palestinian people and according to the LoCR program. Hamas aimed for a balancing point where it adhered to the points of the Letter of Commission as well as preserved its own agenda. The major arguments by Hamas leaders were that the above points were not conditions over groups who run national elections in the PA (especially in the Cairo Accord of Hamas's inclusion to the PA system in 2005, see chapter 4). In addition, these conditions became important because Hamas won the majority of seats and was qualified to become a government (see appendix B for election's results).<sup>235</sup>

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Haniyyeh's response, on 10 March 2006, see al-Zaytouna Institute for Studies and Consultations. 2007, "al-Taqrir al-Istratigi al-Falastini li-Sanat 2006 (The Palestinian Strategic Report for the Year 2006)," Retrieved April 15, 2008 (<http://www.alzaytouna.net/arabic/?c=126&a=37901>).

<sup>234</sup> After the beginning of the first Intifada in 1987, President Arafat, as the head of the PLO, declared at the PLO National Council session in 1988 in Algeria the formation of the Palestinian state in the Diaspora. He declared its independence based on UN Resolutions 242 and 338 that called for the formation of the Palestinian state within the 1967 borders and implied recognition of Israel. At this point, many countries recognized the Palestinian state. Hamas rejected this decision of the PLO National Council session because it recognized Israel and adhered to international accords that gave away the right of the Palestinians to their historic land. For more, see Hroub (2000) and Bilqiz (2006).

<sup>235</sup> These conditions were not imperatives in agreements between Israel and the Palestinians or part of the Road Map of the Quartet (except for renunciation of violence), as discussed at the end of chapter 3.

Despite the non-endorsement initially by Hamas to any of the above conditions in the Letter of Commission, President Abbas decided to give Hamas a chance to form its own government against the will of many Fatah/PA elites, Israel and the US. His decision might have been taken on the grounds that power sharing and continued participation might convince Hamas to change its position. By doing so, Hamas might follow the President's above-mentioned conditions and the imperatives of the PLO and the PA, based on the Oslo agreement. That is, to accept co-optation for survival in the PA instead of upsetting Hamas and leading to expected civil conflict. Abbas aides, on the other side, had hoped that Abbas would not accept the formation of a Hamas government unless it accepted the above-mentioned conditions.<sup>236</sup> They knew that Hamas would not accept conditions that contradicted its mere existence, popularity, and electoral program. Thus, imposing these conditions was an informal way to end Hamas's attempt to form a government and restrict its power in the PLC (as planned before Hamas's participation). Yet, when the President allowed the PM to form his government (see appendix C for HLG program), regardless of the three conditions set by the Quartet and his own letter above, the Quartet imposed sanctions on the Palestinian government right after the formation of Hamas's government in April 2006.

The incidence of the Letter of Commission, however, uncovered an inherent contradiction in the PA system with two parties (Hamas and Fatah). This contradiction appeared at the executive and legislative branches, which had different political outlooks concerning the conflict and its resolution and relations to the Israeli occupation and

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<sup>236</sup> Presidency Secretary General, 8 October 2007, Ramallah; Fatah PLC member, 25 April 2007, Ramallah; political advisor to the President, 16 September 2007, Ramallah; Fatah Revolutionary Council member and previous Fatah Minister, 17 September 2007, Ramallah.

Western powers. Yet, it also showed that theoretically Abbas, despite his differences with Hamas, was ready to negotiate and reconcile their differences if given the green light by the Quartet. Meanwhile, every day practices of power sharing and interaction of the above parties were reflected on different policies and strategies in the executive, legislative, judicial branches and institutions, and at the media level in addition to the bureaucracies and administrative levels within the PA institution.

**DEMONSTRATIONS OF OSTENSIBLE POWER SHARING AT THE  
EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, AND MEDIA  
INSTITUTIONS:**

Power sharing, as discussed in chapter 2, is the extent to which incumbents allow incorporated groups to practice their prerogatives and entitlements in all state institutions (executive, legislative, and judicial branches and bureaucracies), and to recognize and actualize their demands (within the state institution or outside it). In other words, exiting incumbents and powerful ruling elites make choices on whether to share and deliver power with these elected groups or not and to the extent to which they share power and delegate authority to them even when the latter had just won national election in competitive authoritarian settings.<sup>237</sup> I focus on “ostensible power sharing.” Ostensible power sharing is when incorporated oppositions (elected officials) within state institutions, are practically denied to act upon most of their jurisdictions and to practice powers according to their prerogatives. This type of power sharing is usually

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<sup>237</sup> This is generally the case since incumbents and various elites continue to control major state resources in competitive authoritarianism, even after defeat in elections, including media and finance (sometimes through wide patronage networks) in what is termed an “uneven playing field” by Levitsky and Way (2002; 2010).

accompanied with some level of participation where political actors work within formal institutions and have won (through democratic elections) some prerogatives and entitlements.<sup>238</sup> The expectation of incorporated groups is usually to achieve some of their demands and to achieve an actual practice of power. Therefore, powerful and traditional incumbents and ruling elites are not totally capable of blocking the opposition from raising demands or influencing policies at a minimum level (like in robust authoritarian regimes), since the opposition enjoys some institutional engagement. In ostensible power sharing the incorporated opposition might theoretically have the chance, for example, to change and ratify laws and bills since they occupy seats in the parliament. However, such prerogatives and powers of incorporated groups are usually deemed phony, are spoiled, and/or are practically blocked by traditional ruling elites through different formal and informal rules and mechanisms.<sup>239</sup> Such rules and mechanisms keep the incorporated opposition within the system with a minimum of power to practice (less than the incorporated opposition mandate or entitlement) as I showed in chapter 2.

The informal aspect (behavior and rules) of ostensible power sharing, along with the formal, is particularly important because informal practices and rules are not always noticed and clear as the formal ones in neo-patrimonial setting like the PA (see chapter 2). In regimes with neo-patrimonial domination, not only the governance sphere or major institution of executive, legislative, and judicial powers and media might have informal

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<sup>238</sup> Included opponents are formally entitled or granted powers (whether through electoral contestation, partial entry into assemblies with or without contestation, formal/informal affiliation with ruling parties, or acceptance of state appointments by group leaders).

<sup>239</sup> Informal institutions are defined by Helmke and Levitsky as, "...socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels" (2004: 731).

practices and rules, but also the bureaucratic institutions do too. In the below section, ostensible power sharing will be unpacked in these institutions. Major focus remains on ostensible power sharing in the sectoral comparison of PSS and the CSS.

### **Ostensible Power Sharing at the Executive Level**

The Palestinian system is both Parliamentary and Presidential system. The President is elected in competitive Presidential elections and the Members of Parliament or the PLC are also elected in separate competitive Parliamentary elections. The party that gets the highest number of seats in the PLC should nominate a PM who would form his government with consultation with the President. The latter has to ratify the government in order to become legal and start functioning. As discussed above in the Letter of Commission, Abbas ratified the HLG set by the PM Haniyyeh. Therefore, the new government (HLG) or the CoM managed to assemble and take various decisions most of the times in 2006, but the implementation of policies and decisions did not always materialize.

There were some structural, institutional, and behavioral impediments to the work of the CoM. The jurisdictions of the CoM were initially jeopardized by an already existing geographical separation between the West Bank and the Gaza Strip through Israeli policies since the first Gulf War in the early 1990s.<sup>240</sup> Yet, the geographical

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<sup>240</sup> The geographical separation during the 1990s turned into an institutional separation where the PA allocated the same ministries in two locations, the West Bank and the Gaza Strip, in order to better serve its people. While previous Fatah dominant governments did not have full control, administration, and supervision over the West Bank and the Gaza Strip due to the separation, the government under Fatah's one party-governance was still able to function partially and its officials granted VIP IDs.

separation constituted even more impediments to the HLG when the system became bipartisan.<sup>241</sup> This was especially true because Hamas's power and leadership were mostly focused in the Gaza Strip and not the West Bank. Israel prohibited Hamas-affiliated ministers in the HLG and the LoCR members in the PLC to travel from the Gaza Strip to the West Bank and vice versa. Therefore, the government was not able to meet face-to-face to discuss crucial and exclusive matters and policies. This was overcome through video-conferencing technology although this means of communication delayed the decision-making process even further.

Furthermore, Israel took crucial measures against the HLG by arresting some ministers, mainly from the WB, like Omar Abd el-Raziq, Naser al-Din al-Sha'ir, Said Zidan, and Muhammed al-Barghuthi. Israel also restricted the freedom of movement of the HLG ministers when it forbade them to travel abroad and harassed them when they traveled within the Occupied Palestinian Territories. Former conditions and practices constituted major disadvantages to the ministers of the HLG in the Occupied Palestinian Territories. They also made the process of decision-making slow and incoherent. One of these ministers explained what went on throughout 2006:

The political, social, psychological, financial, and personal situation turned out to be worse for me after I became a minister than when I was not. We [HLG ministers] are forbidden to travel, and we usually are harassed at the Israeli checkpoints and roadblocks. They [Israeli soldiers] typically keep us waiting or inspect us at the checkpoints for half an hour to an hour, and we are forbidden to travel to Gaza. In addition, I was imprisoned while I was a minister, they sent me to Maskubiyya<sup>242</sup> and interrogated and tortured me...I do not feel like a minister.

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<sup>241</sup> For more information, see Roy (2007); Khan et al. (2004).

<sup>242</sup> The infamous Israeli prison located in Jerusalem where many Palestinians were interrogated and tortured.

This happened in a time when Others [PA/Fatah elites] are allowed to travel abroad and to go easily to Gaza using their VIP cards while I am not allowed to travel to Gaza to attend a CoM meeting...we did not expect this would be the way they [Israel and US] deal with a democratic government chosen by the Palestinian people...it [HLG] was boycotted, its ministers were arrested, humiliated and fought.<sup>243</sup>

Hamas officials expressed that they thought Israel wanted to end this government, and to weaken Hamas's capabilities through imprisonment and obstacle while delaying any kind of executive decisions by the CoM.<sup>244</sup> Additional actions by Israel were military attacks on civilians and government establishments in the Gaza Strip as well as the assassination of some Hamas leadership. Fatah was not able to remove the HLG from power and nor were sanctions. Thus, Israel used its military capacity trying to end Hamas's governance, as believed by the HLG and many Palestinians, despite the sustained 16-month unilateral truce with Hamas that lasted from the end of 2004 until 2006. Israel claimed that it wanted to stop rocket attacks from the Gaza Strip. On the contrary, it responded by firing back shells. The militarized escalation between Hamas and Israel, which ended the truce, happened after Israel assassinated the leader of the Popular Resistance Committees and the coordinator of the MoI, Jamal Abu Samhadana on 8 June 2006. Following the assassination, an Israeli missile killed the Ghalia family of seven on a Gaza Strip beach (ICG 2007a). These incidences caused outrage in the Gaza Strip and among the Hamas military wing, the Al-Qassam Brigades, as well as others.

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<sup>243</sup> Minister of the HLG and the NUG, 22 May 2007, Ramallah.

<sup>244</sup> Minister of the HLG, 2 May 2007, Ramallah; Prominent Hamas leader, 15 October 2007, Gaza Strip (interview over the phone).

They demanded that Hamas end the truce with Israel, which it did, in response to the above incidences, among others, during June 2006. As a result, on 24 June 2006, the Al-Qassam Brigades along with the Popular Resistance Committees in the Gaza Strip, and an unknown group called the Islamic Army, dug a tunnel close to a border crossing between the Strip and Israel, and they attacked an Israeli army outpost causing the death of two Israeli soldiers and capturing one young Israeli soldier (Tamimi 2007: 239-245). Hamas asked for the release of Palestinian prisoners in exchange for the Israeli soldier. A deal has not been struck until this moment. In response, Israel imprisoned 64 Hamas officials (PLC members and ministers) on 29 June 2006. Israel continued its military operation, Operation Dispel Illusion, with almost daily bombings on the Strip. This operation did not help Israel free their soldier nor did it topple Hamas's governance, but it worsened the relationship between the Presidency and the CoM, where both blamed the other for the deterioration of the situation that separated the Gaza Strip from the rest of the world. It also dragged the government into confrontation with Israel at times when it was struggling to prove itself and lift sanctions.<sup>245</sup> The previous scenario showed that there existed some prior structural and institutional conditions where new elected officials were unwelcomed. Israel saw in Hamas its main enemy and might have preferred a system that only included the familiar PA/Fatah elites with whom it had already established some connections and exchanges of benefits.

The CoM prerogatives and power were further undermined due to the institutional duality of executive powers in the Basic Law, an equivalent to a constitution, which was

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<sup>245</sup> Later, in an operation on the Lebanese border, Hizballah killed eight Israeli soldiers and kidnapped two others for the sake of a prisoner's swap with Israel. Israel deployed a heavy military response against Hamas and Hizballah in the hope of destroying their military capabilities.

designed to protect Arafat's governance. However, the Basis Law was modified afterwards under the US pressure (Parsons 2005).<sup>246</sup> The Presidency and the CoM had unclear, comingled jurisdictions in the Basic Law that became apparent when two different parties shared executive power. For instance, in the Basic Law, the CoM was the highest executive authority yet the same law granted the President a major undefined executive authority too.<sup>247</sup> In addition, the Road Map of 2003 had a major item about empowerment of the CoM and the PM in the Palestinian system. This was reversed by the same Quartet that had supervised the Road Map when the PM came from Hamas.<sup>248</sup>

In addition to the above institutional impediments, the executive power of the HLG was further undermined by the propagation of presidential decrees and decisions that had the power of law in 2006-2007. Some of these decrees and decisions transgressed and intervened with the jurisdictions of the CoM, and they undermined the rule of law since they were supposed to only be issued in exceptional cases as detailed in the Basic Law Article, number 43, and be ratified by the PLC before they were dealt with as law. Nonetheless, most of the decrees were not taken in an emergency situation or in

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<sup>246</sup> The establishment of the PM position in 2003 was mandated by the Road Map. Back in 2003, Abbas fought for more delineation of power from Arafat with the support of the US and Israel. The Basic Law was amended to include the PM position for the first time since 1994 and the PM prerogatives as well as to emphasize the separation of powers. When Arafat did not provide more power to then-PM Abbas, the latter resigned in 2003 (Parsons 2005). Yet, the duality of executive powers as a constitutional problem was caused by this hasty and direct intervention and pressure from Israel and the US in the Palestinian law. The law was amended under pressure from the US and included vague and overlapping executive prerogatives between the President and his CoM (Aman, Transparency Palestine 2006a, 2007: 1-104).

<sup>247</sup> See also See Articles 63, 38 and 46 in the modified Basic Law 2005.

<sup>248</sup> See the Road Map under the title "Palestinians Institution-building". Abbas, when he became the President sought to prevent the HLG from the prerogatives that he demanded from Arafat when he was PM.

exceptional cases, nor were there any signals from the Presidency that they would be presented in front of the PLC for ratification as mandated by Article 43.<sup>249</sup> The aim of some of these decrees was to bypass the government's jurisdiction, and to work to disempower the CoM when the President and his entourage were unconvinced of certain government policies or wanted to tighten control over the HLG to accept the previously mentioned conditions.

There was also a minimum level of communication, delegation, and consultation between the President and his government after months of ostensible power sharing. This policy of neglecting and passive aggression undermined cooperation on the executive institutions. It was reported by some PM aides that the President was not meeting with his PM often, and in one case, they both hadn't met for over two months, especially by the end of 2006.<sup>250</sup> For example, the PM talked about how the President did not invite him to his office to meet with foreign delegations and visiting officials to discuss critical policy issues and the political impasse.<sup>251</sup>

In addition to the institutional duality of formal executive power, there existed a parallel informal executive body of the historical minority of PA/Fatah elites, mainly from the President's aides. In addition to the President and the CoM, decisions regarding national interest (high politics) and even other daily matters were also made and partially

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<sup>249</sup> Member of the municipality and an independent lawyer, 2 July 2007, Ramallah.

<sup>250</sup> Meanwhile there were talks among Palestinian factions, including Hamas and Fatah, beginning June 2007 regarding the initiated unity agreement "Prisoners' Accord."

<sup>251</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

implemented through the President's aides in his office. A parallel executive power meant that the legitimate government was made helpless in taking major decisions and policies. This was expressed by one of the ministers of the HLG, "All our security responsibilities and authorities are taken away, we feel that all meetings are like protocol meetings. All the work happened [decision-making and implementation] inside the President's office."<sup>252</sup> This same parallel executive body from the Fatah/PA elites around the President was powerful and continued to be involved in patronage and corruption as a means to use the public office for private purposes and gaining power. The HLG minister presented a simple example about parallel executive power and the patronage that he witnessed:

The Ministry of Education is the one traditionally responsible for foreign scholarships. Thus, I was surprised that the President's office transferred an employee and his financial account from the Ministry of Education to the President's office, and then he was given the task of managing students' scholarships and funding [given by foreign countries as aid to Palestinians]. As a result, scholarships started to go to the President's office [instead of the Ministry of Education]. This is because "they" [parallel executive body of elites at the President's office] wanted to distribute scholarships to their affiliates or/and whomever they wanted [in return of loyalty etc, client-patron relations]. They started to send any student they wanted to Egypt, Turkey, etc. Then later they started to sell such scholarships to the outside embassies [Palestinian embassies] for a thousand dollars, two thousand, and sometimes five thousand dollars each...The problem was that when we [HLG] started to discover all these issues in addition to corruption in related economic activities like cigarettes, petrol, etc., their [Fatah/PA elites] security forces started to target and shoot at us [Hamans ministers]. They shot at my house and my car.<sup>253</sup>

I argue that the existence of this shadow executive body blurred the distinction between what was the new executive authority (Hamans) and what was the new opposition

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<sup>252</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

<sup>253</sup> Ibid.

(Fatah). That was because the latter functioned as if it was a major executive power especially when it came to extending relations and connections to foreign countries. It seriously undermined the rule of law and the executive power and institution. Hence, the inner dynamics of power within the PA did not reflect the reality of who was in authority or opposition, and caused considerable confusion within the weak institution of the PA. That is, within the PA, Hamas dealt with the “old tools” of Arafat as *if* it was the opposition movement trying to gain more power from the traditional incumbents and ruling elites of Fatah.

In addition, fragmented Fatah militants and armed groups targeted HLG ministers and PLC members and threatened for their resignations. They targeted their houses, cars, and some were personally hit. Ministers told me they felt powerless, especially in the West Bank, and some of them wished they had not accepted their title.

Another arena of executive power, where the HLG was challenged, was during the transfer of responsibility for monitoring and controlling borders from the Minister of the Interior (under the HLG) to the PG under the President’s control. This went under the policy of restricting movement to the HLG and restricting goods and financial flow that might benefit elected officials. This transfer had two repercussions, as expressed by one PLC member related to Hamas. First, it blocked final geographical access of the government to the outside world and to any incoming financial resources. Second, it facilitated the continued transit of sources and goods through the borders under the control of Fatah and the PA auspices, instead of the HLG.<sup>254</sup> Yet, the external powers

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<sup>254</sup> PLC/LoCR member, 3 September 2007, Ramallah.

(Israel and the European Union Border Assistance Mission)<sup>255</sup> played a role in taking away this prerogative from the HLG. The President was pressured to claim his control over the borders since Israel and the European forces would not deal with Hamas's security on the borders. One of the advisors of the PM narrated a small story about the borders saying:

In one of the meetings between Abbas and Haniyyeh, Abbas told Haniyyeh, "if you want the borders take them." Then, the PM advisor, who was in the meeting, told him, "Prime Minister, if you take the borders crossings, Israel will close them because Israel does not recognize us. The Rafah border crossing is already closed now, this subject is sensitive".<sup>256</sup>

Ostensible power sharing at the executive level among Hamas, Fatah, other Palestinian factions and independents did not change radically after the formation of the NUG in March 2007. As a matter of fact and as a result of the unity government, Hamas gave up three major sovereign ministries, the Ministry of the Interior, the Ministry of Foreign Affairs, and the Ministry of Finance to independents in return for unity and the expected lifting of sanctions.<sup>257</sup> Even though the ministers of the NUG registered great harmony at the CoM meetings where they voted unanimously over most of the policies

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<sup>255</sup> On 2 November 2005, the PA, according to the Agreement on Movement and Access, granted the management of the Rafah crossing point between the Gaza Strip and Egypt to the President and the existence of a European Union Border Assistance Mission instead of the Israeli authority. This happened as part of the preparation for the Israeli disengagement from the Gaza Strip. The international community believed the second step of the conditions after the withdrawal from the Strip should come before economic development and stability. Thus, the existence of such a force also was under the premise of Israeli security and its control over the Gaza Strip (see introduction of Sayigh 2007a). The European forces at the Gaza border crossings announced that they would leave the borders since they did not want to deal with a government affiliated with Hamas.

<sup>256</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

<sup>257</sup> The PA had 24 ministries: six went to Fatah, 12 to Hamas, three to independents, and four to other Palestinian factions.

ratified,<sup>258</sup> the intimidation of Hamas's ministers continued. On the one hand, intimidation came from the President's office, his aides, Fatah affiliates in various ministries, security personal, and unions, and, on the other hand, it came from Israel, the US and the EU. Even after the formation of the NUG, Hamas's ministers were not treated equally as their Fatah counterparts or the independent ministers in the face of ostensible power sharing. The US and Israel continued to boycott Hamas and its ministers and Hamas did not get what it wanted from the NUG: legitimacy and recognition from the international community.

### **Ostensible Power Sharing at the Legislative Level (PLC)**

It was inevitable that the struggle between the Presidency and the CoM was reflected in the legislative institution.<sup>259</sup> From 18 February 2006 until 31 August 2006, the PLC was able to convene only 18 sessions in total. Most of the sessions were emergency sessions to discuss the "kidnap"<sup>260</sup> of the PLC Hamas members by the Israeli authorities, the increased lawlessness in the WBGS, and military attacks by Israel on the Gaza Strip after the kidnap of the Israeli soldier. However, the PLC sessions from 18 September 2006 to 17 January 2007 did not take place because of internal violence,

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<sup>258</sup> This was mentioned by all ministers I interviewed from the NUG.

<sup>259</sup> Prominent Fatah supporter lawyer, 26 June 2007, Ramallah.

<sup>260</sup> Palestinians use the word kidnap instead of imprisoned because they believe it is more accurate to describe the unfair imprisonment of the LoCR members and some ministers from the HLG in mid-June 2006 as the main representatives of the Palestinian people, who committed no crime but were sent to jail for the mere fact that they became PA elected officials.

mainly occurring in the Gaza Strip, which intensified in October 2006 due to the absence of PLC members for various political reasons (Bahar 2007: 4). The PLC sessions only resumed on a regular basis on 24 April 2007 after the formation of the NUG on March 2007 and until the seizure of the Gaza Strip on 14 June 2007. This simply meant that the total number of days the PLC convened was 39, compared to the usual 100 days and to the 150 sessions in the US Congress (MIFTAH. 2007: 32-34). This basic calculation reflected the delay and deterioration of legislative life during the years 2006-2007. Even more, it represented a great marginalization to the LoCR members who originally aimed to reform the PA from within the PLC institution. The LoCR members explained to me their utter disappointment and bitterness watching PA/Fatah elites and affiliated armed groups destroy the hope of the Islamist movement of reform. All of the Hamas PLC members were not experienced in the PA political life; they were technocrats involved in various civil society activities and viewed reform as an entitlement. They discovered that neither the existing institutional structure of the PA nor its Fatah personnel were ready for partnership and new actors.

As mentioned in the previous section, the performance of the PLC was also affected by the imposed geographical separation between the West Bank and the Gaza Strip by Israel. In addition, Israel prohibited LoCR members to travel from the Gaza Strip to the West Bank and vice versa, to attend the PLC sessions and PLC committees' meetings. This meant that not only was the legislative assignment of the PLC made slower and unfeasible, given that members convened sessions using various visual technology, especially video-conference, but also the monitoring responsibility of the

PLC committee was rendered near impossible due to the inability of PLC members to be close to their constituents all over the country (Bahar 2007).

In addition, the process of issuing and ratifying laws by the PLC was obstructed by several events; this included non-cooperation from Fatah members in the PLC, the imprisonment of the LoCR members of the PLC, the public employee strike, and the sanctions. During the period of 2006-2007 and because of the delay and cancelation of many PLC sessions, the PLC was able to ratify only one law on 29 March 2006 related to the public budget of the PNA as indicated by deputy of PLC Head, Ahmad Bahar. That is, the legislative institution was undermined. On the other hand, Abbas issued eight decisions that had the power of law from 19 January to 16 February 2006 and only one of these decisions was ratified by the PLC, which was about security forces and police officers voting for the year 2006. Additionally, the PLC rejected three and postponed five decisions. However, power sharing in the field of legislation was made ostensible and Fatah and Hamas-affiliated members of the PLC were not cooperating.<sup>261</sup>

Nonetheless, the arrest of almost 40 LoCR members, constituting almost a third of all the PLC members, including the President of the PLC, Aziz al-Dweik, by the Israeli authorities troubled the PLC institution and legislative area. It nearly crippled the legislative and monitoring jurisdictions and prevented Hamas from enjoying the majority of seats in the PLC and the privileges that came with it. Due to the imprisonment of Hamas affiliates, the number of seats for the LoCR in the PLC was reduced to 34, compared to the original 74 seats won during the January 2006 election. Fatah affiliates

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<sup>261</sup> PLC/LoCR member, 12 May 2007a, Nablus.

also suffered; now Fatah maintained 38 seats (compared to the original 45 seats) to Hamas's 34 seats, changing the balance of power within the PLC.<sup>262</sup> The LoCR was now denied its majority to vote out certain decisions and laws. LoCR members boycotted some PLC sessions when the agenda proposed did not suit theirs, fearing that Fatah might team up with other factions and win votes to ratify important decisions and laws. Consequently, LoCR members were directly and indirectly made ineffective in pursuing their daily and regular duties as members of the PLC.

Furthermore, the Hamas dominated PLC performance was further delayed and weakened by the public employee strike from September 2006 to mid-January 2007. Protestors, some of whom were PA security forces, protested for months in front of the PLC buildings in Ramallah and Gaza City, entering the PLC and disrupting its sessions and/or its committees meetings, harassing its members, and breaking windows and furniture inside the building and out, in order to stop sessions from convening.<sup>263</sup> Demands made of the Hamas-affiliated members included an end to the sanctions and payment of salaries. In the below section on the CSS, I explain further how the public employee strike was also a political strike, steered by Fatah cadres to overturn the government.<sup>264</sup> A PLC member described a moment at one protest that turned into a fight with Hamas-affiliated PLC members:

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<sup>262</sup> MIFTAH (2007); PLC/LoCR member, 12 May 2007b, Nablus.

<sup>263</sup> Bahar (2007); Also see, Panorama (2006).

<sup>264</sup> There were also some internal divisions with employees inside the PLC between previous Fatah-affiliated employees and newly appointed ones. Ahmad Bahar, the First Deputy to the President of the PLC, said in his report that they [LoCR members] entered the PLC in the Gaza Strip to find no files or

...I was there during the fights at the PLC. We [the LoCR members] asked them [Fatah organizers of the Teachers Union] to give us the microphone to speak to the protestors and they refused ... then we stepped in the PLC door and they [Fatah protesters] started cursing us along with the Fatah PLC members who were also cursing us and fighting with us...and we were only four members [in the West Bank who were not jailed]... this strike was a political one aiming to end Hamas's governance...they should have protested against those who imposed the sanctions.<sup>265</sup>

Moreover, LoCR members (for example, Lama Al-Shanti, Khalil Al-Rub', and Khalid Yahia), including their personal property, were exposed to informal means of repression through physical transgression (e.g., kidnap, shooting at them or their cars and homes) by some para-militants from Fatah. One of the PLC members from the LoCR told me how one branch of Fatah militants, the Al-Aqsa Martyrs Brigades, kidnapped one LoCR member and left him in a field near Ramallah. The colleagues of the kidnapped PLC member had to ask a member of the Fatah Executive Committee (that the member named) at the PA to bring him back. Then members of the Fatah Executive Committee made a phone call to one of the Fatah militants connected to the security forces and the LoCR member was returned by the end of the day.<sup>266</sup>

To sum up the above, the legislative life and institution was deliberately undermined in 2006-2007 and shown unable to produce or review laws. In addition, the

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formal papers and documents about the work of the PLC left in there (Bahr 2007:31). Thus, they were not able to track the last 10 years of the work of the PLC.

<sup>265</sup> PLC/LoCR member, 12 May 2007b, Nablus.

<sup>266</sup> PLC/LoCR member, 8 July 2006, al-Khalil.

PLC/LoCR members were directly targeted through violence and imprisonment while Hamas members were legally and formally holding their seats in the PLC.

### **Ostensible Power Sharing in the Judicial and Media Institutions:**

In 2006, the executive and legislative branches were more accessible to the HLG than the judicial one because Hamas entered the executive and legislative branches through free and fair PLC elections. The Palestinian system, since Arafat's time, did not have a separation of powers, especially when it came to the judicial branch. The President, Fatah personnel and their affiliates traditionally monopolized the judicial system. For example, judges for the Supreme Court were traditionally appointed directly by Arafat and appointments were related to Fatah. Hamas was excluded from the judiciary.

In spite of the above, there were further attempts by Abbas to even increase and tighten his control over the judiciary. On 13 February 2006, during the last session of the previous Fatah-dominated PLC, the President ratified a modification to the Judicial Authority Law. The modification gave the President definitive power over the Constitutional Court to appoint its head and judges.<sup>267</sup> That is, Abbas could, in practice, appoint the judges he wished to and invalidate any law as being unconstitutional, which

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<sup>267</sup> The ratification was to the Judicial Authority Law of 2002, item number 2. According to some sources, the President had the right to ratify this law but only after the consultation with the Justice Minister and the Higher Judicial Council (which he did not do) (Independent Commission for Human Rights (ICHR) 2007a: 30-31). "

lessened the independence of the judiciary even further (al-Barghuthi 2006: 36-39).<sup>268</sup> The President's aides justified the previous move as a step on the road toward reform.<sup>269</sup> Yet, the government saw it as an intimidating measure by the President to hijack democracy and follow in the steps of Arafat, whom Abbas had criticized when he was the PM in 2003.<sup>270</sup> In May 2006, the HLG cancelled the previous modification of the President over the Judiciary Authority Law.<sup>271</sup> As a result, the controversy over judicial power sidelined the role of the Constitutional Court altogether neutralizing it to the point of irrelevancy in solving disagreements between the President and his government. Yet the dominance of Fatah affiliates and judges over the judicial system remained.

Regarding media, on 13 February 2006 the President claimed authority over all media, including the public television, the Palestine News and Information Agency (Wafa). Abbas did it in a clever move, where he issued a decision to return the control and supremacy of all the former media from the PA institutions to the supremacy of the PLO. Hamas was not part of the PLO, which was dominated by Fatah, where Abbas was the Head of its Executive Committee. Only one year before, in 2005, Abbas had moved the media responsibilities from the PLO to the PA in order to strengthen the latter on the

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<sup>268</sup> Al-Barghuthi wrote that the current modification by the President of the Judiciary Authority Law also removed some powers of the government regarding administrative supervision over courts and employees that was usually done by the Justice Minister to the President (2006: 38-39).

<sup>269</sup> Political advisor to the President, 16 September 2007, Ramallah.

<sup>270</sup> A Hamas leader and coordinator of its Election Campaign, 24 June 2007.

<sup>271</sup> Hamas claimed that this final session of the Fatah-dominated PLC was altogether illegal. For more see, *ibid.*, al-Barghuthi (2006).

expenses of the former. The idea was that the PA had to be strengthened for the establishment of a two-state solution with Israel where the PA was the center of this deal, not the PLO. Back then, Abbas did not think or even contemplate the idea that a year later the PLC election would bring Hamas as a major partner in governance. Therefore, the Palestine News and Information Agency (Wafa) was brought back under the control of the PLO Executive Committee after it was annexed previously to the Ministry of Information. The State Information Service which was brought back under the supremacy of the Presidential Office instead of the Ministry of Information. Finally, the Palestinian TV and radio station and the Palestinian Satellite Channel were brought back under the supremacy of the Presidential Office and the PLO Executive Committee (ICHR 2007a: 41). The previous remained under Fatah and the President's control and embarked in a "media war" against the new elected officials and Hamas (that was counteracted by a new TV Satellite Channel by Hamas, "al-Aqsa," to reply to Palestine TV run by the President and his cohort). This media war made Palestinians despair over having an efficient and transparent government to rule them. Hamas was brought to the center of a media war planned by PA/Fatah elites.

In conclusion, elected officials were not allowed to exercise their constitutional powers (tutelage as defined by Schedler 2002b:39). Power sharing within the executive, legislative, judicial branches and at the media level was made ostensible through formal and informal means of manipulations to hijack power of elected opposition. This happened by activation of an informal parallel executive body, and activation of presidential decrees and decisions that sidelined the role of formal rules and institutions (mainly legislative power of new elected officials). The aim was to limit the jurisdictions

of elected officials in minor and secondary matters so as to not have a say in important and sensitive policy making. There were also ways to put the newly elected oppositions under the incumbents' tutelage and to follow incumbents' main strategies. This was accompanied by activation to existing personal networks of incumbents' affiliates and patron-client relations. In addition, there were exclusion and targeting of the elected officials through intimidation, harassments and violence, imprisonment, limits to freedom of movement and deployment of informal means of coercion (e.g., para-militants attacks and threats), as well as neglecting and cutting off communication as passive aggressive means of manipulations. Hamas officials had certain public duties and entitlements towards their constituents. Accordingly the above manipulations were made either to fail or to not deliver properly to their constituents by Fatah/PA elites and foreign powers. Moreover, previous manipulations undermined the role of law and institutions.

### **OSTENSIBLE POWER SHARING: THE CASE OF THE CIVIL SERVICE SECTOR (CSS)**

The coming section uncovers formal and informal rules and practices at the bureaucracy level in the neo-patrimonial context of domination as a critical arena of struggle over power that is usually not on the center of focus. The PA bureaucracy was neo-patrimonial,<sup>272</sup> often mixing personal rules with formal ones that proved to contribute

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<sup>272</sup> The body of the PA was 80,000 (out of total 140-160,000 employees overall) employees in the CSS in 2006 that were mostly from Fatah affiliates. Arafat and the PA, backed by the Oslo Peace Process, instigated this influx of employees. Arafat believed that one major tool to contain potential dissidents was by having a large bureaucracy that employed thousands of people who would prefer not to dissent and lose their public jobs. He established a large neo-patrimonial bureaucracy where the rule of law governed along, if not beneath, personal politics and client-patron relationships (mainly to the President and some of his aides). Employment was sometimes used as a reward for those who were loyal to the President, thus extending the network of patronage. PA bureaucracy, like many non-democracies with neo-patrimonial dominance, was mismanaged, exclusive, and inefficient (Hilal 2006; Jamal 2005; Rex 1995).

to the impediment of substantial power sharing of incorporated opposition (see Erdmann and Engel 2006 and Snyder 1992 about impediment to transition to democracy due to neo-patrimonial contexts).<sup>273</sup>

The CSS and the PSS by 2005 both employed almost 160,000 personnel and, thus, constituted a major Fatah power in the PA and Palestinian society. There were, however, various similarities and differences between the CSS and PSS in terms of the dynamics of historical exclusivity to Hamas members and oppositions. The historical exclusion from the CSS and PSS was due to structural and institutional reasons. According to the Oslo peace process, Arafat had to preserve the security of Israel for the delivery of peace and the formation of a promised Palestinian state and institutions (see chapter 1). This meant that Hamas was not allowed to take part in the PSS as the major opposition to Oslo that threatened the security of Israel as far as Israel was concerned. Arafat also chose to strengthen his grip over the CSS, in addition to the PSS, by overflowing it with his affiliates based on a client-patron relationship. Almost all employees in high government positions were affiliated with Arafat in one way or another.

Nevertheless, while the CSS employed different kinds of people not exclusive to Fatah, the PSS employed mainly Fatah cadres and Fatah/PLO militants and remained totally closed to Hamas affiliates. That is, Arafat, Abbas, and Fatah/PA elites had dominance and control over both sectors, but the security sector was more critical and

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<sup>273</sup> There are other studies that show that the patrimonial dimension does not always hurt the transition to democracy but vice versa, like the case of Botswana (Pitcher et al. 2009). However, here I simply reveal how the patrimonial component in governance contributed to making power sharing ostensible.

sensitive to both the President and aides on one hand, and Israel and its allies on the other. This is because it was only through preserving Israel's security that Abbas could resume peace negotiations and achieve the promised Palestinian state according to the DoP and later the Road Map (see chapter 1). It was also the sector, as we see in this chapter, through which outside forces (Israel and foreign actors) could reconfigure and control the Palestinian political system and its social fabric (to make it more repressive or less repressive as it turned out to be under Fayyad in 2008 with the help and plan of General Dayton). Therefore, Arafat divided the PSS into many agencies and installed competing military heads to rule over them. Divided PSS became a multiple power centers after he died. Therefore a struggle over power and high stakes ensued in the PSS between incumbents and military elites and the new elected officials and minister compared to the CSS. The President eventually provided and tolerated some prerogative to Hamas in the CSS but not in the PSS, as I discuss below and in chapter 4. External powers and the role of occupation politics were hard to neglect in the PSS and intervened directly in influencing power sharing between the President and new elected officials.

In order to uncover the extent to which traditional incumbents and ruling elites allowed the transfer of power to elected incorporated opposition, I focus on public employment (in civil and security positions). Public employment is a main arena that is supposed to be under the administrative prerogatives of elected officials (the PLC and the MB), according to the Basic Law, to recruit, appoint, promote, and dismiss public senior and junior employees. It is not as visible an arena to reveal the tolerance and/or manipulations of practices of power as is the case in the executive domain (represented by the CoM) or as is the legislative domain (represented by the Parliament members), and

it is usually not as much scrutinized (if any). Public employment is also a bureaucratic and administrative process where one would expect, like in democracies or even bureaucratic authoritarian regimes, that it is intact and stable and does not totally follow the give and take of power struggle within the executive, legislative, and judicial institutions, as well as at the media institution. However, the Palestinian case shows that this is not the case, and that administrative processes and bureaucracies can be used to hijack and block powers of elected officials even if the latter have formal seats and weight in the executive and legislative institutions.

To reveal manipulations around public employment, I start by examining the administrative process of public employment. Specifically, I examine first how public employment takes place and who makes decisions regarding it (through the rule of law (the CoM) or through imposition from traditional incumbents in the form of presidential decrees and decision or a mixture of both). Second, whether the newly elected officials and minister were able to employ new government employees (according to the needs and routine strategies followed yearly) at the senior and junior level. Third, whether the new employees were from certain factions and not others and whether one faction had an advantage over the others in senior governmental positions. Employment in senior governmental positions is specifically important because of the high executive authority (like policy implementation) that high positioned employees enjoy and their ability to implement (or not) the ministerial and the governmental policies according to a defined strategic plan of institutions. In the context of neo-patrimonialism (like the PA), previous senior employees usually claim more executive and administrative powers than their formal entitlements and they are usually involved in favoritism and/or personal and

factional relationships and networks. Second, I focus on every day practices within ministries and the flow of bureaucratic work and communications needed between the ministers and their employees. This was important to uncover informal norms and practices to block power sharing of new actors by senior and junior employees who had factional agendas or those who had client-patron relationships with some incumbents and ruling elites. These frequent practices might include: delay of work and abstention, not attending meetings, not communicating, not following the chain of responsibilities related to their public positions (e.g., not delivering work to their bosses or ministers, not doing their work), absence from work, and intimidation of new employees. These practices of non-discipline and lack of respect for regulations and conduct within the office were signs of non-acceptance of new elected officials and, most of the time, aimed to discredit them, make their experience fail, and/or force them into co-optation with traditional incumbents irrespective of the latter's victory in national elections.

### **Employment as a Mechanism of Ostensible Power Sharing: The Last Fatah-Majority PLC Session, 13 February 2006**

Immediately following the victory of Hamas in the PLC election on 25 January 2006, there was fear of a Hamas takeover within the Fatah movement, especially among the PA elites and the President. This fear was demonstrated in the last session of the previous Fatah-majority PLC on 13 February 2006. During this session, the majority Fatah members ratified a number of presidential decrees and took decisions to fill some sensitive senior civil public posts,<sup>274</sup> namely the Head of the Government Personnel, the

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<sup>274</sup> Senior governmental positions in the PA were a special class for employees who were appointed to the level of minister, deputy, assistant deputy, head of directorate, or general director (the financial categories of the previous are also different ranging from A1 to A4). In addition to the first class employees were

Director of the Government's Salaries and Pension Fund, the Head of the Financial and Administrative Control Institution,<sup>275</sup> and the Chief Administrator of the Parliament.<sup>276</sup>

These appointees were loyal to Fatah and were appointed to secure the control of Fatah and the President over these critical positions, as well as to limit Hamas's authority over them (Jabarin 2006). It was clear that the President rushed to fill and ratify these appointments by the Fatah majority PLC before 18 February 2006, when the Hamas majority PLC would convene. It was expected that the Hamas majority in the PLC would question these appointments.<sup>277</sup>

Above posts were important as they were related to the monitoring of public money, the control and administration over public employment, and the administration in the PA ministries and institutions. For example, the appointment of the Head of the

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those who were heads of departments and consultants to the ministers. Senior posts were supervised mainly by the CoM and sometimes by the President. Second class and below were junior positions and were under the direct supervision of the Employees Bureau and the Head of the Government Personnel. For more information, see the Palestinian Civil Service Law.

<sup>275</sup> It was established as the Government Anti-Corruption Commission (GACC) by a presidential decree in 1994 and was then replaced by the Financial and Administrative Control Institution of 2005 by a decree of President Abbas. The GACC prepared the anti-corruption report in 1994-1995 that revealed the corruption of some PA elites. But the recommendations of the report were not implemented and no judicial measures were taken against corrupt elites.

<sup>276</sup> PLC General Secretary, 15 June 2006, Ramallah.

<sup>277</sup> The new Hamas-led PLC questioned the legality of this session while Fatah and the previous PLC considered the last session legal since the Amended Basic Law of 2005 stated that the old PLC's work ended when the new PLC convenes its first session. Hence, the last session of the PLC and all the decisions taken there were legal. The List of Change and Reform argued that the last session should be only a farewell session, and it should not be a session to ratify laws or take important decisions (Prominent Fatah supporter lawyer, 26 June 2007, Ramallah). Some argued that even if the session and the decisions were legal and followed the reform process, the amount of critical decisions that were taken in this session and its timing were deeply questionable and could not simply be ignored (Hamas leader and a coordinator of its Election Campaign, 24 June 2007, al-Bireh).

Government Personnel was critical even during Arafat's time.<sup>278</sup> This was because whoever filled this position, backed by his faction, would have control over the employment of thousands of employees in junior positions within the PA bureaucracy.<sup>279</sup> This control was especially significant given the neo-patrimonial domination within the PA bureaucracy, based partially on factional and client-patron relations. The former domination gave the Head of the Government Personal and his faction further flexibility and power over public employees beyond the legal and formal professional rules and internal regulations of PA institutions, adding further value to the position. Maintaining initial control over the employment process of who would be employed or not, as well as who would be included or excluded, was central to the continued control over the administration, management, and implementation of certain policies within the ministries. In doing so, Abbas went against a position he advocated for earlier when he was the PM in 2003, thus following in the footsteps of Arafat and transferring the authority to appoint the Head of the Government of Personal to the President instead of the CoM (Tamimi 2007: 33).

In addition, the appointment of the Chief Administrator of the Parliament by the President and previous Fatah-majority PLC was controversial because it shifted

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<sup>278</sup> The Head of the Government Personnel, as the title suggests, has the final word on the appointment of junior positions in the PA and various employees' issues after their appointments (promotion, punishment, transfer, etc.).

<sup>279</sup> Prominent Fatah supporter lawyer, 26 June 2007, Ramallah. For more information about employment in 2006-2007 see, Saleh (2008a); 'Awad, Samir. 2007. "al-'Ada' al-Siasi Il-Hukuma al-Falastiniyya al-'Ashira (The Political Performance of the Tenth Palestinian Government)." The Institute of Public: Ramallah; Aman, Transparency Palestine ( 2006b)

administrative responsibilities from the PLC President (who was a Hamas affiliate) and his assistants to a Fatah figure. This meant that a Fatah elite, who exercised power by factional rule and practice, now controlled the Hamas-majority PLC that aimed to reform from within the PLC after years of Fatah corruption. Hitherto, the appointment was insulting to Hamas's LoCR in the PLC and considered an obstacle on the road to reform. Some of this was expressed by one of the LoCR members:

Imagine a person from Fatah who failed winning the [PLC] election<sup>280</sup> is now governing us - the PLC that has the majority of its members from the LoCR... they [the President and previous Fatah-majority PLC] appointed him when the 9<sup>th</sup> Government was already leaving; it is clear they wanted no partnership.<sup>281</sup>

Fatah and the President justified the appointments, based upon Abbas's rule of law and reform plan, on the basis that decisions regarding these posts were already taken before the PLC election in 2006 (Saleh 2008a). Despite attempts to justify blocking the delivery of power to the newly incorporated opposition through the 13 February 2006 PLC session on a reform and legal basis, there was disappointment from PLC members and the Hamas movement. They saw this session, as expressed by various LoCR/PLC members, as signaling the poor judgment and policies of the President and the previous Fatah-led PLC and a regression to Arafat's type of governance.<sup>282</sup>

In addition to the 13 February 2006 PLC session, the 9<sup>th</sup> Government of the Fatah leadership and its affiliates took drastic informal and sometimes illegal and extra judicial

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<sup>280</sup> The new appointee was a failed candidate in the PLC election in the district of Tulkarem in the West Bank. In addition, this post was previously held by the majority faction in the PLC.

<sup>281</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

<sup>282</sup> PLC General Secretary, 15 June 2006, Ramallah.

measures of employment and nominations right before, during, and after the PLC election in 2006. This happened despite the fact that President Abbas, on 20 November 2005, asked the 9<sup>th</sup> Government to stop nominations and appointments of employees, mainly to senior PA positions, before and during the election of the PLC.<sup>283</sup> The Fatah ministers of the 9<sup>th</sup> Government rushed to employ Fatah members and affiliates in any vacancy left at the ministries, especially in senior positions, before the coming of the HLG. Hamas and the HLG saw this move as a clear attempt by Fatah and PA elites to sideline and marginalize Hamas despite its entitlements in the PA bureaucracy:

There are gangs and beneficiaries [Fatah/PA elites] who follow their self-interests, but there is also a political and a factional decision to ruin and devastate this country from the first day we won the election on the 25 January. There was at least 10,000 personnel at the PA institutions that were appointed and promoted since 25 January until we started governing [mid-March 2006]. The President knew and agreed to all the previous appointments and promotions...thus, the 10<sup>th</sup> Government started without any political and executive powers and jurisdictions. From the first day we came to the government, before we even started, the senior positions at the ministries were already immediately filled.<sup>284</sup>

The importance of hiring for the senior PA positions was that these positions were permanent posts and that senior government employees would not be changed when the governments changed. Hence, if a faction employed a supporter or a member in a senior position, then they can stay there as permanent government employee. This individual could not be removed according to the law. The public position would be used to satisfy private-factional interests, ultimately benefitting the faction in the long run. In addition,

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<sup>283</sup> For example, it was said that Qurai', the Prime Minister of the 9<sup>th</sup> Caretaker Government after the PLC election of 2006, appointed and nominated a total of 19 Fatah Deputy Ministers at once (Saleh 2008a: 39). I was not able to get to the official documents of employment and the newly appointed Head of the Government Personnel refused to be interviewed for more details regarding the CSS in 2006.

<sup>284</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

Hamas and Fatah mutually understood that whoever controls senior governmental positions could control the internal decisions and the administration within the ministries as expressed by bureaucrats I interviewed. This was especially true in a context where democracy and the rule of law were not the only rules enforced, let alone followed. Informal rules of personal-factional relationships and client-patron relationships determined employment, as well.

The above employment practices taken by the Presidency and by some previous Fatah ministers led to ostensible power sharing where the HLG and its ministers were entitled to certain powers in the bureaucracy. Yet there were attempts to deny them these powers by Fatah and PA ruling elites. It also evoked a lack of trust from Hamas with the President, and led to changing the behavior of Hamas beyond its reform program (as I discuss in the coming chapter). That is, open contestation with ostensible power sharing (exclusive inclusion) opened up a struggle during 2006 over the executive and administrative powers between the incorporated opposition (elected officials), and the President and the parallel executive body of Fatah and PA elites over the control of the PA public institutions. Hamas's counter measures against the President activated other practices by the Fatah movement, its employees and the President moving the struggle to a higher stage.

The HLG, in its majority role, took a decision to freeze (not cancel) the 9<sup>th</sup> Government's new appointments but that was not totally implemented. Fatah newly appointed employees continued to work in the PA institutions. Two months later on 8 May 2006 and in a major move, President Abbas issued a presidential decision concerning the appointment of public employees to senior positions (Jabarin 2006). He

proclaimed that the CoM had the right to only nominate high-level “senior” public employees to certain governmental positions. Nonetheless, the primary decision to appoint, promote, transfer, terminate, and halt an appointment of senior employees would be taken by the President of the PA, solely. The President’s decision of 8 May 2006 was significant in that it affected the interaction between Hamas and the President within the PA institutions and would eventually be countered by the HLG (see chapter 4). There were no laws or regulations to support the President total control over senior employment according to his decision of 8 May 2006.<sup>285</sup> It was almost a self made decision which was similar to previous informal practices and norm deployed by Arafat. Therefore, Fatah/PA elites and the President activated some informal rules and norms, as we see below, like the client-patron relationship and forms of corruption, along with the above, to compete with existing laws and regulations and with the reform plan of the elected officials. That is, these informal rules and institutions fit under Helmke and Levitsky’s category of competing informal institutions (2004) where they exist under inefficient formal institutions and substitute them (not aim for reform). Hamas used its own counter measure that did not go against the presidential decree and did not totally sideline formal institutions (see chapter 4).

### **“They Did Not Deliver and We Did Not Receive”<sup>286</sup>: Fatah-Government Employees’ Defection and Defiance**

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<sup>285</sup>PLC General Secretary, 15 June 2006, Ramallah; Member of Municipality, and an Independent Lawyer, 2 July, 2007, Ramallah; Jabarin (2006).

<sup>286</sup>“*Hum lam yusalimu wa nahnu lam nastalim*,” This sentence was said repeatedly in 2006 by Hamas members and supporters, and PLC members and ministers. It means that when Hamas came into office in 2006, neither Fatah/PA elites nor public employees cooperated with them or made the transfer of power smooth. On the contrary, Hamas members were boycotted in their ministries and information and responsibilities were not provided to them by the previous elites and personnel.

When Hamas came to power and suddenly all the ministers were affiliated with Hamas, this caused a disruption among employees and to the overall informal personal/factional operating system in the PA institutions. Fatah employees, especially those in senior positions and the traditional PA elites, wanted the PA ministries to continue to function as they were under Arafat and to maintain their various interests and benefits. Hence, they perceived the ministers of the HLG and their reform plan as a threat to their interests. This caused them to actively disrupt the work of the PM.<sup>287</sup> This disruption was exacerbated by the imposition of sanctions over the government and the Palestinian people by the Quartet, leading to the inability of the government to pay its employees and to have enough revenues to continue with various projects and services. Accordingly, the HLG was weakened from the beginning.

The ministers of the HLG, and the PLC President and members registered their deep concern and frustration over the performance of Fatah employees in their ministries. Employees, especially those in senior positions in those PA institutions, did not implicitly and sometimes explicitly, obey the orders of the ministers and fulfill their job responsibilities. Ministers thought that they were obstructed from their basic jurisdictions, as mentioned in Article 69 of the Amended Basic Law, item number 4: "...Prepare the administrative apparatus, develop its structures, and provide it with all necessary means, as well as supervising and following it up."

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<sup>287</sup> When interviewing and informally talking to Fatah senior and junior employees, they thought of the PA as the institution of Fatah and talked about their years of experience in their institutions. Some of them did not shy away from expressing their negative sentiments towards Hamas in general, the ministers in specific, and political Islam.

At the same time, some Hamas-affiliated ministers, PLC members, and Fatah government employees registered that much of the non-cooperation by current Fatah employees was instigated by the elites in the President's office and some in Fatah, in order to sabotage the work of the HLG as much as possible. A non-Hamas minister explained to me the reasons some Fatah employees were able to supersede their Hamas-affiliated ministers:

...any minister, as we know, can never accomplish anything without his/her staff. Those Fatah employees did not fear losing their jobs and did not fear their ministers [when they disobeyed the regulations and work orders] who are higher than them hierarchically because they were backed and supported by the President...I know specific employees who told me that there were direct orders from the President's Office to disobey the orders of Hamas's ministers, so as to stop the work of the ministries and to lead them to fail.<sup>288</sup>

However, there were other cases of junior Fatah employees who feared losing their jobs if they continued defecting and others who wanted to cooperate but were not able to do so for different reasons, like fearing the animosity of their colleagues. Or, as one minister declared, Fatah employees told them that they were forced to pledge not to cooperate with the ministers because the HLG would be leaving soon.<sup>289</sup>

The most harmful form of defection and disobedience to the jurisdictions of ministers was from senior employees who held positions such as deputies, general secretaries, and general directors. Examples of disobedience included neglecting the work and meetings of the ministries, misleading their supervisors and ministers, disobeying the

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<sup>288</sup> Minister of the HLG, 29 June 2007, Bethlehem. This minister was threatened and assaulted by some militants from Fatah, supported by Fatah/PA elite, as he expressed it, because of his affiliation and support for the HLG. The same minister was not happy with Hamas, too, but he said he would speak on behalf of the HLG to reveal the truth.

<sup>289</sup> Minister of the NUG affiliated with Hamas, 30 September 2007, Bethlehem.

rules and regulations, manipulating and hiding data and information related to their position, and direct verbal and/or non-verbal threats to ministers implying assault to their person and/or their property.<sup>290</sup>

Ministers described how the Hamas-affiliated ministers would ask for a meeting and very few of the Fatah-affiliated directors and senior employees would come to the meeting.<sup>291</sup> Others talked of how senior employees worked to mislead the ministers and the new staff of the ministers in order to delay progress. However, the intensity of the above transgressions varied from one ministry to another, but it was clear that there was a general defection. There was an air of semi-disobedience in the ministries and most of the offices I visited were empty in March, April and May of 2007.<sup>292</sup> As a result, one minister said:

I needed more and new employees who were willing to work with me, especially after the strike and after all the attempts of Fatah employees, mainly senior employees, to obstruct the work... Some employees simply refused to do their jobs that I asked them to do...I used to feel they (senior employees) wanted to obstruct our work for the sake of obstruction. They did not want this government to accomplish anything.<sup>293</sup>

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<sup>290</sup> These were reported by all ministers and PLC members that I interviewed in 2006-2007.

<sup>291</sup> Minister of the HLG, 2 May 2007, Ramallah.

<sup>292</sup> Each ministry encountered different transgressions. While some had few problems like the Ministry of Labor, others like the Ministry of Religious Affairs "*Awqaf*", the Ministry of the Interior, the Ministry of Foreign Affairs, and the Ministry of Women's Affairs witnessed further transgressions. Transgressions included the kidnapping of some Hamas newly appointed employees at the Ministry of the Interior and the verbal and physical threatening of ministers as at the Ministry of Women's Affairs. But, in general, all ministries suffered from the same non-cooperation of employees.

<sup>293</sup> Minister of the NUG affiliated with Hamas, 30 September 2007, Bethlehem.

When it came to the lower-ranking employees, they also played an important role in undermining power sharing. Their effect was felt and was especially crucial in delaying the mundane and routine tasks of the PA bureaucracy. For example, they would not work efficiently in terms of sending faxes, handling the correspondences of the ministers within the departments at the ministries and with the outside world, and coordinating within the department. One newly hired employee in a senior position discussed this point:

I will give you an example: when the minister issues a letter to the administrative affairs and the letter is not sent to the Government Employee's Bureau and to the Finance Department Committee to be discussed, how can the minister work? There are political decisions that were taken to obstruct the work of the ministers through low executives within the ministries. So, this was part of why I was hired in my position as Chief of Staff, then as a Director of Human and Finance Resources Department.<sup>294</sup>

Another senior employee appointed by the HLG explained how she found the file cabinet and archive at her Ministry empty. They had only titled covers with no contents about the projects that the Ministry had accomplished or was about to embarked upon. She said that it took the new staff six months to understand how the Ministry worked since most junior employees not only abstained from delivering information, but also hid it.<sup>295</sup> This claim came up frequently during interviews and was not denied by Fatah employees but, rather, justified on the assumption that Hamas wanted to exclude them and take over their ministries. One of the senior-positioned employees told me: "Hamas's

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<sup>294</sup> Hamas-affiliated General Director of the Human Resources and Finance Department, 12 June 2007, Ramallah.

<sup>295</sup> Administrative assistant to a Hamas-affiliated Minister, 27 September 2007, Al-Bireh; various employees affiliated with Hamas and even with Fatah expressed same ideas.

government [as an Islamic government] is now searching and looking for all the crucial and effective departments at the ministries to take for themselves. This is their true policy.”<sup>296</sup> Many of the employees in senior positions also justified their defection based on the unjust and illegal appointment and nomination of Hamas members and affiliates in governmental positions, as well as the transfer of Fatah employees from one governmental institution to another by the HLG.<sup>297</sup> In addition to the fact that Fatah employees were in denial about the way they were brought to their positions, based on personalized rules or factional ties in the first place as expressed by various HLG ministers,<sup>298</sup> their defections started before Hamas employed and brought in new cadres to the ministries (as I discuss below). Yet, it became more justifiable to continue defecting when Hamas brought in its own supporters to the ministers.<sup>299</sup> The non-affiliated Hamas minister of the HLG (10<sup>th</sup> Government) denied these claims:

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<sup>296</sup> Previous Deputy of General Director to the Human Resources and Finance Department, 30 May 2007, Ramallah.

<sup>297</sup> Some other Fatah-affiliated employees said they did not cooperate because the new ministers were religious and wanted to implement Hamas’s program at the ministries. While this claim might be valid in some ministries like the Ministry of Women’s Affairs, it was less valid with others. The disruption of work seemed to be a political decision and sometimes an individual decision on the part of employees regardless of the ideology of incorporated opposition and official. For more of these allegations, there was a report published on the Fatah website: 2006. "The Government of Hamas and the Political Exclusion: Dismiss and Marginalization of the Senior Fatah Civil Servants and the Substitute is Hamas," Retrieved July 15, 2009 (<http://www.palvoice.com/forums/showthread.php?p=413333>).

<sup>298</sup> Many Fatah employees were appointed through *wasta* (favoritism or nepotism). In addition, employees themselves told me who was appointed by the President and who was dedicated to Fatah and who was not. They knew each other’s stories. Those appointed from above were well-known to the cadres in their ministry. For more, see Irshaid (2007).

<sup>299</sup> While this claim was valid in some cases and some ministries, the widespread and pervasive practices of non-cooperation and defection of Fatah employees within the ministries that had few transfers of employees were still registered.

Those [Fatah employees] who were transferred to different jobs in the PA were not working. It is not true that Fatah employees were marginalized and excluded. These employees were the ones who marginalized themselves by not cooperating with the ministers in the first place.<sup>300</sup>

Yet, defection and employment issues were more complex than what appeared on the surface. Once the HLG continued to employ its people under the “contract system” (see chapter 4), Fatah elites thought to resort to other legal means to reduce HLG power while evoking client-patron and personalized politics through the public employee strike. The combination of sanctions and the public employee strike with Hamas’s need to employ new affiliated cadres created a chaotic scene in 2006. However, one thing remained clear: Fatah employees backed by some Fatah and PA elites intentionally made power sharing ostensible within the ministries. This escalation led the HLG later to use its own working force to substitute Fatah government employees. The result was fueled factionalism and continued defection by Fatah employees (see chapter 4).

#### **The Public Employee Strike (September 2006 - January 2007):**

The protests and calls for a public employee strike due to unpaid salaries started as early as May 2006, where almost 165,000 civil and military employees were left without compensation (ICHR 2007a: 61). The government was unable to pay the salaries of public employees due to the sanctions imposed by the Quartet and Israel. On 2 September 2006, most Fatah-affiliated employees went on a strike initiated by the Public Employees Union, the Teachers Union, and the Federation of Medical Professionals Unions (ICHR 2007a: 51). The strike lasted for only one week (except for court services)

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<sup>300</sup> Minister of the HLG, 29 June 2007, Bethlehem.

in the Gaza Strip due to Hamas's popularity and hegemony, and until 7 January 2007 in the West Bank. This strike, in addition to the sanctions, totally paralyzed all public facilities and services except for the education and health sectors that continued to be only partially crippled. A severe sense of frustration surrounded the government and the population at the time of strike.<sup>301</sup> While Fatah and the President, in general, supported the strike, Haniyyeh cooperated with the unions but asked for the strike to stop and to be directed against the sanctions and those who imposed it, not against the Palestinian government.<sup>302</sup>

Despite the fact that the strike was legal according to the Basic Law, the HLG, some academics, and some activists, among others, claimed that the driving force behind the strike was not the unpaid salaries, per se, but political incentives in order to break the steadfastness, or "*sumud*," of the HLG in the face of the sanctions. That is, the strike aimed to strip the government of its power in order to force it to accept the Quartet's political conditions (recognition of Israel, accepting previous agreements and accords, and renouncing violence) in the hope to end the sanctions and the HLG, and so shifting the balance of power towards the President and Fatah.<sup>303</sup> The idea behind the claim was that the government should not be the only one blamed, if any, for the partial or total non-

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<sup>301</sup> The ministries were nearly empty and few employees were returning to work even after the unity government. Some ministries felt like ghost towns, emptied of employees in the middle of the day. The few who were in their offices were there to register their attendance for fear of losing their jobs.

<sup>302</sup> In its yearly report the ICHR recognized that the HLG government addressed the concerns of the strikers and cooperated with them despite the fact that the Public Employee Union was not totally legal or even licensed, because of the absence of a union law to grant licenses. Yet, the HLG conducted 25 meetings with the strike representatives (unions) (ICHR 2007, 2006: 162-165, 171-172).

<sup>303</sup> For more information, see ICG (2007: 7).

payment of salaries and increased rates of unemployment. Therefore, the strike should be against those who imposed the sanctions and supported it (the US, Israel, the EU, and local elites). Other claims were that even if public employees wanted to protest, they should protest both the government and the Presidency since both were responsible for providing them with their monthly salaries and it was not only the responsibility of the HLG.<sup>304</sup>

Furthermore, the strike was accompanied by violent actions and assaults by some Fatah para-militants directed against the HLG and its governing institutions (like the PLC) and employees. The strike's agenda was, at a minimum, questionable on the part of the protestors.<sup>305</sup> One minister recounted this story about the political agenda of the strike:

At one of the sessions of the PLC, a group of protestors on strike came to the PLC. They raided the PLC and started flipping the chairs and tables upside down and throwing water over Aziz al-Dweik [the Head of the PLC]. Some journalists took some pictures of the incidence, and I [the minister] happened to be looking at some of these pictures. I recognized the face of one of the protesters who had committed vandalism. Then, I realized that he is the security guard of my ministry whom I see every day [and consider him a loyal]. This meant that he left the ministry, and, with his Fatah crowd, went to destroy the PLC. And this is an employee who already earns some money from the ministry [i.e., Hamas did not transfer him] and then he goes to destroy the PLC building. So, what is his relation to the PLC? This is all happening through external people who paid him and ordered him using their remote controls.<sup>306</sup>

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<sup>304</sup> PLC/LoCR member a, 12 May 2007, Nablus.

<sup>305</sup> There were some Fatah employees who were against the strike and the protests and others who continued working within their institutions fearing to lose their jobs.

<sup>306</sup> Ibid., Minister of the HLG, 1 October 2007, Nablus.

Second, and building upon the above citation from the minister, informal politics were deployed through tribal, factional and/or client-patron relationships between some organizers of the public strike and some main elites of Fatah and PA. For example, a major Fatah figure and PLC member had the main three unions, the Public Employees Union, the Teachers Union, and the Federation of Medical Professional Unions, under his direct or indirect control. This meant that, technically, he was able to freeze the work of the PA institutions in the West Bank through the support of these unions. This was because the director of the Public Employees Union, who was also a General Director at the PA,<sup>307</sup> was a close affiliate of the above-mentioned Fatah leader and a supporter of his political views. However, the head of the Teachers Union was a member of the Fatah Revolutionary Committee for many years and was close to the vision of his faction. In addition, some Fatah para-militants, in cooperation with certain security agencies that committed violence against personalities and institutions, also had client-patron or factional connections to major Fatah and PA elites. Therefore, the credibility of the organizers of the strike and some protestors who committed violence were at least dubious, and one can hardly rule out a political agenda as a significant incentive of the strike.<sup>308</sup>

The strike was another platform for the divided elites of Fatah and the PA to pressure the HLG, its Minister of Finance and the PLC. The intent was to further strip

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<sup>307</sup> That is, he was technically a PA employee in addition to being the Director of the Public Employees Union.

<sup>308</sup> Later on after the takeover, these unions would be used by Fatah leaders to pressure future PM Fayyad to include more Fatah members in his government. Yet, Fayyad refused to sit with the representatives and chairmen of these unions, sending a clear message of his refusal to work under Fatah hegemony.

them of their power and/or force them to concede to the ongoing talks between Hamas and Fatah during 2006 so as to form a unity government according to the President and Fatah's design. Said one HLG minister, "They want to give us a government but without any privileges."<sup>309</sup>

In conclusion, power sharing was made ostensible in the CSS by the President, his aides, and the public employees under the sanctions imposed by external powers. This happened through employment as a means of hijacking power in bureaucracy especially in senior governmental positions; the misuse and extension of internal governmental regulations and rules, as well as use of presidential decrees to supersede the legislative powers; and the deployment of factional ties and client-patron relationships to exclude elected officials. All the previous happened by their own employees in the formal institutions through deployment of different informal and sophomoric means against ministers and PA institutions like disobedience, non-cooperation, intentional absence, and hiding and damaging data and information related to the ministries. In addition, the deployment of informal coercive means. These means are like vandalism against PA institutions, verbal and physical assault against ministers and PLC members, deployment of continuous politics through instigating and leading some employees for political employees' strikes and protests for the sake of discrediting the newly elected officials. Strikes, while legal and formal means in this case, were practiced for factional reasons and orchestrated by Fatah affiliates. Finally, the deployment of fabricated narratives was used against elected officials to discredit them in public (e.g., Hamas equals corruption).

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<sup>309</sup> Minister of the HLG, 2 May 2007, Ramallah.

The struggle in the CSS was mirrored by a struggle of power sharing with the PSS too. In the coming section, I highlight the ostensible power sharing in the PSS and decisions and practices of some Fatah/PA elites, the President, and para-Fatah armed groups supported by foreign countries.

### **OSTENSIBLE POWER SHARING: THE CASE OF THE PALESTINIAN SECURITY SECTOR (PSS)**

One of the most contentious arenas of power sharing between the HLG and the President during 2006-2007 was in the PSS. This is because of the way the PSS was formed and functioned. The PSS was designed to preserve the security of Israel and not that of the Palestinian territory, was exclusive to only Fatah personnel, was fragmented with 13 competing security agencies that unfolded after Arafat's death in multiple power centers, and was dependent upon foreign aid (the US and Europe) and foreign "reform" agendas (see Friedrich and Leuthold 2007: 173-187). The previous affected the politics of the PSF and produced competing security visions which stood to divide Palestinians factions between those who wanted their security forces to be a-factional and related to national and patriotic political values (mostly related to Hamas), and others who wanted the security forces to be exclusive to Fatah and to be apolitical which meant to function in coordination with Israel and to commit initially to Israel's security according to the Oslo Accord (mostly related to Fatah).

The PSS, as an institution, was highly biased toward Fatah and against any opposition groups to the Oslo peace process. This institutional premise and condition affected the power sharing in the PSS. However, there were further formal and informal mechanisms that were deployed by the President, his cohort, Fatah/PA commanders, and

para-militants that shaped ostensible power sharing in 2006-2007. This happened through focusing power in the President's hands through self-made procedures; employment as a way to withdraw real powers from elected officials (here the Minister of the Interior) and to undermine security institutions and rule of law; undermining security institutions and limit formal communications; activating internal conflict and intimidation by para-militants and security elites; and, finally, increasing disobedience, absence, and delay of work by security personnel.

In the coming section, I outline some basic historical features, as background, of the structure of the PSS. Then, I discuss the practices and measures taken by the President and the PA minority elites and security heads that undermined power sharing in PSS in 2006 (in chapter 4, I show how external powers like the US contributed to the engineering of the ostensible power sharing in the PSS).

### **A Historical Overview of the PSS: Structural and Institutional Legacy**

In an attempt to understand ostensible power sharing in the PSS in 2006-2007 and the political impasse that led to the capture of the Gaza Strip by Hamas, one has to situate it within the historical legacy of the PSS and the uneven institutional structure and practices. This is because the struggle over power in the security sector was not simply a result of a competition between internal factions, Fatah and Hamas, but was related to existing conditions and limitations within the Oslo agreement that produced the PSS and the competing Palestinian security visions (patriotic nationalist ones and Israel security visions) and that favored one group over the other.

The PSF was a result of a special security system that was designed according to the Oslo II Accord in 1995 and entailed the primary task of the PPS as a “counter terrorism” force to protect the security of Israel especially from Palestinian internal opposition to Oslo (Lia 2006: 295). That is, a Palestinian security force consisting of some Fatah resistance persons from the first Intifada, is to defend not the Palestinians security first and foremost, but the security of the occupier state of the Palestinian territories (Lia 2006: 268-269). The PSS, hence, was one of the critical sectors to Arafat’s centralized governance that wanted to make sure he could deter opposition - Hamas, some factions from Fatah, and some leftists - to the Oslo peace process and prevent them from spoiling Arafat’s state project (Hussein 2007; Lia 2006). Based on the previous fact, the PSS had to include only Arafat’s loyalists from Fatah. Consequently, the Oslo Accord and its Israeli security conditions, on the one hand, gave Arafat leeway to tighten his grip over the PSS and to exclude and repress opposition and public freedom (Lia 2007). On the other, it positioned the PSF and Arafat across a precarious conjunction between their responsibilities towards their citizens’ security and the Palestinian national project, and their responsibilities towards Israel’s security.

Arafat played the 13 security agencies<sup>310</sup> against each other and in constant competition to the extent that various security agencies assaulted and opened fire on each

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<sup>310</sup> Three general branches: National Security, Interior Forces, and General Intelligence. National security comprised the NSF, Coast Guard, and the Air Guard or Aerial Police; the Interior Forces included the Civil Police, Civil Defense, the Country Guard or Governorate Security, Preventive Security Force (PF), and Presidential Security (include Force 17); Intelligence included General Intelligence, Military Intelligence, and the Military Police. For more info see Friedrich (2004).

other on separate occasions (Lia 2006; Parsons 2005).<sup>311</sup> These security agencies had no clear hierarchy and command system and were run by a client-patron relationship.<sup>312</sup> Lia said that:

The reasons for this leadership style were not simply Arafat's personal inclination towards authoritarianism. The very security system imposed by the Accords [Israel security oriented policy] hinged entirely on the effectiveness of Palestinian policing of anti-Israeli militants. It induced Arafat to place all policing activities under his direct control and to reduce the powers of the courts, ministers, and prosecutors. Any movement towards institutionalization, in particular the independence of the courts, ran against the political imperatives of effectiveness in counter-terrorism. Similarly the political usefulness of riots and public order disturbances in protesting against Israeli policies made it logical to for the PNA to retain direct political control over the Palestinian police and to marginalize the mechanisms of accountability (2006: 295).

In 2000, Israel was not satisfied with the performance of the PSF and the selective and conditional security coordination of Arafat with Israel, as mentioned by many PSS commanders. Some Fatah generals thought that Israel wanted to re-establish a new PSF that was totally dedicated to the security of Israel and to ending the resistance movement in the Occupied Palestinian Territories, regardless of the delivery, or lack thereof, of Israel in the peace process. A major Fatah previous commander told me, "In 2002, the Israelis destroyed the security forces and the security system to re-establish it based on

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<sup>311</sup> Furthermore, Arafat used Israel's security vision of the Oslo Accord to form more security agencies than he should and to employ more security personnel than what was agreed upon (Lia 2006). According to the DoP, the PSF had to be 10,000 but Arafat employed 34,000 (Fatah security personnel) in 1997 (to guard only 3 million Palestinian in the WBGs). For more information, see Madhoun, Husam. 30 May 2006, "The Palestinian Security Services: Past and Present. By Husam for MIFTAH." Retrieved 2006, July 30 (<http://www.miftah.org/Display.cfm?DocId=10400&CategoryId=21>).

<sup>312</sup> In addition, given the territorial discontinuity between the West Bank and the Gaza Strip and the division of each territory into several areas, known as Areas A, B, and C, the structure of the PSF had to be loose to be able to function in areas where the PA did not have full sovereignty and were not allowed to even enter because these areas were under Israel's control (some of Areas B and area C).

different strategic foundations that are only based on their [Israeli authority] interests.”<sup>313</sup> Whatever the aim of the destruction of the PSF was, Israel destroyed the PSF headquarters and its infrastructure (such as stations, detention centers, buildings, communications, etc.) (Friedrich and Luethold 2006: 19-20; Parsons 2005: 281-304). The result was an even more fragmented PSF, especially after the deterioration of Arafat’s central authority when Israel imprisoned him in his compound in Ramallah in 2003 and accused him of leading the Intifada. As a result, some high commanders and security personnel started to defect from Arafat’s authority and began to run their security personnel according to their own agendas and interests. A state of lawlessness and the spread of weapons in the hands of factions, militants, families, and irresponsible security personnel flourished, especially in the Gaza Strip.

Thus, when Abbas came to power, it was hard for him to contain or institutionalize the PSS according the Road Map (see chapter 1).<sup>314</sup> Abbas’s security reform was challenged mainly by some elements within Fatah: the minority Fatah/PA elites (some in the government and even his Minister of the Interior), his own security commanders who were afraid to lose their positions and privileges under the new institutionalized system, and Fatah militants and the Al-Aqsa Brigades who were not ready to give up their weapons. Abbas, therefore, was not able to accomplish the PA monopoly over power and the institutionalization of the PSF (Jarbawi and Pearlman 2007:13-15). Proliferation of the power centers of the PSF continued, and some security

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<sup>313</sup> Fatah Revolutionary Council member and former head of the Preventive Force, 3 June 2007, Ramallah.

<sup>314</sup> The Road Map set to preserve and prioritize the Israeli security vision. Abbas, thus, hoped to reduce the security agencies from 13 to three and to put them all under a clear hierarchy of command (Hussein 2007).

heads and high-ranking commanders were more powerful than President Abbas in 2005. These PSF heads and commanders had previously secured local support among clients and/or had established personal connections to the West, especially the US, which rendered them more powerful.<sup>315</sup> As a result, in 2005, there was no authority on the ground, and as a prominent moderator told me, "...by 2005 there was no PA, and it became evident that Hamas's power politically and militarily was growing more than the PA, especially in Gaza...as a result, the PA became the party which feared Hamas not, vice versa."<sup>316</sup>

In addition to the weak PA institutions and unity security apparatus, Abbas's plan for PSS institutionalization through the inclusion of Hamas in the PA system, according to the Cairo Accord (2005), did not address the monopoly of Fatah commanders over the PSF, and did not offer mechanisms to make the PSF more professional and inclusive to security personnel, regardless of their political affiliation. Abbas's security reform did not entertain the idea of a shared security vision (between Hamas and the President). Hamas had rejected the security coordination with Israel and the Oslo security vision in which the movement was its first victim. Accordingly, when Hamas formed its government, the PSS and Abbas were not ready for Hamas leadership over the PSF, and even Hamas itself did not consider this idea earlier as I clarify below (which made both sides not ready for governance over the security sector).

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<sup>315</sup> Fatah leader and writer and former Governor of Bethlehem, 7 May 2008, Amman.

<sup>316</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 11 May 2008, Washington DC.

## **Measures of “De-Reform” in the Palestinian Security Sector<sup>317</sup>**

When Hamas came to power, as shown above, it inherited a disseminated and de-institutionalized security sector with many powerful power centers and lawlessness in the Occupied Palestinian Territories. In one night the PSF, especially the MoI that was designed to silence Hamas and other opposition to the peace process, came under Hamas’s supervision through Hamas’s Minister of the Interior, Said Siam, and the HLG. In this section, I show the main formal and informal means taken by the President and his aides in the security arena that contributed to undermining power sharing, in addition to the above-discussed structural and institutional disadvantages. These measures corresponded to those taken on the CSS but were more critical given the strategic importance of the PSS. I will present them below and discuss each of them.

First, focusing the security powers in the President’s hands through self-made procedures: In the wake of Hamas’s victory in the PLC election, Abbas regressed from his decentralized approach with the PSS and activated Arafat’s personal control when he imposed his direct authority over all security agencies (including the Internal Security Forces) as the Chief of Command according to the Palestinian Basic Law.<sup>318</sup> That is, a year earlier in 2005, Abbas maintained direct control over only two security agencies:

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<sup>317</sup> This was used as similar to the concept of Sara Roy’s ‘de-development’ where she argued that the undeveloped situation in the Gaza Strip was a deliberate process by the Israeli government through systematic policies (Roy 1987). Here I use the same understanding to reflect on what I call the “de-reform”, meaning the intentional regression in the reform process of the PSS, by Abbas himself, his aides, PSF heads, Israel and the US in the PSS.

<sup>318</sup> PLC/LoCR member, 27 August 2007, Ramallah. See also Friedrich and Luethold (2007) and Saleh (2008b).

Force 17 (which had roughly the function of the President's Guards) and General Intelligence (GI), and put the rest of the security agencies, mainly the ISF and National Security Forces "NSF," under the authority of his PM, Ahmad Qurai', and the Minister of the Interior, Nasr Yousef. The ISF, which consisted of the Civil Police, the PF, and the Civil Defense, was agreed in 2005 to be under the supervision of the Minister of the Interior, and the control over the NSF was to be indirectly under the President (Bushnaq 2006: 59). Yet, when Hamas came to power, its Minister of the Interior, Said Siam, was denied total and effective control over the ISF compared to the previous minister, Nasr Yousef, who practically had control over the ISF and the NSF (even though Abbas was not in agreement with Nasr Yousef) (ICG 2006b: 12).<sup>319</sup> In addition, Abbas claimed total control over the NSF and the ISF.<sup>320</sup>

Employment in the CSS was a way to take away real powers from elected officials, here the Minister of the Interior, and undermine security institutions and rule of law. A week after the formation of the HLG on 7 April 2006, Abbas appointed Rashid Abu Shbak, the former head of the PF in the West Bank who was known as the head of the PF in the Gaza Strip who tortured Hamas leaders in the 1990s (ICG 2006b: 12), as the General Director (GD) of the MoI to tighten his grip and direct control over the ISF. This appointment was controversial because it entailed high executive power privilege for the GD over the Minister of the Interior with a lack of institutionalization and the dominance

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<sup>319</sup> The only ratified law that regulates the structure of the PSF was the Law of Service in the Palestinian Security Forces (LSPSF) of 2005. The law assigned the ISF to the Minister of the Interior and the NSF to the Minister of National Security (Khalil 2007: 35).

<sup>320</sup> Also see, Friedrich and Luethold (2007); Saleh (2008b).

of some Fatah/PA chief over the PSS and the ISF.<sup>321</sup> In addition, the appointee himself was a Fatah security commander and head of the PF in the Gaza Strip who was not popular with Hamas and was suspected to have a history of corruption.<sup>322</sup> The government and Hamas feared that the GD, who was appointed and supported by the President, would have free hands to control the MoI and marginalize the Hamas Minister of the Interior. Some in Hamas and the HLG also argued that according to the ratified LSPSF law,<sup>323</sup> the appointment was illegal because the new CoM should have been the party to nominate a candidate to the position of GD. The President would then take a final decision about the appointment. However, in this case, the new CoM was not given the chance of nomination; instead, the previous Fatah-dominated CoM made the nomination to the President before the convening of the new Hamas-led CoM (Bushnaq 2006: 51). Yet, whether the appointment of the GD, Abu Skbak, was legal or not, the way it was done, its timing, and the person chosen, did not resonate well with the government and Hamas, and reflected an ominous intention of cooperation on the side of the President and his aides, as mentioned by interviewees. The GD appointment was more alarming to Hamas compared to the appointment of the Fatah-affiliated Director of

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<sup>321</sup> Prominent Hamas leader, 18 September 2007, Nablus.

<sup>322</sup> Hamas had a history with Abu Shbak in the Gaza Strip and considered him to be the man of Dahlan, the head of the PF in the Strip, who jailed and tortured the leaders of Hamas and who was involved in security coordination with Israel.

<sup>323</sup> Legally it was hard to determine who was entitled to such an appointment of GD due to the absence of a ratified Basic Security Law. The absence of such a law meant that there was no law to organize or structure the relationship of the various forces within the ISF, with their heads and with the GD. Under such circumstances the GD could claim more power than the job entailed. In addition, there was confusion regarding the duties of the GD in various Palestinian security laws (in draft form), mainly the LSPSF (which gives the GD full command over the ISF), and the Civil Defense Law (which puts the Civil Defense under the direct authority of the Minister of the Interior and not the GD) (Khalil 2007: 36-37).

Government of Personnel in the CSS, who controlled and delayed public employment for the HLG, because the position of the GD in the MoI and the authority it proclaimed was related to Hamas's vision of national security and its relationship to the occupying force and its position as part of the opposition alliance in the region (in addition to major figure like Hizballah, Syria, and Iran). In addition, the appointment of a GD, who controls internal security directly, challenged the authority of the HLG and the Hamas movement in its competition with Fatah and aimed to target Hamas from within the PA institution that brought them legitimacy and governance. This time, in contradiction with the measures taken in the CCS, Hamas saw this measure as dangerous in its democratic victory and its jurisdiction in the security domain.

In the course of 2006, it became evident that Abbas and Hamas had totally different security visions. Abbas wanted unconditional and total security coordination with Israel according to Israel's first security vision, whereas Hamas continued to be the major resistance movement and the government that adopted a security vision that was compatible with the Palestinian national project and conditional on Israel's delivery of peace agreements. There were some in Fatah who also agreed with Hamas's security vision. A previous Fatah/PA commander summarized the logic behind the above visions:

...in order to understand the struggle in the PSS one has to understand the Israelis' understanding of security...I am a person who understands security through its political lens. That is, security can be used for political compromise in the hands of the PA and as a useful card for negotiation with Israel [e.g., Palestinians provide Israel with security in exchange for land, a state, etc.], and not security that is related only to Israel's strategic interests and adherence to total security coordination [without benefit to the Palestinians in return]...Israel wants the PSF and security commanders in the form of spies [for Israel] only: those who run after Israel to give them passing permits to get into the Israelis areas, and those who provide the Israeli authority with information about Palestinians political fugitives and oppositions, etc...Israel wants a security

formula that is tied only to its political project, not to a formula for the actualization of a Palestinian state and their national rights.<sup>324</sup>

The real powers of elected officials were also undermined by instances of internal fighting by some Fatah/PA officials to discredit the HLG. Some para-Fatah militants started to appear in the West Bank, like the Death Squads and some branches of the Al-Aqsa Brigades (the military wing of Fatah). Most of the ministers and Hamas officials I talked to in 2006-2007 talked of these para-militants groups, especially in the West Bank. In addition, some Fatah middle cadres, who were called the 'Reformers,' also mentioned these para-militants groups and condemned them. More importantly, some of the Al-Aqsa Brigades armed groups condemned such groups and claimed that they were related to some PA security forces, mainly the PF and General Intelligence.<sup>325</sup> Yet, as I show in the section below and chapter 4, some of these para-militants and their Fatah/security commanders, and some other security forces (mainly the PG) that were active in the internal violence, were also supported by the US administration.

Despite above signs of internal conflict, the formal communications and coordination between the President and the HLG regarding security remained fair. The President, for example, did not call the Palestinian National Security Council (PNSC) - the major body for forming national security plans - to convene in 2006 as he was supposed to. Therefore, the HLG (especially Minister of the Interior) was not consulted

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<sup>324</sup> Fatah Revolutionary Council member and Former Head of the Preventive Force in the West Bank, 3 June 2007, Ramallah.

<sup>325</sup> Member of al-Aqsa Brigades, 23 June 2007, Ramallah; Previous employee in the General Intelligence, 1 October 2007, Ramallah.

by the President on the security outlook and plans and was not called on to share in the (PNSC).<sup>326</sup> Hence, the President's security vision (i.e., prioritize Israel's security and that resistance should be non-violent) and that of Hamas and its government (i.e., priority to national Palestinian security, all means of resistance under occupation is legitimate) remained distant in the absence of any common arena to discuss differences and the bridge security vision gap.

### **THE EXTERNAL DIMENSION'S CONTRIBUTION TO OSTENSIBLE POWER SHARING**

So far in this work, I have shown how some structural and mainly institutional factors intertwined with incumbents and ruling elites' behavior to affect the quality and kind of inclusion, here exclusive inclusion, in the domestic domain. However, in this dissertation, I also reflect on the importance of the external factor (including colonization) to understanding the kind and extent of inclusion (open contestation and ostensible power sharing) and of determining the outcome of inclusion of oppositions in competitive authoritarian regimes. As I discussed in chapter 2, I apply the argument of Levitsky and Way where they argued that, "...rather than assert the primacy of international or domestic factors [of democratization studies], we argue that their relative causal weight *varies across countries and regions*" (2010: 24). The main argument of

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<sup>326</sup> Minister of the HLG and the NUG, 1 October, 2007, Nablus; Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone). The National Security Council (NSC) was established, controlled and headed by Arafat to serve as a consultation committee over security matters. After Arafat's death, the NSC moved to be under the chairmanship of the PM. Yet, when Abbas came to power and in November 2005, he brought it back under the chairmanship of the President. Since 2005 the NSC was not functioning because of the unbalanced power relationships of the heads of the security forces among each other and their disagreement with the President (for more see Parson 2005).

Levitsky and Way (2006, 2010) is that for countries that have a high linkage with the West, the previous becomes more important than any internal domestic balance of power (i.e., high capacity of incumbents and weakness of oppositions) in determining democratization. However, when Western linkage is low (like in the case of Palestine) the domestic factors and internal balance of power matters for transition.

Domestic factors showed that incumbents and Fatah ruling party were divided and weak and even though they had significant military power but the security agencies were divided too (Hilal 2006; Parsons 2005). Hamas also had military capacity but was not divided and organizationally strong and unified. The strength of opposition and the weakness of the incumbents gave some hope to many observers that the PA might become less corrupt and adopt democracy. Yet, I present how the US and Israel policies' supported the PA/Fatah incumbents in various ways: militarily, financially, and diplomatically and changed the internal dynamics of power. These practices had also blocked any overall Western leverage (Russia, some Arab countries, the UN, etc.) to pressure PA/Fatah incumbents to accept Hamas's inclusion and move towards democratization. Even more, the US (less so Europe) and Israel assisted Fatah/PA incumbents through the imposition of sanctions in the HLG and the Palestinians to move the balance of power towards non-democratic incumbents and stabilize competitive authoritarianism (here the PA). This happened despite the President's hesitant will to maintain inclusion and avoid civil war. The divided PA/Fatah ruling elites over-powered the President and, at some point, it felt that the small circle surrounding him, the "shadow executive body," ran politics and the relations with the West even if the President did not second their choices. They also seemed to run the internal politics to some extent. Some

of these elites had personal and close ties to the US. Here is an example from one interview with a major PA/Fatah ruling elite that demonstrates the penetration of the Fatah/PA elites into the PA institution, in addition, to their power and control as a parallel executive body that occasionally exceeded the President's authority:

Abbas called me [Fatah/PA consultant and a Fatah leader] to ask about the current dialogues I was in with Hamas. I told him that talks were halted now because there were disagreements with the Hamas leadership. Afterwards, one of the President's media consultants announced in a press conference that the talks were halted. [This had angered Hamas who were still in dialogues with Fatah and did not want the outcome to become public yet]. As a result, Haniyyeh came to meet Abbas in his office but the President was busy. I was there and Haniyyeh expressed to me his disappointment about what was said in the press conference (that the talks between Hamas and Fatah were halted). Afterwards, Abbas entered and asked what was going on. We told him and he was unhappy with his media consultant [announcing that talks were halted because the President wanted to give the dialogues more time to prosper] and ordered his spokesman to go to the media [Palestine live broadcast channel] and to refute what the President's media consultant announced in his press conference. Then I told the President, if you let your spokesman do that, I will go to the Palestine live broadcast channel again and emphasize what was said by my colleague, the media consultant, earlier. Abu Mazen's [President Abbas] behavior was wrong and I wanted to stop him but the President sent his spokesman. Haniyyeh at this point got so confused! ...Of course, Abu Mazen thought that I was angry and just saying things; he did not think that I would act on what I had said. But I left and went to the Palestine live broadcast channel and refuted what the President's spokesman just announced and emphasized what the media consultant had said. Then I went back to the President's compound to find Abu Mazen and Haniyyeh were still there and their faces were black [meaning they were shocked and unhappy]. Haniyyeh was clearly confused...then I told Haniyyeh: "Do not let Abu Mazen fool you, all of what I said in the media today I had agreed with him previously about announcing. He [the President] always fools you [meaning Hamas or PM] and tells you that he is forced to do this and that..."<sup>327</sup>

Some of major and close Fatah/PA elites have been allies with the US in its vision to the Palestinian-Israeli conflict since after 1994 and cannot even imagine any alternative to the previous. Their personal interests and privileges in the PA intertwined

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<sup>327</sup> Fatah Revolutionary Council Member and Fatah PLC Member, 7 October 2007, Ramallah.

largely with how they define national interest.<sup>328</sup> That is, for them, national interests could not be secured or even imagined without American support and Israeli recognition: “Not only do we talk diplomatically to the Americans, but we also run after them because we know them and we also know our weaknesses...”<sup>329</sup> The role of the President’s advisors in exclusive inclusion was further documented in the leaked document of de Soto where he stated:

...prior to the Mecca Agreement, some of Abu Mazen’s advisers collaborated [with the US] in isolating the PA government and, indeed, plotted its removal. This changed, at least in public, after Mecca [National Unity meeting]. Reservations remain, however, and some of these people hoped that Hamas members would remain somewhat apart in the international community’s dealings with the PA (2007: 46).

However, a major and well-respected Fatah leader, from the Jerusalem area, explained the shifting alliances and intersecting interests of the US and Israel at that particular time to support Fatah against Hamas despite the fact that US and Israel aimed previously to divide and Fatah during the second Intifada 2001-2004 (especially its young and new local generation).

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<sup>328</sup> The PA is important for these elites because it represents not only their political achievement, but also it became the institution through which they exercised power and were guarantee financial security. In addition, their public positions provided them with a certain life-style for which they have no substitute outside such an institutional setting. These Fatah/PA elites started their lives in the Palestinian resistance movement and now they are the incumbents. They know no other job. This is in stark opposition to Hamas-affiliated ministers and members who are civil society activists and professionals in the public sphere. Thus, for the Fatah/PA elites and hardliners the PA is an institution that encompasses their “imagined” resistance history, interests, financial income, social status, and outlook on the future. The PA provides a framework through which these elites situate themselves and relate to other factions and to society. The normative commitment and evolution of ideas by PA/Fatah elites in the PA was the topic of an unpublished paper by the author presented in a conference al-Madbouh, Ghada. 21-25 November 2008. “Coexistence with Them is Possible but Partnership is not”! An Inquiry into the Struggle between the Elites of the Palestinian Authority and Hamas over Governance,” in *the Middle East Studies Association (MESA) Annual Meeting*. Washington DC.

<sup>329</sup> Major Fatah leader, 17 September 2007, Ramallah.

Fatah was the only force in the WBSG that could be co-opted since many of its elites were already in the PA. It has the characteristic of a regional national movement which is equipped to stand in the face of Islamists after they became a real power in Palestine and in the region [Middle East]...thus in the middle of an absence of any other national movement in the Middle East, like the leftists or Nasserites, Fatah is the only existing movement that can represent such role because it has the leadership and the regional expansion. So, Americans thought that if they made some changes within Fatah it could be transformed from a national independence movement to a co-opted movement...in others words, the Americans planted the basis of struggle between Hamas and Fatah...and of course the deep divisions and struggle over power and interests within Fatah led them to want to cooperate with a powerful foreign actors and cause an internal struggle in Palestine.<sup>330</sup>

Therefore, one can even argue that the PA case represents an extreme case of low Western leverage in which not only incumbents were not pressured to be responsive to democratic opposition of inclusion and democracy, but also supported incumbents to go against the democratic results of the national elections and to silence oppositions. Hence, in the Palestinian cases, the international dimension and external power (represented mainly by Israel, US and, to a less extent, the EU policies and kinds of intervention) were heavily present and intertwined with the incumbents and ruling elites' attempts to manipulate power sharing.

Earlier in this chapter, I visited such roles of external powers when I addressed contestation (see above), and in the coming section I will continue to analyze the role of the Israel, the US, and Europe in undermining power sharing and supporting incumbents as mainly reflected by my interviewees. Also, in the coming chapter (chapter 4), I show how the previous powers played into ostensible power sharing in the PSS.

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<sup>330</sup> Fatah major cadre, 9 October 2007, Ramallah.

## **Sanctions and Ostensible Power Sharing:**<sup>331</sup>

Shortly after the victory of Hamas in the PLC election and the formation of its first government on 7 April 2006, the Quartet suspended their aid to the PA. These sanctions were mainly imposed by Israel, the US and the EU, and constituted a major obstacle to the HLG in 2006-2007, stripping the government of its financial and partially of its executive powers and altering the formula of power sharing dramatically. In this section, I uncover the scale of the sanctions, as a foreign and external intervention mechanism, and how the former contributed to ostensible power sharing.

The declared reasons for the imposition of sanctions by the Quartet were that the government of Hamas did not recognize Israel, did not commit to the international agreements and accords, and did not renounce violence. The Quartet took the decision to force sanctions on the Palestinian people and their government where they halted all funds and financial sources to the Palestinians, and threatened banks to take severe measures against them if they transferred any money, locally or internationally, to and from the HLG. Israel also contributed to these sanctions by officially halting PA tax transfers from Israel (among other policies mentioned above, e.g., imprisonment of ministers, etc.). The sanctions, consequently, led to the halting of HLG activities and crippled public life in PA institutions. The sanctions lasted in the West Bank until the

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<sup>331</sup> Some called it a siege instead of sanctions. de Soto wrote: "...the word "siege" is hardly an exaggeration; it is not just a question of suspension or diversion of aid, but more of the combination of Israeli restrictions on movement of people and goods, the suspension of transfer of their money to the Palestinians and the US banking restrictions which would penalize any bank engaged in transferring any funds to the PA through regular channels. Because of the banking restrictions, a decision by Europe to resume aid might be purely academic" (de Soto 2007: 30). He was the United National Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization (PLO) and the Palestinian Authority's Envoy to the Quartet.

seizure of the Gaza Strip on 13 June 2007 (despite efforts by Palestinian factions mainly Hamas and Fatah when formed the NUG in March 2007 to address the Quartet-see chapter 4).

As mentioned in chapter 1 and chapter 2, and as a result of the client quasi-state design of the PA with Israel (mainly through tax transfers) and its total dependence on foreign aid mainly from Europe and the US, the sanctions proved to be tight and controlling. When it came to foreign aid, the US government spent almost \$1.8 billion on economic “development” and assistance to the PA since its formation in 1993-1994 until 2005 (USAID had been the main contractor with 80% of the US funding funneled through the organization) (Sharp and Blanchard 2006). However, the EU had been a bigger contributor (after UNRWA) to the Palestinian economy and the PA, committing almost \$3 billion and more through bilateral aid with its member states (Petřík 2007: 118).<sup>332</sup> This financial dependency had expropriated major internal sovereignty of the Palestinian decision-making process (in addition to expropriating internal sovereignty and external sovereignty already through the Israeli Occupation and its policies of segregation and assassination on the ground) and their self-government, especially when the HLG was unable to pay the salaries of almost 160,000 public employees. The previous formula was clearly understood by Hamas affiliates and officials:

... the subject of salaries revealed a very important matter which was that as long as the salaries of any Palestinian public employees continued to be paid by an outside force then any future government has to follow and does what the US and

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<sup>332</sup> This dependency became clear as Petřík argued, “In 2004, the Palestinian Authority received the largest sum of Official Development Assistance (ODA) per capita worldwide. With 324 USD per person annually, it well outmatched all other recipients, with Nicaragua ranking second, with almost 100 USD less (at 229 USD per person annually)” (2007: 115).

Israel want. The day the government refuses to follow them, the salaries will be halted...they [the US and Israel] only want to feed the Palestinian people, but they do not want the people to have a list of change and reform [referring to the LoCR of Hamas] and provide them with a viable political solution.<sup>333</sup>

Based on the Oslo agreement, the Palestinian economy fed on two main sources of outside revenue: the tax transfers from Israel,<sup>334</sup> which constituted the main revenue to the PA, comprising almost two-thirds of its revenue estimated at \$50-60 million in 2006,<sup>335</sup> and the funds and financial assistance from the outside world, mainly the US and the EU, as part of the Oslo peace process. Internal revenues from local Palestinians comprised a small portion. When Israel, the US and the EU stopped the external source of revenues, the HLG's hands were tied. They were unable to pay monthly salaries for its civil and security employees and the work of all ministries was frozen and projects were put on hold. This situation led former US President Jimmy Carter to argue:

Innocent Palestinian people are being treated like animals, with the presumption that they are guilty of some crime. Because they voted for candidates who are members of Hamas, the United States government has become the driving force behind an apparently effective scheme of depriving the general public of income, access to the outside world, and the necessities of life...the additional restraints imposed on the new government are a planned and deliberate catastrophe for the citizens of the occupied territories, in hopes that Hamas will yield to the economic pressure (2006b).

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<sup>333</sup> PLC General Secretary, 15 June 2006, Ramallah.

<sup>334</sup> According to the Protocol on Economic Relations in 1994, there was a type of tax to be collected by Israel and then transferred to the PA. For example, the value added-tax (VAT) paid for Israeli goods by Palestinians, taxes for fuel paid by Palestinians, taxes on cigarettes and alcohol, custom duties, and taxes on imports to the PA and Palestinians coming through the only ports in the country via Israel (Engber, Daniel. 2006. "Israel Sends \$50 Million a Month to the Palestinians? How to Collect Taxes for Your Neighbor." *Slate*, 17 February. Retrieved June, 2009 (<http://www.slate.com/id/2136484/>)).

<sup>335</sup> Minister of Planning, 30 April 2006, Ramallah.

Hamas, its government and constituencies, understood sanctions to be targeted directly at the government and hijacked it of the power it had won in fair and democratic elections. They, however, thought at the beginning that they would depend on the Arab countries to fund them instead and to lessen the sanctions.<sup>336</sup> This did not happen. Most Arab countries, except for Qatar and Syria, were willing to transfer money to the Palestinians and their government only through the President's office.<sup>337</sup> They sent money to the President's office through banks and these banks, nonetheless, were forbidden to transfer money to the PA Treasury (or the Ministry of Finance under Hamas) under warnings from the US.<sup>338</sup> In doing so, many Hamas officials indirectly hinted that these Arab countries mainly, Jordan, Egypt, and Saudi Arabia, were partners in such sanctions.

The sanctions caused a major deterioration in the economy<sup>339</sup> and led to a major financial impasse for the HLG that undermined their executive powers and led to political

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<sup>336</sup> PLC/LoCR member, 9 April 2007, Ramallah.

<sup>337</sup> Consequently, the financial impasse led Hamas leaders and ministers in the Gaza Strip to receive money from certain countries (Qatar and Iran, for example) and from Hamas's outside leadership to pay salaries by any means. The CoM, in its session on 9 May 2006, took a decision to initially allow for the inflow of donated money from outside the country using any method that preserved the security of the Palestinian financial system and was in coordination with the Ministry of Finance (Item number one of the minutes of the meeting. Council of Ministers' decision: 20/06/10/3,4/2006. P2.06). al-Zahar, a prominent Hamas leader and the Minister of Foreign Affairs, Haniyyeh, the PM, and other Hamas leaders tried to personally bring in money from abroad when entering the Gaza Strip. The HLG was quickly criticized for mismanagement of public funds and suspicions were raised.

<sup>338</sup> Even countries that wanted to send money to the HLG, like Russia, found no means to do so since formal channels to send money were cut (Tamimi 2007: 230). Some countries, like Qatar and Iran, had to send money informally.

<sup>339</sup> See also, UN Agencies and NGOs. 2006. "Humanitarian "Situation Analysis" of the West Bank and Gaza, Jerusalem." *Journal of Palestine Studies* 35:157-158; and World Bank. 2006, "West Bank and Gaza Update" *The World Bank Group*, Retrieved 2006, December

strikes, defection of employees, and mobilization and violence against the Hamas officials. The most visible example was the salary impasse, where the HLG needed to pay almost 160,000 public employees. The salary impasse led to the public employee strike during the second half of 2006 crippled public life. Public employees were paid some portion of their salaries during the first months of Hamas's governance and there were some months where they did not get any payment. Even when the HLG received some money and wanted to pay its employees, it was faced with a bigger problem since banks (due to the sanctions from some Arab countries) were not allowed to transfer money from the government to its employees. Therefore, some public employees were paid through the President's office while the government paid some, causing confusion among employees. More importantly, keeping finances in the hands of the President's office gave the President and his cohorts sole executive powers over the PM and the government. Put differently, the transfer of salaries through the President's office and not through the Ministry of Finance, run by a Hamas-affiliated minister, was a further attempt to boost the legitimacy and power of the President as the main financial provider for the people and it also entrenched existing patronage. Therefore, sanctions crippled the HLG and undermined its ability to exert authority over its own employees, and undermined its credibility as some started to see Hamas as the problem rather than the solution of the PA's many impasses. The credibility of the HLG was further hurt when it was not able to apply its reform plan and even worse to reply to sanctions and public employees strikes by furthering factional employment (see chapter 4)

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<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/UpdateSept06Eng.pdf>. In the previous report, the World Bank estimated a drop in the GDP per capita in the WBGS by 27% and a rise in poverty to 67% in 2006.

The HLG and Hamas tried to alleviate the sanctions by compromising on the political program, recognition of Israel, adherence to international law, and renouncing violence, at the national unity talks with Fatah in 2006 and when the NUG was established in 2007 (see chapter 4). The President, too, tried to lessen or lift the sanctions but he was under enormous pressure from more than one party. Thus, sanctions shifted the internal balance of power away from the HLG in the sense that they were not able to implement their reform plan and pursue governance.

## **CONCLUSION**

In this chapter, I have disaggregated inclusion into two major components: the contestation process and power sharing. This research has demonstrated how the manipulations of opposition groups' powers and prerogatives in the Occupied Palestinian Territories do not end after they win elections (free and fair or not), but extend to the post-election era (or the period between national elections). While much of the research on competitive authoritarian regimes has focused heavily on election dynamics and manipulations, this work, among others, engages with new attempts to enlarge our knowledge of the manipulations toolkit deployed by incumbents in various arenas in the state institutions. The inclusion-moderation nexus did not always apply to non-democratic systems and further tools and analysis have become necessary in order to analyzing the dynamics of authority-dissent and elected oppositions behavior in competitive authoritarian regimes. This is done, here in chapter 3, by investigating the elements of the inclusion process (controlled by incumbents) and later in chapter 4 by

disaggregating the behavior and repertoire of incorporated oppositions and groups and follow their interaction with incumbents (especially with regard to the deployment of violence by the former against authorities).

To accomplish the above, I chose an in-depth case study of the Occupied Palestinian Territories from mid 2005-mid 2007 in order to draw some insights and open the door for future comparison to other competitive authoritarian regimes. I have shown that the entry (inclusion) of Hamas into the PA was an example of exclusive inclusion. That is, while contestation in the national PLC election was open, fair and transparent, the power sharing was ostensible. After a stunning election that brought opposition to governance, contrary to some competitive authoritarian regimes where leaders cancelled elections, Abbas chose to accept his and Fatah's defeat. Yet, the result was not genuine democracy and inclusion. Incumbents chose to formally accept the election results while informally and in practice sought to nullify the effects of these results within the PA institutions by neutralizing elected officials' powers and prerogatives, trying to co-opt and fragment them, and discrediting them in the eyes of the public. Incorporated opposition was stripped systematically and intentionally from practicing their powers, as the sectoral comparison here has shown, in the PA civil and security bureaucracies, as well as, in the executive, legislative, and judicial levels, by the local incumbents, traditional Fatah ruling elites, military groups, and by external powers (the Occupation and the Quartet). The previous was possible through various formal and informal mechanisms of control. Informal mechanisms (e.g., parallel executive body, client-patron relations, para-militants violence, intimidation, and defection and disobedience by public

employees) were especially significant in the PA; they already had a legacy and/or a presence of neo-patrimonialism.

This chapter generally uncovered power sharing at the executive, legislative, and judicial branches and institutions, as well as at the media level which was made ostensible through various mechanisms. These included the activation of an informal parallel executive body and the sidelining of formal rules and institutions, usually through the activation of presidential decrees and decisions to supersede any other powers and institutions (mainly the legislative powers of new elected officials). The aim of previous mechanisms (or means of manipulations) was to limit the jurisdictions of elected officials to the minor arena and, in secondary policy matters, outside the high and sensitive policy making. There were also ways to place the newly elected oppositions under the incumbents' tutelage and to follow the latter's main strategies and *status quo* outlooks. The previous mechanisms were also supported and accompanied by an activation of existing personal networks of incumbents' affiliates and patron-client relations. In general, the result was that the institutions were sidelined and often the rule of law was made to fit into the incumbents' desires and interests. The direct targeting of elected officials by incumbents (and their cohort and patron networks) constituted additional major manipulations of the executive, judicial, legislative, and media institutions. The previous was manifested through intimidation, harassments and violence, imprisonment, limits to freedom of movement, deployment of informal means of coercion (e.g., para-militants attacks and threats) and, finally, the neglect and cutting off of communication for newly elected officials.

More in-depth comparisons of the CSS and PSS revealed active manipulations of the prerogatives of the HLG occurred in an institutional context where Hamas was already disadvantaged and its affiliates were totally excluded from the PSF (due to the DoP) and less so from the CSS. In addition, the PA was run as a neo-patrimonial system of intermixed factional and patron-client relationships that favored the ruling party Fatah and its elites in various areas such as funding and finance, media, international connections, and relations to the private sector. That is, there was already an uneven playing field where Hamas, as the new opposition group, did not have access to state resources and institutions in the way the Fatah ruling elites did. Yet, an uneven playing field was initially more significant in the PSS than in the CSS as I showed in this chapter (also see chapter 1). Therefore, ostensible power sharing was constantly tied to the structural and institutional context. I have shown in this chapter that, for example, the existence of the Occupation in the Occupied Palestinian Territories was essential to the kind of inclusion Palestinians received in the PSS through the Oslo peace conditions and implementations, in addition to the Israeli policies of segregation between the West Bank and Gaza Strip (WBGs) (see figure 4 in the concluding chapter).

The President, his aides, and the public employees made power sharing ostensible in the CSS under sanctions imposed by external powers. This happened through employment as a formal and informal means of hijacking power within a bureaucracy (especially in senior governmental positions). This was in addition to the misuse and extension of internal governmental regulations and rules in the interest of the incumbents, the use of presidential decrees to supersede the CoM's power, and the deployment of factional ties and client-patron relationships to exclude elected officials. All the previous

practices were also manifested and exacerbated by senior and junior governmental employees through the deployment of different informal means against ministers and PA ministries like disobedience, non-cooperation, intentional absence, and hiding and damaging data and information related to the ministries. In addition, there was the deployment of informal coercive means such as vandalism against PA institutions (related to the elected officials in the Parliament), verbal and physical assault against Hamas ministers and officials, fabricating mobilization by instigating and leading some employees toward political employees' strikes and protest to discredit the newly elected officials. Finally, there was the deployment of fabricated narratives against elected officials in order to discredit them in public (e.g., Hamas equals corruption) and fragment them over the benefit of participation.

This chapter also investigated and revealed similar manipulation strategies and mechanisms by incumbents in the PSS as a major arena of control. However, the PSS, as an institution, was highly biased toward the traditional ruling party, Fatah, and against any opposition groups to the Oslo peace process. The institutional premises (e.g., historical exclusion and non access to the bureaucracy by Hamas) and political premises (Oslo Accords) of the PSS stood to affect power sharing in this sector in a more dramatic way than the CSS, where Hamas was "less excluded" in the CSS and where the sector itself was not as strategic and contentious to various political actors as was the PSS and the security domain. However, there were further intersecting and similar formal and informal mechanisms to those deployed in the CSS, which were deployed by President, his cohort, Fatah/PA commanders, and para-militants and shaped ostensible power sharing in the PSS. This had happened through focusing the power in the President's

hands through self-made procedures; employment as a way to withdraw real powers from elected officials and to undermine security institutions and rule of law; limits to formal communications among incumbents and elites and the newly elected officials; activation of internal conflict and intimidation by para-militants and security elites; and, finally, disobedience, absence, and delay of work by security personnel to disrupt security routines and make new elected officials and ministers helpless and push them to cooperate with incumbents.

I will show in chapter 4, how ostensible power sharing in the CSS, through the interaction between incumbents and Hamas after unity agreement in 2007, “improved” and had a chance to turn to a form of factional dividends or allocation (between Hamas and Fatah affiliates) and more delegation of power to Hamas. However, in comparison, ostensible power sharing in the PSS did not evolve, factional dividends or unification of security forces were not possible, and the demands of some of Hamas’s leaders and armed groups were not met. This variation proved significant in determining Hamas’s approach.

Finally, the election exclusive inclusion experience of 2006 revealed the major role of the external dimension in altering internal balances of power in the Middle East and in the PA. Following the analysis of Levitsky and Way (2002; 2010) on the variations of the affects of the international dimension on some regions and countries but not others, I have shown that the PA, as part of the Middle East and where oppositions are Islamist movements, is among the countries where the external players played major roles in domestic politics (especially Israel, the US, the EU, and some Arab countries). The PA has a low linkage with the West, low incumbents’ organizational capacities and a

divided Fatah ruling party, but higher organizational capacities of elected oppositions compared to the PA/Fatah. Hamas, as a resistance and opposition movement, did not have better military capacity than the PA (some argued that the PA had a higher military capacity with almost 60-80 security personnel that were all from Fatah and some well-equipped and trained security agencies, e.g., the PG, however the security forces' loyalties were divided and they were not highly organized) (see concluding chapter). Given the above, one would expect according to the democratization literature that there would be a successful inclusion process where the new elected opposition of Hamas was able to democratically reform the system as it had planned. Yet, the Quartet's decision, along with Israel, to impose sanctions over the HLG and the Palestinian people played a major role in making many of the above-mentioned power sharing manipulations by incumbents possible. The international powers here did not play the role of pressing incumbents to give in to democratic oppositions as they did, for example, in the Ukraine in 2004 during the Orange Revolution. On the contrary, the Quartet (mainly the US and the EU) had not only abstained from supporting the democratically elected oppositions, but it also had supported autocratic incumbents and the divided ruling party Fatah and its political and military elites against the democratic results of the election. External powers had feared that the Islamist movement Hamas might hijack power and steal democracy all while threatening Israel's security. This meant that the effect of western leverage to push for democracy was made at a minimum in the Palestinian case through the Quartet and Israeli imposition of sanctions (in addition to other means revealed in chapter 4).

Incumbents, ruling elites, and external forces manipulations to the exercise of constitutional and mandated powers of elected officials manifested itself in the

Palestinians case. Yet, how did elected oppositions react to various manipulations within different PA institutions mainly in the CSS and PSS? How did they continue participating and interacting with internal and external powers and actors? Why and how did they finally choose to deploy violence against authorities? In chapter 4, I analyze the interaction of incumbents and elected oppositions and the resulting of various behavioral and ideational developments of elected oppositions.

**CHAPTER 4:**  
**EXCLUSIVE INCLUSION AND HAMAS’S “INTERMIXED APPROACH”:  
CASE STUDIES OF THE CIVIL SERVICE SECTOR AND THE SECURITY  
SECTOR**

Competitive authoritarian regimes have not necessarily always transitioned to democracy with a “real” inclusion process for political actors and opposition.<sup>340</sup> Even in some cases where opposition won a national election, some competitive elections led either to stability in competitive authoritarian regimes, to civil war, or back to stable authoritarianism<sup>341</sup> (Brownlee 2009; Bunce and Wolchik 2010; Diamond 2002; Levitsky and Way 2002; Schedler 2002a, 2002b, 2006). However, the road to democracy from competitive authoritarianism through competitive election is still open and possible. Given the various previous outcomes of transition and inclusion in competitive authoritarian regimes, analyzing opposition’s behavior and counter actions strategies against manipulations by incumbents is seen in the literature as urgent and necessary to determine outcomes within their contexts (Howard and Roessler 2006: 369; Lindberg 2006: 161-162; van de Walle 2006).

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<sup>340</sup> Democratization literature widely acknowledges the opposition’s role to transition to democracy since the third wave, for example in South Africa, Korea, Spain, and Poland (Beissinger 2002; Bratton and van de Walle 1997; Dahl 1971; Diamond 1999; Rueschemeyer et al. 1992; Wood 2003). However, new competitive authoritarian regimes emerged in large part after the end of the Cold War. The major manipulations by incumbents to competitive elections in such regimes, as we have seen in chapter 3, have sometimes offered different dynamics of power and interaction with opposition and different modes of transition than earlier transitions.

<sup>341</sup> This is so even if the election is free and fair (e.g., Tanzania) and even if the election leads to a turnover of incumbents and to an oppositional victory of national elections.

The role of the opposition and their strategies to counter incumbents' manipulation is even more necessary to analyze and map out in a few cases of competitive authoritarianism where the opposition managed to win a national election and had a chance to turn into a democracy.<sup>342</sup> In the Palestinian case, Hamas won a national election but was unable to practice power on a national level (as discussed in chapter 3); however, the result of the inclusion experience was largely translated into political violence.

This chapter, therefore, focuses on analyzing changes in incorporated opposition's behavior and ideas that resulted from the interaction between incumbents and opposition, in the post-election era. The previous interaction, as I discuss, is also affected by external powers. Hamas's strategies shifted after open contestation towards the emergence of, what I call here, an "intermixed approach" of incorporated opposition. This approach serves as a creative middle ground option between co-optation and defection to counteract ostensible power sharing from within the system (not outside the authority institutions). I situate the above discussion by analyzing the interactions and the development of Hamas's intermixed approach in both the CSS and PSS sectors in 2006. However, as this chapter reveals, the intermixed approach continued to be possible and applicable, over time, in the CSS than it was in the PSS.

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<sup>342</sup> However, elections turnover is considered the exception in competitive authoritarianism and most regimes remain 'as is' or regress to stable authoritarianism, even after the opposition wins national elections (Brownlee 2009). This happened, for example, in Nicaragua (1990), Zambia (1991), Slovakia (1998), Indonesia (1999), Ghana (2000), Mexico (2000), Senegal (2000), Madagascar (2001), Kenya (2002), and some post-communist regimes like Romania (1996), Croatia (2000), Serbia (2000), Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005). In some of these cases, democratization took place (Slovakia and Ukraine) while others remained competitive authoritarian (like Kenya and Georgia).

Furthermore, to understand and trace the opposition's behavior to political violence, I begin the analysis in this chapter following two steps. First, the opposition's behavior and violence should not be dealt with as an act of dissent or opposition separate from the state incumbents' policies. Thus, I extend Schedler's (2002a) analysis of incumbents-opposition interactions in competitive authoritarianisms through the mixed game analysis of election dynamics to post-election power sharing dynamics. In addition, an extension of the nested game analysis to the post-election era shows that struggle during 2006-2007 was not simply over power within the state institutions (PA) but also over the rule of the game of governance itself.

Second, I focus on further changes beyond the state institutions triggered by exclusive inclusion and how they played into the changes of opposition behavior. I borrow from della Porta (1995) and her studies of violence in Germany and Italy, and Schwedler's study in Jordan and Yemen (2006)<sup>343</sup> looking into changes of ideas in the groups (in this chapter) and their intra-groups' dynamics (in chapter 5). I show here changes in ideas and the evolution of new Hamas arguments like "democratic legitimacy" to counteract ostensible power sharing and establish a more inclusive rule of the game. This analysis is also contextualized within some accompanying changes in the external and international area with focus on the effect of external foreign support to incumbents.

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<sup>343</sup> I apply the ideas of changes in dimensions outside the state institutions addressed by Schwedler (2006) in her criticisms of the limitations of the transitology literature for accounting to such changes and for too much focus on the state institutions. Yet, I do not address overall changes in the public sphere in general that include for example interactions with multiple opposition groups and probably cooperation with various political actors in the polity. This is because the major struggle was between Hamas and Fatah in 2006-2007 where other factions affected the overall interactions but did not play major rule for example in changing the executive or legislative balance of power. Therefore, I sought for parsimony reasons to focus in this dissertation of Hamas-Fatah interaction and leave the effort to add further interactions with other factions for future research.

In this chapter, I start by mapping out the power sharing dynamics of strategic interaction between incumbents and Fatah ruling elites and Hamas by borrowing from the nested game approach applied in the work of Schedler (2002a). Second, I disaggregate Hamas's behavior and its counter actions, mainly the "intermixed approach," to counteract manipulations of local incumbents and external actors and as an emerging outcome of the interaction with them. This is illustrated in sectoral comparison between the CSS (with concentration on employment counter strategies) and the PSS (with concentration on the creation of the HLG security force, the EF). In the PSS I show that Hamas demanded more than sharing in the PSS to secure power sharing.<sup>344</sup> Third, I present changes in the "intermixed approach" of Hamas, and how Hamas interacted with ostensible power sharing, after the formation of a coalition government (the NUG), in the PSS in comparison to the CSS. Fourth, I depict the effect of ostensible power sharing and the change of political opportunities in shifting Hamas's ideas and arguments to where new discursive constraints come back to limit behavior and strategies.

### **MAPPING OUT THE NESTED GAME OF POWER SHARING**

The nested game (two-level games) has been applied by Schedler mostly to understand the interaction and strategic interdependence between incorporated oppositions and incumbents (2002a). It assists in analyzing competition between oppositions and incumbents in competitive authoritarianisms where the latter tries to manipulate the election to perpetuate their governance so as not to promote democracy or

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<sup>344</sup> Counter actions by opposition at the level of the executive, legislative, and judicial powers took place from within the CSS and PSS sectors analysis.

an alteration of power. I had discussed the nested game in chapter 2 but here I extend this discussion. The two-level games (nested game) is summarized in Schedler as follows:

Authoritarian elections thus are not conventional games in which players compete within a given institutional framework, known, accepted, and respect by all. They are fluid, adaptive, contested games whose basic rules players try to redefine as they play the game itself. In the language proposed by George Tsebelis, they form “nested games” in which strategic interaction *within* rules goes hand by hand with strategic competition *over* rules (1990) (2006: 12-13).

The two-level games are, first, a game of competition over votes and gaining victory in elections. The second, consists of two meta-games; one is the game of authoritarian manipulation to control the rule of law and the elections process and results. The other is a game played by opposition to reform and institutionalize the rule of law and end non-democratic practices (to eventually win votes). Therefore, opposition in competitive authoritarianism try to score in competitive elections. They, also, want to change the rule of the elections themselves to become more democratic and less restricted by incumbents. The more they succeed in the reform (having free and fair elections) the more they can guarantee scoring in a free and fair election and winning the election. The same goes for the incumbents who open their non-democratic and authoritarian systems under various social and economic pressures to retain and regain their power and legitimacy back while not having genuine reform and democratic rule of law to pave the way for an alteration of power. Thus, incumbents try to win competitive elections by manipulating them and they also try to keep the meta-game as one of superficial reforms that preserve their control as opposed to one that brings the rule of law and real democracy. The previous process is called nested game because it is not like the direct one-level game in democracies. In the latter democracy is the “only game in town” and

oppositions win elections and an alteration of power happens within formal democratic institutions. In comparative authoritarianism, the electoral game, in addition, is about the very rules and regulations of elections and over institutions themselves.

Most attempts in recent competitive authoritarian literature had applied nested game during the electoral process to predict whether and/or how competitive elections under these regimes can lead to democracy or to more robust authoritarianism (e.g., Howard and Roessler 2006). This research, however, extends the application of such analysis of the nested game to the post-election period. In such period the incumbents' manipulation of power sharing (or continued participation) of the incorporated opposition was a continuous process and did not end by the victory of some oppositions in competitive elections. Ostensible power sharing, like authoritarian elections, is not a conventional game in which manipulation of the rule of law and results continued even after elections.

There mechanisms of ostensible power sharing, deployed by incumbents and the ruling party at the executive, judicial and legislative levels and in the various sectors as the CSS and PSS are discussed in chapter 3. I argue that the nested game unfolded in the 2006-2007 Palestinian case. It constituted a major initial explanation for the interaction of incumbents and incorporated opposition and the power sharing dynamics. Here I furnish an analysis into the strategic interaction of the included oppositions with the incumbents' manipulative mechanisms under ostensible power sharing (in addition to the election process). An analysis of opposition-authority interactions is a step toward revealing the link and correlation between exclusive inclusion (open contestation, ostensible power sharing) and incorporated opposition's behavior. It assists to uncover some practices, like

violence and diplomacy, which might seem illogical or irrational at first glance, given the landslide victory of oppositions over ruling parties in competitive parliamentary elections.<sup>345</sup>

In this research, borrowing from Schedler (2002a), the struggle over power and prerogatives within the PA is considered the first game level. The second meta-game level is the struggle over institutional reform (or rule of law) by the opposition on the one hand and maintaining the *status quo* by incumbents on the other (reverse reform or halt institutional reform and/or rule of law). This meta-game is also directly linked to the struggle against the Israeli occupation and the DoP conditions regarding the role and function of the PA. The PA does not have external sovereignty, or even internal sovereignty, due to being an entity under occupation acting as a quasi-state. For example, in the Palestinian case, governance is not only a matter of what the incumbents, i.e., Abbas and Fatah- ruling party by default- want to keep as part of their grip on the PA but it is also a matter of which local actors are permitted to access the system under the mandate of the Oslo agreement. More precisely, Hamas (as well as other opposition groups), given its political program, is not technically “allowed” to be a part of the PA institutions, in view of the fact that the peace process and the DoP with Israel outlaw any opposition to the peace process (Khan et al. 2004). This means, as de facto, that the meta-game of the PA could not be totally democratic and embrace the rule of law because it always has to end oppositions to the Oslo peace process and preserve the

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<sup>345</sup> Part of this section was mentioned in chapter 2.

security of Israel (for more, see chapter 3).<sup>346</sup> Put differently, the struggle over power within the PA intuitions is embedded in, and goes hand in hand with, the meta-game of struggle over institutional “reform” and rule of law and its colonial dimension. In order to be able to include the Palestinian case, despite its specificity, in a comparative analysis with other competitive authoritarianism, the colonial dimension will be counted under the meta-game.

Therefore, according to the nested game, struggle over power in the PA (in the various sectors and in the judicial, executive and legislative powers, the PSS and CSS) is itself a significant resource for negotiating and struggling over the basic rules of the game of power sharing. The more the incorporated group is able to practice its mandated power within the PA, given their electoral victory, the higher the possibility that they can reform and restore the rule of law and vice versa . The outcome of institutional reform determines to a large extent the outcome of the struggle over power within the PA. That is, if the opposition is unable to practice its power and entitlements due to manipulations by incumbents (through ostensible power mechanism) then it would be harder for the opposition to reform or make any institutional changes pertaining to the rule of law. However, if the rule of law is preserved it should guarantee fair future practices of power within the state intuitions and even a new free and fair second round of elections and new access to power for all political actors (see Schedler 2002a: 110). It might be that the unexpected and uncalculated victory of Hamas slipped from Fatah and the US’s control,

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<sup>346</sup> One might consider colonial and international dimensions as a third level in the game of power sharing but, for parsimonious purposes, I treat the colonial and international dimensions as context in some cases, and with others as other ways of ostensible power sharing mechanisms that undermine the power of incorporated opposition (like sanctions and non-transfers of financial revenues to the HLG, see chapter 3). For the colonial and international dimension see chapter 3, and the end of this chapter.

and the next presidential or PLC election would witness manipulation and fraud to block any opposition from, at least, taking an overwhelming majority of the PLC or winning presidential elections. Such uncertainty and worry was communicated in the interviews. According to Schedler (2002a), all political actors know the above formula and set their strategies and expectations accordingly.<sup>347</sup> Thus, there was strategic interdependence by political actors within the nested game, as I shall further discuss.

Abbas, in his role, aimed to maintain the legitimacy of his governance and the democratic scene he created beginning in 2005 when he became President (see chapters 3 and 4). Initially, he chose the rule of law and electoral democracy as the best ways to maintain his fading strength among the divided Fatah elites (who were stronger than him and wanted to contain his power). He also needed the rule of law to end lawlessness and “violence” in the West Bank and the Gaza Strip through the de-militarization of various armed groups in order to satisfy the 2003 Road Map’s conditions set by the Quartet. However, backed by the US administration, he aimed for electoral democracy that would be just enough to grant his position and that of Fatah legitimacy, but not enough to provide Hamas or other groups a genuine competitive forum that would enable them to assume a ruling/governing position in the PA.

Thus, Abbas after Hamas’s victory, like all other rulers in non-democratic regimes, had to walk the fine line between opening the system up to competitive elections

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<sup>347</sup> In the Palestinian case, since the victory of Hamas was surprising to the disadvantage of the movement, its strategies were set while it was governing (after elections).

and true inclusion or preserve Fatah's dominance in the PA through manipulation. Abbas and his entourage of Fatah/PA elites, however, tried to first gain back the power (first-level game) lost in the election through the deployment of informal and implicit mechanisms of manipulation. The list is long and includes such tactics as intimidation, misuse of the law, the issuing of non-constitutional presidential decrees, encouraging patron-client relationships and patronage from within the PA institution, hijacking the state media and moving it under the President's control, using various soft coercion means such as threatening opposition and, in the case of some Fatah/PA elites, agitating internal violence in the Gaza Strip. The option of stealing the Hamas victory and election (like what happened in Algeria in 1991) was contemplated by the Fatah elites but the President was too weak and the PA was basically a failed quasi-state at that time. Any cancellation of the election would have led to a civil war that the President was not ready for and did not want under his leadership. Additionally, because of the strength of Hamas (militarily and organizationally), he worried that they might revolt against him or some other scenario that would delegitimize him, like a massive population protest. Thus, he chose manipulation (and at the beginning co-optation) of power sharing over cancellation of the elections. This was possible due to the comparative advantage that the Fatah-only ruling party in the PA had since 1994 over state resources and finance, relations to various societal and economic groups, and relations to the international community. That is, an uneven playing field that is advantageous to the incumbents in terms of state resources etc (see Levitsky and Way 2002). In addition, as stated by Schedler and as I show in chapter 3, incumbents usually decide about the meta-game level of institutional rules and deployment of rule of law or not. This, of course, gives them advantages over

other political actors (Schedler 2002a: 110). The problem was that the manipulation of power sharing instigated by the President and his elites would not guarantee regaining power, earned by incorporated opposition through elections, back to the incumbents and Fatah ruling party without jeopardizing incumbents' legitimacy (especially in any coming rounds of elections). Yet, Fatah could not risk further eroding its legitimacy among Palestinians, not least in view of their corruption and their failure to deliver a Palestinian state despite their continuing negotiations.<sup>348</sup> This left Fatah incumbents dependent on Hamas for gaining or maintaining legitimacy while at the same time they aimed at reducing Hamas's power and having the actual power and authority within the PA institutions.

Hamas, as I discuss here, won the parliamentary PLC election (they announced the possibility of running for presidential elections set, at that time, for 2009); thus, they were granted legitimacy and potential access to power. Yet, they were denied the practice of democracy through practicing their own mandated power. Since the PA was run by Fatah/PA elites and client-patron relationships and given that the HLG was stripped of its financial powers through the Quartet's sanctions, Hamas was dependent on Fatah's incumbents' strategies and actions to facilitate its access to power (or at least not to block it). If the facilitation took place, Hamas would be able to govern and implement policies through its the CoM and PM and could instigate reform and laws through its PLC

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<sup>348</sup> Therefore, manipulations of power sharing, even when chosen by Fatah incumbents, were done tacitly and through informal ways when it was possible (with the hope of co-opting Hamas and getting the game to more stable levels). It was also intermixed with legal measures and some signals to accommodate and include opposition.

majority seats. The previous process of governance and reform is essential to any government in order to deliver to voters and constituents and to maintain its credibility in their eyes so that they might be re-elected in future elections.

The above strategic interdependence between Hamas and the PA incumbents (the President and Fatah/PA elites) meant that they had to cooperate at some level and in some way to advance their conflicting objectives. This cooperation faced rigorous normative and strategic dilemmas that I discuss in the below sections (Schedler 2002a: 114).

Finally, the nested game and strategic interdependence had uncertainties that all political parties tried to overcome. According to Schedler, these are part of the nested game where there are multiple uncertainties regarding the general rules of reform and institutions regarding the payoffs and correlations to power and how these uncertainties interact with each other. Opposition try to reduce uncertainties of the nested game by adopting mixed strategies since combining more than one technique might reduce the complications (Schedler 2002a: 117-118). The intermixed specific approach was adopted by Hamas to accommodate various changes and uncertainties within the two levels (since it did not decide to stick to only one level of the game over the other). The same happened with the incumbents but with less flexibility, where the President and Fatah/PA elites backed by foreign powers deployed manipulation along with some co-optation techniques (for example, Abbas tried to co-opt Hamas and form a unity government).

Besides that, governance under ostensible power sharing (similar to manipulated competitive elections), especially after the NUG, was not stable for incumbents and for

incorporated Hamas. It was not binding for political actors involved because it depended on whether the President and his elites were able to retain power and co-opt incorporated opposition, and allow the incorporated opposition ability to withhold power to govern.

Ostensible power sharing, despite all, did not guarantee the incumbents that they could contain Hamas's reform agenda and/or end its authority and mandates within the PA. Therefore, struggles within the PA had all kinds of strategic responses for political actors; for incumbents they motivated reform or increased manipulation of incorporation. For incorporate groups, they could, for example, keep silent (accept co-optation) or they could protest incumbents' manipulations in various ways (for example, encourage protest and mobilization or deploy violence). Regarding the outcome, it could be reform or "theoretically" genuine democratic inclusion,<sup>349</sup> or it could be exclusion and the one-party governance of Fatah. Below, I lay out how one outcome superseded the others as a result of being affected by considerations and factors other than the cost-benefit analysis. Schedler argues that strategic choices depend on the weakness and strengthen of each party (see Schedler 2002a: 116). In general, when the opposition is weaker they choose co-optation or leave the political game; if they are stronger than the incumbents, they tend to carry on their struggle against them. This is because if they carry on the struggle they have a chance to win over weak incumbents and change the system. Also, if they boycott or accept co-optation, they might lose their chance of changing the rule of the games from within since they will be seen as a corrupt partner. In this case, one can easily argue that Hamas's organizational power was better than the President's, its

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<sup>349</sup> Genuine democracy, as a result, is not possible as *de facto* of the Oslo agreement, unless Palestinian political actors agree to a different platform and political agenda to build the PA or some other form of governance. For more see chapter 1.

military capacity was significant especially in the Gaza Strip, and its popularity and legitimacy was also high compared to the President and Fatah. In the coming section, I focus on the emerging Hamas intermixed approach as a result of the above multi-layered nested game and initially as a result of ostensible power sharing that distanced this case, among others, from power sharing experienced by oppositions in institutionalized democratic regimes. I also present the interaction of incumbents-incorporated oppositions and how they each affected the choices of the other and how power sharing rules shaped emerging opportunities and constraints. Yet, cost-benefit analysis is not enough to explain such interaction and the adoption of an intermixed approach by Hamas. Other factors include, for example, an increased mistrust gap between incumbents and opposition. Below I show how the struggle over power in the game level and in the meta-game level in the CSS compared to that in the PSS. I argue that while Hamas was able to have more minor control over entitled prerogatives<sup>350</sup> in the CSS; in the PSS its entitled prerogatives and power continued to be challenged. This challenge made it increasingly harder to engender any meaningful institutional change or reform.

### **HAMAS'S INTERMIXED APPROACH AND INTERACTION WITH INCUMBENTS: A COMPARISON CASE STUDY OF THE CSS AND PSS**

The CSS and PSS were formed at the same time after the formation of the PA in 1993. However, as I discussed in chapter 3, the PSS played the core role in Arafat's regime of neo-patrimonialism and was considered to be the pillar of the Oslo peace process. Thus, it was also more prone to external interventions and was largely destroyed

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<sup>350</sup> Prerogatives in terms of policy making and implementation, some administrative privileges, and institutional inclusion to its affiliates.

during the second Intifada by Israel (see chapter 3). It was also solely composed of Fatah cadres, leaders and elites and their intermixed relations and patronage, and it was hard for a new opposition group to be part of it. The CSS was not less important to the continuation of Arafat's governance but had witnessed less polarization and, as a result, there was less competition for power among elites compared to the PSS. It was also more institutionalized than the PSS since it did not witness a total collapse as did other security institutions during the second Intifada in early 2000 (even though the PA was technically a failed semi-state during and after the second Intifada).<sup>351</sup> Given these structural differences, the interactions with incorporated opposition and incumbents varied within these two sectors and were more polarized and intense in the PSS. Polarization happened due to the rampant uncertainties of the two-level games in the PSS.

Analyzing interactions and changes of behavior in the CSS showed that agreement and a midway conciliation among incorporated groups and incumbents and their affiliates was actually possible despite ostensible power sharing. That is, Hamas was able to get through the PA and practice some power not through rebellion (that might lead to exclusion) or by being totally co-opted by incumbents (that might lead to losing its legitimacy and constituents). However, through Hamas's specific intermixed approach that helped it, temporarily, to survive manipulation and gain some power. Yet, gaining from the same intermixed approach in the PSS was more challenging due to its various institutional uncertainties. This included the involvement of multiple actors like Fatah/PA actors, power centers of chiefs, militants and affiliated-families; external involvement by Israel, the US and the EU; uncertainties about the general rules of the institution

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<sup>351</sup> See Sayigh (2007a).

(selectivity of the laws followed and imposed, and various informal rules of patronage, factionalism, and nepotism); and uncertainties about the benefits and outcomes. Hamas and its government had partial control over the CSS but the PSS was hard to enter and competition was fierce.

Therefore, while Hamas maintained an intermixed approach within the two sections, it used more accommodating policies in the CSS. Its reactions were different in the PSS where it deployed more confrontational and informal rules and practices (than legal). As I show below, at some point Hamas was faced with an urgency to find different approaches than its intermixed approach in the PSS to continue governing. By comparing these two sectors within the whole overall political context, one can drive some insights and observations about differences in incorporated opposition behavior in more continuous (PSS) or less continuous (CSS) arenas within the same political system. For example, had the PSS structure been more accommodating and open to new actors, like the CSS relatively was, the interaction between incorporated groups and incumbents would have been less contentious and Hamas might have been able to carry on with its intermixed approach to counteract manipulations. This might have led to an agreement over governance with less painful concessions on both sides (especially on the side of the opposition) and resulted in less polarized politics.

In the sections below, I show how Hamas and its government and officials deployed an evolving intermixed approach out of their interactions with incumbents, among the sanctions and outside intervention. Hamas's approach was deployed as a counter strategy to ostensible power sharing in order to contain uncertainties. This was done in addition to other factors, such as Hamas's increased mistrust of competing Fatah

centers and the President and Hamas's lack of overall robust governing strategy beyond its resistance. This approach can be summarized as a combination of selective appropriation with resistance to manipulation mechanisms from within the authority institution; an emphasis on rule of law (formal rules) along with factional politics (informal rules); a condemnation of the international community geared to address it to gain recognition and certification. I also argue in the coming sections that this intermixed approach later on played into shaping the ostensible power sharing mechanisms. It is within this approach and interactions that deployment of violence should be situated, as I continue to show here and in chapter 5.

#### **Employment as a Counter Measure to Ostensible Power Sharing:**

Given the ostensible power sharing mechanisms discussed in chapter 3, there was a growing gap of mistrust within Hamas towards the President's governance approach. This mistrust was due to the President's weak authority and, later on, his regress on a democratic approach towards his divided Fatah party and its multiple power centers, as well as his commitment to a negotiation approach despite Israel's unwillingness to deliver on its promises under the peace process, as his aides declared. In general, it was thought that the President violated the democratic process due to pressure from his elites, Israel and the international community. Over time, ideas were generated by Hamas officials that alienated the President and portrayed him as a major opponent to his government and a contributor to the presence of sanctions. The HLG continued to express their willingness to work with the President and their wish for him to embrace Hamas, as he did in 2005 after its victory in the local committee elections. However, this mistrust in

Abbas and his ruling elites influenced their relations with the President and influenced Hamas's choice of an intermixed approach (for example, as opposed to co-optation or total defection).

Hamas and the HLG, therefore, were quick to announce their dissatisfaction with the employment decisions taken earlier by the President and his elites, and interpreted them as directed against the government. Even if some of these quick measures taken by the President were part of his reform plan that began in 2005, as claimed by some of his advisors,<sup>352</sup> the HLG and Hamas thought of them as signaling a bad start to the new government. Also they thought that the President should have postponed these measures to discuss them with his new government and PLC members. In addition, at the beginning of its governance, the HLG and Hamas did not set strategies or a political agenda for governance as mentioned by some of its leaders (see the divergence within Hamas section at the end of chapter 5). The movement was still trying to digest its victory, the formation of its own government, and the sudden and unexpected negative reactions domestically and internationally concerning its victory. Yet, the events were moving fast after the imposition of sanctions and they represented a major challenge to the HLG. These put pressure on Hamas to act quickly, efficiently, and responsibly and in a way that asserted its power in front of its constituents and the President.

When the HLG came into office and throughout 2006, it took some selective counter measures towards ostensible power sharing mechanisms in the CSS. These measures included halting some earlier government appointments, activating and working with the contract system and, finally, transferring some previous Fatah-affiliated senior

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<sup>352</sup> Political advisor to the President, 16 September 2007, Ramallah.

employees. I discuss these three major counter actions, with a greater concentration on the last two,<sup>353</sup> to illustrate the developing intermixed approach of Hamas out of ostensible power sharing mechanisms and its interaction with the PA system and political actors. These counter actions alternated between the desire and aim to regain and emphasize Hamas's governing power in the PA over Fatah (at the game level) and within the law, and to further reform the agenda and institutionalization of the PA (the meta-game level).

The HLG and Hamas took measures, based on current Palestinian law, mainly the Basic Law and the Civil Service Law, against last minute significant appointments by the previous Fatah-majority government, the President, and the PLC (as a way to block Hamas from employing its affiliates in the PA, as discussed in chapter 3). These counter measures underlined Hamas's new intermixed and selective approach. The HLG put on hold some (not all) of the appointments made by the previous government, including majority Fatah affiliates, after November 2005 and, more precisely, in the interim period after the LoCR won the election and until the HLG took office. In addition, when the LoCR members held the first PLC session on 18 February 2006, they voted to cancel most of the decisions of the previous PLC session on 13 February 2006 and some related presidential decrees ratified during that session, while keeping others (ICG 2006b: 7).<sup>354</sup>

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<sup>353</sup> I concentrate on the last two as positive mechanisms where Hamas deployed policies that did not just halt or cancel other policies.

<sup>354</sup> The Fatah movement in the PLC sued the new Hamas-majority PLC for cancelling many decisions of the previous Fatah-dominated PLC and won the case in 2007, even though winning the case did not change the facts on the ground because it came after the signing of the Mecca Agreement and the factional dividends agreement between Abbas and Hamas about employment (Head of the Lawyers' Association, 26 June, 2007, Ramallah).

For example, they agreed to the appointment of the Head of the Government Personnel to accommodate the President even though the HLG viewed his appointment as denying their employment entitlements and prerogatives, an issue that later proved to have serious consequences.<sup>355</sup> In addition, during the rest of 2006, the HLG did not adhere to all presidential decrees regarding new appointments or jurisdiction over employment (especially the 8 May 2007 decree) but postponed some of them with the justification that the PLC was not able to convene its sessions (due to sanctions, imprisonment of its PLC members, and the public employee strike). Thus, the presidential decrees were not sent to the PLC for ratification as mandated by the Basic Law and, as a result, were not obligatory.<sup>356</sup>

These examples of counter measures by the HLG to gain back some of its power started the struggle between the government and the President and complicated their interaction right from the beginning. The President and his aides considered these acts conducted by Hamas, their traditional nemesis,<sup>357</sup> as acts of “opposition.” Put differently, the President and the PA elites saw the new government and the Hamas-majority PLC as a continuation of the traditional oppositional movement and not as partner in governance or as a “matter-of-fact” government.

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<sup>355</sup> Presidency General Secretary, 15 June 2006, Ramallah.

<sup>356</sup> According to Article 43 of the Basic Law, the President has the right to issue decrees even if the PLC is not convening. These decrees can only become compulsory as laws if they were ratified by the first succeeding session convened by the PLC and published in the newspaper (Member of the Municipality and an independent lawyer, 2 July 2007, Ramallah; informal chatting with Taleb ‘Awad).

<sup>357</sup> Fatah Revolutionary Council member and previous Fatah minister, 17 September 2007, Ramallah.

The HLG took further formal and informal counter measures to dilute attempts to centralize all powers in the hands of the Presidency and Fatah in the CSS through employment measures.<sup>358</sup> They saw employment, as reflected in the Basic Law, as a HLG matter and not the President's. The HLG and Hamas used the so-called "contract system," and transferred measures against a few senior Fatah employees, from their sensitive and senior public positions (as internal monitors or deputies) to less sensitive ones like consultants to the ministers, and installed Hamas-affiliated employees instead. By applying such measures, as I show below, the HLG and Hamas appropriated some of the President's decisions, yet used other means to resist the effect and implications of some of these very decisions from within the system. They also committed to the laws and regulations of the PA yet, at the same time, activated informal rules and factional politics to prevent marginalization and to advance Hamas's agenda. The previous practices were possible by deploying a discourse of democratic legitimacy (see below). The discourse endorsed democratic Western norms where the movement hoped for outside recognition, yet it also carried on with its discourse of resistance against Israeli occupation and less so against Western hegemony, especially US hegemony over the internal Palestinian agenda.

*The contract system.* This system is an indirect but legal measure of employment, used since Arafat's time for special cases of employment (according to the Palestinian

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<sup>358</sup> This section is based primarily on my fieldwork and interviews within the Palestinians ministries in the West Bank with a focus on the Ministry of Local Governance and the Ministry of Women's Affairs. Additionally, I made use of various primary sources including pamphlets, communiqués, local newspapers, local reports, and notes from various conferences.

Civil Service Law, amended in 2005). Yet it was adopted by the HLG beyond its designated conditions to employ a vast number of Hamas-affiliated applicants after their employment was almost blocked by measures taken by Abbas (see chapter 3). According to this system, people were employed temporarily on certain projects, usually joint short-term projects between ministries with donors located within various PA ministries, as expressed by the Minister of Planning.<sup>359</sup> He further explained how the contract system was a convenient measure for employment by the HLG because the hiring process through this system was more flexible than the permanent hiring through the Fatah-affiliated Head of Government Personnel hired by Abbas in 2006. Employees' contracts and salaries came from the Ministry of Finance, headed by a minister from the HLG and did not need the usual ratification of the Fatah-affiliated Head of Government Personnel.<sup>360</sup> Second, government posts could, but did not need to, be listed as vacancies in the ministries' strategic plans. Put differently, employment according to the contract system did not need to (but could) follow the known hierarchy and procedures of regular employment processes. In addition, applicants did not need to have certain qualifications, and/or be on the scale of salary of regular standard employment.<sup>361</sup> For example, those

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<sup>359</sup> Minister of Planning, 30 April 2006, Ramallah; for more information about employment by the HLG see also, conference proceedings by Aman (2007: 1-104).

<sup>360</sup> New people were simply employed when a recommendation letter along with the candidate's CV and certificates were sent from the minister of the designated ministry (where they would be employed) to the Minister of Finance. The latter then sent documents to the Legal Department in the Ministry for ratification (Palestinian academic, 1 October 2007, Nablus). This meant that the selection of public employees was not totally transparent. Many ministers admitted that it was hard to follow the rules of competition for each job and many of the vacancies, especially senior positions, were filled through personal connections where the minister called some people from within the ministry or from outside to come for an interview to be appointed. This, as a result, put a question mark on the transparency of the employment process and the HLG claims of reform.

<sup>361</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

employed according to the contract system could have higher salaries than their counterparts who were permanent government employees with the same qualifications. However, the only disadvantage of the contract system was that those employed in this system were listed as temporary employees. The HLG hoped to switch these temporary employees to permanent contracts after the lifting of the sanctions imposed by the Quartet in 2006, as expressed by many Hamas officials and employees.

The above indicates that the HLG did not go against the previous appointment of the Head of Government Personnel during the last Fatah-dominated PLC session (so it appropriated the President's decisions). Nevertheless, the HLG used the contract system as a "legal" measure and common practice in the PA in some marginal cases (to employ people on small-funded projects in the ministries or/and usually when Arafat wanted to hire an affiliate). As a result, the HLG used it to employ almost all those who could not gain employment through the Fatah-affiliated Head of Government Personnel. The contract system was the backdoor method used by the HLG and Hamas to exercise the entitlements that they were denied, through ostensible power sharing mechanisms. It was also a good example of how the movement adhered to the laws and regulations, accommodated and appropriated some transgressions against its legal jurisdictions by the President and elites, and used informal means and existing norms in the system and advanced its use for their benefit. That is, it deactivated the effect of the President's appointment to the Head of Government Personnel to get the outcome it wanted. In this way, the HLG and Hamas challenged Abbas not by canceling his decisions, for example his perceived false appointments, but in using other semi-legal methods to offset their effect.

Through the contract system, the HLG was able to employ 11,000 personnel (civil and military) despite the previously mentioned attempts by the Head of Government Personnel to delay appointments, especially junior positions.<sup>362</sup> The HLG also did not go against the Presidential Decree of 8 May 2006 (see chapter 3) that stipulated that the President is to have the last word on filling senior governmental positions.<sup>363</sup> By using the contract system, they were also able to employ 140 employees in senior governmental positions. The President rejected the ratification of the 140 posts and eventually ratified only 20 of them during 2006 (to satisfy the HLG, silence and co-opt them, or because he thought they were based on merit).<sup>364</sup> Nevertheless, the HLG employed the 140 senior employees it needed according to vacancies posted within each ministry's strategic plan; and they started working immediately while waiting for the final ratification from the President. Employment was, thus, used as a *de facto* measure by the HLG that worked indirectly against the Presidential Decree of 8 May 2006 without confronting the President's decree publically. That is, the HLG cancelled the effects of the Decree.

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<sup>362</sup> The HLG appointed almost 11,000 civil and security employee during its governance: 5,500 were for the EF, a special force of Hamas (see below), 2,500-3,000 teachers in the education sector, and 1,170 new employees in the health sector. Of the remaining 11,000, almost 1,000-1,500 employees were appointed to vacancies spread throughout the ministries. Appointments to the Ministries of Education and Health were within the yearly rate of appointment, due to the constant increasing need in the education and health sectors as explained by the Minister of Planning. Yet, he also declared that the 1,000-15,000 appointments were not necessary and less needed by public institutions (Minister of Planning, 30 April 2006, Ramallah). Also see a published report by Aman (2006b).

<sup>363</sup> There was an employment committee from four ministers of the government (Minister of Planning, Minister of Finance, Minister of Education, and one changing minister according to where the employee would be appointed), and the Fatah-affiliated Head of the Government Personnel. This committee interviewed new people, yet there were many cases that were obstructed and delayed by the Fatah-affiliated Head of the Government Personnel even after the committee ratified them; thus the HLG used the "contract system." This was reported in several interviews with HLG ministers and PLC members.

<sup>364</sup> Also see, Abu 'Aiysha (2007); Saleh (2007a); Dudin (2007).

I further argue that Hamas's intermixed approach was committed to the rule of law, yet it concurrently deployed informal means and advanced and enriched factionalism to resist ostensible power sharing. Hamas justified this later in various ways, as I describe below. Yet, before I discuss this, one has to understand the difference between the informal practices of Fatah earlier on and those of the HLG, at least in the beginning of their governance. Hamas and its government deployed a "substitutive informal rules" justified by factional "democratic" balance and pursuing justice. This was in comparison to the President and Fatah who mostly used "competing informal rules" in the CSS to replace formal institutions that were suspect and could be easily discredited. The former is clarified in an article by Helmke and Levitsky who noted that it was usually deployed by political actors in the absence of efficient formal rules and when political actors preferred formal rules and "outcomes compatible with formal rules and procedures" (2004: 729) but could not achieve them. Competing informal rules, however, aim to replace formal ones. Formal PA institutions and rules were not always efficient but Hamas and the HLG aimed not to replace them; rather they wanted to get the same outcome they would have gotten had they gone through formal rules. They claimed to deploy some informal means and rules until the formal ones became more effective. Thus while it seemed, as was mostly claimed in 2006, that Hamas had simply activated norms of patrimonialism present during the Arafat era, the HLG and Hamas actually used various constraints and incentives offered by various mechanisms of ostensible power sharing to introduce and advance new applications of the system in an attempt to offset ostensible power sharing. Obviously these substitute informal rules do not directly or in the short run advance reform or institutionalization (the meta-game level). Yet, the partial

adherence to the law (which itself needed reform in some cases) and the deployment of substitute informal rules signaled that Hamas would pursue democratic means of governance not personal and authoritarian ones.

The HLG, thus, used the counter mechanisms of the contract system because it was legal, or could be justified as legal, and was a common and accepted practice in the PA. The HLG stretched its usage and purpose to regain more political and administrative leverage over employment in the CSS and to avoid the regular, long, and non-transparent process of permanent employment controlled by Fatah-led supporters (e.g., the Head of Government Personnel). However, the HLG did manage to hire new affiliated employees on the contract system despite the halt of all donors' projects due to sanctions, but according to vacancies mandated by each ministry's strategic plan and not according to each minister's wishes.<sup>365</sup> By doing so, the HLG and Hamas wanted to send a signal that it used the contract system, out of its context, as a necessity to employ new people. However, it also restricted employment according to the law. That is, according to the vacancies mentioned in the ministries' strategic plans and structures (e.g., as directors of the Administrative and Financial Directorates or as Deputy Ministers).<sup>366</sup>

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<sup>365</sup> The Minister of Planning went into detail with me about how he does not appoint an employee unless his/her position is listed as a vacancy in the ministry's strategic plan and structures. Some Fatah employees confirmed that ministers employed based on the strategy of the ministries, but not always. However, this claim could hardly be totally be verified since some ministries had not, until that point, adopted a final strategy for their ministry (a practice that was pursued under Arafat in order to keep employment as a looser process). Member of the Ramallah Municipalities and an Independent Lawyer, 2 July 2007, Ramallah. Ministers and PLC members talked frequently on employment but according to the ministries' formal structures.

<sup>366</sup> Nevertheless, the government was harshly criticized for employing people while under sanctions and on the contract system. A minister facing these criticisms said: "It is totally normal and healthy for the current government to employ 2,500 teachers, this is the same number that has employed yearly. The same goes for the 1,500 employees in the health sector yearly. What was not normal and not healthy was to employ 17,000 employees right before we took office, in addition to 85,000 security personnel that were appointed

Hamas officials, while adhering to the rule of law, also deployed partial factional informal politics. Therefore, Hamas had to advance justifications to preserve its integrity and its reform plan based on the rule of law (versus Fatah's corruption and factionalism). They justified their employment of affiliates at various levels; these reasons included urgency-functional and factional-political. Indeed, the public employee strike during September 2006 was one of the most important and urgent factors that pushed the HLG to employ even more new people in the absence and defection of current employees affiliated with Fatah (see chapter 3). This urgency was expressed by one minister: "The government was not given the time to work, the strike started as of June 2006...had there not been a strike, a more legal practice [for employment] would have been conducted."<sup>367</sup> "More legal" here implied that ministers knew that in a normal situation their act of employment would not be justified.

Some HLG ministers argued that the HLG generally employed junior governmental positions that were previously excluded, mainly Hamas affiliates, from the public PA institutions based on their factional affiliations and political stance.<sup>368</sup> The HLG argued that they wanted to do justice to those excluded by employing them.<sup>369</sup>

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before the 9<sup>th</sup> government ... Hamas made use of the law when employed." Minister of the HLG and the NUG, 22 May 2007, Ramallah.

<sup>367</sup> PLC/LoCR member, 8 July 2006, Hebron.

<sup>368</sup> Hilal argued that part of their exclusion, in addition to the informal system of loyalty to Arafat, was Hamas's absence, along with Islamic Jihad, as oppositional parties from within the Palestinian system (2006a: 302).

<sup>369</sup> The 10<sup>th</sup> government did take some measures to employ and appoint people who were loyal to it and who were mainly from Hamas, but there were some newly appointed employees from the other factions and independents. Therefore the government formed the Ministerial Complaints Committee, "Lajnat al-

However, their justification for using the contract system for employment justice and fairness fell short and was harder when they talked of employment in the senior governmental positions. The HLG also employed affiliates directly in senior positions, like ministers' deputies, in contradiction of the Civil Service Law. This law allowed for someone to hold a senior governmental position, gradually, and only after they passed through junior level positions (with a certain number of years of experience between each level). Since Hamas affiliates were never included within the PA institutions to start with, had they followed the Civil Service Law they would have been doubly disadvantaged as was generally understood by ministers. That is Hamas affiliates were disadvantaged once when they were not hired because of their political affiliation and another time, when they did not get the chance to hold senior governmental positions due to the hierarchy of the employment process. A minister elaborated more on this point by saying:

I confess that there were many mistakes in the [hiring] experience of Hamas. For example, there were cases where the appointees should not have directly become a General Director according to the law [Civil Service Law] unless they first became a Head of Department...but the PA took a decision 10 years ago to forbid anyone who had a relation or a connection to religion to be employed as a Director or even a Head of Department. This means that those who were previously appointed to senior positions by Fatah were Fatah employees but that even those who would currently be promoted to senior positions by the HLG would also be only from Fatah employees...so no one from Hamas could ever be a Director.<sup>370</sup>

While claims of justice and fairness for employees seemed reasonable to many, including some Fatah supporters in 2006, one wonders why these calls were not made

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Mathalim al-Wazariah," in order for those who were excluded and discriminated against in previous times to regain their right to employment. Minister of the HLG, 2 May 2007, Ramallah.

<sup>370</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

earlier in the reform agenda of Hamas or its electoral campaign before it won the election and became the government and in the Cairo Agreement (2005) on the basis of participation (see chapter 1). There was no formal notion before for any kind of bureaucratic justice that emerged before ostensible power sharing. Preferences and justifications by the movement emerged and were created during the process of ostensible power sharing, coupled with the sanctions and based on the new constraints and opportunities of its new environment. It might be related to the shifting preference of some leaders within Hamas after they went through ostensible power sharing. Underlying former claims there were emerging political considerations and a desire by Hamas to include its affiliates in the PA, preferably through legal and formal ways even if that offended other employees or superseded some items in the law. I will furnish an explanation of this after I present the second major measure taken by the HLG and Hamas in the CSS to counter measures of ostensible power sharing.

*Transfer of Fatah-affiliated employees and “Taskin”.* The second major counter measure that was also related to the contract system taken by the HLG against ostensible power sharing was the transfer of some Fatah-affiliated employees from their senior governmental positions to less critical ones, or to regional (marginal) offices instead of central ministerial offices during 2006.<sup>371</sup> For example, the General Director (GD) of the

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<sup>371</sup> I was not able to obtain the number of these transfers but they occurred in most ministries. I interviewed some employees who were transferred. Member of the Employee Union in the Ministry and consultant to the current HLG minister, 6 June 2007, Ramallah; previous Deputy of the General Director to the Human Resources and Finance Department, 30 May 2007, Ramallah; previous Deputy of the General Director of the Project Department, 30 May 2007, Ramallah. I also looked over internal correspondences with HLG ministers (given to me by employees), primary sources, and legal cases that were taken to court by senior civil servants of Fatah suing their ministers. These cases happened mostly with employees in critical executive positions like the Internal Monitory Department, Finance and Administrative Issues Department, chief secretaries of the ministers’ offices, and Deputy Ministers. Thus, there is some evidence that the HLG

Department of Planning and Cultural Development at the Ministry of Culture was transferred to the position of a consultant to the President, which was known as a marginal and non-executive position.<sup>372</sup> Hamas and the HLG wanted to change and reform (meta-level of the nested game) the structural bases of the one-party rule (Fatah) and factionalism so entrenched in the system. It also wanted to compensate for the old and new employment policies made earlier that year by the President and PA elites for Fatah affiliates in high positions within the system. Yet, at the same time, it was a reform agenda that played into the employment of more Hamas affiliates in sensitive governmental posts. It was a reform plan that enabled Hamas to have more control in the CSS (from Fatah) through its employees (that is in the game level game) and, as a result, led to a widening of factionalism instead of ending it.

Most of the cases in the ministries were not exactly about transferring Fatah employees but about *taskin*, a technical term used when referring to employing Hamas-affiliated employees in a senior position.<sup>373</sup> *Taskin* generally means to appoint a new employee from outside the ministry directly into a senior governmental position instead

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wanted these positions to be filled by its affiliates. While these cases were being processed in the court, the Mecca Agreement of the National Unity Government dropped most of the cases related to senior positions since there was an agreement between Hamas and the President about power sharing, including employment based of factional criteria of partnership (not necessarily according to the law).

<sup>372</sup> There was a report mentioned online about major transfers. The source is not verified but some of the transferred mentioned there had happened. 2006. "Employment Policies of the 10th Government: Appointment, Promotions, and Strip of Jurisdictions." 26 September. Retrieved July, 2008 (<http://www.fatehforums.com/showthread.php?t=28335>).

<sup>373</sup> The main issue regarding Fatah senior employees was that their senior positions in the PA were related to their organizational positions within the Fatah movement and were the reason why they were appointed to the PA to start with. Thus, a transfer in the PA position of Fatah employees felt like a transfer in their organizational position in Fatah, too, and a change in the clientelist network they establish around them. This was why senior Fatah employees saw the HLG as engaging in a war against them (Palestinian academic, 1 October 2007, Nablus).

of appointing the deputy of that same senior position who had been working in the ministry for a significant amount of time waiting to be promoted to this specific senior position. For example, *taskin*, according to Fatah-affiliated employees, occurred when a new GD from Hamas's affiliates was appointed while an already existing Deputy of the GD from Fatah had been waiting to be nominated to become the GD.<sup>374</sup> In some cases, after the appointment of the new Hamas-affiliated GD, the Deputy of the GD transferred to another senior position. For Fatah employees and elites this was a transgression over their rights.

Some HLG ministers thought that the appointment of new Hamas affiliates in senior positions and the transfer measures against some Fatah employees were necessary steps. They believed that some Fatah employees were corrupt and generated personal benefit from their public positions. Others were believed to have obstructed the work of the HLG and took part in the defection against Hamas-affiliated ministers (as explained in chapter 3), while others were not qualified for their positions and were appointed previously because of their affiliation to Arafat. Ministers of the HLG defended the transfer policy by arguing that they at least kept all Fatah employees in the ministries as government employees, did not exclude them, and preserved their ranking even when they transferred them to similar positions that were not originally theirs.<sup>375</sup> The HLG was

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<sup>374</sup> Some ministries had more transfer cases than others, for example: the Ministry of Religious Affairs, the Ministry of Health, the Ministry of Culture, and the Ministry of Foreign Affairs. The Ministry of Labor registered few transfers due to its minister's policy. I talked to many employees in the Ministry of Women's Affairs and they mentioned a few cases, as well.

<sup>375</sup> An elected member of the Ramallah municipality and an independent lawyer spoke of his observations from the Ministry of Education and confirmed that Fatah employees were not totally excluded or transferred.

trying again to make use of its commitment to the rule of law and democracy under ostensible power sharing in order to make few necessary rearrangements, as they put it, and that one could interpret as wanting to make the system multi-factional. Not all ministers of the HLG agreed to these transfers and *taskin* measures (as I discuss below), and there were legitimate doubts about the political and factional incentives behind some of the transfers. Yet, there were also serious obstacles to the work of the ministers because of employees' defections. The HLG measures were criticized by some NGOs, academics and independents for evoking factional politics and neglecting their major goal of reform for their democratic legitimacy that advanced the HLG and Hamas's agenda.

Finally, it is important to keep in mind that while we proceed to analyze Hamas's intermixed approach in the PSS, the HLG and Hamas's practices and intermixed approach were not only shaped by mechanisms of ostensible power sharing and the opportunities offered but later on the approach itself and Hamas's political actors played a role in shaping or softening these mechanisms. By applying the contract system for employment, without totally going against the legitimacy of the President and Palestinian law, the HLG and Hamas cornered the President. He could not prevent them from continued employment and, at the same time, could not claim that their measures were illegal or totally undemocratic. Meanwhile, for Fatah hardliners and the President, the practice taken by the government regarding employment was translated as hijacking the PA and transforming it into Hamas's compound. This was the belief of many PA employees, too, who saw Hamas's employment as a direct threat to their positions and the existing personalized practices in the ministries. One senior employee who was not transferred said it was: "...As if they [the HLG] entered an empty place where no

previous employees were before them and this is called a coup. It is an authoritarian coup.”<sup>376</sup> At the same time the President and Fatah/PA elites had to find a way to somehow accommodate Hamas’s claims when it came to employment. Since they were not able to pack the PA ministries with Fatah-affiliated employees or to stop the HLG from employing its people, the President and his affiliates began to deal with the new employment mean using formal legal ways. For example, the emergence of the general public employee’s strike during September 2006 as a legal, but at the same factional, mean by Fatah employees with the help of Fatah/PA-affiliated elites seemed to be a step in that direction. Yet, it was a step that exacerbated employment by the HLG and relatively legitimized its employment process of affiliates in the eyes of the Palestinian people and Hamas officials themselves. Later on, the President, under the unity agreement discussed below, alleviated his employment measures taken earlier in the year by ratifying at least all employment of Hamas affiliates (120 senior employee) in high positions in the CSS.

To correct ostensible power sharing, the HLG and Hamas experimented with the new domain of politics and in a way contributed to increased factionalism through employment counter measures in the CSS (that they initially aimed to end). In many ways, the elected officials and Hamas fed into an increasing atmosphere of polarization in the polity, as well between those who either agreed with Fatah or those who agreed with Hamas. People would joke about that time by asking each other: Are you Hamas, Fatah,

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<sup>376</sup> General Director of the Studies, Research and Development Department, 2 May 2007, Ramallah.

or Palestinian? This, briefly, was a new factional polarization that Palestinians had never experienced before and it frightened everyone I spoke with in 2006.<sup>377</sup>

Exploring further the interaction of ostensible power sharing mechanisms and Hamas' intermixed approach, one can argue that ostensible power sharing made some measures and discourse of the HLG possible, for example the contract system and transfer of employees. The former actions surfaced and were possible for the HLG to implement, ironically, through opportunities offered by the same controlling mechanisms of ostensible power sharing. Various ostensible power sharing mechanisms (defection of employees, employment of Fatah affiliates in critical senior position, etc.) in the employment domain in the CSS, deployed by the President and his aides, constrained the practices of power by the HLG in the PA. Yet, at the same time, they opened the door and provided new opportunities for the HLG to deploy certain counter measures. Put differently, while Hamas might have liked to have its members included in the PA bureaucracy after years of exclusion, under true inclusion practices this claim could hardly advance. However, given ostensible inclusion (formal and informal) mechanisms from the PA elites, Israel, and the US, Hamas was able to turn some constraints into opportunities<sup>378</sup> to employ its affiliates, and to justify its actions and, as it thought, to

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<sup>377</sup> A look at the daily newspapers of 2006-2007 and one realizes that daily news included factionalism discussion in some way or another (See al-Quds, al-Ayyam, and al-Risala newspapers). Also, the media played an important role in such polarization where on the one hand, the Palestine Public TV was under the President and had major propaganda to support him and his elites. On the other hand, Hamas opened the al-Aqsa channel in the beginning of 2006, and also broadcasted a propaganda campaign for the movement and against Fatah/PA. The media "war" as some Palestinians like to call it increased to a very high level where both factions insulted each other on public TV regularly.

<sup>378</sup> This also goes back to the argument put forth that the HLG and Hamas were active in opening new arenas of cooperation and competition in the bureaucracy system and thus contributed to shaping the politics of ostensible power sharing in one direction and not others.

guarantee permanent inclusion of its affiliates in the PA bureaucracy, and to guarantee a place for Hamas as an enduring player in the PA.<sup>379</sup> A senior Hamas employee expressed this issue clearly:

...there were those who took the decision to make Hamas fail as a government and it was the right of Hamas to take its political decision to make its government thrive...there were certain positions at the ministries that needed to be held by people affiliated with the HLG and to support Hamas...there should be a kind of [factional] balance inside the Civil Service Sector for any government to succeed...<sup>380</sup>

In general, the interaction in the CSS reflected a dynamic that does not exist in consolidated democracies and can hardly emerge in stable authoritarian regimes where opposition is outlawed or not allowed to contest elections (as in Libya under Qadhafi, Cuba, etc).<sup>381</sup> In a non-democratic context, the rules of the game are not set; informal and extra-institutional rules and practices exist. Incorporated opposition, therefore, has not only to work on its democratic reform agenda against authoritarianism from within the institution but also to contend with incumbents over the very same rules of governance to advance its demands and reduce institutional uncertainties, as we have seen above. In some cases, where human rights and civil liberties are not guaranteed in

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<sup>379</sup> All employments were cancelled after the takeover of the Gaza Strip.

<sup>380</sup> Hamas-affiliated General Director of the Human Resources and Finance Department, 12 June 2007, Ramallah.

<sup>381</sup> In democracies, the inclusion-moderation nexus worked in ways where included groups value the incentives provided by continued participation to stay in the system and moderate, as most of the literature of the third wave of democratization shows (Diamond 1996; Huntington 1991; O'Donnell and Schmitter 1988; Przeworski 1991, 1993). When the cost of inclusion weighs against the benefits, included groups either leave the system or have part of the movement within the system and the other part in the polity. For more information, see Dryzek (1996) about the risks and benefits of inclusion and power sharing dynamics of the feminist and environmental movements in the US.

the polity, opponents have to make painful decisions between ostensible power sharing or total exclusion and repression.

Here Hamas made use of behavioral and institutional constraints, and navigated through the various uncertainties of the informal institutions and unclear rules of the game of governance and its payoffs. It did so in order to offset and resist ostensible power sharing mechanisms from within the system and, at the same time, to remain within the PA. That is, it was diplomatically challenging the practices of the system from within. It aimed to resist ostensible mechanisms, aimed to undermine Hamas's mandate and, if possible, to implement their reform plan while at the same time keeping a foothold in the PA and not confronting incumbents. It aimed to accommodate incumbents but not to lose their constituents. Thus, the contract system aimed to maintain Hamas in the PA and in governance with a minimum of confrontation from the President and his elites and their informal manipulative practices. Hamas did so in order to have a backdoor footing to enlist affiliates in the PA institutions to strengthen its position, while using all legal measures possible to show some commitment to its reform plan, even if at a minimum. This has proved to be a challenging strategic and normative task of incorporated groups in the CSS, yet it was more polarizing in the PSS.

### **The Emerging Discourse of Democratic Legitimacy and the Accompanied Intermixed Approach:<sup>382</sup>**

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<sup>382</sup> I prefer to add this section here to synchronize change of action with that of discourse. This synchronization should help the reader to grasp the intermixed approach further. An additional illustration of ideational shift of incorporated opposition (especially with relation to political matters) as a result of exclusive inclusion will be furnished by the end of the chapter.

Hamas's intermixed approach was accompanied by a change in its discourse and justifications to continued participation in the PA and, for example, the deployment of the rule of law and factionalism at the same time. This discourse also proved important in contextualizing diplomatic practices and deploying force later on. Hamas and the HLG, as we saw above, justified their acts of employment based on a democratic and factional justice basis. Conversely, Hamas and the HLG advanced and adopted an overarching discourse of what I call "democratic legitimacy" due to the urgency, perceived by Hamas and the international MB, of serving its constituents who voted for Hamas's reform approach and resistance agenda. "Democratic legitimacy" refers to legitimacy out of victory of a democratic election. It is used to justify any act taken by Hamas and to claim the right to share in the PA bureaucracy as it had shared in the government and the PLC (not all Hamas members accepted such a vision of the political situation; see last section of internal Hamas divergences). A prominent Hamas-affiliated academic elaborated on this topic: "In order to have democracy it has to be connected to Palestinian institutions and bureaucracy, otherwise there will not be democracy."<sup>383</sup> He meant that Hamas's overwhelming victory in the PLC elections should qualify it to have an equivalent share in the CSS based on its democratic legitimacy.

Yet, the discourse of democratic legitimacy (Hamas's rights based on it having won the PLC elections) became essential to the HLG and Hamas during its governance and to justify its kind of actions in various political domains, including bureaucracy. Hamas, overall, thought that it had the right and the democratic legitimacy to rule the Palestinian people regardless of any situation and obstacles by the PA/Fatah elites and

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<sup>383</sup> Palestinian academic, 1 October 2007, Nablus.

sanctions, and that it had to use all means possible to do so, preferably legal and democratic means (a few internal voices disagreed with this, as we shall see below). Asking Hamas to give up some of its democratic mandate for lifting sanctions imposed by Israel, the US and the EU was rejected by many on principle. Therefore, I argue that the discourse of legitimacy based on democratic right and entitlement became the major public discourse of the movement that overshadowed other discourses used earlier, mainly reform and resistance, synthesized in the campaign slogan: “A Hand to Build and a Hand to Resist.”<sup>384</sup> The discourse of democratic legitimacy became more sophisticated over the year and signaled a change for Hamas not only as a resistance movement, but also as a governing body. It also indicated that Hamas shifted its concentration more into gaining and securing its current power and postponing issue of reform later (meta-game). This step was taken by Hamas because of the serious perceived threats and uncertainties to its governance. Yet, its leaders seemed to diverge over the limits of their democratic rights based on their electoral success (see below).

The movement understood that by adopting such discourse, it aimed to “blame and shame” the President and the US with regard to their promises of endorsing democracy and the rule of law for leaders who win at the ballot box. Democratic legitimacy also was a discourse that resonated with the international community, did not go against Hamas’s claims of democracy and its governance and resistance outlooks,<sup>385</sup> and was accepted by internal Palestinian factions and the civil society. Yet, not all

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<sup>384</sup> Hamas Electoral Campaign, 2006.

<sup>385</sup> See, chapter 3 in Gunning (2008).

Palestinian factions were satisfied with Hamas's claim of democratic legitimacy even under sanctions. The head of the DFLP noted in an interview:

The serious party and movement is the one that interacts with its surrounding environment and looks further than its nose. Thus, it will not only consider the result of elections and its rights based on such democratic results but will look over the whole context and the interest of its people...yet Hamas sees this governing opportunity as an opportunity for international and regional political Islam and wanted, therefore, to prove itself.<sup>386</sup>

Hamas meant to address the international community despite rejecting their sanctions, employing a discourse of democratic legitimacy thought to resonate well with international actors and hoped that the latter could see Hamas as a democratic actor. Hamas's adoption of democratic legitimacy, used by Abbas in 2005 and the international community earlier structured and constrained its practices and made it careful to make all its acts fit within this discourse.<sup>387</sup> Yet, it also gave it leeway to act strictly based on such a right.

In 2006, one could realize that political actors were competing to cite democratic legitimacies and rule of law. By doing so, Hamas did not only create discursive constraints through its own actions, but Fatah/PA elites and employees also started to adopt a discourse of democracy. It felt that in 2006-2007 everyone wanted to discuss their legal rights according to the law. In a response to a claim regarding Hamas and their democratic rights of representation to their employees in the PA, a Fatah minister's consultant quoted practices in Western liberal democracies: "Did Obama change all public employees when he came to office? No, he did not. How then can Hamas do these

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<sup>386</sup> Head of the DFLP and member of the PLC, 15 May 2007, Ramallah.

<sup>387</sup> Also see, Introduction in Schwedler (2006).

changes even if it won the majority of the PLC?”<sup>388</sup> This talk of assimilating the practices of the democracies in the West became very frequent in 2006 among Fatah employees compared to the previous year. Another example of how Fatah-affiliated employees focused on their legal rights and how they took Hamas’s claims of rule of law and democracy to embarrass and exert pressure on Hamas, became more obvious when I was given the chance to look over some court cases filed by Fatah employees against the HLG.<sup>389</sup> They were against PM Haniyyeh and several HLG Hamas-affiliated ministers. Employees in some ministries, like the Ministry of Local Governance, formed a public employees’ union within their ministries, alongside the existing Public Employees’ Union (which was not a totally legal act), to draft memos to Hamas-affiliated ministers about the legal rights of the employees. Fatah employees and elites wanted to provoke the same notion of rule of law and democratic legitimacies used by Hamas to win the ‘legal’ game. However, a minister told me that none of the Fatah-affiliated employees, who questioned the legality of the new employment process, wanted to question the legality and the means through which they were employed and promoted earlier under Arafat and even under Abbas.<sup>390</sup>

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<sup>388</sup> Member of the Employee Union in the Ministry and consultant to the current HLG minister, 6 June 2007, Ramallah.

<sup>389</sup> Draft of legal cases of PA employees against the HLG, Minister Mahmoud Zahar and the Attorney General, May 2006; Draft of legal cases of PA employees against PM Haniyyeh, and the Attorney General, and the Minister of Religious Affairs in the HLG (n.d.). I received this information from the lawyer that was defending these employees’ cases in 2007.

<sup>390</sup> Minister of the NUG affiliated with Hamas, 30 September 2007, Bethlehem.

### **Parallel Security Force: “Executive Force” as a Counter Measure**

The interaction between Abbas and his elites with the incorporated group, under external influence, was more contentious in the PSS than it was in the CSS. As I showed in chapter 3, the legacy and nature of divided and competitive power centers of Fatah security chiefs in the PSS (after Arafat) and the weakness of the President complicated the scene of inclusion for Hamas. It led the latter to use an intermixed approach to guarantee a place in the PA.<sup>391</sup> The strategic importance of the PSS to Israel and the outside supervision by the EU and the US later on complicated the interaction between the President and his government. Finally, the strategic importance of the PSS to Hamas and its relation to Hamas’s major agenda of resistance and its regional position among the opposition allies (Syria, Iran and sometimes Qatar) on the one hand, and the PSS’s actual association with Israel through security coordination based on the DoP on the other also added to such complication. Among these various strategic interests of internal and external actors, Hamas navigated its way against ostensible power sharing in the PSS and pursued more drastic, yet diplomatic measures, than it had done in the CSS. As I discuss in the last chapter, the ways in which Hamas and its government handled the ostensible power sharing mechanisms and external intervention in the PSS stood to define its course of action and sometimes split the leadership itself.

This cycle and interaction of the HLG and Hamas with the President and PA/Fatah elites and employees in the PSS worsened with time (and continues to the present). Hamas’s trust in the President and in his leadership was fading. However, the

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<sup>391</sup> Hamas could not accept co-optation within the PA that would have discredited the movement and would not have reduced manipulation from various Fatah/PA power centers.

interaction in the PSS itself was also a major part of this mistrust and contributed to a major polarization in their relationship, especially after the formation of Hamas's EF.

In accordance with the HLG and Hamas's intermixed and selective approach of giving in to the President and the shadow executive power of Fatah/PA elites, while at the same time regaining it powers back, the HLG deployed more confrontational counter measures in the PSS. As I discussed in chapter 3, there were mechanisms undertaken by the President and a majority of the divided Fatah/PA security elites to block the HLG and Hamas from claiming, let alone practicing, power over the PSF, more precisely the Internal Security Forces. The HLG, backed by Hamas, gave in to the President regarding his direct authority over the NSF and decided to go with the appointment of the Fatah-affiliated and previous head of the PF, Rashid Abu Shbak, as GD to the MoI. They did so in order not to have direct confrontation with the President's office, the PF, and Fatah militants, especially in the Gaza Strip (see Saleh 2008b, 2008c). However, Hamas was not ready to give in to the President and Fatah security chiefs regarding its jurisdictions over all the security agencies (due to their significance in the Palestinian case; see chapter 3), especially the Internal Security Forces. The latter was clearly under the jurisdiction of the Minister of the Interior, based on the Basic Law and the practiced norms under Abbas.<sup>392</sup> Therefore, Hamas decided to regain some major security power from the hands of Fatah security commanders and the President, this time by taking a dramatic step in the formation of the EF on 20 April 2006.

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<sup>392</sup> PLC General Secretary, 15 June 2006, Ramallah.

The EF started with 3,000 security personnel, eventually totaling almost 5,500 in the Gaza Strip (with the possibility of extending it into the West Bank).<sup>393</sup> This force was untrained and partially (if any) armed, and not even equipped appropriately compared to the PSF (Milton-Edwards 2008: 668). Originally, the idea for the EF came after meetings with the President, the PM, and the Minister of the Interior as part of the MoI; for example, by merging with the civil police or as an extra supportive unit to the civil police from within the PSF, in order to bring security to the Gaza Strip.<sup>394</sup> But when the Minister of the Interior formed this force, he announced it as a separate force from the MoI to be merged with the ministry's security forces at a later stage. This force was also supposed to be separate from Hamas military wing, al-Qassam Brigades, which was merely set to fight occupation as claimed by Hamas. Yet in practice there were intermixing between these two groups.

The HLG and Hamas employed a legal discourse to justify the formation of a separate EF, as a semi-formal security force (under the Ministry of the Interior, but not a part of the PSF), based on the claim that the EF was legal and fit under the jurisdiction of the government for restoring public order and forming or canceling any administrative unit (Basic Law Articles 69 and 70).<sup>395</sup> The Gaza Strip was going through significant

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<sup>393</sup> The Minister of the Interior, Said Siam, claimed that the EF consisted of different Palestinian factions, not solely Hamas militants, as follows: Hamas 2,500; Fatah 1,100; PRC 600; PFLP 250; the DFLP 50; the Arabic Liberation Front 202; Ahmad Abu Arish Brigades 90; Wadi' Hadad Groups 70; Independents 540. The total was 5,500 (Saleh 2008c:); Aman (2006b, 2007); the Palestine Information Center, 9 January 2007. Retrieved August, 2008 (<http://www.palestine-info.info/ar/>). Most of the former groups opposed the PA's approach of negotiation mainly during the second Intifada and came closer to the resistance approach of Hamas. Some of them were previous Fatah members who disagreed with the PA's approach.

<sup>394</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

<sup>395</sup> Hamas leaders thought that the only formal party responsible for the EF formation and its work was the CoM based on Articles 69 and 70 of the Basic Law of the executive power of the government and its role to

lawlessness and needed a formal and efficient security force to restore order, as claimed by Hamas. Furthermore, Hamas argued that since the aim of creating this force was to give the Minister of the Interior more leverage to control his security personnel and lawlessness, then there was no point, to put this force under the MoI and the control of the Fatah GD.<sup>396</sup> The Minister of the Interior commented on the above-mentioned reason for the formation of the EF:

Most of the PSF follows him [the President]. Those who follow [the Fatah-affiliated Internal Security Forces] do not work efficiently. It became clear to me that I am not their only reference [in reference to the appointed Fatah-affiliated GD]. Evidence of that is the non-implementation of many of the security plans we [the MoI and the HLG] set and their refusal to obey the demands of the distribution of the PSF in the streets of the city [Gaza] that I asked for. However, when the President issues orders to distribute some security forces, his orders [unlike those issued by me/Hamas] are usually implemented swiftly and promptly. We [MoI and the HLG] are trying to overcome this problem.<sup>397</sup>

The formation of the EF intensified the struggle with the President who issued a decree the second day of its formation considering this force as illegal and ostracizing it (Saleh 2007a: 244). Abbas and many PA elites, especially security heads and commanders, feared the EF and considered it as a direct and serious challenge to Abbas's

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restore public order through its CoM, and based on the fact that the items provided the government the power to establish or delete any administrative unit. See also MIFTAH. Retrieved August, 2009 (<http://www.miftah.org/Display.cfm?DocId=10400&CategoryId=21>).

<sup>396</sup> This is because it would slow down the EF formation and it would be dictated by the same Fatah factional leadership and security agencies. Deposited PM consultant, 3 May 2008, Gaza Strip (interview over the phone); see Saleh (2008a: 68).

<sup>397</sup> The Palestinian Information Center. 2006. "Interview with Minister of Interior (Said Siam)" December 31. Retrieved November, 2009 (<http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7II%2fRK%2f%2bc8jm5EhPYub3PNfYCVq1nZzSMBpKQmsLzD6eICX140y7V%2bY5HgKd7p0l3ISP2ydd%2bUos1265Tlkzu2cmrwxU%2f57zEJI4IEZLffY%3d>). Siam also negated any intention of building the EF in the West Bank. Siam was assassinated by Israel during Operation Cast Lead in the Gaza Strip in January 2009.

authority and to the PSF.<sup>398</sup> Also, it was perceived as a threat to Israel and a challenge to their security plans and attempts at institutionalizing and “reforming” the PSF by keeping Hamas out.<sup>399</sup> Nonetheless, on 17 May 2006 the Minister of the Interior announced the start of work on the EF and disregarded the President’s decree. Hamas, similar to its contract system approach, deployed the EF as a force that could be substituted for the lack of credible and efficient formal forces and, more so, for the lack of authority on the ground. This force, as declared by Hamas officials and the Minister of the Interior, Siam, would merge into the formal PSF once it was reformed and structured. This was not how the President and his aides, in addition to some Palestinian factions and those in the civil society arena, saw the EF. They believed that its formation represents a forceful advancement to Hamas’s factional interest and power over the PA and society. Some Palestinian factions agreed that Hamas should be more efficient in restoring order, but from within the PA institution, not outside it like Arafat used to do, as the previous Secretary General of the People’s Party informed me.<sup>400</sup> Many Hamas officials I interviewed spoke of their reservations about the timing of its initiation. However, in general they did not disagree upon the formation of the EF in principle. Even more, the creation of the EF itself brought unintended outcomes of activating factionalism that Hamas, in the end, was not able to contain (as we see in chapter 5).

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<sup>398</sup> Member of the Fatah Revolutionary Committee and the Head of the Fatah Parliamentary List (previous minister), 1 May 2007, Ramallah.

<sup>399</sup> See ICG (2006b).

<sup>400</sup> Previous Secretary General of the Palestinian People’s Party, 22 August 2007, Ramallah.

Yet, in developing the EF two months after the formation of the government, Hamas sent several messages about its own development and its emerging governing approach. It “respected” the President’s appointment of the GD of the Internal Security Forces and his other efforts to lessen the HLG’s power over security. However, like in the CSS, the HLG would use its backdoor method again to regain its security jurisdiction by forming its own security force, according to the law. By doing so, it extended this legal practice “a little further” by not merging the EF into the PSF at the time. Under the rubric of democratic legitimacy, deployed in the CSS, Hamas claimed the right of the HLG to share in the security domain and justified the founding of the EF, even if such actions went against its primary reform messages and rejuvenated existing personalized and informal rules in the PA. In addition, the idea of forming a separate security force not part of the MoI was an indicator of more than a competition for power and even regaining some of it (on the game level) on the part of the HLG and Hamas. It was as part of Hamas’ “democratic” right just as it believed it had a right (and duty) to the employment contract etc. It signaled that Hamas wanted to change the rules of the game in the PSS by “reforming” the security apparatus and the PSF. Hamas wanted to do so by challenging Fatah's one-party domination and its subversion to Israel’s policies and commands. Thus, Hamas created its own formal and separate security force until it was guaranteed a foothold in the security sector. It did so in order to share and to have a say in its security vision and/or implementation according to different political agendas (even when it lost an election or if it was to be excluded) as expressed by a Hamas-affiliate.<sup>401</sup> Moreover, the creation of the EF meant that even if the HLG disappeared due to intentional

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<sup>401</sup> PLC General Secretary, 15 June 2006, Ramallah.

exclusion or loss of a future election, the EF would remain. An important politician close to Hamas expressed how measures of the formation of the EF were not as easy as other measures in the CSS, and they were strategically and normatively challenging:

...the real problem, which Hamas was not aware of, was the security organization. Hamas thought it won the election and it had to take or share everything [democratic legitimacy], yet the security domain was the hardest one because Hamas did not exist there from the beginning and was unable to enter the security sector as it did with the other PA civil organizations. Meanwhile, the PSF became a tool in the hands of Fatah, to pressure and corner Hamas in 2006. At that point, Hamas had to form its own security force which was the EF because it was unable to control the formal security agencies...hitherto, this attempt [the formation of the EF] can be considered as an attempt to go behind the back of the PSF and, in a way or another, to have a say in security matters. Yet, this was the major strategic mistake of Hamas...Hamas wanted its own security force and it argued that, “we want a pure security force for us, like the ones for Fatah (for example the PF and Military Intelligence), regardless of any varying governments.”<sup>402</sup>

More than the backdoor effect of the contract system in the CSS, the EF as a “second best strategy” constituted a direct challenge to the Fatah-PA regime, its formal institutions, incumbents, and Israel’s control. That is, the EF was formed as a competing informal agency at this particular time (not a competitive formal institution like the contract system where a minister needed staff to work for them). Its formation threatened and competed with the inefficient formal PSF, its existence, and the outcomes as perceived by Fatah/PA elites and even some Hamas officials (see following section). In this sense, as claimed by many academics and observers, in challenging ostensible power sharing in the PSS, the HLG and Hamas borrowed similar existing practices of creating competing informal forces used earlier in the PA and by Fatah to form various kinds of security forces (reaching almost 12-13 security agencies under Arafat). However, as

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<sup>402</sup> Close Hamas affiliate and supporter, 6 May 2008, Gaza Strip (interview over the phone).

argued by Najib and Friedrich, one should also understand the formation of the EF as an attempt by Hamas to provide its armed groups with job opportunities and income, especially after it observed the ceasefire with Israel beginning in 2005. Thus, the formation of the EF could be considered a step toward transformation for the al-Qassam Brigades, for less resistant tasks and for keeping order and security (2007: 24).

Like the case of the CSS and the contract system, the HLG and Hamas tried to use legal measures to justify the formation of the EF. Nevertheless, the justifications did not hold tight in the case of the EF and arguments of democratic legitimacy where Hamas had to share and defend its privileges in the PSS fell short. This became more obvious when internal violence increased after the EF formation. The formation of the EF fed into factional politics and norms of multiple security forces even though many who were looking for any force to end internal violence welcomed it in the Gaza Strip.<sup>403</sup>

Consequently, the struggle against ostensible power sharing in the security domain was inherently different and more contentious than the CSS. In the security domain, the stakes were higher than the civil administration domain despite similar dynamics of ostensible power sharing and counter actions. The security file was continuous because it was the usual main domain of asserting direct power to all parties involved: the President, Fatah interest groups, Western foreign countries (mainly the US and the EU), regional Arab regimes, Israel, and Hamas. The President might have tolerated the contract system and could have lived with it, but the formation of the EF was beyond his political program and embarrassed him since he was committed to the

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<sup>403</sup> Discussions with various people in the Gaza Strip over the phone. See also Milton-Edwards (2008) where she argues that the structure of the EF had even followed that of the PSF.

Road Map of 2003 (along with the US administration and Israel). The Road Map was mainly about security and Abbas's obligation to have a coherent PSF and to end the militia weapons phenomenon (i.e., ending resistance) in exchange for a peace deal with Israel, as sponsored by the Quartet (see chapter 1).<sup>404</sup>

In addition, the security domain was important and strategic for Hamas. This was because the PSF was historically blocked and inaccessible to Hamas and its affiliates, due to structural reasoning in the Oslo peace process (see chapter 1) and, contrary to the CSS, it was not simply susceptible to factional dividends due to the specificity of the security subject and the required unified agenda for the PSF to function (retrained by the Oslo Accords and Road Map agenda).<sup>405</sup> Meanwhile, Hamas and the President had different security visions that came from different politics regarding relations with Israel (as mentioned in chapter 3); one adhered to the resistance of the occupation and national interest as a priority (Hamas along with the oppositional alliance in the region, which included Hizballah, Syria, and Iran), yet was open for some kind of mundane arrangements with the Israeli forces. The other security vision identified with the Israel-first security vision before any delivery or reciprocity of peace by Israel and aimed to accommodate US interests in the region as the main broker of the peace agreement (Abbas, some Fatah/PA security generals, and some Arab countries, including Jordan, Egypt, etc.).

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<sup>404</sup> For more information, see Roy (2007: 233-254); Introduction in Friedrich and Luethold (2007).

<sup>405</sup> It is also important to note that after winning the election and based on democratic legitimacy, major political and military currents within Hamas appeared to be calling for restoration of the movement through a police force under their command and to show that it could provide people an efficient government, with a basic need of survival: security (Independent minister of the NUG and a broker between Fatah and Hamas, 11 May 2008, Washington, DC).

For the strategic reasons mentioned above, and in contrast to the counter act of the contract system, the formation of the EF pushed the struggle to a different and new arena of confrontation that dramatically affected presidential-Hamas relations. Counter measures in this arena were more dangerous than other fields. The Fatah/PA interest groups around the President, security heads, and Israel and the US entered into a challenge with the HLG and Hamas. They insisted and went on in their attempts to strip the power of the government and some security commanders, with US cooperation, and aimed to oust it altogether (note that claims of ostracizing any Hamas government surfaced before the formation of the EF and right after Hamas's victory) (Rose 2008). A person close to Hamas summarized his argument with top Hamas leaders and the increased polarization as follows:

The formation of the EF evoked the ire of Abu Mazen and the Fatah security agencies. The formation meant that Hamas entered a new extra square [new authority field]. From this point onward every new square or domain that Hamas entered became increasingly hard for Hamas to turn back on. [It was stuck] and it had to defend its new steps. Yet this domain [of security] was dangerous and it became unfeasible for Hamas to retreat under the slogan that they are or have legitimacy [i.e., democratic legitimacy, the slogan of the right to govern based on the victory in the PLC]. Confrontation became inevitable...aversion and estrangement took place between Abbas and his government and there was no mutual understanding...Once I saw PM Haniyyeh and he told me that the President had not spoken to him for two or three months...it was obvious that it was not a simple disagreement, it was becoming a serious fracture...Thus, the distance between Hamas and the President was slowly getting bigger and bigger, Hamas did not put on the brakes and reacted to the President's actions without careful planning or due consideration to set strategies...Hamas was going down a one-way road [i.e., did not consider co-optation], and Abu Mazen was also dealing with them based on their reaction.<sup>406</sup>

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<sup>406</sup> Close Hamas affiliate and supporter, 6 May 2008, Gaza Strip (interview over the phone)

The quote above highlights two major issues mentioned earlier in the CSS. First, that the new measure of forming the EF affected the relation with the President and Palestinian factions. It, also, gave a mandate to Hamas and all political actors to act according to the new environment that emerged through the EF formation (as a result of ostensible power sharing). Consequently, the EF itself became a counter measure that, later on, structured the opportunities and constraints and affected trajectories of ostensible power sharing mechanisms (in one way or another). The EF's deployment on the streets of the Gaza Strip as a semi-organized force confronted the other Fatah-affiliated PSF, mainly the PF of Dahlan, and the cycle of violence increased. The President was trapped again between his government and international demands over the HLG and Hamas. He threatened an early referendum, to disqualify the HLG, but backed down fearing that he might end democracy altogether and create a civil war. Thus, he clung to calls for a unity agreement and the Prisoners Accord for unity. Second, claims of democratic legitimacy advanced some claims and actions for Hamas and helped them to justify it. At the same time, these claims also constrained the movement in the face of its constituents and armed groups who expected the movement to achieve its work and be consistent with its claims of democratic legitimacy (for example, by not being co-opted by the corrupt network of PA elites).

Furthermore, ostensible power sharing at the security level, while restraining Hamas's power, seemed to open a new opportunity for Hamas. It cleared the way for the emergence of the EF along with maintaining the HLG's position in governance. By forming the EF, Hamas found a backdoor to endorse its resistance approach that it would otherwise not be able to address from within the PA and should have been obliged to

maintain outside the PA institution. In other words, it would not have been able to introduce resistance and governance inside the PA and as the government of the people. Thus, as an unintended outcome of ostensible power sharing in the PSF, the EF was an opportunity for those who were worried that the resistance approach might hit a deadlock after the participation of Hamas in the PA. Having a security force in the form of the EF meant that Hamas could be included in the PSF and take part in setting the agenda of security in the future. Consequently, by forming the EF Hamas was demonstrating its intermixed approach: a resistance agenda from within the authority where they rejected the content of PA system (as based on the Oslo agreement) and wanted to reform it from within, in addition to committing to the law, even if by stretching it in some arenas. In the coming sections, I discuss further the component of resisting external actors yet seeking recognition and certification or validation.

Finally, the HLG claimed the formation of the EF was a direct measure to control the lawlessness that had begun in 2003 and by 2006 moved to a different stage of internal violence, mainly in the Gaza Strip. Contrary to the former claim, internal violence increased during 2006-2007 after the formation of the EF was not controlled.<sup>407</sup> Yet minor armed groups,<sup>408</sup> including armed extended families in the Gaza Strip allied either with Hamas or Fatah, became part of the low intensity internal violence that was a sign of

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<sup>407</sup> During 2006, the West Bank and the Gaza Strip, mainly the latter, witnessed an increase of 72% in the number of Palestinians killed in internal violence compared to 2004. For more information see local reports by the Independent Commission for Human Rights (2007a, 2007b).

<sup>408</sup> There were also some separate and independent militant groups from Fatah that were formed apart from the PSF in 2006, equivalent to the EF, related to the PF, called the Nabil Tanous Squad, among others (see ICG 2006a; 2006b).

a failed PA institution to restore security (as I clarify below). Hamas and the HLG's aim to provide a good and efficient example of governance at the end of 2006 were not successful despite the HLG's resilience in the face of all attempts to end it. Nevertheless as a prominent Palestinian academic and the head of the research institute Muwatin put it, "Hamas failed on the test of conflict management."<sup>409</sup> Continued internal violence was a signal to Abbas, Hamas and the HLG of the urgent need to form a unity government that might end sanctions and internal violence.

### **THE NATIONAL UNITY GOVERNMENT: THE PATH TO SUBSTANTIAL POWER SHARING OR INTENSIFIED INTERNAL STRIFE?**

The signing of the Mecca Agreement (unity agreement) on 8 February 2007 (see appendix D), after eight months of delegations<sup>410</sup> and the formation of the NUG during March 2007, was a key event in the continued disaggregation of inclusion. It was also important for the evolving interaction of power sharing and incorporated opposition three

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<sup>409</sup> Palestinian academic, 4 July 2007, Ramallah.

<sup>410</sup> The Mecca Agreement emerged as a result of the long negotiation process between Hamas and the PA's traditional leadership, including other Palestinian factions. The initiative of such unity talks was started by various Palestinian leaders within Israeli prisons who issued a unity document known as the "Prisoners Accord" on 12 May 2006. Retrieved September, 2009 (<http://www.jmcc.org/documents/prisoners.htm>). These leaders were: Marwan al-Barghouthi representing Fatah, Rafeeq al-Natsheh representing Hamas, Abdul Rahim Mallouh representing the PFLP, Mustafa Badra from the DFLP, and Bassam al-Sa'di from Islamic Jihad. They were frustrated with the tensions between Hamas and Fatah and the sanctions that threatened Palestinian unity. They aimed to offer a way out of the political impasse and to have a political program for both the President and the government that would eliminate sanctions and establish a national government (according to them). Hamas rejected the Accord at the beginning; then the Accord was modified and included Hamas's modifications to become the National Conciliation Accord (NCA) (Retrieved September 4, 2009 (<http://www.jmcc.org/documents/prisoners2.htm>). Last accessed September 2009), as the base for any unity negotiation. When Abbas and Hamas were not forming the unity government despite negotiations, Saudi Arabia invited them to meet in Mecca and bridge their final disagreements in a protocol meeting for a formal signing of the agreement as mentioned by some of those who attended it and some moderators (Suiedan 2007: 53-58; Abdel Hadi, 2007: 112-115). (For more information, see ICG 2006b).

months before the takeover of the Gaza Strip on 14 June 2007.<sup>411</sup> This was because it was the first time Hamas and Fatah entered into a formal coalition and it reflected, at least in theory, on attempts for better inclusivity and power sharing. It was also the first time Hamas got to sign a national document after the initiation of its first manifesto in 1988 and constituted a new reference for Hamas (on issues related to internal governance, resistance, and relation to Israel and the international community and its agreements). Therefore, in the coming section, I continue to analyze the developing interactions between Hamas and the President and Fatah/PA elites and affiliates, and Hamas's intermixed approach in the CSS and PSS with an eye on the effect of international pressure and interventions over internal interactions and balances of power. I also aim to show that Hamas's intermixed approach within the PA reached a deadlock after continuation of manipulation despite the signing of the national unity agreement.

I argue that, according to the nested game analysis of incorporated opposition-authority interaction and their strategic interdependence, Hamas' strategic dilemma was in working with and alongside the incumbents given the latter deployed ostensible power sharing mechanisms (formal and informal) and their attempts to erode the rule of law in the PA and outside it. If Hamas decided to accept co-optation with Fatah incumbents, it meant compromising its reform message and, even worse, legitimizing the ostensible power sharing mechanisms that aimed to co-opt or exclude Hamas officials. Consequently, this would lead Hamas to compromise their main asset and comparative

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<sup>411</sup> See Palestinian Unity Government Platform. 2007. Retrieved February, 2008 (<http://www.washingtoninstitute.org/documents/45ffeb2faee45.pdf>).

advantage; that is, its constituents and popularity. But, by the same token, if it totally revolted against the ostensible power sharing mechanism of incumbents and external powers, it risks losing its governance and grip over the power it gained during the election by being delegitimized externally and internally. Therefore, Hamas eventually shared or cooperated (and refused total co-optation under the conditions of Abbas and outside powers) with Abbas just enough so that it could get by within the system (exert some power, even if less than its mandated prerogatives at the game level) and, at the same time, it did not compromise its program of reform and rule of law (the meta-game level). That is, it chose to govern with Fatah in the NUG; yet, at the same time, it did not want to legitimize the incumbents' practices and look for factional dividends in the PA (for example, in the CSS and PSS) under claims of democratic legitimacy. Being a part of the game, for incorporated groups, means that they legitimize it. Yet, leaving the game of power sharing, or completely quitting, might have put Hamas's electoral victory in jeopardy, making it lose its respect and credibility among its constituents who voted for its reform program (versus the corruption of incumbents). Additionally, it might have lost the opportunity to influence from within the PA (and, in the long run, the hope for real democracy). Hamas had counted on the delivery of more power as a result of the formation of the NUG with Fatah, and on a lifting of sanctions. When these two major demands did not take place, Hamas was at a serious impasse.

The Mecca Agreement resulted in the President and some Fatah/PA elites and Hamas leadership and government coming closer together than any other time except in 2006 (despite the fact that both got closer out of necessity) (Abdel Hadi, 2007: 112-115; Suiedan 2007: 53-58). It uncovered the continued efforts by Fatah/PA interest groups and

affiliates who continued to want an end to Hamas's governance. This also resulted in the US's willingness and attempts to be involved in Palestinian internal issues to end Hamas's existence in the NUG and hegemony in the Palestinian system; the powerlessness of the President who, despite his willingness to respect the NUG, continued to be constrained by his relations with the US and the potentiality of a peace process; and, the growing divergences between Hamas ministers and officials and some within Hamas's political and military leadership.

### **The Mecca Agreement and the NUG:**

Despite the above ostensible power sharing and struggle between the Presidency and the government, there were many attempts in 2006 to reach a NUG that could put an end to the sanctions imposed on the WGBS.<sup>412</sup> By the end of 2006, Hamas was not able to govern alone, and Fatah was not able to end Hamas's governance; thus, there was a need for a unity government to end the sanctions.<sup>413</sup> However, the form of the new government, the struggle over jurisdictions especially in the security sector (and related to the PLO), and the ways to get Hamas to address the three major conditions of the

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<sup>412</sup> Since the sanction was not in East Jerusalem I use the term WGBS not the Occupied Palestinian Territories.

<sup>413</sup> Prominent Palestinian researcher, 1 October 2010, Ramallah.

Quartet<sup>414</sup> were major issues that stood in the way of reaching a unity government until it was formed in March 2007.<sup>415</sup>

Abbas was desperate for a unity government to avoid continued internal violence and to lift sanctions. His attempts to get Hamas to accept the Quartet's conditions in early 2006 did not succeed, yet he continued to seek a balance between edging Hamas to accept the three conditions and keeping the democratic choice. He alternated between inviting Hamas to be co-opted and threatening to dissolve their government. At the end, Abbas had followed some Fatah/PA elites in trying to take power from Hamas but, by the end of 2006, the President and some elites saw that Hamas was there to stay. If the President could only get them to satisfy the Quartet's conditions then other matters of power sharing and jurisdictions over security and civil administration could be solved internally, especially if Hamas remained committed to democracy.<sup>416</sup>

Hamas, however, tried to keep as many jurisdictions in its hands mainly since it had no trust in Abbas and his elites, at the same time it wanted to get regional and

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<sup>414</sup>These conditions are recognition of Israel, acceptance of previously signed accords and international accords, and a denunciation of violence that stood in the way of the recognition of Hamas, as claimed by the Quartet; see chapter 3.

<sup>415</sup> During that period of time there were various suggestions from Palestinian factions and others in forming a unity government from factions, technocrats or independent governments in order to lift sanctions. Hamas in general refused the idea of a technocratic government based on the idea that the Palestinian people voted for factions and for Hamas in particular and it was not transparent for them to end up with a technocratic government of ministers that they did not choose. Some also expressed the idea that Palestinian society is a factional one and it is polarized and a technocratic government would not be taken seriously by the people and would not end internal violence (Minister of the HLG and the NUG, 22 May 2007, Ramallah).

<sup>416</sup> Member of the Fatah Revolutionary Committee and the Head of the Fatah Parliamentary List, 7 October 2007, Ramallah.

international recognition and lift the sanctions. I argue that by the end of 2006, both the President, the HLG and Hamas showed signs of adherence to negotiations and a willingness to make the unity government succeed despite ostensible power sharing and counter actions. Yet, each side was waiting to strike a power sharing deal that was to its advantage. As I show in the coming sections of this chapter, Hamas was becoming a new body that prioritized governance over resistance both out of necessity and by choice, given the new power formula they chose. This included the formation of its own government (not a unity government), deployment of a contract system, and formation of the EF. These efforts were attempts at molding its programs to address the international community, mainly the Quartet's conditions in order to obtain international recognition. Accordingly, while on one hand, Hamas aimed to get a power sharing deal that guaranteed inclusion within all PA institutions and, most importantly, to legitimize the EF according to Hamas's conditions over security. On the other hand, the movement had to soften its political programs in order for Abbas to be able to address the international community and cooperate with Hamas (in the section below I show how the movement softened its political program).

However, in the macro picture both the traditional incumbents Fatah and the incorporated opposition Hamas were facing the same impasse and uncertainties: from an end to the peace process started in 1994 to the Israeli governments' plans to continue their occupation of the West Bank and East Jerusalem and their hegemony over the Gaza Strip. This uncertainty added to existing uncertainties of non-democratic governing and less formal institutional contexts. The stagnation of the peace process from 2000 onward left the Palestinians with institutions that grew out of the Oslo peace process and its

conditions, especially the security forces, while technically they were in a post-Oslo era where serious negotiations over final settlements stopped in 2000.<sup>417</sup> Abbas wanted to continue to prove to Israel and to the US that he was the qualified President to negotiate with after Arafat and this was the major impetus for further democratization and inclusion of Hamas. Having no concerted solution for a peace settlement with Israel put Abbas in a weak position vis-a-vis Hamas and his people who stopped believing in the peace process and Abbas's ability to deliver (let alone Israel's willingness to deliver on its promises). Hamas, however, was constrained by the PA institutions that were historically built out of the Oslo agreement. They were trying to fit their reform vision and make it more inclusive to its affiliates from within the PA. Hamas also wanted to watch any step that might be taken by Abbas regarding a peace solution in which he might give up any of the Palestinian's rights and constants (*thawabit*) (such as the right of return for Palestinian refugees and the establishment of a Palestinian state within the 4 June 1967 borders with East Jerusalem as the capital of the state). There were many uncertainties for actors in 2006-2007 that made power sharing and the counter actions from incorporated groups more contingent upon actions where political actors, while competing over governing, were also competing over the rules of the game of governance itself. It is within such interactions that the act of diplomacy and violence are situated, for example, and violence as a means to settle the competition over the rules of governance themselves, not only to have more power in the PA.

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<sup>417</sup> Palestinian academic, 21 May 2007, Birzeit/Ramallah.

By the end of 2006, Hamas and the President were the closest in their political programs and on paper, despite the remaining struggle over the security domain and the inclusion of Hamas in the PLO.<sup>418</sup> From 6-8 February 2007, the King of Saudi Arabia, Abdullah b. Abdul Aziz, invited Fatah and Hamas to a dialogue where they both finalized a unity agreement. I was told by a major broker that, at the time, the deal was almost ready between the two factions and that a few things were left to debate due to Hamas's hesitancy to sign.<sup>419</sup> At the end of this chapter, I go through the three main Quartet conditions and how Hamas finally agreed to treat them in order to receive international recognition.

Up until the signing of the Mecca Agreement, and even later, Hamas showed signs of adherence to negotiations and diplomacy internally, as we discussed above. Yet, major compromises were made by the movement after the Mecca Agreement when it gave up three major ministries: the Ministry of the Interior, the Ministry of Finance, and the Ministry of Foreign Affairs (see Appendix E) to an independent minister in the NUG (and gave Fatah six ministries: Health, Social Affairs, Public Works, Transportation, Agriculture and Prisoner's Affairs). Internationally, it also sent signs of compromise over its political program regarding international agreement and accords, as I discuss in the coming section.

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<sup>418</sup> Hamas has never been part of the PLO that includes all Palestinian factions except Hamas and Islamic Jihad (and the *Tahrir* Party). The inclusion of Hamas in the PLO has been an important file of negotiation and it needs special treatment that this chapter is not able to provide. For more information see, Hilal (2006), Saleh (2007b), and Jamal (2005).

<sup>419</sup> Independent minister of the NUG and broker between Fatah and Hamas, 7 October 2007, Ramallah.

In this section, I show how dynamics of ostensible power sharing, that began in early 2006 continued even under the NUG mainly in the PSS and less so in the CSS. Even after the signing of the Mecca Agreement and in practice, power sharing and jurisdictions were not very different in the PSS due to the multiple power centers of Fatah/PA elites, the negativity of the President, the continued pressure from outside powers over the latter to oust Hamas's government, in addition to reasons related to Hamas. Major issues were related to not lifting the sanctions over the NUG and the further attempts by the US administration to support and fund the security forces of Abbas. Previous issues affected the development of Hamas's intermixed approach in the PSS and changed the interactions with the President and elites.

*The CSS and PSS after the NUG.* Employment and security dividends and jurisdictions were important to the following details of the unity agreement (Mecca Agreement). According to the unity agreement, the President ratified the remaining unratified senior governmental positions of almost 120 employees demanded by the HLG who were, until then, working as temporary employees on the contract system and accepted almost all new appointments, mostly of Hamas affiliates, made by the HLG in 2006.<sup>420</sup> In exchange, the HLG cancelled all unfavorable measures towards Fatah senior appointments it had undertaken (for example, transfer of senior Fatah employees), and

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<sup>420</sup> Hamas-affiliated Minister of the NUG, 8 July 2007, Hebron.

accepted the appointments of public employees made by the previous 9<sup>th</sup> Government a few months before it left.<sup>421</sup>

The Mecca Agreement itself did not include details as to the new dividends within the PA between Fatah and Hamas, but such arrangements were negotiated before, during, and after Mecca.<sup>422</sup> As of such unity negotiations, Palestinian law, mainly the Basic Law, the Civil Service Law and other employment-related laws, these became fairly irrelevant since public employment became part of a political pact based on certain factional dividends (*muhassasah*) where professional standards and formal regulations of employment were sidelined.<sup>423</sup> One of the lawyers advocating in favor of Fatah employees, said, “This relationship between Hamas and Fatah was premised on interest (*maslaha*) with the aim of reaching a moderate and middle solution not based on the law.”<sup>424</sup> Hamas and Fatah agreed to share the PA (institutional dividends) but this agreement was not meant for dramatic institutional change and reform. It was more to practice power in the ministries and maybe to bolster trust over time.

Yet, the CSS continued to face similar earlier difficulties due to the continued efforts of Fatah employees and those who supported them from Fatah/PA elites and affiliates in order to make power sharing less substantial among the continued sanctions.

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<sup>421</sup> In addition, and according to unity agreement, the Unity Government halted public employment of any new person and constituted a committee of five people to supervise the employment process.

<sup>422</sup> Independent minister of the NUG and broker between Fatah and Hamas, 7 October 2007, Ramallah.

<sup>423</sup> Head of the Lawyers’ Association, 26 June 2007, Ramallah.

<sup>424</sup> Ibid.

Also, a sense of mistrust by Fatah-affiliated employees directed at the Hamas ministers and Hamas employees was still there. In addition, one might argue, that the dividends between Fatah and Hamas in the CSS confirmed to Fatah employees that Hamas was not there for reform but to have its share of the PA. Fatah was not yet ready to accept a factional partner in the PA bureaucracy and continued its informal ways of obstructing work at the ministries by defection and absence. However, a major factor that made some Fatah employees' previous attempts possible was the continuation of the sanctions, especially against ministers affiliated with Hamas (not Fatah and independent ministers) in the NUG. The sanctions meant that there was no financial overflow to the ministries and salaries were hardly ever paid. Many Fatah employees continued to skip work since their salaries were not paid and they claimed they could not afford transportation and the like. Most departments in the PA ministries, up until I visited in April and May 2006, were almost empty and a sense of chaos among employees reigned. Some ministers of the unity government affiliated with Hamas reported improvement in the work place and better compliance from previous Fatah affiliated employees after the unity agreement. However, there were still others who complained that their senior employees continued to deal with their ministers as a *de facto* power and did not cooperate on the work of the ministry. One new minister related to Hamas in the NUG expressed her frustrations:

The Head of Personnel, in cooperation with my own employee, the Head of the Finance and Administration department at the ministry, managed to prevent me [the minister] from appointing any new employees, even a personal driver or a guard. However, his second day of appointment, the minister from Fatah at the Ministry of Labor was able to employ three new people as guards and a secretary. Yet, I came and I left without being able to appoint a single employee... Eventually I had to appoint a guard and for the three months I was in office [March to June 2006] I paid him out of my own pocket. I did not want to

commit any wrong deeds but it seemed that, had I stayed longer, I would have had to go against my will [take action against Fatah senior employees]...<sup>425</sup>

On the one hand, factionalism and a history of personalization and one-party dominance were structural contexts that needed time to change and remained hard to shape; on the other hand, it was not to be rejuvenated and nurtured if sanctions and the efforts of Fatah interest groups to undermine power sharing continued. As a result, factional dividends in the CSS were not the ideal arrangement but were, at least, an encouraging move to improve ostensible power sharing over time.

Continued measures of ostensible power sharing in the CCS were at least lessening and not urgently threatening to the unity and continued intermixed approach of Hamas. The deal of factional dividends in the CSS involved top affiliates of Hamas and was implemented by Hamas ministers and the other ministers in the NUG. Hamas was not co-opted into the CSS, yet it was able to gain some share in the CSS and get some of its demands. Factional dividends in the CSS did not, in the end, ask Hamas to compromise its political strategy related to the overall vision of conflict in relation to Israel. Some ministers were talking about meeting in the CoM and trying to overcome the above problems.

In the security domain, competing visions and strategies into structuring and reforming the PSS and ending the internal strife did not converge despite the serious attempts of the NUG to offer new grounds. Factional dividends, a kind of partnership between Fatah and Hamas in the PSS, were more complicated to accomplish than in the CSS and were not a guarantee against internal violence. In addition, political actors from

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<sup>425</sup> Minister of the NUG affiliated with Hamas, 30 September 2007, Bethlehem.

both sides lost trust in the intentions of the other side especially under the promises of foreign support of the US and some Arab countries to Fatah's PSF, mainly the PG.

The security field, before and after the unity agreement, did not seem to be detailed enough and the visions of the political parties did not converge. Thus, the parties involved did not have enough deterrence mechanisms to face up to the increasing internal strife. Hamas's demands were not secured in the PSS. Sure enough, after the formation of the NUG, internal violence resumed. From May 2007 onward, tensions were raised and brutal cycles of killing between Hamas and Fatah and affiliated families took place.<sup>426</sup>

One Hamas leader who was in Mecca when the unity agreement was signed said:

I was worried about one issue that I personally discussed with the President : the security issue. It is true that in Mecca we dealt with the political issues and formed the unity government but the security subject and the reform of the security institutions and the militancy in the streets were issues that we [Fatah and Hamas] did not deal with seriously and deeply [as we should have done].<sup>427</sup>

So what went wrong in the security sector? Right after the NUG earned the confidence of the PLC on 17 March 2007, Hani al-Qawasmi, an independent personality, replaced Siam as the Minister of the Interior as demanded by Fatah and the President to satisfy the Quartet and Israel's three conditions. Minister al-Qawasmi and the NUG took the drafting of the new security plan seriously hoping to prevent the deterioration of security in the WBGs.<sup>428</sup> The CoM and the President ratified the unified NUG national

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<sup>426</sup> For more information about the chronology of internal violence see, Conflict Forum (2007).

<sup>427</sup> Hamas leader and consultant, 3 May 2008, Gaza Strip (Interview over the phone). See also NUG platform 17 March 2007, including the security field. Retrieved March 7, 2007 (<http://www.washingtoninstitute.org/documents/45ffeb2faee45.pdf>).

<sup>428</sup> For more details of the plan see, Al-Ayyam newspaper, 15 April 2007. Retrieved May 18, 2008 (<http://www.al-ayyam.ps/znews/site/template/article.aspx?did=53634&date=4/15/2007>).

security plan on 14 April 2007. The plan was detailed and included mechanisms of implementation like the establishment of two security Operational Rooms; one was related to the MoI, and the second was independent but under the auspices of the CoM (Saleh 2008a: 72-74). Within these two security rooms the EF and the PSF (mainly the PG) had to work as one unit and together bring internal fighting to an end and emphasize unity in the PSS (Saleh 2008c).<sup>429</sup> This was by all measures the most ideal proposal of power sharing, as described by ministers, in which a promise to deliver considerable executive power of security to the Minister of the Interior and the NUG under the President's supervision was supposed to take place.

However, shortly after the security plan was ratified, no serious steps of implementation were taken on behalf of the President. The President endorsed the plan and showed willingness to implement it and end lawlessness that threatened his governance. However, the President was hesitant due to the enormous US pressure on him related to the international community's refusal (yet milder conditions by the EU and Russia compared to the era before the NUG) to recognize the NUG and its plan on the ground that included Hamas. This rejection meant that sanctions were not lifted, especially on Hamas ministers.

The picture was even more complicated at the internal level and in the security domain. It seemed as if there were three intersecting security plans in 2007. The first one was related to the NUG, the major sphere of partnership between Hamas, Fatah and the Palestinian factions, represented by the official united security plan ratified by the PLC

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<sup>429</sup> Deposed PM consultant, 3 May 2008, Gaza Strip (interview over the phone)

and the President. It aimed to establish a united security force, not factional dividends as in the CSS (but a real partnership), and to end internal violence.<sup>430</sup> Secondly, there was the security plan of Dahlan-Dayton that came into effect after the NUG and entailed the end of Hamas governance and excluded Hamas from the PSS (exclusion). This plan was not endorsed by the President but was charted parallel to the NUG security plan by some Fatah/PA security chief and elites (the shadow executive body in the PA). This plan is discussed in detail in the coming section for the importance of the external factors in determining the internal Palestinian balance of power and interactions between political actors. The last can be roughly characterized as similar to security factional dividends but more of a special power arrangement for the EF outside the PSS; this was the rough vision of some of Hamas's political and military leaders in having coordination between the EF and the PSF (the PG or others) but not total unity or incorporation. They insisted not on dissolving or merging the EF (within the ISF) but, rather, on keeping it for the time being as a major Hamas security power along with others in the PSS. That is, they wanted to keep its vague status not as a co-opted security force into the PSS, and not as a military wing of Hamas, but as semi-formal parallel force to the rest of the ISF. To put it differently, they did not want to give in totally to the President and his elites in the PSS, but they also did not want to defect. However, it seems that the choice of having this

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<sup>430</sup> The reform of the PSS had long been discussed before 2007, specifically in an article written by Jibril al-Rujub, the previous head of the PF in the West Bank and a Fatah Revolutionary Council member who had intensive talks with Hamas in the West Bank and became close to some Hamas ministers. He outlined a restructuring security plan for a professional and untied a-factional PSF: al-Rujub, Jibril. 2006. "Kai Yakuna al-Hiwar al-Watani Mujdiyyan (For a Productive National Dialogue)." Ramallah. Also see, Najib and Friedrich (2007: 101-129) about a vision to restructure the PSS where they recommend that the inclusion and merger of the non-statuary groups into the PSS would be the best road to reform when the political and social situations were ripe for such a merge.

leverage was not to be available to Hamas in the coming period of intensified violence (chapter 5).

With regard to this third security vision, it became more apparent when the formation of the NUG did not result in lifting sanctions. Its emergence showed that there were ministers of Hamas in the NUG who were not necessarily in agreement with the Hamas leadership outside the government. This was in comparison with 2006 where the HLG and the Hamas movement could hardly be distinguished and almost everything the HLG did was in general coordinated by Hamas' leadership. This changed in 2007, and those ministers of Hamas or affiliated to Hamas who stayed in the NUG or were new to it, did not always see things with the same perspective as the Hamas leadership and military wing. In addition to the last matter, which I discuss in chapter 5, Hamas itself had some signs of internal discrepancies and divergences (not a total organizational division) from within regarding security matters and other governance issues. This divergence between Hamas ministers in the NUG and Hamas cadres began to become increasingly obvious to the other NUG ministers:

I claim that the government started to succeed. In other words, the ministers in the NUG took many decisions before their political parties ratified these decisions like the security plan and the truce with Israel. What happened was that the second day [after these decisions were taken] Hamas announced that it was not the responsibility of the government to decide about the security plan and that this was under the purview of the armed groups' jurisdiction.<sup>431</sup>

According to the first security vision of the NUG, the NUG security plan needed a factional consensus to be implemented that turned out to not be a feasible option in 2007.

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<sup>431</sup> Minister of the NUG, 26 June 2007, Ramallah.

It required the cooperation of Hamas's political and military leadership and it also entailed that military groups enlist under the unity police force. It also required the cooperation of Fatah/PA interest groups, especially security chiefs (i.e., Dahlan) and an absolute green light and support from the President to implement the security plan. Here is what a NUG minister clarified:

The NUG, including Hamas's internal leaders, thought they could resist Fatah [that wanted to exclude Hamas entirely from the process] and Hamas interest groups [who wanted to keep the EF and wanted factional agreement]...we [ministers of the NUG] knew our project was ambitious and needed time, and we requested formally from Egypt and other countries to support the NUG...that is, there was no direct solution to the impasse [internal violence] but with a united security force that would be deployed in the streets to confront and prevent all pressures that would otherwise lead to the collapse of the internal Palestinian situation.<sup>432</sup>

The NUG was becoming an entity (like a third entity) that was trying to protect all factions from sliding into civil violence. This was a major change in the political scene where leaders of Hamas and leaders of Fatah and independents from within the NUG body tried to protect the unity against Fatah/PA political actors who were against the agreement, and from the external pressure and refusal of the NUG by the US and. later on, they tried to protect it from Hamas's rising rejectionist current.

The NUG security plan was a reasonable solution, but not entirely feasible. Hence, the demands of Hamas not to incorporate its EF into the security sector were due to the lack of trust with the PSS as an institution with the hegemony of Fatah/PA chiefs

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<sup>432</sup> Ibid.

over it and their policies towards Israel.<sup>433</sup> It appeared that the special arrangement of not incorporating the EF was more feasible than unity in the short run, but it was not clear if it would end either the internal violence or the sanctions. Ideally, in order to end the internal violence there should be a neutral, united, a-factional police force that would be agreed upon and endorsed by all factions and major power centers to control lawlessness (this had to include Hamas armed groups in addition to the original Fatah armed groups and the divided PSF). Yet, if Hamas was to formally incorporate its security in the PSF (even one that would become professional in the long run) it would face other problems. For example, the US would still not lift sanctions because it demanded Hamas outside of all PA institutions, including security institutions; in addition, Hamas would endanger its security personnel who might be arrested or assassinated by Israel after the incorporation.

Paradoxically, the NUG security plan was based on a more complex picture and contradictory situation that made it unfeasible to be implemented during the first half of 2007. The NUG, in practice, did not have control over the PSS and was still weak compared to the Fatah/PA security chiefs. They also had no enforcement means unless they received the full endorsement of the President and security chiefs. Therefore, the whole NUG new security plan aimed to strengthen the formal security institution. Conversely, the strengthening of the formal security institution was, in practice, in the hands of Dahlan, the previous PF/Fatah commanders and their networks, and the President. This was deeply problematic for Hamas. As long as Hamas did not trust that the strengthening of the security forces was for the public interest, and as long as it had

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<sup>433</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

doubts that such strengthening might be used in the struggle against them, then it was expected that NUG security plan would be rejected by the Hamas leadership at that time (even though some endorsed it). That is, in the absence of guarantees of “real” partnership with Hamas, the EF and the PSS, Hamas was left with few choices after the formation of the NUG in the PSS. This meant they could accept co-optation, mobilize protest to support their demands (which was not feasible at that time), or keep the EF as a separate entity with a special power arrangement. This arrangement, however, seemed not to be accepted by the President, Fatah elites, Israel and the US. Put differently, it seemed that Hamas’s intermixed approach in the PSS was no longer working and it needed to navigate a new way to surmount growing manipulations, outside interference, and increased internal violence. A minister at the NUG told me:

I agree that there was no trust [from Hamas to Fatah] and that there was a real problem with the strengthening of the security forces [united security force where the EF was merging with it], which was a normal thing to happen, in contrast with the existing reality...the Minister of the Interior Haniyyeh knew that the strengthening of the security institutions would topple down his own political and military faction. This contradiction was even getting worse with US intervention and the money it promised to send to support and strengthen the Fatah security groups [the PF and PG]. The former factor increased suspicion within Hamas about the formal security institutions. Thus, in my opinion, it was not objectively possible to reinforce convictions [by Hamas armed groups and some leaders] that the united and formal security forces has to be strengthened against lawlessness unless everyone agreed and guaranteed that this formal security force would be neutral [non-factional or used against the other party].<sup>434</sup>

Hamas’ leadership, in general, saw in the appointment of Dahlan to the position of the President’s national security consultant, right after the formation of the NUG, and his involvement in a US/Arab plan to arm new security forces to be deployed in the Gaza

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<sup>434</sup>Minister of the NUG, 26 June 2007, Ramallah.

Strip, a provocative act adding to their existing mistrust and security dilemma. In addition the appointment was perceived by Hamas as a clear transgression of its democratic legitimacy as the government and, thus, the provider of security. It was believed by Hamas, especially by many on the military level that Fatah was preparing to topple Hamas in the Gaza Strip. This second security plan I discuss in the coming section and that the EF, consequently, should never be dissolved. Also, the EF became a real security force for the protection of Hamas, something that the movement would not have given up in view of the mistrust between Fatah and Hamas.<sup>435</sup> On the other hand, many in Fatah and its elites, as well as some leftist leaders saw and feared the growing power of Hamas and thought that Hamas wanted “to subordinate Fatah’s security forces in the MoI to Hamas’s political will.”<sup>436</sup> Yet, in a system where formal institutions were marginalized by both sides and external interest determined politics over institutions, armed groups on the ground could hardly respect a united security plan.

Yet, the major risks of merging the EF or any Hamas armed groups in the PSS was represented as leading to the discrediting of the PSS by the international community for including “terrorists.” Also, it was feared that it would lead to Israel targeting the infrastructure of the PSS and to destroying it altogether (similar to what it did during the second Intifada beginning in 2001).<sup>437</sup> These threats stood as major obstacles to the

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<sup>435</sup> Some Hamas ministers in the NUG had a different view but because of the mistrust between Hamas and Fatah they were not successful in communicating it to all in the movement.

<sup>436</sup> Head of the DFLP and member of the PLC, 15 May 2007, Ramallah.

<sup>437</sup> For more information on the status of non-statutory and various reform scenarios in the PSS see, Najib and Friedrich (2007: 101-129).

continuous Palestinian unity talks - before and after the takeover of the Gaza Strip (see concluding chapter) - between Hamas and Fatah. The major difficulty was over scenarios to form and restructure the PSS according to national and professional grounds while at the same time, ones that would be accepted by the international community (mainly the Quartet and the US) would escape the imminent Israeli strike.<sup>438</sup>

Given the above conflicting security plans, the NUG implementation was delayed and this frustrated the new independent Minister of the Interior. The delay, in addition, was because of the continued incidents of internal violence that occurred between April and May 2007, despite the redistribution of some of the security forces in the Gaza Strip. Finally the Minister of the Interior resigned on 17 May 2007 (he was sworn in on 23 April 2007) and he outlined the reasons for his intentions in part of his resignation letter:

...yet despite all the work and efforts, there are many obstacles that are almost going to destroy all of what I have achieved until this moment [in terms of the implementation of the joint security plan]. In addition, the hope is diminishing in making any progress and success regarding the security plan. The first and most important obstacle is that the General Director of the MoI has practically all the powers and jurisdictions in the ministry in his hands while I, as a minister, have no powers or jurisdictions except through him. ...and since I have no say even with respect to the trivial and small issues at the ministry and have no power over them, then how I can work for the interest of the people and the country?... The second of these obstacles are the [unfulfilled] promises that I have been given in the middle of a deteriorating security situation where people are asking for immediate changes in their lives. I will not be able to work only based on promises and words, not actions. Having joint security forces that comprise all the security forces and all the needs is the most important requirement for any success [of the MoI and the plan]...<sup>439</sup>

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<sup>438</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

<sup>439</sup> The text of Qawasmi's resignation is available in Arabic. Retrieved 21 November, 2009 (<http://www.alzaytouna.net/arabic/?c=129&a=37553>).

The quote reflects the issue of the jurisdiction of the Minister of the Interior that started a year earlier and was not resolved despite the many attempts of the NUG and Hamas asking Abbas to dismiss Abu Shbak from the MoI. He was there to stop Hamas from going forward with its own plans as many Hamas officials and other faction members told me. In addition, we see from the above quote, that there remained a lack of political will, or enough power, on the side of the Presidency to give some validation and certification to Hamas and, therefore, to support the NUG in its security plan. On Hamas's side, for internal reasons related to the pressure and political strength of its military groups, it continued to refuse to merge the EF totally with the PG as long as Abu Shbak was the GD of the MoI and Dahlan was the presidential national security consultant.<sup>440</sup>

After the resignation of the new Minister of the Interior Qawasmi, the PM Haniyyeh was then asked by the CoM to be the Minister of the Interior. By the end of May 2007, Haniyyeh made some decisions after meeting with Abbas to activate the joint security rooms in order to implement the security plan as mentioned by some NUG ministers. By the beginning of June 2007, the President had accepted all the procedural modifications to the security plan and the joint forces, and the NUG gave the green light to the implementation process.<sup>441</sup> Yet, the security deterioration of the Gaza Strip was faster than the time the NUG needed to implement the security plan and restore trust, and

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<sup>440</sup> For more information about this period, see Saleh (2008a; 2008b; 2007a).

<sup>441</sup> It was reported by Saleh (2007a: 236) that right before the takeover the Head of the Joint Operational Room, Said Fanouneh, was about to finalize his strategic security plan and implement it after getting the approval of the PM and the CoM as a final stage before implementation.

faster than Abbas's firm decision of implementation. Hamas's armed groups called it to an end and chose certain military and political settlements when they took over the PSF security compounds in the Strip.

A minister at the NUG commented on the increasing internal violence and claims of failure within the NUG to implement the united security plan and to restore order, saying, "This is not true, I can restore law in this country in one day but provide me with the political will [of leaders in charge]."<sup>442</sup> Following the same logic, a consultant to the PM reflected on the same claim:

...So after we came back from Mecca and for three months we kept talking about a security plan without implementing anything on the ground. I think that if there had been a security plan that was immediately implemented then it would have had a good possibility to stop any kind of violent struggles...If we [meaning Hamas and Fatah] thought seriously about the security matter and the reform of the security institution we would have not reached this stage.<sup>443</sup>

Executive security powers this time were stripped from the NUG in many ways and by different actors: the hands of the PA elites and Dahlan's PF, but these alone were not able to jeopardize power sharing in the security sector. The US intervention in the PA security policies and plans contributed to crippling the President's effectiveness to defend his NUG and led the security plan down a dead end. The US, as a response to the national security plan, offered an alternative plan that was perceived by the NUG to be aimed at excluding Hamas and protecting the Road Map based on Israel's security, as mentioned

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<sup>442</sup> Minister of the HLG and the NUG, 1 October 2007, Nablus.

<sup>443</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

by the drafted security plans. This plan was based on explicit exclusion of a majority elected group that seemed to be a recipe for civil war more than anything else, as claimed by Palestinian academics and international observers. In the section below, I present features of the US-Dayton's plan and show its effect on power sharing in 2007, especially on the PSS. The aim of this section is to highlight one of many effects of the external factor in determining power sharing mechanisms and the interaction of incorporated groups-traditional authorities.

*The Role of Hardliners and Foreign Dependency: The Case of Dayton's Security Plan.* Shortly after the formation of the HLG in March 2006 and until almost a month before the takeover of the Gaza Strip in July 2007, there were renewed talks of the US security plan to empower the President militarily. The main idea was to support Dahlan's groups and the PG, a unity force under the President, in order to overrule and dismiss the newly elected HLG as mentioned in the plan.<sup>444</sup> David Rose (2008) wrote explicitly about the US plan<sup>445</sup> to support Abbas and Fatah and to exclude Hamas; he supported his claims with leaked documents and there was an earlier proliferation of news article and writings about such a matter.<sup>446</sup> During 2006, the US, as described by the NUG ministers,

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<sup>444</sup> For a wider understanding on the reform of the security forces from within and the negative effects of outside intervention on such processes in the Arab world in general, see Sayigh (2007b).

<sup>445</sup> Rose went into some detail about "one faction of policymakers inside the US administration" and "hardliners" in the American administration like the Deputy National Security Adviser Elliott Abrams where he said that the latter "privately argued for a 'hard coup' to enable Fatah to confront Hamas militarily and retake control of the authority" (2008). Also, he discussed how General Keith Dayton answered to Eliot Abrams and Dahlan answered to Dayton.

stood against any initiative of a unity government and pushed Abbas to oust the Hamas government using several means, including a referendum. A UN Special Coordinator for the Middle East Peace Process, Alvaro de Soto, clarified this in a leaked report where he wrote:

...a National Unity Government with a compromise platform along the lines of Mecca might have been achieved soon after the election, in February or March 2006, had the US not led the Quartet to set impossible demands, and opposed the NUG in principle. At the time, and indeed until the Mecca Agreement a year later, the US clearly pushed for a confrontation between Fatah and Hamas...the same result [the Mecca Agreement] might have been achieved much earlier without the year in between in which so much damage was done to Palestinian institutions, in pursuit of a policy that didn't work, which many of us believed from the outset wouldn't work, and which, I have no doubt, is at best extremely short sighted (de Soto 2007: 21).<sup>447</sup>

Even after the Palestinians formed a unity government in March 2007 between Hamas and Fatah, Israel, the US and some EU countries did not lift sanctions. As a result, public employees' salaries were not fully paid and projects within the PA ministries were still on hold due to a lack of funding that tied the government's hands. However, the policy of Western funders after the creation of the unity agreement was one that dealt

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<sup>446</sup> Examples of such news: Eldar, Akiva. 2006, "Washington Trying to Block Direct Donations to Palestinians" *Ha'aretz*. May 4. Retrieved June 15, 2007 (<http://www.haaretz.com/spages/712155>); Erlanger, Steven. 2006, "U.S. and Israelis are Said to Talk of Hamas Ouster" *New York Times*, February 14. Retrieved March, 2007 (<http://www.nytimes.com/2006/02/14/international/middleeast/14mideast.html>); "Document Details 'U.S.' Plan to Sink Hamas" *Asia Times*, May 2007. Retrieved May, 2008 (<http://conflictsforum.org/2007/document-details-us-plan-to-sink-hamas/>). In this last article they discuss the story covered in the Jordanian newspaper "Al-Majd" published on 30 April 2007 with 16 pages of documents of the US plan to undermine the NUG called the "Action Plan for the Palestinian Presidency." Retrieved June, 2009 (<http://www.almajd.net/article/details/details.asp?id=2018>); "The Benchmark in Full" *Haaretz*, May 4, 2007. Retrieved May, 2007 (<http://www.haaretz.com/print-edition/news/the-benchmark-document-in-full-1.219760>).

<sup>447</sup> de Soto was the United National Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization (PLO) and the Palestinian Authority's Envoy to the Quartet.

only with Fatah or non-Hamas ministers in the NUG and funded their ministries (ICG 2007a: 8).

In the security domain and after signing the unity agreement between Hamas and Fatah, the US administration was more mobilized to put its security plan into action. Abbas disappointed the US when he went against its will to oust the HLG and go for an early election, as close aides told me. The US even threatened him to look for other partners from within the PA if he did not cooperate, according to the documents of Rose (2008). Abbas, therefore, was pressured to show some commitment to the US security plan. Subsequently, at the time when the unity government was busy meeting with the President and trying to activate the joint security plan and the Joint Operational Rooms, the Dayton-Dahlan<sup>448</sup> plan was being decided and pressure was placed upon the President.<sup>449</sup>

The American administration and General Dayton presented to the PA a so-called “Arab Quartet” action plan to the President on March 2007 with “Plan B,” “the

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<sup>448</sup> Keith Dayton started working on the reform of the PSS in 2005 and replaced General William ‘Kip’ Ward. After a while he stopped his task when Hamas won the elections and resumed them at the end of 2006 with Dahlan to chart a plan for restructuring the PSS. For more information about the PSS security reform and the role of the EU and the US, see Friedrich (2004); see Introduction and Conclusion in Friedrich and Luethold (2007).

<sup>449</sup> A brief outline on restructuring the PSF based on professional and national bases was outlined by Muhammed Dahlan to the NUG. In the paper he did not mention Hamas explicitly, nor external support to specific security forces (Dahlan, Muhammed. circa 2007. "Ru'iyya Nahwa Bina' Manthuma 'Amnyieh Falastiniyya Mihaniyyah" (A Vision towards Building a Professional Palestinian Political System)". After the publication of Rose's article on 5 March 2008, Dahlan circulated a response online on 6 March 2008 where he said that Rose's article was misleading and inaccurate and added: "...Neither Fatah nor the PA received money from the United States in order to carry out a “coup” against Hamas. The only “plan” to which the US extended its support was a Palestinian plan to reform the Palestinian Authority's security services in order to make these services responsive to the needs of all Palestinians in the West Bank and the Gaza Strip.” Retrieved May, 2008 ([http://english.pnn.ps/index.php?option=com\\_content&task=view&id=2497](http://english.pnn.ps/index.php?option=com_content&task=view&id=2497)).

Framework for Action on the Palestinian Side,” and “An Action Plan for the Palestinian Presidency – 2007,” charted during 1-3 March 2007 (Rose 2008). They were a work in progress to reach an outcome in which Fatah and the President dominated Hamas and the government. These security plans covered the political, economic and security reform agenda for various aspects of the Palestinian regime (in this section I discuss only the security component of the plans). As part of the Dayton-Dahlan plan, the US Congress approved a package of US\$59 million was approved on April 2007<sup>450</sup> (which included equipment for the Presidential Guard and training in Jordan). Meanwhile, some of the Arab countries like Jordan and Egypt were also part of Dayton security plan but were not yet involved.

General Dayton’s security plan stood in sharp contrast and undemocratically with the security plan of the NUG, as mentioned by all ministers. NUG ministers, PLC members, and NGOs were very critical of the plan; they saw it as a dangerous, divisive tool in an already contentious internal struggle.<sup>451</sup> Here I present major analysis of the dangers of the US security plans. The first critical and dangerous item in Dayton’s plan was that the plan did not arrange for a faction-free PSF (so to speak) like the NUG plan and not even for bi-factional security (like some of Hamas’s leadership security vision) but designed the PSF to continue to be dominated only by Fatah with total exclusion of

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<sup>450</sup> Transcribed speech of General Keith Dayton, U.S. Security Coordinator, Israel and the Palestinian Authority in the Washington Institute for Near East Policy, Program of the SOREF Symposium, 7 May 2009. It is noticeable that the Palestinian National Security plan ratified by the NUG was not even once addressed in Dayton’s speech despite the Presidency and the government ratification of it.

<sup>451</sup> I also interviewed Roland Friedrich, Adviser and Head of Office for the 'Palestinian Territories Project' at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) on 4 May 2008 in Ramallah, where he gave an overall picture and understanding of the development of the Palestinian security sector and the internal and external obstacles and risks.

Hamas and its EF. The near future effect of this would be the widening of factional segregation and the exclusion of a considerable percentage of the population (Hamas's members, affiliates, supporters, and Islamists in the larger sense) who wanted to be part of all the PA institutions. Second, the US plan was based on working only with the PG that were not controlled by the Minister of the Interior and the PM.<sup>452</sup> This meant that the plan reinforced a parallel force to that of the NUG unity police that was to be equipped, trained, and paid by the US, and fell under no supervision or monitoring by the government and/or the PLC.<sup>453</sup> Third, Dayton's plan promised to improve the security at the Gaza Strip/Israel crossings, particularly at the Karni border crossing, so as to advance the goals of the Agreement on Movement and Access and to boost Palestinian economic development.<sup>454</sup> But, as I was told by a former Fatah general, anyone who knows a little bit about the situation in May 2007 knows that the economy of the Gaza Strip was suffering because of the siege and the Israeli policies of contentious closure and attacks.<sup>455</sup> Improving the security of the Gaza Strip border crossings was not more of a priority than paying salaries to the security personnel. In addition, tightening the grip over the borders only suffocated the NUG and the people, while restricting their

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<sup>452</sup> For more information about the resumption of General Dayton plan and its effect on democracy and inclusion in the WBGS see, Byrne (2009).

<sup>453</sup> Also mentioned in Rose (2008); Friedrich and Luethold (2007).

<sup>454</sup> Document number 3 in Rose (2008). See Rose's article for all documents of security plans.

<sup>455</sup> Fatah leader and previous Head of the Preventive Forces in the West Bank, 3 June 2007, Ramallah.

movement. The previously mentioned UN Coordinator de Soto continued to write about the misleading role of this security plan:

...there will also be a need to watch carefully the effort underway by the US, apparently with Arab partners, to beef up the capabilities of the security bodies under Abu Mazen's lead, using like-minded Palestinians close to the President- a precautionary measure in case of interfactional strife, we are told, but one which holds the potential of a self-fulfilling prophecy and doesn't address the need for the disparate security bodies to work in harmony. It would not be surprising if there were an attempt to get Quartet support for this attempt; this should be seriously avoided. A far greater contribution to security inability would be made by easing the siege so that the security forces- tens of thousands of armed men, to be precise – were actually paid (de Soto 2007: 45).

Furthermore, the plan<sup>456</sup> had a timetable to be implemented from 3-9 months during which Dahlan, in coordination with Dayton and the Arab Quartet, would train and equip 1,500 forces to restore order. Also they planned to increase the capacity of seven high battalions for policing matters. The former consisted of 4,700 security personnel to control the lawlessness in the WBGS. Neither training nor armament would have reduced lawlessness<sup>457</sup> as many Fatah leaders themselves understood. On the contrary, it added to the confusion and concerns of Hamas about the role of this security assistance and motivated some Hamas leaders and gave more justification for Hamas's armed groups and those who supported them to go against Fatah and continue the internal strife, as well as widened polarization between the President and Hamas. The impasse was not an impasse of adding new security forces to control the people, it was one of giving the

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<sup>456</sup> For more information about the plans, see Rose (2008) and the documents attached with his article.

<sup>457</sup> These plans mentioned strengthening Fatah and the President against Hamas. Yet, Fatah was suffering from deep structural problems that needed more fundamental analysis and interventions than the very simplistic view of Dayton's plan. The plan, therefore, only paid lip service to deep security problems as expressed by a Fatah leader (member of the Revolutionary Council of Fatah, 7 July 2007 and 9 October 2007, Ramallah).

NUG the chance and the mandate to govern and practice its security powers with less hegemony from the traditional Fatah/PA chiefs and the outside agenda.

Applying Brownlee's (2002a) work on non-transition in neo-patrimonial regimes and the role of an external player in holding onto democratization (in addition to failed states and neo-patrimonial patronage) to the Palestinian case is crucial. The US security support to the PSF against Hamas played a major role in preserving the neo-patrimonial domination of some Fatah hardliners over others and had a role in blocking venues of real inclusive processes for Hamas. In addition, applying Palestinian democratization to the work of Levitsky and Way (2006) about the rule of international factors in changing democratic outcomes is promising in the post-Cold War era. They argued that in regimes where the "Western leverage, or governments' vulnerability to international pressures; and linkage to the West, or the density of economic, political, social, organizational and communications ties to the United States and European Union (EU), and Western-led multinational institutions..." (2006: 199-200) is low, then it is most likely that regimes would remain either stable non-democratic or competitive authoritarian regimes (2006: 211-213). This has been true in the Middle East, some former Soviet Union countries, and some in East Asia. In the case of the PA in 2006, not only was there low linkage and low leverage in terms of Abbas's vulnerability to international democratizing pressures to not repress opposition, but also the President and his elites were encouraged to deny the democratic process and real inclusion. The Quartet imposed sanctions on the Palestinian system and its political actors and their democratic choices and the US administration sought to support some Fatah security elites and their security forces. The sanctions and security support strengthened the neo-patrimonial Fatah incumbents over the new

included opposition and skewed the internal balance of power towards the former. This was an exceptional direct intervention in the interest of the traditional patrimonial figures and in the interest of the one party rule of Fatah.

While the Palestinian regime had the potential of progressing towards democratization after the death of Arafat and the inclusion of Abbas and Hamas into the PA local councils, it proved to be short-term progress. It regressed to civil conflict in 2007 and regressed to an authoritarian form of the system. Sharing power over a fragmented, multiple, and decentralized security forces in a colonial setting with the intervention of outside powers manipulated power sharing and shifted internal power configurations between Hamas and Fatah.

Finally, in the section below, I highlight how exclusive inclusion, with its external dimension mentioned above, triggered changes in other dimensions like the incorporated groups ideas and arguments. This shift of ideas further illuminates the above discussed intermixed approach. The section below shows changes in Hamas's ideas in order to reach the international community and receive recognition and certification. Yet, at the same time it shows how Hamas continued to resist sanctions and to endorse its constituents and members.

### **EXCLUSIVE INCLUSION AND A PRELUDE TO HAMAS'S IDEATIONAL SHIFTS**

Shifting ideas of political actors due to inclusion has been presented in democracy, the inclusion-moderation, and social movements' literatures (Gamson 1990;

Huntington 1991; Lichbach 1995: 190-194; McAdam, McCarthy, and Zald 1996; Przeworski 1985, 1991; Przeworski and Sprague 1986). The former arguments have been imbedded in liberal democratic contexts related to the third wave of democratization mainly in Southern Europe and Latin America. Hitherto, when applying the inclusion-moderation nexus to less democratized countries, like those in the Middle East, scholars have tried to prove that ideas of included groups change towards moderation even under de-liberalization measures of stalled democracies like the case of the IAF in Jordan and the Wasat Party in Egypt (Lust-Okar 2005; Schwedler 2006; Wickham 2004). Moderation, in general, is seen as the shift of ideas by included opposition into accepting the *status quo* and democracy as the only game in town. In this section, I show how unpacking inclusion in competitive authoritarianisms into contestation and power sharing and analyzing incumbents' mechanisms to limit opposition powers assist researchers to contextualize shifting ideas and arguments of incorporated groups under various changing opportunities. These opportunities and ostensible power mechanisms happen in contexts where democracy is not the only game in town and rules of the game and outcomes of transition and inclusion themselves are uncertain.

The ideational shift was happening gradually within Hamas under ostensible power sharing, for example, through adopting new terminologies and new arguments to justify actions and to intertwine between practice and Hamas's major set of beliefs (as I showed in the above section on democratic legitimacy). I do not discuss here whether Hamas moderated or whether their ideas shifted only strategically. I am interested, however, in studying the shift of ideas as a relational term, not as a democratic and liberal term or a value holding out of context. That is, ideas shift is a relational concept and a

process related to the position of the political actor within their political system. It is also related to the kind of interactions with various internal and external actors and structures.

In the above section, I showed how the practice of incorporated groups changed through ostensible power sharing in various ways and directions. Here, though, I look into ideational shifts of incorporated opposition that happened to absorb ostensible power sharing mechanisms (and external factors) on the one hand; and to change Hamas's trajectory into greater acceptance of the groups and more democratic practices on the other (through the formation of the NUG with the traditional incumbents). Shifting ideas here might be out of strategic interactions or a willingness of included opposition for further recognition and survival within the system. Yet, I argue that the shift of ideas is part of the formula of (or goes well with) intermixed approaches of incorporated groups to be assimilated within the system while at the same time preserve a movement's core objectives. It is the incorporated opposition's way to handle uncertainties of ostensible power sharing and its unknown outcome from within the system without sacrificing the incorporated opposition's own message of democratic reform. Once ostensible power mechanisms reduce or promise to be changed by elites and external power, a change of ideas by ostensible power sharing takes place and further inclinations for more changes is signaled by incorporated oppositions. These changes in ideas always try to secure democratic norms and quality (in the face of false democracy of the regime) hoping to turn the power sharing to their side and to address the international community for certification.

## **Recognition of Israel, Adherence to International Decisions, and Renouncing Violence:**<sup>458</sup>

Here, I highlight the National Conciliation Accord (NCA) and the National Unity program as indicators of change in Hamas's arguments and ideas when interacting with various ostensible power sharing mechanisms. These documents were important because it was the first time that Hamas signed a joint document with other factions as mentioned above. They are considered a major reference to the movement's position over internal and external issues after issuing its manifesto in 1988.<sup>459</sup> Thus, these documents did not leave much room for speculation of Hamas's position regarding the establishment of a Palestinian state within the 4 June 1967 borders and other matters.<sup>460</sup> Even though the documents were open to interpretation when it came to the position of the international community's decisions and recognition of Israel, they at least obliged Hamas to sign on to the maximum ideational boundaries of what was acceptable to the movement at that particular time. Since then, Hamas has been using these documents to indicate their own

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<sup>458</sup> There existed divergences within Hamas regarding how leaders understood how Hamas should address these three issues. Here, I do not present such divergences but I restrict the discussion to the formal public stances of Hamas (as a whole) as it appeared in published documents. For more information about divergences in the stances and ideas of various Hamas leadership over these three issues, see Jaraba (2010).

<sup>459</sup> It is important to note here that Hamas moved from its ideological stance clarified in its manifesto of 1988 through the 1990s and mostly after entering the PA institution in 2006 (Hroub 2006). Hamas did not modify its 1988 manifesto but moved beyond it (Gunning 2008). This issue was stated by more than one Hamas leader.

<sup>460</sup> In his article about Hamas's change over its documents, Hroub (2006) shows that the movement's new documents (i.e., the electoral campaign and government platform) have been clearly committed to democratic means of governance and transparency and reform (with no mention of Islamicization within society or religious connotation. Also see Gunning (2008).

change and, at the same time, ideological commitments.<sup>461</sup> I show that there has been a new way of arguing politics with relation to external actors and of tangible shifts in some ideas over others. I argue that it is most likely that Hamas will not regress on these new ideas, despite disagreement within the movement regarding some items in the documents, because they wanted to maintain their demands for further democratic practices within the PA and certification by the international community.<sup>462</sup> In this section, I only highlight the prelude of ideational shifts to the three main concerns raised by the Quartet and the idea to delay genuine inclusion in 2006-2007 by most internal political actors.

Before I move to show the change of Hamas's position regarding the three political matters addressed by the Quartet, I establish some premises to this section related to the three points and related to the stance that Hamas was pushed to take under international pressure. Before Hamas won the election, none of the internal and external actors raised the issue of the three conditions to Hamas as an impediment to democracy or inclusion. There were worries about the Islamic and resistance identity of Hamas but not about the imperatives of Hamas's participation and its demands as contradicting the

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<sup>461</sup> The opportunities offered through power sharing and the constraints pushed Hamas into signing an agreement that dealt with the maximum limits of what Hamas could accept. By doing so, the boundaries of what were acceptable and how they could be justified publically became more tangible for the first time for Hamas even though justifications for ideational reallocation ranged from negating the change altogether by some Hamas leaders to announcing that difference between the political programs of Fatah and that of Hamas becoming insignificant with Hamas affiliates and political experts. See also, Schwedler (2006) where she argues about changing boundaries of justification for the IAF in Jordan as an indicator on their moderation.

<sup>462</sup> After the takeover and Hamas's governance in the Gaza Strip, there has been documentation of human rights violations. However, the movement continues to acknowledge the Mecca Agreement and calls for democratic elections on principle and if democracy can be fair and free. Uncertainties (and external rejection to the results in case Hamas won again) that surround any kind of elections are enormous and that Hamas would most probably not accept any election in the West Bank and the Gaza Strip before any unity agreement.

*status quo* of the PA. Abbas knew about Hamas's political program before its participation, yet offered it, with the support of the US, the chance of running an open contestation and formation of a government. Lust-Okar, in her study of Islamist movements in regimes under transition, theorized about the strong relationship between what groups demand from the *status quo* and the likelihood that it will be granted participation within the system by ruling elites (2005).

However, actual Hamas governance and its continued participation uncovered a contradiction between the *status quo* that Israel, the US and the one-party Fatah governance intended in the WBGS and the NUG political vision. Hence, Hamas's victory and forming its own government, more than its position on international accords, Israel, and violence (regarded by Hamas and most Palestinians as resistance), challenged the *status quo* and the vision of Israel and the US in the region, as claimed by Hamas officials and many Palestinian academics. Most of those I interviewed included Fatah representatives and leaders who expressed that the sanctions were not about the three above points. Rather, it was about the US wanting to secure Israel's interests in the region with those who were allies of the US and not allies with the regional opposition wing (Iran, Syria, and Hizballah). None but a few Fatah/PA elites believed the three Quartet conditions to be genuine; the public debates and the private ones talked of the Quartet's conditions as ways to get rid of Hamas. Yet, many argued that the HLG and Hamas had to submit to these demands since the US is a super-power and it was better for Hamas to find a way to please it in order to keep itself in the system and lift the sanctions. In addition, some international critiques of the sanctions over the Palestinians and the HLG discussed how the Quartet, mainly the US and the EU, in addition to Israel, misused the

three points of Hamas's program to impose sanctions on the HLG and the Palestinian people, and to exclude the legitimate Palestinian government. For example, Alvaro de Soto wrote in his confidential resignation report "End of Mission" to the UN that:

Another public misunderstanding is the characterization of the principles laid down by the Quartet as "conditions" which, until they are met, stand in the way of contacts with and assistance to the Palestinian Authority government. I have personally jumped through hoop after hoop in encounters with the press to explain that the Quartet never once referred to the principles- nonviolence, recognition of Israel, acceptance of previous agreements and obligations, including the Road Map – as "conditions", and that while they appear to be conditions for two Quartet members- the US and the EU- this is due to their own legislation rather than to a Quartet decision (2007: 30-31).

Hamas initially did not accept the international accords, agreements and documents signed by the PLO and the PA, like the Independence Accord, the decisions of the PLO National Councils,<sup>463</sup> and the Arab initiative in 2004. The main reasons behind the non-acceptance of these agreements, as expressed repetitively by Hamas leaders, were their recognition of the state of Israel and their "unfair" treatment to the Palestinian people and their national rights. From the movement's standpoint, expressed by the PLC Secretary, the role of the international community and any accords should be to help to acknowledge the illegality of this occupation, not recognize it.<sup>464</sup> Such a position was also based on the religious views of Hamas who thought of Palestine as the land of Arabs

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<sup>463</sup> The position of Hamas regarding the PLO is tied to a belief of Hamas that the PLO, especially its decisions before the Madrid peace conference in 1991, did not have the authority to take critical decisions on behalf of all Palestinians. For Hamas, the PLO was not the sole representative of the Palestinian people when Hamas and other Islamist movements, like Islamic Jihad, were not part of it despite their popularity. See Hroub (2000: 89).

<sup>464</sup> PLC General Secretary, 15 June 2006, Ramallah.

and Muslims and as a *waqf*,<sup>465</sup> and that it should always be as such according to the movement. Hence, Israel's occupation of the land of historic Palestine is illegal (Hroub 2000; Scham and abu-Irshid 2009: 9-10; and various interviews).

Eventually, Hamas's position on the international accords and agreements<sup>466</sup> developed in 2006 and was reflected in its proposal for a NUG on 19 March 2006,<sup>467</sup> in its Cabinet platform on 27 March 2006 (governmental program of 2006), and later appeared in the national unity (Mecca) agreement in March 2007.<sup>468</sup> After its victory in the PLC election, Hamas, under some pressure, changed its discourse to address the international community by stating that it would, "Work with the signed agreements, with the highest *sense of responsibility*, guided by an obligation to protect the interest, rights, and principles of the Palestinian people," as mentioned in the proposed national unity program of March 2006 (Hroub 2006). After the Mecca Agreement and in the NUG program of March 2007, the position from the international accords moved to a point where the government (the NUG) should *respect* the international legitimacy of

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<sup>465</sup> "*Waqf* in Muslim law, a permanent endowment or trust, usually of real estate, in which the proceeds are spent for purposes designated by the benefactor. Usually devoted to charitable purposes." Retrieved July, 2009 ([http://memory.loc.gov/frd/cs/saudi\\_arabia/sa\\_glos.html](http://memory.loc.gov/frd/cs/saudi_arabia/sa_glos.html)).

<sup>466</sup> Here they mean mainly the DoP and UN Security Council Resolution 242 that recognize Israel. The irony of such demands from Hamas was that Israel never adhered to these resolutions itself. Even further, at Camp David, Israel asked that the Palestinian negotiation team and Arafat drop UN SC Resolution 242, which required Israel to withdraw from the borders of 4 June 1967 and wanted Palestinians to give up that right.

<sup>467</sup> The proposal can be found in Arabic. Retrieved June 30, 2008 (<http://www.palestine-info.com/arabic/palestoday/reports/reportsm.htm>).

<sup>468</sup> Haniyyeh's speech to the PLC, March 2006, in Arabic outlining the Cabinet platform. Retrieved October 7, 2009 (<http://www.alzaytouna.net/arabic/?c=129&a=31289>). Also see, 2006. "Hamas National Unity Government Program 19 March 2006." *Journal of Palestine Studies* 35:163-164.

resolutions and the agreements signed by the PLO. The previous, however, was conditional in protecting Palestinians' best interests.<sup>469</sup>

This can be considered a new move and an attempt by the movement to accommodate the international community (in accord with the PLO and Israel) on the one hand, and to preserve the movement's principles and satisfy its internal cadres and constituents on the other (thus, it cannot shift to totally adhere with international decisions). Hence, Hamas chose the wording "respect of" instead of "adhere to" international accords and agreements. For Abbas, Hamas and the many Palestinians and academics I spoke with, "respect" and "adhere" were the same word with the same meaning. They thought it clearly reflected the change in Hamas's position and the acceptance of Hamas to such agreements and, at the same time, saved Hamas an internal dispute with those (internal leaders and constituents) who disagreed with the change.<sup>470</sup> What was considered important was that Hamas took concrete steps to deal with the political question of governance and its international dimension. It was also responding to its local and international environment by finding justification and various arguments about such change. Thinking to justify itself within the international community and to its cadres, Hamas tried to develop a political program that contained both governance and resistance.<sup>471</sup> There was fear and an unsettled atmosphere among Hamas's affiliates

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<sup>469</sup> The notion of the highest of Palestinian interests is an important theme in Hamas's thinking as I show in the coming chapters and is related to the concept *fiqh al-masaleh* (public welfare/interest) discussed later in this chapter.

<sup>470</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

<sup>471</sup> Some of Hamas affiliates' negation of such a change when I asked them whether the movement started to change positions reflected an anxiety within Hamas's affiliates as if they wanted to change but were not

regarding the new language of the movement in the Mecca Agreement and the NUG program. The ambivalence and continuous debates within the Hamas leadership regarding the implications of change (or not) and what it entailed internationally, nationally, and within the movement was demonstrated by a broker in the unity talks:

I went to Damascus seven times in one month...seven times between Ramallah-Damascus, Amman-Damascus, Cairo-Damascus, and Qatar-Damascus, all to gain an acceptance [Hamas's acceptance] on one word ["adherence" to international agreements and accords]. Afterwards, we went to Mecca [for national unity talks] on February 2007 and only this one word was still left. In Mecca, before we started the unity talks [under the Saudi's auspices] I was with Khalid Mashal but he was not able to give his final word [whether it was *adherence* or *respect* of international agreements and accords].<sup>472</sup>

Hamas finally decided to use the term "respect" of intentional agreements and accords. It wanted to address the international community and wanted recognition in the reverse.<sup>473</sup> The President and Fatah accepted such a change and considered it as a base for unity. Yet sanctions were not dropped since the Quartet (especially the US) announced that this was not enough of a change in Hamas's program, if any. Hamas, according to many Palestinian and foreign analysts,<sup>474</sup> was sending a clear message that it was heading on the road of change and would work with these accords. However, it could not blindly follow them given internal and ideational reasons. For example, Hamas's religious beliefs

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to be seen as doing so by their constituents. At the same time, they wanted the international community to see the above steps as change.

<sup>472</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

<sup>473</sup> A prominent Palestinian researcher, 1 October 2010, Ramallah.

<sup>474</sup> Scham and abu-Irshid (2009) discussed how such signals might be seen as a crucial step on the road of change if Hamas was given the chance and if it was recognized. Jaraba (2010) argued in the same direction of the previous. Also see Hroub (2006).

and history of resistance resonated with the people and was the main reason the movement had gained popularity and external alliance support.<sup>475</sup> Put differently, Hamas needed to gain popularity and legitimacy from governance in order to convince its constituents and first its own members and cadres that governance (not only resistance) could also bring benefits to the movement and that it was time to do undergo some changes for external recognition. Therefore, it seemed that advancing and accepting any changes depended on the conditions of power, sharing an international status that seemed unpromising to the movement up until 2007.

The second major issue used to justify sanctions was the non-recognition of Israel. Since its inception in 1987, Hamas was consistent along with the other Palestinian factions (like Fatah and PFLP), in its position not to recognize Israel.<sup>476</sup> Yet, in 2006, the movement sent some signals that showed that it could, however, co-exist with Israel. The reason Hamas did not accept Israel's *de jure* existence, but accepted its *de facto* existence,<sup>477</sup> was because Hamas believed that according to Islamic law historic Palestine was a land for the Arab and Muslim peoples, specifically a *waqf*, that it should not be

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<sup>475</sup>That is, Hamas is part of the MB's international movement and cannot take essential decisions regarding the status of the Palestine cause alone, in addition to its elastic alliance with the oppositional block in the region: Syria, Iran and Hizballah. Several discussions with a Palestinian academic, 9 October 2007, Birzeit; 4 July 2007, Ramallah.

<sup>476</sup> The position of Hamas to not accept Israel's *de facto* existence was almost the position of all the Palestinian factions, including Fatah (the PA party). The only organization that acknowledged Israel was the PLO, encompassing all the Palestinian factions except Hamas and Islamic Jihad. The PFLP and Fatah had been included in the PA since 1994, yet neither Israel nor the US criticized or boycotted them for not recognizing Israel.

<sup>477</sup> I list these reasons as they were mentioned in primary sources especially al-Risala newspaper for Hamas, and were the major reasons mentioned by Hamas's leaders and officials. They were also frequently mentioned in the secondary literature about Hamas.

given away.<sup>478</sup> In addition, recognition of Israel was believed to be not only a Palestinian internal matter but related to the whole Arab and Muslim world, as mentioned above.

Second, and beyond the religious argument, the political vision of Hamas, along with other Palestinian factions, was based on the idea that Israel is an occupier that has occupied historic Palestine since 1948 resulting in the expulsion of hundreds of thousands of Palestinian refugees outside its borders. Third, Hamas refused to recognize Israel until it declared its official borders, an issue that continues to remain undeclared. Fourth, Hamas believed that the recognition of Israel was a matter for the Palestinian people to decide. For example, through referendum and if the Palestinians accepted it, Hamas might consider recognition because it was given a mandate by the Palestinian people (the issue of popular mandate is essential to the movement's thinking).<sup>479</sup> Hamas did not want to be blamed by the people for recognizing Israel and, thus, losing its popularity and constituents. Many experts and Hamas members expressed that recognition of Israel by Hamas as possibly contributing to the end of the movement. Fifth, some in Hamas argued that the issue of states' recognition was a matter for the states, not the factions, and that the Occupied Palestinian Territories was not yet a state. One of them argued that in the Israeli government there were many parties that not only did not recognize the right of Palestinians to have their own state but also denied their right to exist in the land of historic Palestine, occasionally demanding their deportation.<sup>480</sup> Finally, for Hamas, Israel

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<sup>478</sup> As expressed by a PLC/LoCR member (a), 12 May 2007, Nablus.

<sup>479</sup> For more information on Hamas's understanding of the popular mandate and popular will, see Gunning (2008: 72-82).

<sup>480</sup> PLC/LoCR member (a), 12 May 2007, Nablus.

did not recognize the Palestinian state or the rights of Palestinians and continued in building settlements, the Separation (or Apartheid) Wall, and confiscated Palestinian land and, thus, there was no reason according to Hamas to recognize Israel.<sup>481</sup> For all of the above reasons, Hamas's leadership, along with almost all academics I spoke with and a majority of other factions, considered the imposed sanctions, in addition to the request from the US, Israel and the EU to recognize Israel before Israel recognized the rights of Palestinians, as bogus and hypocritical.

Despite all these reasons for not recognizing the *de jure* state of Israel but the *de facto* state, there were changes in Hamas's position and practice towards Israel. For one to assess the process of change in Hamas's position towards co-existence with Israel, and its *de facto* existence, one should put it in the context of whole practice changes taken by Hamas since 2003, which is beyond the scope of this section but I will mention new directions in this regard. This is illustrated by Hamas's acceptance and commitments to (unilateral or not) a truce (*tahdiy'a*) with Israel in 2003, 2005, and 2008 and Hamas's extended concept of a long truce (*hudna*);<sup>482</sup> its acceptance of a two-state solution based

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<sup>481</sup> de Soto wrote: "...a good case has been made by the peace camp in Israel that the whole idea of requiring the Palestinians to recognize up front, as a precondition to talks, that Israel has the right to exist is bogus. Israel have never been asked to recognize up front that the Palestinians have a right to a State- all Israel has ever done is recognize the PLO as a valid interlocutor (the equivalent would be if the Palestinians recognize the Israeli government as a legitimate representative of the Jewish people living in historic Palestine)..." (2007: 31, footnote number 6).

<sup>482</sup> These issues were discussed by Gunning (2004); Hroub (2006); Milton-Edwards and Croke (2004); Scham and abu-Irshid (2009). Hamas had observed a *tahdiy'a* (truce or cease fire) with Israel unilaterally in 2003 for a short while, then again by the end of 2004 until mid-2006. In June 2008, Hamas and Israel, through Egyptian mediation, initiated a six-month unilateral *tahdiy'a*, that lasted until Israel launched a war on Gaza from 27 December 2008 to 18 January 2009 (which killed 1,385 Palestinians and 13 Israelis according to the Israeli NGO B'tselem, retrieved January, 2010 ([http://www.btselem.org/Download/20090909\\_Cast\\_Lead\\_Fatalities\\_Eng.pdf](http://www.btselem.org/Download/20090909_Cast_Lead_Fatalities_Eng.pdf))). It has been noted by scholars and observers that Hamas usually observed the truces, especially in 2005-2006 and reduced rocket attacks launched toward southern Israel (even by other armed groups). Yet, Israel usually did not observe the truce and launched missiles into the Gaza Strip and assassinated Hamas and Palestinian leaders and

on the 4 June 1967 borders which are technically 20% of the historical land of Palestine (instead of the 1948 borders);<sup>483</sup> acceptance of negotiations with Israel regarding daily life; and, allowing political negotiations to resume with the PLO and the President regarding the peace agreement.<sup>484</sup>

The final and third matter that seemed to invite sanctions, as claimed by the Quartet and where Hamas has been trying to make new moves, was the deployment of violence by Hamas against Israel. It is also considered by Hamas and most Palestinians as “resistance” by all means which they claim is guaranteed to occupied persons, per certain UN resolutions.<sup>485</sup> The issue of armed resistance was of specific importance to Hamas who has distinguished themselves, especially since 1994, as a resistance and opposition

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activists. One PLC/LoCR member told me that Israel needed to show signs of delivering to the Palestinians before it asked for continued observation of the truce (30 June 2007, Bethlehem). Thus Hamas’s *tahdiy’a* has been conditional of halting military attacks by Israel (see Hamas’s national unity program, 11 March 2006). For more about Hamas’s truce with Israel and their concept of *hudna* (a long truce that can last for 10 or more years), see Scham and abu-Irshid (2009: 9-17).

<sup>483</sup> This change has been made clear in the new documents of 2006 like the NCA and the Mecca Agreement where Hamas accepted explicitly and formally, for the first time, the establishment of a Palestinian state on the borders of 4 June 1967. It is true that some Hamas leaders like Ahmad Yasin and Mahmoud al-Zahhar had offered various initiatives and proposals regarding a Palestinian autonomy in 1967, but such initiatives remained informal and unclear (see Hroub 2000; Mishal and Sela 2000, Scham and abu-Irshid 2009). There was also the abu Marzouq Initiative in 1994 in *Asabil*, Newspaper, 19 April 1994 where the dismantling of settlements in the Gaza Strip, West Bank and East Jerusalem is discussed in addition to Palestinian legislative elections.

<sup>484</sup> These last two issues were clarified in the Cabinet Platform of Hamas March 2006, and throughout the years with various announcements from almost all Hamas leaders. Also see, Rabbani (2008).

<sup>485</sup> For example, 2002 UNCHR Resolution E/CN.4/2002/L.16: This resolution emphasized the rights of the Palestinian people to resist the Israeli occupation using all means possible for self-determination and freedom of their land. See also General Assembly resolution 37/43 of 3 December 1982 about the legitimacy of resistance by all available means, including armed struggle, against an occupation. For more see the UN Commission on Human Rights. Retrieved August, 2010 ([http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2002.L.16.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2002.L.16.En?Opendocument)).

movement in contrast with Fatah and its elites in the PA against the Oslo agreement, in addition to being a resistance movement against the Israeli occupation.<sup>486</sup> Resistance became one of the main sources of Hamas's popularity and legitimacy among Palestinians and in comparison to Fatah, the PA party.<sup>487</sup> Hamas's main argument for resistance was that as long as the Palestinian land is under occupation then, the movement and the people have the right to resist occupation by all means possible, including armed struggle, to liberate their land. The deployment of violence, however, has not been used through a religious outlook but deployed strategically by the movement. For example, during Arafat's time, Hamas had deployed violence strategically to gain popularity and/or to place extra obstacles in front of the Oslo agreement, which it opposed. It also deployed violence against Israel during the second Intifada as part of its competition with Fatah to gain popularity. During other times, when the movement was becoming weak and when people opposed its violent methods, they resorted to a unilateral truce (as in 2003 and 2005). Violence had also been used by Hamas against Israel to raise the bar on demands from Israeli negotiations.<sup>488</sup>

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<sup>486</sup> Mishal discussed how Hamas had been hesitant to explicitly compromise over objectives and resistance. Also he adds: "... despite the horrifying toll claimed by Hamas's violence, it is essentially a social and political movement, providing extensive community services and responding constantly to political reality through bargaining and power brokering" (2003: 570).

<sup>487</sup> Gunning gives an in-depth understanding of the deployment of violence over resistance by Hamas. He mentions: "violence plays a significant role both in Hamas's discourse and symbolism, and in its overall identity as a "security provider"" (2008: 175). Gunning continued that it was not that Hamas actually delivered more security but it was about the perception that a violent history makes the movement legitimate among political factions and in the eyes of its constituents and leaders.

<sup>488</sup> For more information, see Hafez (2006), Gunning (2008), Malka (2005) and Mishal (2003).

After Hamas entered the government, it had to thoroughly revise its resistance role and create a balanced program of resistance and governance. Since 2006, one realizes that Hamas significantly limited the notions of violent resistance from its programs. In its political program, the HLG had not mentioned armed resistance or military struggle. In the NCA (2006), which led to the unity government, Hamas used new language that focused on resistance in some areas in the Occupied Palestinian Territories but not in others. This was a new focus of Hamas where in the NCA it stated that “Resistance is focused on the 1967 area but not restricted to it.” In the Mecca Agreement (2007), Hamas and the NUG said resistance was contingent upon other factors,

Resistance is a legitimate right of the Palestinian people as granted by international norms and charters, our Palestinian people have the right to defend themselves in the face of any Israeli aggression and believe that halting resistance depends on ending the occupation and achieving freedom, return and independence<sup>489</sup>.

The above was a position that all Palestinian factions adopted and it resonated with Palestinians who were still under the Israeli occupation and participated in armed resistance. No Palestinian faction had ruled out the option of military resistance against the occupation, including Fatah and some PA officials. Even after 2007 and the continued attempts by Hamas and its deposed government to commit to a truce with Israel, it showed the flexibility of the movement when it came to the non-deployment of violence,

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<sup>489</sup> Hamas believed in the alternation between negotiation and resistance as long as Israel continued to not recognize their rights. Khalid Mashal, head of the Hamas Political Bureau announced: “...negotiations without resistance leads to surrender, but negotiation with resistance leads to real peace” (Malka 2005: 45). Talks of a truce and the implementation of a truce were also indicators of the position of violent resistance within the movement and that it has been strategically deployed.

as long as Israel was willing to deliver to Palestinians peace and/or lift sanctions on the Gaza Strip. This of course did not mean that Hamas dropped the issue of resistance but it meant that if the surrounding situation changed, the movement could always consider changing the deployment of violence to save the interests of the Palestinian people (as they liked to put it).<sup>490</sup>

One of the independent ministers of the NUG who was involved in these talks spoke of the tensions during the dialogues and the pressure put on Hamas to become coherent in its political program and practice as the government of all Palestinians. In general, the victory of Hamas and the formation of its government entailed a significant shift in the role of resistance within the movement and to governance that it had no strategy for (as I will show in the next section). He said:

After the overwhelming victory of the PLC election, there was a sudden and big transformation from Hamas as a resistance movement to [Hamas as] a political movement and a government. However, the imperatives of resistance were different from the imperatives of the political rule; thus, Hamas had to do fundamental changes in their political program if they wanted to govern... [yet] it was hard for Hamas to do a smooth transition from resistance movement to governance mainly because all transformations happened in a very short time. Before the election, Hamas used to say we will never recognize Israel, international agreements and accords, and the Oslo peace process and now [after election] they had to deal with the Oslo that brought them to governance...and Hamas had to write a political program that would be accepted by the whole world. ...Even in the process of forming the NUG there were intensive talks and dialogues until we reached a political program that would lessen the sanctions...This had required vigorous transitions and changes on the part of Hamas regarding issues that [it did not accept a year earlier].<sup>491</sup>

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<sup>490</sup> PLC General Secretary, 15 June 2006, Ramallah.

<sup>491</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

The above quote shows the urgent need of Hamas to gain acknowledgment and “certification” from the international community and its intensive attempts to change, yet not to make it so sudden so as to lose constituents and confront major opposition from within the movement. Therefore, in one year (during 2006), Hamas got close to Fatah’s political program, especially when it came to its acceptance of the two-state solution. Hamas sent many hints of change, from rejecting international agreements and accords signed by the PA and the PLO to respecting them as long as they preserved the rights and interests of Palestinians; from total non-recognition and rejection of Israel to accepting to deal with the Israeli authorities regarding mundane matters and offering a long term truce, or *hudna*, for 10 years.<sup>492</sup> Hamas switched from refusing to negotiate with the occupying power to giving a full delegation to the President to negotiate, as long as he continued consulting with the Palestinian people regarding a final settlement through referendum or consulting with the newly elected PNC (see, Scham and abu-Irshid 2009). Finally, Hamas did not talk of resistance in the whole of historic Palestine, rather, choosing to concentrate on resistance within the 1967 borders (in which they accepted to establish a state).

Hamas’s intermixed approach of resistance and accommodating regime practices from within the system, endorsing democracy and rule of law but employing some of the regime’s informal tools, was coupled with constant attempts to address the international

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<sup>492</sup> For details on the *hudna* and what it entailed, see Yousef, Ahmad. 2006, "Pause for Peace" *New York Times*, November 1. Retrieved January 31, 2007 (<http://www.nytimes.com/2006/11/01/opinion/01yousef.html>).

community and gain recognition, yet at the same time continue to be the example of resistance to the occupation. Hamas had to make changes in its political program with an eye on what satisfied all of the following: Abbas, Fatah, the Palestinian population, Hamas's various cadres inside and outside Palestine, the US and the international community, and its allies in the region (Syria, Hizballah, and Iran).

The approach toward the international community and Israel was demonstrated in the leaders' announcements and writings. Here, PM Ismail Haniyyeh writes strongly of the double standard of the West:

Do policymakers in Washington and Europe ever feel ashamed of their scandalous double standards? Before and since the Palestinian elections in January, they have continually insisted that Hamas comply with certain demands. They want us to recognize Israel, call off our resistance, and commit ourselves to whatever deals Israel and the Palestinian leadership reached in the past. But we have not heard a single demand of the Israeli parties that took part in this week's elections, though some advocate the complete removal of the Palestinians from their lands. Even Ehud Olmert's Kadima party, whose Likud forbearers frustrated every effort by the PLO to negotiate a peace settlement, campaigned on a program that defies UN Security Council resolutions. His unilateralism is a violation of international law. Nevertheless, no one, not even the Quartet— whose proposals for a settlement he continues to disregard, as his predecessor Ariel Sharon did—has dared ask anything of him...The message from Hamas and the Palestinian Authority to the world powers is this: talk to us no more about recognizing Israel's "right to exist" or ending resistance until you obtain a commitment from the Israelis to withdraw from our land and recognize our rights (2006).

The above quote reflects the rationale laid by an important leader of Hamas and the PM of the HLG of the non-acceptance of Israel. He did not justify it based on a religious right but based on the injustice demands made of the Palestinians and not the Israelis. Hamas wanted to send a pragmatic message of change, meaning they would change their conditions *if* the West were more just toward them and the Palestinians.

They wanted the US and the West's certification and guarantee, but not at the expense of popularity among Palestinians and their regional Arab and Muslim alliances. Thus their rapprochement toward the West has been always conditional.

Even after the takeover of the Gaza Strip, Hamas continued such an approach with the international community and continued looking for (conditional) certification and engagement. Ahmad Yousef's article was one, among others, in this direction when he wrote:

The rational choice would be to engage with Hamas - as it has been trying to do since coming to power - within the framework of the law, and jointly to work toward ending economic terrorism and irredentist occupation (2007c).

Nowadays, Hamas in the Gaza Strip is under Israeli siege and has suffered from a war launched by Israel over the Strip from December 2008 – January 2009. This might mean that some of the above changes of idea have been drawn back. However, until the time of writing this research Hamas has remained committed to the Mecca Agreement and the NUG platform. Yet, in 2006 there were significant opportunities to legitimize Hamas and recognize its demands along with the Palestinians'.

However, it might be that a major indicator of ideational changes by the movement was its internal divergences accompanied exclusive inclusion from the beginning. In the coming chapter, I trace the intensified internal violence and the use of power by Hamas against the PA security institutions in the Gaza Strip. I shed some light on how and why the movement applied diplomatic and negotiation methods on the people, the President, the PA, and the international community, yet used the backdoor to

work within the law. In addition, I analyze why Hamas ended up with the deployment of violence against the PA security institutions, and the takeover of the Gaza Strip.

## CONCLUSION

In this chapter, I showed how exclusive inclusion (with its open contestation and ostensible power sharing component covered in chapter 3) shaped incorporated oppositions' behavior, strategies, and ideas mainly by applying the mixed game analysis. In the larger picture, this chapter is the first dimension of an analysis that links exclusive inclusion to the particular action of incorporated groups that use violence against authorities amongst diplomacy (see figure 1). To do so, the incumbents-incorporated opposition's interactions in the PSS and CSS are traced, and the evolution of Hamas's behavior and strategies are unpacked. That is, the analysis of opposition strategies goes beyond dichotomies of moderation and radicalism. The analysis touched upon the varieties of course of action and their initial conditions of emergence, with relation to authorities and incumbents' manipulation mechanisms and various emerging opportunities and constraints, as well as with relation to the changes in the surrounding environment, and to emerging new arguments and discourses.

Hence, the evolution of Hamas's strategies and actions after it won the PLC election in 2006 were traced and compared along with two sectors: the CSS and PSS. This chapter has shown primarily how a specific mixture of incumbents' manipulations, along with its external powers' influence and interference (Western leverage), led to ostensible power sharing and a specific mixture of opposition approach. The approach was not one of total accommodation or assimilation (co-optation) to traditional

authorities and existing institutions nor was it total confrontation (rebellion) with these authorities; rather, it combined elements of both through formal and informal rules and practice. This intermixed approach can be summarized as combinations of selective appropriation with resistance to manipulation mechanisms from within the authority institution; deployment of rule of law with furthering some factional politics and special arrangements; and condemnation of external foreign powers for going against opposition electoral victories and gearing to address them to gain recognition and certification. Furthermore, the intermixed approach was possible through activation of formal and informal practices and arrangements, and not always through the direct and usual formal rules and practices known in liberal democracies. Various backdoor counteractions, like the contract system in the CSS and the formation of a semi-independent factional security force (EF) in the PSS were deployed in 2006.

The major reason this approach evolved through exclusive inclusion and its ostensible power sharing was to reduce complex uncertainties as a result of strategic interdependence, in the nested game of power sharing, between incorporated opposition and incumbents. That is, uncertainties on the level of practicing power (game level) and on the level of the rules that govern the game of continued participation itself (meta-game) and the relative absence of formal institutions. Various changing opportunities and constraints offered incentives for opposition to develop an intermixed approach to handle incumbents' manipulation that made power sharing an unstable process.

In addition, an intermixed approach also developed for reasons beyond the cost-benefit analysis, related to the PA system and related to intra-Hamas issues. The first included the increasing mistrust of Hamas by the President and of the existing rules of the

game. Fatah's divisions and their multiple power centers and the weakness of the President to stand for his promises of inclusion played an important role for growing mistrust. In addition, the polarization between Hamas and Abbas's vision and strategy, in light of Israel and the Quartet's sanctions, was growing as well. Second, other reasons related to the Hamas movement, like its initial lack of structured governance strategy, the kind of organic relation of Hamas with the international MB and some regional powers, and its dual identity as a resistance movement, an opposition movement, and a government (in 2006). As a result of all of the above, intermixed approaches that combined elements of accommodation on the one hand while keeping the option of resistance on the other seemed reasonable for at least the majority of Hamas's leadership. There are further issues (to be addressed in chapter 5) that factored in to the intermixed approach once ostensible power sharing evolved.

As I showed in this chapter, the opposition's intermixed approach was partially successful for Hamas in regaining some of their mandated power back, at least on the power sharing level (game level), and more so in the CSS. This success through the deployment of informal arrangements and practices was ironically made possible through opportunities and constraints of the ostensible power sharing process itself. That is, ostensible power sharing sometimes shifts opportunities and imposes constraints that made Hamas look for other indirect and "creative" means from within the system to control manipulations. It may have also led to a change of preferences for some opposition leadership (something I could not prove in this study).

Put differently, the ostensible power sharing mechanisms made it possible for Hamas's leaders and officials to deploy informal arrangements and practices that would

not have been imagined by Hamas or accepted by incumbents, or had even been possible in the system earlier. Ostensible power sharing mechanisms did not only constrain behavior but, ironically, made some “unpermitted” actions of opposition imaginable and possible. In other words, incorporated groups did not simply take advantage of existing power sharing opportunities; rather, they created and constructed new ones. For example, ostensible power sharing mechanisms (defection of employees, employment of Fatah affiliates in critical senior position, etc.) in the employment field in the CSS, deployed by the President and his aides, constrained the practices of jurisdiction by the HLG to employ new people and pursue their reform plans as it was supposed to do. At the same time, they led the HLG to look for creative and innovative ways to open backdoors to practice entitlements and jurisdictions from within the PA. The deployment of the contract system by the HLG to employ its own affiliates in senior positions in the PA would have not been possible or imaginable under the normal conditions of democratic inclusion.

The same goes for ostensible power sharing at the security level. While it constrained Hamas’s power over security, it also created an opportunity to practice the “unpermitted” like the creation of Hamas’s security force (EF) and not merge it in the formal ISF; an option that would not have been possible under democratic inclusive conditions. Yet, this active and evolving dynamic of ostensible power sharing in the PA was full of uncertainties regarding the payoff and outcomes to the opposition and was not a stable platform for political actors and their institutions. However, making the “unpermitted” actions possible by Hamas might have also changed the way in which Hamas pursued their reform plans and competition over power after the election of 2007

– especially when ostensible power sharing did not improve in the case of the PSS. Furthermore, it might have affected the way Hamas thought of and perceived of governance compared to the era before the election. In addition, it even changed how opposition perceived the deployment of violence against authority as possible and justified (see chapter 5).

The intermixed approach of Hamas, thus, was not only affected by incumbents' policies and mechanisms, but also played a reverse and active role (if minor) in affecting the levels of incumbents' manipulations deployed later and with the growing polarization. That is, the President and his incumbents, despite their continued deployment of various formal and informal manipulation mechanisms, later on had to open more venues for incorporated opposition to govern in one way or another (like the case of factional dividends in the CSS). The option of having some venues opened, as I show in chapter 5, diverged within Hamas's leaders and officials. The divergence was mainly between those who saw that these ostensible power sharing lessening in the CSS, and that there might be changes to the system to become more inclusive, and those who thought that exclusive inclusion was only a game of exclusion wearing a different mask.

A comparison between ostensible power sharing in the CCS and the PSS showed that, despite their existence under the same regime of the PA, there were differences in the incumbents' manipulation strategies and informal rules (ostensible power sharing) deployed in the PSS than in the CSS after the Mecca Agreement and the formation of the NUG in March 2007 (see figure 4). Hamas officials and leadership agreed with Abbas over a dividends formula to share in the CSS that seemed to work despite continued

partial manipulations in the CSS, however, the PSS remained a major obstacle and challenge for Hamas.

The strategic importance of the PSS to the Israeli authorities coupled with the international community's involvement made it an arena of confrontation where Hamas was not able to carry on with the intermixed approach adopted more successfully in the CSS. When ostensible power sharing continued after the unity agreement and the formation of the NUG, the deployment of Hamas's intermixed approach was not enough to retain and secure power for the opposition in the PSS, let alone enough to enable it to change the outlook of the security apparatus and its foundations. Neither the incorporation of the EF into the PSF, nor the establishment of a power arrangement to keep it separate from the IAF would have satisfied some Fatah/PA chief, Israel, and the US.

Therefore, Hamas's demand to strike a security arrangement to keep the EF under the auspices of the Minister of the Interior but not to merge it with the ISF was not welcomed. At the same time, the NUG united security plan (to unify the EF with the PSF mainly PG) was not feasible and would have meant the control of traditional Fatah/PA chiefs over Hamas's EF. The former plan did not satisfy Hamas's demand of a security force, the EF, to provide Hamas with security and partial control over the "legitimate" deployment of violence (as the elected government of the people). The PSF continued to be controlled practically by Fatah/PA chiefs and a significant portion of its forces related to the Fatah ruling party by *de facto* (through patronage or loyalty). Finally, the PSF was supported by external powers and organically related to the Oslo agreement ceiling regarding its function and national security vision. Hamas could not continue with its

intermixed approach in the PSS since it was not able to practice formal power, nor was it able to reform or accept the incorporation of its members in the PSS. This created an impasse that needed to be solved (as I show in chapter 5).

Therefore, after March 2006, Hamas was confronted with a handful of options to preserve its power, especially security and executive entitlements, and maybe its future reforms from within the authority institutions. These options were to accept co-optation as some of its leaders leaned to (but this option was unlikely due to newly adopted democratic legitimacy discourse, and other factors); mobilize protests (unlikely under sanctions because Hamas was also seen as part of the problem by growing number of Palestinians). Hamas had also the option to defect and leave the PA (unlikely since the opposition would lose its victory at the game level and its reform message at the meta-level). It also had the option to deploy force to pressure incumbents to improve power sharing conditions in order to allow more power and the delivery of prerogatives to incorporated opposition (at the game level) in the PSS and PA institutions while maintaining the option of future reform and inclusion (meta-game level). Within this scenario, Hamas aimed to open up the option of maintaining its EF unmerged within the PSS, during the time being, and until the PSF became more institutionalized and less/or not committed to preserving Israel's security. This final scenario was unlikely to some Hamas leaders but possible to others, as I show in chapter 5.

Lastly, open contestation and ostensible power sharing opened up opportunities to change within other dimensions, like ideational changes that coincided and inter-related with behavioral changes of the incorporated groups (and as I show in the coming section on the intra-group structure and relations). As I argued in this chapter, a discourse of

democratic legitimacy was essential to support Hamas's intermixed approach, to address the international community and actors, and to maintain popularity and address its armed group after the manipulative events of the incumbents. At the same time, it was the claim of democratic legitimacy that constrained Hamas's options and strategies later on and put off its option of co-optation in the PA. This is because it was a discourse that was formulated by Hamas about the legitimate right of the opposition who won the election to practice power despite all manipulative efforts of incumbents. It was also about overriding manipulations and reforming the PA from the corrupted elites.

A further prelude to ideational changes also happened to the political program (regarding international agreements, dealing with Israel, and applying violence) of Hamas as a result of exclusive inclusion and to address the conflict with Israel and the Quartet's conditions. Ideational changes and Hamas's intermixed approach proved crucial to intra-Hamas dynamics and increased divergences especially when ostensible power sharing continued after the formation of the NUG not in Hamas's favor in the PSS. It is in this direction and its connection to the deployment of violence against authorities that I will now turn to in chapter 5.

## CHAPTER 5

### **EXCLUSIVE INCLUSION AND HAMAS INTRA-DYNAMICS: A VIEW ON POLITICAL VIOLENCE AND DIPLOMACY**

This chapter explains the link between exclusive inclusion and the deployment of violence. It first explains how both exclusive inclusion (open contestation and ostensible power sharing mechanisms) and the adoption of Hamas's intermixed approach influenced intra-group organization and internal relations. Secondly, it explains how previous changes, especially growing intra-Hamas divergences under certain political opportunity structure, led to the deployment of violence against authorities amongst diplomatic politics of unity.

This work does not, however, claim to offer a predictive model of deployment of violence by opposition (or to offer a theory that relates inclusion to political violence), but it does claim to offer a preliminary causal mechanism to linking exclusive inclusion, through an opposition intermixed approach of governance and the change in intra-organizational and emerged divergences, to a deployment of violence by incorporated groups. As I mentioned earlier, this work can also be understood as a framework for further hypothesis and potential causal mechanisms and processes that link exclusive inclusion and political violence with various other cases.

This chapter engages with a promising work into understanding violence that was done on reversing the relationship offered by the "spoilers' model" (Stedman 1997)

where the expected outcomes here determine the kind of behavior of groups, and not vice versa (Greenhill and Major 2007; Gunning 2004) (see chapter 2 for rival hypotheses to explain political violence). Greenhill and Major argue that, "...the kinds of outcomes that are possible determine the type of spoiler that may emerge at any given time" (8: 2007). According to them this is because prevailing opportunity structures and expected payoffs determine opposition's behavior and final goals (and not these actors' intentions) for the options they present opposition. When there are not enough incentives and low expectations or potential payoffs, this might lead to confrontation, not cooperation with any peace treaty.

I engage with such work by arguing that expected outcomes and payoffs play into the deployment of violence. Nevertheless, this chapter builds on the above hypothesis of Greenhill and Major (2007) and extends it to show that within the same opposition group different currents may also respond differently to prevailing incentives, expected threats and payoffs, and political opportunities under the process of exclusive inclusion. This is due to the ambivalence of payoffs and outputs within the nested game of ostensible power sharing and the mixed incumbents' manipulations where they might offer more power privileges to opposition in some areas (e.g., CSS) but make them only superficial or hijack their privileges and power sharing in different areas (e.g., PSS). This has caused an emergence of intra-divergences of incorporated oppositions since some of them support providing more power by incumbents even if it is superficial, while others did not support and agree. This increased divergences facilitated the acceleration of the decision of the deployment of violence by some currents in order to make sure that other internal

trends in the group would not accept co-optation. The intra-opposition divergences increased the potential of the deployment of violence and made it more imminent.

In addition, I further argue in this chapter that actors (here incorporated opposition or elected officials) who deployed violence did not always do it to maximize their power but for other reasons; these reasons are multiple. They did so because it related to their resistance identity and wanted their principles to resonate with their constituents; for fear of an intra-division and wanting to increase unity within the group; to raise the bar of negotiation for a unity agreement with incumbents that provided an opportunity for reform at the level of the rules of the game under non-democratic practices and institutions; and, finally, to signal to the international community to support the democratic demands of oppositions in respecting the ballot results against fraudulent incumbents.

In the post-election era of manipulations (the ostensible power sharing era) various and different perceptions and attributions of threats and political opportunities are generated within the incorporated groups due to the confusing rules of the game under exclusive inclusion and competitive authoritarian rule. That is, incumbents offer access to power (through open contestation) and block the practice of such power (through incumbents' manipulations of power sharing) resulting not only in an intermixed approach of opposition to contain uncertainties (chapter 4), but also intra-group divergences and outcomes. I show in this chapter how the emerging opposition intermixed approach itself becomes an arena of divergence.

This chapter first provides an overview of Hamas's organizational structure as a resistance and opposition movement as well as a window into their internal practices of power. Second, it uncovers changes in Hamas's organization structure and intra-divergences after their first successful participation in the open contestation are highlighted. Third, this chapter shows how ostensible power sharing and Hamas's evolving intermixed strategies of governance deepened intra-Hamas divergences (for the trend of internal violence in 2006-2007 see chapter one). Fourth, I show how intra-group divergences, as a result of exclusive inclusion and Hamas's intermixed approach, were related to the deployment of violence to take over security institutions in the Gaza Strip. I focus on trends or currents within Hamas's leadership and armed groups that perceived new political opportunity structures of the unity agreement and continued ostensible power sharing as major disincentives that were not satisfied with the expected outcomes and payoffs especially the expected co-optation outcome. I show how some leadership used violence not to hijack power in the PA, but used it mainly as a means to improve power sharing conditions. Fifth, I show how the planned limited scale of force deployment against some PA/Fatah security compounds evolved into a takeover of the whole Gaza Strip with the introduction of contingent developments on the ground. Sixth, I offer a glimpse into evolving discursive justification, "*fiqh al-masaleh*," offered by Hamas as it crossed its red line of deploying violence and taking over of the Gaza Strip, while legitimizing violence. The justification reflects on, and partially situates, the act of violence itself and its purpose in relation with other discourses of the group, like democratic legitimacy (chapter 4) and patience (*sabr*). Finally, in conclusion, I chart out a causal mechanism linking intra group dimension to the deployment of political violence

for further exploration in other cases of incorporated oppositions in competitive authoritarian regimes.

### **HAMAS'S ORGANIZATIONAL STRUCTURE AND PRACTICE OF AUTHORITY**

Given its resistant identity and insurgent structure, Hamas, like most of Palestinian factions, had functioned underground as a clandestine movement (with political and military wings and as an offshoot of the MB since 1987). Consequently, we know little about its organizational structure and even less about the actual practice of power within the movement. Given the limited data available on intra-Hamas dimensions, divergence and its extension, I will rely on primary and secondary literature/sources as well as personal interviews conducted during fieldwork to offer some insights and interpretations into their internal divergences.

The organizational structure of Hamas as a resistance and insurgent group which has been scattered inside and outside the WBSG for security reasons and for fear of assassinations by Israel, has played into the unity of the movement and kept it intact despite internal disagreements. It has also played a central role in making internal dissent unfeasible and rendering the internal decision making process slow and somewhat conservative (i.e., to follow mainstream beliefs within the movement). Consequently, the looser the organizational structure and the less centralized decision making became through participation in the PA, the greater the propensity for new voices and possible internal divergences to surface and become publically visible.

The Hamas organizational structure is hierarchal and power is delegated through a form of internal election, mostly secretive. At the bottom of this hierarchy are multiple cells where members elect their leader to each of these cells. At the second level are the regional *shura* (consultation) councils spread throughout various regions (West Bank, Gaza Strip, Israeli prisons, and the diaspora). In each region, members of Hamas vote regularly for their representatives (see Gunning 2008: 98-116; Hroub 2000: 58-59; Hroub 2006: 117-120; Mishal and Sela 2000: 157-163). Then every *shura* council elects representatives to a national *Shura* Council.<sup>493</sup> The national *Shura* Council works as the major legislative body of Hamas and elects the Political Bureau as the major executive body of Hamas. The Political Bureau is dominated by Hamas leaders living in exile, particularly in Syria, but also includes leaders from the West Bank and the Gaza Strip (Gunning 2008: 99; Tamimi 2007). The national *Shura* Council makes all major decisions and decides upon the overall policy of the movement that is implemented by the Political Bureau<sup>494</sup> (Gunning 2008: 100; Levitt 2006: 10; Mishal and Sela 2000: 156-159).

Hamas's decision-making process and internal practices are discreet, in contrast, for example, to the IAF in Jordan where members debate policies and goals and share them with the public. This means that, in theory, they can hardly be scrutinized. Yet, in reality, it has been documented that Hamas's decision-making has been consensual

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<sup>493</sup>See also Bazzi (2006).

<sup>494</sup> Hamas also has many committees and sub-committees (political, social, religious affairs, media, etc.) to develop policies and suggestions from below.

between leaders and activists and the rank and file (Klein 2007: 445-450),<sup>495</sup> and almost all of Hamas's interviewed members indicated that almost everyone consent to the decisions taken by the *Shura* Council, even if some members initially disagree. Nevertheless, the former does not mean that there has never been tension/dissent or, on issues where decisions were not very clear, that some leaders did not and/or would not try to move the movement in the opposite direction.

Moreover, given the consultation process of decision-making, this process within Hamas has been slow compared to the fast pace of events after it entered the government. Accordingly, on different occasions competing announcements at different times started to appear among Hamas leaders and officials to be negated later by some media spokesmen of the movement. Some Hamas officials seemed to make conditional decisions and then went back to the movement or, in the case of the Political Bureau, it acted without *Shura* Council decisions.<sup>496</sup> Yet Hamas insisted that there were never internal differences or schisms within the movement. Also, while the military wing has a high command, a controlled structure, and has functioned independently from the political wing, they ultimately receive the final word from top Hamas leaders and the *Shura* Council.<sup>497</sup>

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<sup>495</sup> PLC/LoCR member, 9 April 2007, Ramallah.

<sup>496</sup> PLC/LoCR member, 30 June 2007, Bethlehem.

<sup>497</sup> For more information, see Hroub (2000); Nawati (2002).

There was also a major historical example regarding divergences within Hamas and its relation to consultation during the 1996 PLC election. It is well known that Haniyyeh, the PM in 2006-2007, along with other leaders, advocated for Hamas's participation in the first PLC elections in 1996. They prepared to run for election even though the *Shura* Council decided that Hamas would not run. Gunning holds that Haniyyeh received authorization from Hamas to run for the PLC as an independent Islamist (2008: 111) at a time when participation in the PLC election was considered popular among Hamas and its constituents (Hroub 2000: 225-227). However, Haniyyeh and his colleagues were accused of threatening the unity of the movement and were threatened with dismissal if they ran for the PLC at a time when Hamas saw itself as the main opposition to the Oslo peace process (a process that produced the PA). Fearing a division in the movement, Hamas leaders withdrew their candidacy accordingly except for one, Imad al-Faluji, who was ostracized from Hamas and his membership cancelled.<sup>498</sup> In addition, in a personal interview, the Secretary General of the PA shared with me a letter he claimed was sent by Haniyyeh on 7 February 1996 to then-President Yasser Arafat, in which Haniyyeh admitted a clear difference in the outlooks between him and the "brothers," as he put it, and asked Arafat to work as a moderator between him and Hamas.<sup>499</sup> Whether this letter is factual or not, it can at least be seen as an indication of how the PA elites saw the internal Hamas divergences or an indication of how the PA elites wanted to fabricate intra-Hamas fragmentation or even to create an

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<sup>498</sup> The defection of leaders can be dangerous, often putting the life of the defector in danger or subject to threat of death by members in the movement (Jaraba 2010: 145-146).

<sup>499</sup> Letter from Ismail Haniyyeh, 7 February 1996. The researcher does not guarantee the reliability of such letter.

impression (narrative) about it. The above incidents reflect a number of issues impacting intra-Hamas dynamics. First, the overall unity image of Hamas could not always be maintained and internal divergences rose from time to time only to be silenced again. For example, dissenters who were supported by some internal leadership had to comply with the movement's orders not to participate even if they were not convinced by these orders. There was a wide and shared understanding by Hamas leadership, members, and officials that the specificity of Hamas as a secretive resistance movement mandated that everyone should follow orders and preserve the harmony of the movement. During my interviews, many hinted at their disagreements with what the head of the Political Bureau in Syria, Khaled Mashal, said or with certain decisions, but they all insisted that the major issue should be unity. Some did not even want to discuss it to start with while others were cautiously open. Second, consultation might not be always directly related to final decisions, as claimed by Hamas, since it seemed that participation in the election of 1996 was considered favorable by a wide base, yet was denied for potential Hamas candidates (Gunning 2008: 109-111). This led to more questions about the other reasons and issues that factor in, beside consultation, to the final decision of the movement. This point seemed to stand for the event of running in the PLC election of 2006, where a Hamas leader narrated to me the following:

A night before the election day, Ismail Haniyyeh came to me and we were talking about the election, that there was a decision by Hamas not to participate in governance or in the PA altogether. Nevertheless, we woke up in the morning and we were the majority [in the PLC].<sup>500</sup>

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<sup>500</sup> Hamas leader and consultant, 3 May 2008, Gaza Strip (Interview over the phone).

If the decision to participate was through a consultation between the lower grassroots level and the leadership based on consensual decisions, how then was Haniyyeh talking to this leader about the internal Hamas decision/debate not to participate? During the same interview, the leader mentioned that the general tendency internally was not to side with participation. If so, then again it seemed that the *Shura* Council took a decision that might not be considered consensual. Put differently, there is a chance that some leaders within Hamas were powerful enough to push for some decisions over others. Yet, it was not clear who in the top leadership was not ready for the election. The issue concerning the *Shura* Council decision and consultation will be questioned and raised again in this section with a discussion on the takeover of security institutions during June 2007.

### **OPEN CONTESTATION, ORGANIZATIONAL STRUCTURE, AND INTRA-HAMAS DIVERGENCES**

Hamas maintained a united image and remained coherent, in general, where dissent was not witnessed (due to structural and practical reasons as I show below). However, tensions and disagreements within Hamas were reported earlier (Klein 2007; Robinson 1997) yet never evolved to real divisions, even in 2007. Hamas was keen to reflect a united image, and most of its leaders and members who might disagree with some decisions not only consented with Hamas in the end, but also tended to negate real divergences. By divergence, I mean the change in the extent to which some top leadership (including armed groups) disagreed, almost publically, with other leaders on certain strategies and practices. Divergence happens after a new arena of debate became available (i.e., formal institutions) as a result of a relatively looser organizational

structure (compared to an earlier period). However, the overall unity of the movement remained intact. In general, I try to capture the increasing divergence or signs of deviation among Hamas leadership where some leaders might have been pushing towards further continued participation despite ostensible power sharing and a risk to traditional ruling elites and external powers, while others did not shore up such attempts and practices. It is important to note here that divergences are not fixed but are ever changing. Participation has changed trends within Hamas in various directions; Hence, I am not using terms as ‘moderates’ or ‘radicals’ because they have no bearing on the context under discussion. For example, some moderators and representatives of other Palestinian factions indicated to me that they were shocked by how some Hamas leaders changed after participation, factoring in circumstances and context better than before.

Participation in the PA provided Hamas leaders and affiliates an additional open sphere to debate and function from within a formal institution, in addition to behind closed doors forums of Hamas. Participation also demanded a relatively looser organizational structure through the formation of an additional attached Hamas body (in local councils, the PLC, and the CoM), a relatively less centralized decision-making process by Hamas officials in the PA (far from Hamas consensus), and an overall less ambiguous governance strategy.

Hamas entered the election with an election list, the LoCR, after it decided not to form a political party.<sup>501</sup> The list functioned as an extension of Hamas in the PLC and

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<sup>501</sup> Organizationally, the movement did not want to have a party in authority and preferred to form a list related to the movement with its candidates and representatives. The reason was that Hamas did not want to be targeted by Israel or be co-opted by the PA as a defined party. It also was not ready to provide a clear political program regarding the conflict. As a matter of fact, even the LoCR and HLG ministers were easy targets of Israel as they were imprisoned in 2006.

consisted of Hamas members, supporters, and independent Islamists. In spite of Hamas's secretive organizational structure, the LoCR ran openly and had known candidates and opened its offices all over the WBGS. When it came to the HLG, its ministers also were not all Hamas members, even though some major Hamas leaders were part of the HLG, like Haniyyeh, Mahmoud Zahar (Hamas leader and Foreign Minister in the HLG), and Said Siam (Hamas leader and Minister of Interior in the HLG), while some were respected Islamist figures and supporters of Hamas. This new organizational arrangement meant that a small part of the movement was in the government and the PLC and the rest functioned from their positions within the movement. The Hamas organizational structure as a resistance movement remained the same, but its governing body's structure and the latter's relationship to the movement were reformed and gave voice to some from within Hamas. At some point, officials, in addition to its Political Bureau,<sup>502</sup> made daily decisions that were not necessarily coming directly from the *Shura* Council due to the urgent daily demands of governance under exceptional circumstances, like sanctions and ostensible power sharing. This, however, led to the rising possibility of some flexibility with decision-making that was not totally tied to Hamas's power center, potentially becoming an arena of less centralized authority by the main leaders within Hamas. Yet, final decisions regarding crucial political and administrative decisions remained in the hands of the *Shura* Council.<sup>503</sup> The relation of some Hamas officials to the movement (Hamas) was further complicated after the formation of the NUG in which the CoM was partially occupied by individuals from Hamas's leadership and affiliates, but also by

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<sup>502</sup>See Bazzi (2006).

<sup>503</sup> PLC/LoCR member, 4 May 2008, Ramallah.

other factions (including Fatah) and independents. The NUG and the CoM were not, therefore, an extension of Hamas and its *Shura* Council but a separate body that was supposed to represent the policies of a collection of factions, as I discuss below.

This new formal arena constituted flexibility for some within Hamas officials. This scenario did not produce a clear cluster of leaders but was more ambiguous, resulting in known names of those who had supported participation with the PA and/or had softer positions toward participation in the PA. The divergent voices seemed to surface from the beginning during talks to form a new government by Hamas.<sup>504</sup>

These divergences had fertile soil with which to grow given the lack of governance outlook, as stated by main Hamas leaders, on the eve of forming the HLG.<sup>505</sup> The initial lack of a governance strategy meant that there was no plan of action and that the leadership did not have a unified or clear vision, nor did they agree on the common expectations of governance and the set of new goals for governance. A major leader in Hamas and one of the consultants to the PM in the HLG said:

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<sup>504</sup> There were various discussions within Hamas as to whether they should form a Hamas government. Some strongly advocated for a unity government.

<sup>505</sup> The lack of a governance outlook was a by-product of the historically negative way Hamas thought and dealt with the authority subject and governance, especially after the movement was repressed in the 1990s by the “Oslo Palestinian Authority” as they liked to call it (see chapter 3), and as part of the indecisive and ambiguous insurgent movement in general and towards the PA in particular (Mishal 2003: 579). Hamas commonly judged the authority of the PA in starkly negative terms, as a “wickedness that it should avoid,” a phrase that was repeated by several Hamas interviewees – though only when necessary to engage with the PA (interview with Hamas leader, 7 July 2007). In general, Hamas did not want to be identified with the political subject (the state) because it was afraid of being identified with the corruption of the PA and of being considered the movement that “sold out” Palestine. It wanted to reserve a special oppositional stance regarding the Palestinian cause. This special stance is that of resistance. This stand was especially dear to the military wing of Hamas, the al-Qassam Brigades, as well as the rank and file.

I told them [ Hamas leadership ] that they had to be ready to enter the authority sphere soon because of Hamas's growing popularity and institutions. But, regretfully, the movement was not ready to put a scenario for political participation in the PA. Nonetheless, all that followed in 2006 was surprising to them [ Hamas leadership ] ... Hamas never thought that it will be in the authority... I am convinced that the internal Hamas did not have enough political maturity to qualify it to play a leading political role like the one it had to play after its victory in the election.<sup>506</sup>

### **Intra-Hamas Divergences and Trends:**

Divergences might have appeared as a natural symptom of a guerilla/opposition movement that came in one night to govern and lacked a governance strategy. Yet, such divergences surfaced also, as I show below, under ostensible power sharing and its mechanisms and with the adoption of Hamas's intermixed approach, especially after the formation of the NUG. Divergences, as I note above, might lead to differences in the way actors appropriate threats and opportunities (exclusive inclusion mechanism and external intervention), and differences in the ways political actors act and respond to changing opportunities in the midst of the deployment of diplomacy or/and force against authorities. A closely affiliated moderator expressed that:

Hamas internally was not like before...they had very different views and disagreed over how and who would govern, and on participation and now there is even blood [internal violence] that complicates their internal divergences.<sup>507</sup>

It is appropriate at this juncture to highlight a picture of such divergences and trends that surfaced as a result of the nature of ostensible power sharing. Divergences

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<sup>506</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

<sup>507</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

deepened after participation and revolved around,<sup>508</sup> first, internal governance matters such as the form of the government (multi-factional vs. the HLG), the formation of the EF and its affiliation with the PSF, reconciliation of a governance/resistance doctrine, and employment policies. The second set of issues included external matters relating to the peace process and regional and international powers such as: the relation to Israel, positioning to regional allies, and to the international community, mainly the US and the UN resolutions. The divergences over governance strategies intersected with that of peace process matters, like recognizing Israel and the international accords.<sup>509</sup> However, I will focus here on relatively clearer divergences over internal governance matters. Divergences regarding the peace process and the conflict with Israel were not easy to capture because announcements and divergences were shifting according to the surrounding situation (and might be highly tactical and strategic).<sup>510</sup> More importantly, in the absence of any serious Israeli attempts with Abbas and the establishment of a Palestinian state, any more flexible currents within Hamas, while existing, could hardly

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<sup>508</sup> I draw these two major general trends from my personal interviews, primary sources, media and print materials for the sake of analysis.

<sup>509</sup> There was also a common understanding across factions that Hamas, in general, was more flexible with the international committee conditions and the conflict issues than it was towards internal governance matters with Palestinians. The logic might be that Hamas had already the democratic legitimacy from the people but, up until that point, lacked external legitimacy. This sheds some light on the idea that most Hamas divergences seemed to converge regarding external matters and remained more alive or visible with internal ones.

<sup>510</sup> Jaraba (2010) concluded that some stances within Hamas's leadership transcended that of Hamas official decisions. The study showed there were tendencies inside Hamas that have the inclination to acknowledge Israel and end the Arab/Israeli conflict, and to adhere to the signed agreements between Israelis and Palestinians that might be achieved through Abbas with the Israeli leaders under the context of national consensus (p. 142). Yet this trend was the minority and agreed, in the end, with the *Shura* Council. In addition, it was also evolving according to the opportunity structures and changes.

surface.<sup>511</sup> Here I look more into divergences over practices, not over theoretical opinions and visions.

While Hamas-affiliated officials and leaders almost all agreed with wanting the chance to govern and to prove to the locals and the world that they could carry out their responsibilities, they disagreed over the extent of their democratic legitimacy, given the complex nature of exclusive inclusion, various manipulations and the heavy external intervention. That is, they diverted at the level of necessity to take other contextual matters and regional alliances into consideration (besides legitimacy and representation rights), like the public good, the Israeli occupation, and non-recognition by the US, the EU and Israel. One could also say that they disagreed on how and what the movement should compromise in order to be a part of the PA. Therefore, there were disagreements on how to govern (at the game level) and whether/how to reform (or not) from within the PA (meta-game level) given the manipulation to inclusion. That is, the movement adopted an intermixed approach but, over time and by practice, had many growing disagreements.

There were trends within the movement that saw that, despite the ostensible power sharing and sanctions, the movement and its HLG and later ministers in the NUG, were still able to display some of Hamas's power and that the movement should move beyond factionalism and focus on being part of the PA. They might have been leaning toward co-optation in the short run to gain better positioning in the PA and to reform it in the long run. Therefore, the fact that Hamas won the election did not mean that they

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<sup>511</sup> I got this impression from discussions I had with many PLC members and supporters of Hamas who saw the priority of governance matters since no Hamas leader wanted to recognize Israel or dared to recognize Israel, as some phrased it.

could do whatever they wanted given that the PA and the Palestinians were still under occupation, and that the system had been run and dominated by Fatah and one should not expect institutions and ministries to function efficiently from the beginning. Hence, they looked for less confrontational policies with the PA and outside power, like the Quartet. Even if Hamas had the legitimate right to govern, believing that working from within the PA was beneficial in the long run for the movement rather than working from the margins, they hoped that they would eventually get the movement international recognition.<sup>512</sup> Some Hamas-led ministries and some members adopted this current. A PLC member wrote in his diary about some defined groupings and divisions when commenting about the unity talks:

The dialogues are an impassable dilemma we [the HLG and Hamas] fell into, and it was imposed on us [by the outside world and Fatah]. The moving of the dialogues to Gaza was good and bad. This is because there is naiveté by those who conduct the dialogue in Ramallah [meaning Hamas leadership and HLG ministers]. It became obvious that the government of Hamas [HLG] has contradictions in its political positions and differences in opinions. The Hamas in the West Bank is different than the Hamas in Gaza. The former is leaner to make political reforms and accommodations [in terms of political condition of the Quartet and internal politics]. [Yet, in Gaza and outside] there is a government of resistance leaders (*muqawimin*): Haniyyeh and Zahar... [Fatah] wants to replace the *muqawimin* ministers with those who are not *muqawimin* to end all those who are in the way of the international conditions of the Quartet...<sup>513</sup>

It seems from the quote that other trends, as signaled above by the PLC member, were known or grouped under *muqawimin* (resistance or rejectionists) leaders or trends. I

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<sup>512</sup> Prominent Palestinian researcher, 1 October 2010, Ramallah; Close Hamas affiliate, 6 May 2008, Gaza Strip (Interview over the phone).

<sup>513</sup> Personal writings (diaries, personal reflections, notes, and poems) of a PLC/LoCR member, 2006-2007. They were mostly written when the person was in an Israeli prison and partially reflect on the trends of Hamas members within prison.

prefer to talk of trends or currents within Hamas, not certain groups or groupings, because groupings were not easy to capture given the secrecy of the movement and the changes of political actors' positions before and after participation. Thus, I analyze trends and not specific leaders by name and I show divergences of ideas and approaches (these divergences might be later represented by some leaders within Hamas rather than others, but I do not claim such matters in this research and I have no means to verify them).<sup>514</sup>

This *muqawimin* trend or current tended toward a literal meaning and implementation of democratic featured in the entrance of Hamas into a position of governance even against the will of an external agenda and subsequent intervention. Accordingly, they wanted to govern regardless of the mechanisms of ostensible power sharing and with less regard to context, while keeping an eye on its idiosyncratic resistance character against occupation, surfaced. At first glance, one can see that this trend(s) was, in a sense, "more democratic" than traditional democracies (i.e., the West calling for democracy in the Middle East) in asking for total representation based on the ballot. However, it was feared that such a trend would not be fairly represented in the PA and have a significant share that corresponded to Hamas's popularity, making them cling to Hamas's resistance identity in order not to lose its comparative advantage in the Palestinian system. They feared that a false accommodation would discredit Hamas in the eyes of the people and in the eyes of its activists and rank and file. They wanted to govern effectively with as few concessions as possible, and to be a good example of Islamist governance (as an extension of the MB). It also seemed that this current was the

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<sup>514</sup> It is important to note that some of these *muqawimin* leaders advocated for elections and participation earlier, but ostensible power sharing as a process with its disincentive shifted their preferences and actions.

more hegemonic one within Hamas, at least until mid-2006. A PFLP leader and PLC member, who was part of the unity talks with Hamas and the Palestinian factions, clarified the intention of Hamas and the HLG to postpone any kind of solution to the sanctions and conflict impasse until they had proof for their constituents that they were an effective new government:

When we were inside the first session of the dialogues about the Prisoners Accord [unity talks] Hamas told us frankly: “Please try to understand us, we are in favor of dialogue and negotiation and we are with the idea of forming a unity government under the same political program, but we do not see a unity government as an opportunity now, even if we [Palestinian factions, mainly Fatah and Hamas] agreed. Thus, we are asking if we can postpone such a unity government a bit because we do not want to appear as if our government has failed. We want to succeed as a government first.” They said this frankly to all of us. And this is their inner logic. Hamas did not want to present any concessions [to the Palestinian factions] and wanted to prove that it did not fail [as a government] regardless of any conditions.<sup>515</sup>

### **OSTENSIBLE POWER SHARING AND AN INTERMIXED HAMAS APPROACH TO DEEPENING DIVERGENCES**

The events in 2006 did not serve Hamas well to govern effectively (at the game level). The opportunities available to Hamas’s leadership for participation were tightly restructured after the imposition of international sanctions and the deployment of ostensible power sharing mechanisms over the HLG and the Palestinian people. Different trends within Hamas were debating manners of governance, along with keeping the option of resistance at hand, under severe internal and external pressures and threats. Divergences had emerged around various governance matters, as I will elaborate below. And, while the movement was charting its intermixed approach, as discussed earlier, to respond to and then to affect ostensible power sharing and external threats, internal

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<sup>515</sup> Representative of the PFLP, 13 June 2006, Ramallah.

divergences as a result of ostensible power sharing and around Hamas's approaches to handle ostensible power sharing also emerged. In other words, the intermixed approach of Hamas under formation and at a later stage (after it became more salient) became, in addition to mechanisms of ostensible power sharing and external factors, itself an arena of debate and divergence within the movement. Here is what a person close to Hamas told me about the transition he saw within the movement

... Hamas was a movement that did not want to win seats in the PA. As a result, there was consistency in what the members ideologically adhered to and their practices on the ground... sharing in governance changed Hamas... and it became obvious that the movement, after sanctions, was moving from one state to another without planning, balance, or wisdom. Thus, they [Hamas and the HLG] committed many mistakes... and internal divisions started to emerge, and new ideological currents and schools started to appear from within, something that Hamas was not used to... it even started to diverge from its mother movement, the MB...<sup>516</sup>

Exclusive inclusion, with its external dimension, molded and encouraged increased divergences within Hamas under contingent developments.<sup>517</sup> This is because open contestation coupled with ostensible power sharing was a process with contradictory incentives and constraints to political actors, i.e., the right to run for election but not the right to govern as a result. Such contradictory incentives and disincentives were received differently by trends within Hamas, given their prior tacit divergences, and created a sphere of emerging interactions and explicit disagreements within the movement and the CoM over internal issues and issues related to the Israeli-

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<sup>516</sup> Close Hamas affiliate, 6 May 2008, Gaza Strip (Interview over the phone).

<sup>517</sup> For more information about the power of contingency, in addition to structural conditions see, Beissinger (2002).

Palestinian conflict. This might have been the case since some of Hamas's leaders' (or non-Hamas officials in the HLG and the PLC) emerging perceptions of exclusive inclusion were becoming more different than others. Possibly some of their preferences shifted, where some were becoming more convinced of co-optation in order to handle sanctions and ostensible power sharing from within the PA.

Ostensible power sharing mechanisms constrained and challenged Hamas's choices of governance policies and strategies to the ultimate since it demanded painful changes on behalf of Hamas when Hamas was not always ready, given its perplexed reform and resistance agenda. Hamas was challenged ideationally and behaviorally; for example, it had to deal with previous practices by the PA elites and institutions and their illegal measures of employment and, at the same time, implement an a-factional agenda of reform and it had to confront security officials who used informal means to dismiss the HLG. Many times (if not always) Hamas had to leave behind its reform plan in order to deal with factional politics. In consequence, there were various and sometimes contradictory visions within Hamas's governance strategy in formation that helped divergences to surface.

Furthermore, as I discussed in the section on the formation of intermixed Hamas approaches, sanctions and ostensible power sharing reinforced certain kinds of action and discourse (democratic legitimacy/factionalism) that Hamas would not have had the opportunity to deploy otherwise. An example includes employing informal politics for employment and for the deployment of the EF that played a role in the civil strife. This was seen by some leaders as against the movement's message of social and political reform and transparency and as an alternative to Fatah's informal politics and corruption.

Previous challenges pushed the internal movement's relations and strategizing to the fringe. Some voices remained totally against partaking in any even informal means of governance and called for Hamas not to compete over power in the PA but to take governance step by a step. These voices had mostly wanted to get by in the PA and wanted Hamas to deploy a milder approach (than the intermixed one).

However, at the same time, continued ostensible power sharing had strengthened voices within Hamas who were either on the verge of or were not enthusiastic about manipulated continued participation and keen to keep the resistance identity of the movement intact as "rejectionist."<sup>518</sup> Accordingly, the above voices that were calling to work with Fatah/PA elites with some tailoring to the ostensible power sharing mechanisms to end the impasse were becoming less popular, especially among armed groups. A non-Hamas minister in the NUG summarized this polarization:

There was a strong current within Hamas that wanted to impose its hegemony over the Palestinian system [out of its democratic legitimacy]...but there were also those [other currents] within Hamas and its officials who wanted to merge with the system and cooperate with all Palestinian factions. However, the first current, which was more ideological and hegemonic, was nurtured because of the outside foreign pressure over the government, and the various complications emerging from the diverse interest groups within Fatah in the old security and political PA apparatus, and their affiliated employees in the PA bureaucracy. These [external and internal dynamics] constituted strange combinations that became a suitable environment for some voices within Hamas that wanted to dominate and eventually strengthened them over others [when they took over security compounds].<sup>519</sup>

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<sup>518</sup> A prominent Palestinian academic close to Fatah, 21 May 2007, Birzeit.

<sup>519</sup> Former minister in the NUG, 26 June 2007, Ramallah.

Nonetheless, in the last months leading to the formation of the NUG, and when the HLG failed to govern effectively according to its plan<sup>520</sup> through mechanisms of ostensible power sharing, internal violence, and sanctions, the lever seemed to move temporarily back towards the currents within Hamas who were more flexible to play with the complex governance/resistance formula with Fatah and to offer some concessions for international recognition. Some rejectionist trends wanted to give the NUG a chance to lift the sanctions and provide Hamas with its legitimate rights and recognition.<sup>521</sup> However, later on the NUG did not deliver this and Hamas ministers in the NUG and those supporting a conciliatory approach were again under pressure, especially among increasing internal violence and external support to Abbas and Fatah elites within the NUG (excluding Hamas ministers), to deliver to the people and the movement. It is at this point where the intermixed approach of Hamas could serve neither trend and it was the time that Hamas had to decide either to be co-opted or to find other means to govern or to face continued manipulations and sanctions. It was also at this time that divergences became salient. I briefly offer more empirical insights into intra-Hamas divergences in the CSS and PSS during the formation of the intermixed approach and especially after the formation of the NUG and continued manipulations.

### **Intra-Hamas Divergences and Governance in the CSS and PSS:**

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<sup>520</sup> PLC/LoCR member personal writings, 2006-2007.

<sup>521</sup> A Hamas leader and coordinator of its election campaign, 1 September 2007, al-Bireh; PLC/LoCR member, 9 April 2007 and 4 May 2008, Ramallah.

In the CSS domain, there were margins of policy implementation left to Hamas ministers or affiliates in the HLG (and later in the NUG). One can notice that some ministries went further than others in using Hamas's decisions to transfer Fatah employees and/or employing more people, like the Ministry of Religious Affairs and the Ministry of Health. Other ministries had very low transformations. It seemed that Hamas officials did not all take the Hamas intermixed approach in the CSS at face value and some preferred the different politics of employment and less factionalism and the more assimilating practices despite ostensible power sharing (as illustrated by the employees' defection and strike).

Even the Minister of Planning<sup>522</sup> told me that Hamas had to implement certain employment policies (that is, a contract system and transfer of some Fatah affiliated employees) but he thought that all these practices were not very formal and were built on prior wrong and/or informal and partisan practices within the PA and that there was an urgent need for structural reform of PA institutions and employment. Another minister who was known as a Hamas member even though he denied it for security reasons<sup>523</sup> as many ministers and PLC members had, did not totally agree with the intermixed approach regarding employment and was sometimes ambivalent about the practices of transferring Fatah senior employees despite the latter's defections. He commented by saying that he, himself, did not do any of these transfers and did not think they were

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<sup>522</sup> Minister of Planning, 30 April 2006, Ramallah.

<sup>523</sup> Minister of the 10<sup>th</sup> government and the NUG, 22 May 2007, Ramallah. This minister, similar to all ministers and PLC/LoCR members, denied being a Hamas member despite being known publicly as a member. They defined themselves as close to the Islamists of Hamas but not as Hamas. They were afraid of being arrested or harassed by Israel.

always right or necessary. He believed that there were various other ways to fix this problem, meaning to confront Fatah-affiliated public employees' defections and enlist their needs, despite all Fatah's affiliated employees informal acts against Hamas (for example defection). From his perspective, it was important to avoid factionalism within ministries that would hurt Hamas even more, and for Hamas to provide a different example to its people even if that meant compromising its democratic legitimacy and gains, in the short run, within the PA. Yet, he also said that he understood why Hamas pushed for these employments, though he still tried to find softer means to fix the problems within his ministry. When I spoke with his employees<sup>524</sup> who were Fatah affiliates or supporters, they confirmed that they liked him better than the arrested previous Hamas-affiliated minister and that it was true that he did not do any transfers of Fatah employees. However, he was not able to "correct" or "return" those who were already transferred by the previous minister and he was unable to dismiss the newly employed senior Hamas employees. Still, they thought he was obliged to follow the Hamas leadership and that he sometimes consented to their orders. Thus, the intermixed approach of Hamas, as a result of exclusive inclusion mechanisms related to employment, surfaced divergences due to containing contradictory messages (for example, formal and informal practice and assimilation coupled with resistance to incumbents). Some ministers and Hamas leaders were especially alert to entrenched factionalism, as opposed

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<sup>524</sup> General Director of the Studies, Research and Development Department, 22, May 2007, Ramallah; a member at the Employee Union in the ministry and a consultant to the current HLG Minister, 6 June 2007, Ramallah; previous Deputy of General Director to the Human Resources and Finance Department, 30 May 2007, Ramallah; New Hamas affiliated General Director of the Human Resources and Finance Department, 12 June 2007, Ramallah; and informal discussions with various employees.

to the reform that Hamas promised to undertake, especially when internal violence intensified during the last quarter of 2006 (for others, “the end justified the means”):

There was exclusion and Fatah elites put obstacles in the PSS and CSS, but I believed and was convinced that as long as Hamas found itself in such a situation [exclusive inclusion] it had to be patient and should continue carefully and give time [for the ostensible power sharing experience].<sup>525</sup>

Hitherto, as we discussed in chapter 3 and 4, the most divisive strategic and daily matters were related to the vision of national unity, more importantly, to the security file, reformation of security institutions, the role of the EF, and resistance, particularly after the formation of the NUG. The security file and position of Hamas officials and leaders was related, to a large extent, to their visions and flexibility on the Palestinian-Israeli conflict, conditional recognition of Israel (in which all other important matters followed, like the adherence to internal accords, denouncing violence, and taking part in the PLO), and the resistance and reform identity of Hamas as a whole.<sup>526</sup>

The formation of the EF and the refusal to merge it with the PSF was the most unremitting issue since the very beginning of Hamas’s governance (see chapter 4). None of those I met with denounced the formation of the EF. It was a critical subject for Hamas in 2006 and combined the internal dimension of the conflict with the Fatah/PA security chiefs, the President, and the external forces of Israel and Western and Arab countries.

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<sup>525</sup> Hamas leader and consultant, 3 May 2008, Gaza Strip (Interview over the phone).

<sup>526</sup> For example, Hamas leaders who were open to the idea of merging the EF with the PSF after reforming the previous probably were, in general, also more flexible with handling daily matters with Israel and probably were those who might have not preferred its formation as separate from the PSF to start with. Yet this observation needs more study and verification.

Some Hamas affiliates and officials preferred if it was merged with the PSF to contain any struggle with the President and, in general, they mostly agreed on its formation (as many of the interviewees confirmed). As mentioned above, sanctions, the continued defection of major commanders due to the orders of the Minister of the Interior, and the violent fights with the Fatah PSF in the Gaza Strip, boosted the voices that supported the EF and its independence. Yet, there still seemed to be a major divergence, even if not widely shared, where a major Hamas leader told me:

I was not in favor of the Executive Force that was formed in April 2006; only two months after Hamas became the government. Hamas should not have formed the EF and instead they should have invested more effort into the reformation of the existing security agencies, and polarize them to our [Hamas's] side... to be honest with you, there are many good and honest people inside the PSF... I hoped our Minister of the Interior, Said Siam, had put more effort into absorbing all of the PSF since I was convinced that we could have reformed all the security institutions; there were alternative solutions! ...For example the Minister of the Interior, Siam, was already from Hamas and was entitled to internal security that he could regain his control over in several ways. For example, the Minister of the Interior could form a new police force in addition to the existing one, recruit new people to it, and merge it within the security agencies... I sat with the minister, Dahlan [previous head of the PF, current PLC member, and security consultant to Abbas] and the rest of the PSF directors and we discussed the issue...it was not impossible to have one security plan but there were some obstacles in our way...<sup>527</sup>

Yet for other leaders (rejectionists), the EF was an important organizational source<sup>528</sup> to empower Hamas in the ground. Despite not being organized or fully equipped,<sup>529</sup> the EF constituted an important resource for Hamas to depend on if it

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<sup>527</sup> Hamas leader and consultant, 3 May 2008, Gaza Strip (Interview over the phone).

<sup>528</sup> After its formation, the EF, comprised of almost 5,500 persons, changed the formula of internal violence on the ground despite not being a very organized or a well-equipped force, and affected the mechanism of ostensible power sharing in the PSS as I showed in previous section.

<sup>529</sup> Also see Milton-Edwards (2008).

wanted to settle matters on the ground with some Fatah/PA security elites. However, as one Hamas leader told me, Hamas knew they had military capacity but they did not know the capacity of the other side (Fatah and the PSF) that had been well-trained and well-equipped for years despite Fatah's overall division and fragmentation and the weak security institution.<sup>530</sup>

The above divergence over the EF and security plans grew after the formation of the NUG and its implementation (see chapter 4 regarding the three major plans of security in this era). This happened for several reasons. First, the NUG formation after signing of the Mecca Agreement marked a new era for Hamas where it was the first time that, in writing and in practice, Hamas had a firmer political agenda regarding governance and resistance agenda (opposite to its usual ambiguous political positions) after its first manifesto in 1988. This raised the stakes for the movement and outlined divergences over the agreement's implementation on the ground under ostensible power sharing and sanctions. Second, the formation of the NUG required the removal of some major *muqawimin* ministers to be replaced by others from Hamas. This might have caused resentment among some (for example, some armed groups saw the Minister of the Interior, Said Siam, as representing them in the government).<sup>531</sup> Third, the NUG (including some Hamas ministers) mandated a security plan that was relatively different from the outlook by other trends in Hamas and from its military groups.

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<sup>530</sup> Prominent Hamas leader, 18 September 2007, Nablus. He argued that Hamas did not have a shortage of militants or lacked militant capacity, but the formation of the EF was important to institutionalize such power within the PSF as a main Hamas force parallel to those who were Fatah-centered, like the Preventive Forces.

<sup>531</sup> A Palestinian academic, 21 May 2007, Birzeit.

The formation of the NUG was supposed to bring to an end the security problems, merge the EF, and put a stop to internal violence. But security matters became more internally contentious with the existence of various contradicting security plans, as I discussed in previous sections, concerning the role of the EF and Hamas in the security agencies. There were trends within Hamas's leadership, including those in the NUG represented by PM Haniyyeh, who were trying to implement the NUG security plans that entailed the merger of the EF with the PSF, to be restructured later (for more see chapter 4). Given the practical hegemony of Fatah/PA elites and chief over PSF, this trend meant co-optation for Hamas in the short run (in the long run, it would either signify better conditions for inclusion or would lead to exclusion). Other trends, including Hamas's armed groups (the al-Qassam Brigades and the EF) within the Hamas leadership decided not to merge the EF with the PSF, especially given the continued mechanisms of ostensible power sharing (described in chapter 4) in the PSF and the MoI, and the perceived threats of serious military intervention by the US and some Arab countries (i.e., Jordan and Egypt) to boost the PG of Abbas and the PF of Dahlan.<sup>532</sup> Divergences about the security vision within Hamas widened and this meant that the understandings and perceptions of certain actors on how to proceed altered and that the intermixed approach could not serve Hamas in its overall strategy any more. While some Hamas NUG ministers might have thought that a united security plan was a unique opportunity to unite Palestinians and include Hamas in the PA and earn recognition, others thought that such a

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<sup>532</sup> Minister of the NUG, 26 June 2007, Ramallah.

plan endangered Hamas's comparative advantage over Fatah and its resistance identity and regional relations.<sup>533</sup>

However, at this point the NUG itself offered other platforms, compared to the HLG earlier, for some Hamas leaders to act upon their convictions and their vision of governance, while trying at the same time to satisfy their constituents and Hamas's armed groups on the ground. Hamas leaders in the NUG could no longer implement only *Shura* Council decisions. The NUG was a collective of various factions and independents who might have had different decisions and policies than that of the *Shura* Council of Hamas. An intermixed Hamas approach could not be applied linearly. Yet, the problem of divergence deepened when ostensible power sharing continued and some influential and unsatisfied leadership of Hamas and armed groups had more incentives to defect from the NUG security plan. Ostensible power sharing and its various formal and informal means of control (with the President's neutrality one time and ambivalence at other times) and sanctions not only played against the NUG, but also against some Hamas leaders and ministers within the NUG and leadership who advocated for it. It jeopardized the efforts of the NUG ministers in the field of security and worked against them. A prominent journalist who was familiar with the Fatah-Hamas divide expressed that:

Hamas gave many indicators to the outside world, including the United States, yet it gained nothing. This strengthened some trends within Hamas. Yet, this current was smashed by Abu Mazen who did not support and stand by them...he moved them to the margins of Hamas.<sup>534</sup>

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<sup>533</sup> Minister of the NUG, 26 June 2007, Ramallah.

<sup>534</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

This is because there was a general idea, expressed widely by Hamas, that the movement had already offered many political and administrative concessions, yet it got few political rights after the formation of the NUG. Many started wondering about the benefits of continued participation if all that Hamas got was exclusion in reality and continued sanctions. This was well explained by a NUG minister:

The agreement was not in their [Hamas] favor. What happened in Gaza was totally against Hamas...Hamas was losing everyday in the government. It lost ministries first, then the President and Fatah ministers... Just imagine that you and I are partners and every day I gain and you lose, why would you continue in this partnership? Right?! ...when I used to working at Abbas's office, it was common to see on the first page of the newspaper a picture of him, and on the second page there was a picture of Fayyad, the newly appointed Minister of Finance, and on page 24 there was a picture of Haniyyeh opening a new elementary school! I told Abu Mazen that these people [Hamas], if they do not feel that they have power, partnership for them will not be beneficial and it is going to fail! That is why I am telling you, Fatah did not leave Hamas some power in this new agreement... Fatah did not assure Hamas [about sharing the power]! ...Fatah did not protect the partnership...Mecca was not on Hamas's side and if it was on their side, the coup in Gaza would have never happened.<sup>535</sup>

As noted above by the moderator, if the Mecca Agreement was truly on Hamas's side, there would not have been a defection. But why did not Hamas just withdraw from the NUG if it was not in their interest? And how was it that PM Haniyyeh was involved in intensive talks with the NUG to implement their security plan if Hamas was considering deploying violence? Why did they decide to claim control over some security headquarters? How did the takeover happen?

### **INTRA-HAMAS DIVERGENCES AND THE DEPLOYMENT OF VIOLENCE AGAINST AUTHORITIES:<sup>536</sup>**

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<sup>535</sup> Minister of the NUG and an independent broker between Fatah and Hamas, 7 October 2007, Ramallah.

<sup>536</sup> Hamas calls it a military resolution or a decisive military action.

Up until July 2007, Hamas officially had deployed diplomacy to settle disagreements with Palestinian presidents and the traditional Fatah/PA elites (despite a few incidences of violence-see chapter 1). Its intermixed approach up until then was also diplomatic. Despite the increase in internal violence intermixed with familial feuds in the Gaza Strip by mid-2006, the formal discourse of Hamas was one against violence and its officials and leaders were working with the President and all other Palestinian factions to end it. There were many initiatives and a major committee, the High Follow Up Committee for the National and Islamic Forces, from all factions in the Gaza Strip to end the internal violence. Therefore, the deployment of force against the PSF in the Gaza Strip, namely the PF, was a qualitative shift in Hamas's dealings with the PA and a taboo associated with the deployment of violence against not only other fellow Palestinians but against part of the security forces and authorities.

Hamas's approach of tiptoeing between resistance and accommodating ostensible power sharing (intermixed approach) within the PA faced different challenges and uncertainties after the NUG and continued manipulations and sanctions (as discussed in chapter 4). Hamas ideally wanted to secure its authority and democratic legitimacy over the PA, and to secure a channel to work lately at the meta-game level of institutional reform. It tried to do that through its intermixed approach (see figure 3 below).

Nevertheless, after the NUG and continued manipulations, especially in the PSS, Hamas's leadership saw that their intermixed approach could not secure power in the PA and some started to contemplate giving up struggle over one of the game levels in order to keep the other (i.e to withdraw from executive powers more into the PLC for reform,

or to cling into executive power and play the manipulation games). At this point incorporated groups “faced” different incentive structures.

Figure (3) presents a diagram of the potential and actual strategic choices that existed for Hamas and Fatah incumbents before and after the formation of the NUG for a summary illustration of choices discussed in this chapter. Hamas had to decide on how to continue (since an intermixed approach was not possible when the government was not only Hamas government) after the failure of the NUG to deliver over the Hamas’s demands. If Hamas wanted to gain power at the game level of continued participation they had to accept co-optation with Fatah elites and the President according to the external conditions and postpone reform for a later stage.

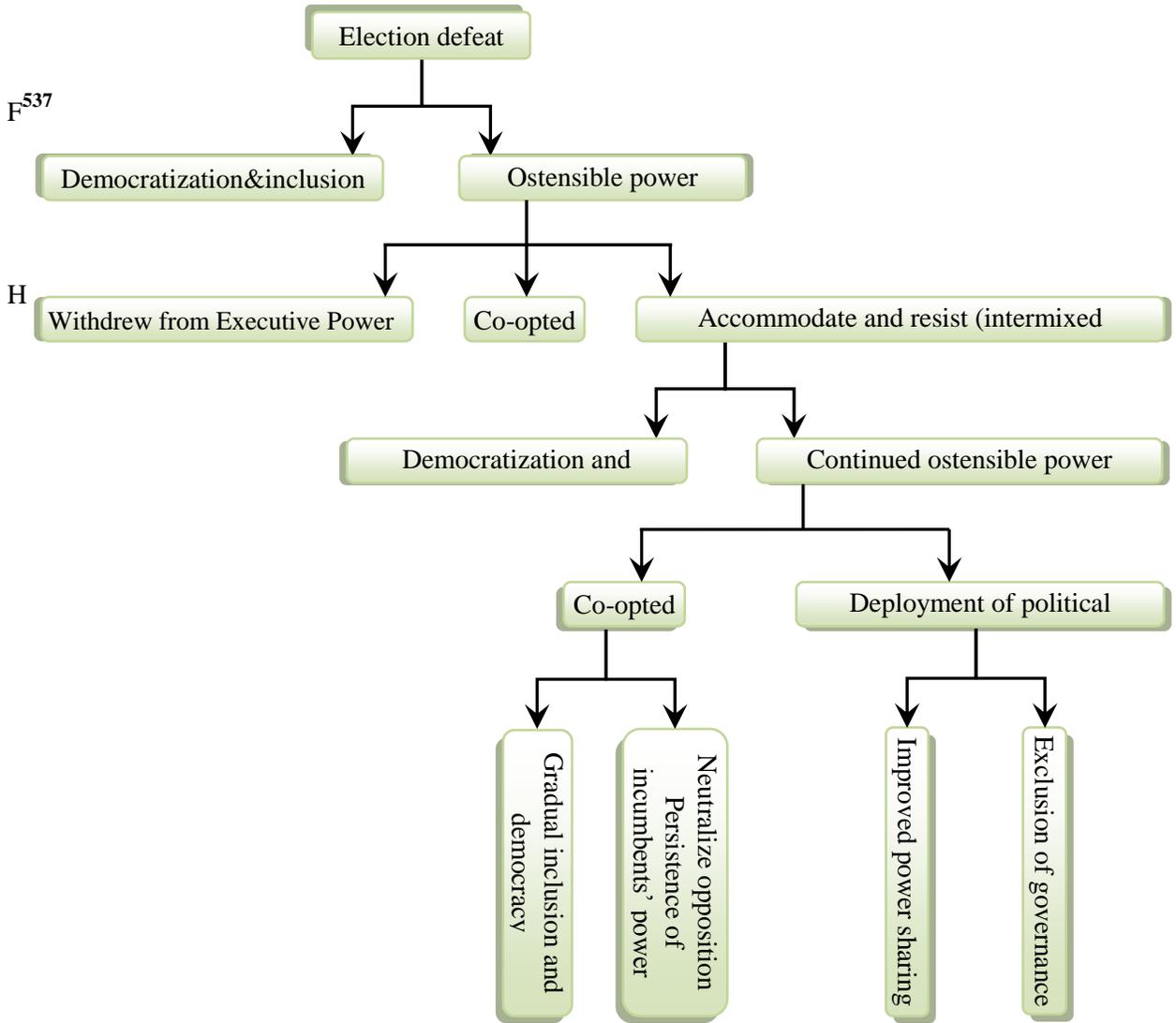
The above option was accepted by a few (who were already in the NUG) but, as I show below, was not an option for other leaders and militants who saw in it an end to the identity of Hamas and its comparative advantages over other Palestinian factions, including Fatah. If they wanted, to reform and keep the message of Hamas as an opposition and resistance movement they could leave or withdraw from executive power and leave Fatah incumbents to form a technocrat government (that would lift the sanctions) while Hamas officials would work from the PLC. However, this road would not guarantee Hamas re-election in future elections or any future opportunities to return to executive power (since elections would probably be manipulated as they anticipated). This option was also not supported by the international MB. It was actually totally rejected by all Hamas leaders, as I show below (figure 3).

Finally, if Hamas wanted to continue working at the two level-game, that is to extract more power from incumbents and to continue planting its members in the CSS and PSS to be able to change the rules of the game of sharing in the PA on the meta-game level, they had to look for different strategy after the NUG. This would include rallying its supporters and constituents to mobilize against continued manipulations (which were not very successful); others, however, started thinking of extracting demands by deploying small scale violence against the PA security institutions. Below, I present the perceptions and disincentives of the trends in Hamas that were against co-optation in the PA and the reasons and ways (cost-benefit analysis, ideational and other reasons) they reached a decision on the deployment of violence.

### **Disincentives and Perceptions of Different Hamas Leaders and Members after the NUG: The Non-Co-optation Trend**

Mechanisms of ostensible power sharing continued after the NUG, as I showed in the previous section. These mechanisms did not offer incentives for many (like major political and militant leadership and the rank and file) within Hamas to commit to the unity deal. Many leaders and the rank and file within Hamas were unsatisfied with the deal, and saw it as an affront to Hamas's democratic legitimacy, yet they still wanted to give the NUG a chance to end the internal violence. For this group, the unity agreement and its security plan did not and would not get the movement much further, but it would make it lose its popularity and constituents. The former saw it as a movement of resisting the occupation and reforming the corruption of the PA elites.

**Figure 3: Actual and Potential Strategic Choices and Interactions existed for Hamas and Fatah Incumbents in 2006-2007 (Before and After the Formation of the NUG):**



<sup>537</sup> F: refers to choices that are perceived as possible by Fatah and the PA. And H: refers to choices that are perceived as possible by Hamas. Choices of Fatah/PA are followed by those of Hamas, and then Fatah/PA decides accordingly then Hamas etc. Choices that are not perceived as possible by any of the former players are not represented in the diagram. These choices represent the period before the NUG (January 2006-February 2007), and after the NUG (February 2007-June 2007). In addition, choices are highly influenced by relations to the West and by the occupation policies. The former two factors are, however, not represented in this diagram.

Non-adherence to the unity agreement and its implementation and the continuation of sanctions mainly by Israel and the US meant that the distribution of power favored Fatah elites and the President, as was clarified by various interviewees I met from different Palestinian factions. Again, this distribution of power did not satisfy some in the Hamas leadership who had limited incentives to be part of it and who might have wanted to change its parameters. The way leaders and the rank and file understood the unity agreement was not merely tied to their calculations and direct benefits. However, it was tied to an overall understanding of the way to end the occupation and to reject outside hegemony over Palestinian political issues; that is, ideational factors. They were, in a way, part of a broader project (of reform and resistance) that was the lens through which they filtered internal issues (in addition to other factional and internal details).<sup>538</sup>

The NUG ratification of the united security plan was not in agreement with some Hamas leadership security proposal. Given the attempts and the threats to jeopardize Hamas's security power by Fatah/PA elites and the US plan, some Hamas leaders might have thought that it became necessary to follow a different route or use different means than that of dialogue. This latter views were possible given that the NUG was not viewed as their government and supporting their demands. An activist who lives in the Gaza Strip and is the director of a women's center told me:

In Gaza, after the formation of the NUG, we knew that there were people in Fatah who did not want the NUG, but we also knew of various currents within Hamas who were becoming more noticeable. These were the Haniyyeh current

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<sup>538</sup> Prominent Hamas leader, 18 September 2007, Nablus.

from one part in the NUG, and the Mahmoud Zahar and Said Siam current from the other. The latter were unhappy with the NUG.<sup>539</sup>

As a matter of fact, the polarization in 2007 reached a high level between Fatah and Hamas on the ground and sometimes among leaders that felt as if the NUG was the resistance body and it was trying to maintain unity among dissatisfied Hamas leadership, Fatah/PA elites and security commanders, and the international community. The existence of the NUG might be understood and perceived as standing in the way of Hamas to gain its share of governance based on its democratic legitimacy and to implement its political agenda in the PA outside the US and Israel hegemony, as I was told below:

Thus we [ministers of the NUG] signaled many times that there were groups from Fatah and those from Hamas, too, that wanted a coup against the NUG. This was a month and half before the takeover.<sup>540</sup>

Those who were unsatisfied were roughly from some political leadership inside and outside the WBGs, as well as armed groups mostly in the Gaza Strip. These actors' incentives and perceptions converged and diverged.<sup>541</sup> For the political leadership, it was important to maintain an upper hand over the events (and work at the two levels of the

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<sup>539</sup> Director of a women's center in the Gaza Strip and a "leftist" activist, 21 September 2007, Ramallah. The husband of this activist was also involved in talks between Hamas and Fatah. She was in Ramallah for work when I interviewed her.

<sup>540</sup> Minister of the NUG, 26 June 2007, Ramallah.

<sup>541</sup> Schedler argued that strategic interaction in the nested game, here between incorporated opposition and incumbents and ruling elites, is based mainly on the perceived level of the struggle over power among them and not on the real struggle (2002a).

nested game; see chapter 4) and within the upper limits of the movement's objectives and outlooks. Leadership was worried that it would be pushed by internal and external pressures for further political and ideational concessions regarding its political program and regional alliance, for little or no return in governance (in terms of total partnership as Hamas did not aim for co-optation).<sup>542</sup> If so, Hamas would lose its major comparative advantage over all Palestinian factions and its constituents, that is, its distinctive program of reform along with resistance, as indicated in its electoral slogan, "A Hand to Build and a Hand to Resist." One Hamas official in Beirut was reported to have said, "Hamas can't give up its commitment to the resistance in exchange for promises of peace negotiations that will lead nowhere. Hamas would lose its popular legitimacy" (Bazzi 2006). Hence, for Hamas leaders who were uneasy with the Mecca Agreement and, specifically the resistance item of the Accords, they accepted it and voted for it tactically so as to leave the sanctions and get international recognition and overall regional acceptance. When this was not immediately possible, the unity agreement had technically expired for some within Hamas.

The concern of Islamists regarding their inclusion in the regime was not only a Hamas matter. This has been a major concern for all Islamists who become part of regimes in non-democratic settings. As it has been frequently argued, the problem with included Islamists in authoritarian systems under transition has been how Islamist movements can reconcile their programs as major opposition forces to the regimes (given their major social and political platforms) with their actual practices from within regimes and as part of them (Esposito 1997; Hafez 2003; Schlumberger 2007; Schwedler 2006;

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<sup>542</sup> A journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

Wickham 2004; Wiktorowicz 2004). That is, there is a fine line between being insiders who accept the less democratic and informal regimes' rules and being true reformers who maintain credibility among their constituents. Experiences in the last 20 years have shown that some Islamists have had to compromise their agenda and be co-opted by incumbents to work from within systems that eventually led, in some cases, to more of an overall stabilization of electoral authoritarianism as opposed to changing them, like the example of the Party for Justice and Development (PJD) in Morocco that continued to be part of the regime despite various mechanisms to shed its privileges in governance and fair elections (Wagner 2007). In other cases they get downsized as in the case of the IAF in Jordan after 1997 (Schwedler 2006). The key question, therefore, for Hamas at that point was how many compromises were still acceptable in order to be incorporated into the system and its political game? Hamas was afraid of the example of the FIS in Algeria and they had brought up the example of Turkey and the Justice and Development party (JDP) over and over again, saying that this was the example they wished to imitate.

Yet for Hamas's political leadership, the above compromising matter with regimes was even more complicated as a resistance movement against occupation and as part of the opposition regional alliance (Syria, Hizballah, and Iran).<sup>543</sup> This meant that Hamas had a further agenda to consider in order to maintain its regional support, along with internal ones, since most of the Arab countries nearby were not supporting it. Therefore, Hamas continued to cling to its democratic legitimacy from the ballot, as a major justification for deploying any means possible to retain its rights in governance. It appears that by mid-2007, the outlook of some political actors and armed groups in

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<sup>543</sup> For more information see, Malley and Harling (2010).

Hamas converged against some other Hamas leaders in the NUG and outside of it and against co-optation as a strategy to carry on its governance in the PA:

There was an undeclared division within Hamas in Gaza between those who were more moderate and working from within the authority and those who were not in the government [NUG] and critical of it all. This was not only [Mahmoud] Zahar and [Saïd] Siam;<sup>544</sup> there were also those who did not agree with the configuration of the NUG later. Some of these were also from the militant and political youth who became leaders. Some of these youth were leading a whole wing within Hamas that was opposing the current experience...and those who reinforced and supported Zahar and Siam [minister in the HLD excluded from the NUG] to defect and oppose.<sup>545</sup>

Armed groups (mainly the EF and the al-Qassam Brigades), mid-level political leaders, and the rank and file might have shared common views with the top political leadership (regarding non-cooptation), but they also had their own system of beliefs and perceptions that drove them to take action, confirming that, “The way militants rationalize changes in goals is vital for understanding violence” (della Porta 1995: 135). For militants, the experience of exclusive inclusion was perceived in different ways since they were on the ground in daily confrontation with Fatah and some of them were also involved in familial feuds. Their education and mobilization was different from the political wing, too.<sup>546</sup>

As I discussed earlier, the military wing of Hamas, the al-Qassam Brigades, was responsive to the political leadership but also enjoyed a fair amount of independence in

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<sup>544</sup> The former is the Foreign Affairs Minister in the HLD and the latter was the Minister of the Interior in the HLG.

<sup>545</sup> A Palestinian academic, 21 May 2007, Birzeit/Ramallah.

<sup>546</sup> For more information see, Nawati (2002); Close Hamas affiliate, 6 May 2008, Gaza Strip (Interview over the phone).

setting its own agenda. For the EF it seemed that it was organically under the auspices of the Minister of the Interior, Haniyyeh, but they had various loyalties to the internal Hamas leadership; for example, the previous Minister of the Interior, Said Siam.<sup>547</sup> The EF was also a collection of various militants close to Hamas and the *Shura* Council did not necessarily have control over their actions.

A prominent female activist and director of a women's center in the Gaza Strip spoke of how Hamas's armed groups, after the NUG, pressured their leadership for decisive steps against Fatah militants and their PSF.<sup>548</sup> This was also mentioned by a moderator of the talks between Hamas and Fatah, who also lived in the Strip and who saw the armed groups force an impasse within Hamas between its pragmatic vision and the ideology it taught to its armed groups.<sup>549</sup> Armed groups, along with other leaders in Hamas, factored in major issues to frame the way they perceived opportunities related to exclusive inclusion. Such issues were frequently mentioned and portrayed on the al-Qassam Brigades website and in Hamas's al-Risala newspaper in various ways. Firstly, there was concern that the unity agreement gave away the resistance identity of Hamas for nothing in return. Second, there was a belief among Hamas's armed groups that Fatah armed groups (the al-Aqsa Brigades, death squads, and others) and their PSF constituted a major threat (perceived threat) for Hamas and its supporters and were directly funded by and allied with the US and Israel. Third, there was an increase in the gap of mistrust

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<sup>547</sup> Palestinian academic, 1 October 2007, Nablus.

<sup>548</sup> Director of a women center's in the Gaza Strip and a "leftist" activist, 21 September 2007, Ramallah.

<sup>549</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 11 May 2008, Washington, DC.

among Fatah/PA elites, more precisely its security figures given the history of Hamas and its military wing within the PA, the current experience of ostensible power sharing in the PSS, and the continued internal strife. Hence, mistrust was accompanied by increased polarization between Fatah and Hamas where violence itself created further gaps.<sup>550</sup> I will clarify these points below.

First, the unity agreement for Hamas's armed groups was considered a relative concession over resistance. The movement declared that it would restrict resistance to the 1967 borders (not to extend beyond to the 1948 borders). For some of these armed groups in their early 20s or so, resistance was part of their education and they grew up as part of the resistance movement and were faithful to it; it was part of their identity and who they were. Young militants were close and very faithful to their teachings and would be willing to break from the main leadership if they thought it compromised the major objectives of the movement;<sup>551</sup> thus, militants did not easily digest the concessions over resistance. These concessions included the continued ostensible power sharing in the PSS, even after the formation of the NUG; the change of Hamas's minister to the MoI, Said Siam (known as being close to Hamas's armed groups), with an independent minister; and the continued violent clashes with Fatah militants made Hamas's militants view the concessions made by the Hamas leadership over the resistance (in the Mecca Agreement) as done in vain. Here is what a moderator said about the resistance:

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<sup>550</sup> I owe the clarification of these ideas to the many talks I had with PLC members and ministers, in addition to the website of the al-Qassam Brigades: <http://www.alqassam.ps/arabic/special.php?id=4702> .

<sup>551</sup> Also see Ahmad (2008).

It [the unity agreement] was against Hamas first because the unity agreement frozen and halted the subject of resistance, which was the main reason for the seizure of Gaza. The resistance is what has distinguished Hamas from the other factions and gave it a special identity.

Another moderator, commenting on the same issue, told me:

Some people within Hamas accused the movement openly in Gaza. They told me that they were questioning and were suspicious of whether Hamas was going to end Oslo or to accept Oslo's conditions as long as they [Abbas and the US] recognize Hamas's leadership within the PA.<sup>552</sup>

At some point after the formation of the NUG, some of Hamas's armed groups accused PM Haniyyeh of the NUG of being a traitor for accepting the Oslo authority or governance. In this they seemed to differentiate between Hamas leaders who were totally with the resistance and others who were seen by armed groups as swapping resistance with concessions, even though they knew that decisions within Hamas were consensual. It seemed that they were worried about steps taken by Haniyyeh within the NUG and worried of co-optation within the PA. For example, the ICG reported on an article that was published in a newspaper in Rafah/Gaza run by members of the military wing, the al-Qassam Brigades, that denounced Haniyyeh as a traitor for being part of the NUG under occupation and wanting to be involved in politics. To legitimize their position, the al-Qassam Brigades listed statements by the previous assassinated Hamas leader, Abdul Aziz al-Rantisi, who was known for being a hardcore supporter of the resistance where he went against the formation of any kind of government as long as the occupation existed (ICG 2007a: 12).

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<sup>552</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah. He travelled to the Gaza Strip often and wrote about Hamas for quite a while.

However, resistance for Hamas's armed groups also meant a relational value through which they had a comparative advantage over Fatah's armed groups. That is, resistance was used as a competitive tool with other militants, especially those of Fatah. Therefore, tenacity for safeguarding the resistance approach of Hamas was a way some militants and leadership showed and emphasized their superiority over other militants. Ghazi Hamad, the spokesman of the HLG wrote:

...Resistance for some militants sometimes became a kind of competition with other Palestinian factions in issuing communiqués, and in military operations, and demonstrations of military marshals...we all feared criticizing these practices so no one would be cornered or pointed at for criticizing the resistance...(2006)

Second, Hamas's armed groups were fighting against the efforts of the Fatah security forces to hijack Hamas's governance since late 2006, yet after the formation of the NUG things got worse. This was because of the exchange of the Minister of the Interior Said Siam, who was known for his closeness to armed groups, with an independence minister for the MoI; this was coupled with news regarding US military and financial support, along with some Arab countries, for Abbas and Dahlan's security agencies. At this point, a moderator and many Hamas affiliates told me that Hamas's armed groups seriously feared a plan by Fatah, Israel and the US to oust their government and strengthen Fatah. Whether armed groups' worries and fears of Fatah's strike were shared at the same level with the political leadership who were involved in ongoing talks with Fatah and the President and more aware of the political maneuvers (even though that was the major claim of the leadership over the takeover of the Gaza Strip by Hamas's political leadership), was debatable. What seemed plausible was that armed groups on the ground and through their daily interactions and struggles with Fatah, wanted to out-power

Fatah's armed groups and their allies and to launch the first strike instead of losing the Strip to Fatah. The Preventive Security headquarters, the major force in the Gaza Strip that was in combat with Hamas's armed groups, was the first that Hamas's armed groups targeted. A prominent Hamas member and a writer told me:

The EF members in Gaza totally believed that Dahlan's security forces and militants were traitors, collaborating with Israel and the US, that they would deploy the US security plan in the West Bank and Gaza Strip...the EF took over Gaza and could not stop. They believed that this [the takeover of security compounds] was their victory!<sup>553</sup>

Third, the attitude and perceptions of Hamas's armed groups and some leaders in the ostensible power sharing and the outside support for Fatah's armed groups were also related to the historical relationship Hamas had with the Fatah ruling party after 1994 and, more precisely, with the PSF. A Hamas leader with relations to the armed groups declared, "Hamas had a hyper-sensitivity towards the PSF for a long time. Frankly, Hamas was sometimes clear about their animosity to the PSF even during Arafat's time."<sup>554</sup> This was because of the history of arresting Hamas leaders and activists, and cracking down on Hamas's military wing, the al-Qassam Brigades, during the 1990s by the PA security chiefs. For Hamas's armed groups, the PSF could be said to have been the forces subordinate to Israel and committed to security coordination with the occupation, as expressed by one PLC member.<sup>555</sup> The PSF, in addition to some major security chiefs like Dahlan, had been embroiled in corruption, nepotism, and bullying

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<sup>553</sup> Islamic writer close to Hamas, 22 June 2007, Ramallah.

<sup>554</sup> Hamas leader and consultant, 28 September 2007, Gaza (Interview over the phone).

<sup>555</sup> PLC/LoCR member, 30 June 2007, Bethlehem.

against the Palestinian population that the al-Qassam Brigades were brought in to counter. That is, the practices of the PA, mainly its security forces, went against the resistance education and morals of armed groups that were based upon Islamic law and traditions of patriotism, transparency and honesty to the extent that some of them were hostile and wanted revenge against Fatah and its PSF and were willing to see them out of the political game. For some armed persons, hostility was also based on the idea that the PA elites were secular.

### **Signaling, Bargaining, and Bridging Intra-Divergences: Deployment of Violence against Authority Institutions**

Continued mechanisms of earlier ostensible power sharing, including its external dimension, after the formation of the NUG and its different security plans did not offer enough incentives for some within Hamas, including the political and military leadership and the rank and file, to commit to the NUG. At the same time, polarization between Hamas and Fatah/PA leadership was growing and the polarization among Hamas and affiliated Fatah/PA armed groups was rampant. Some Hamas leadership, therefore, made the decision to deploy force to takeover some important security compounds that symbolized the power of Fatah/PA security forces and their leaders. I argue that the deployment of violence was neither aimed totally at restoring security by overpowering Dahlan's PF in the Gaza Strip and to settle the civil strife for the sake of the Gazan people as the Hamas leadership claimed, nor was it to hijack the PA, as the President and Fatah/PA elites claimed; indeed, it was the opposite. Hamas resorted to the deployment of violence to reduce uncertainties related to ostensible power sharing process and as part of its course of action (including diplomacy). It used force against PA institutions in

order to deploy and show its capacity on the ground as a major power (to the President, Fatah/PA elites, and the international community) that should be considered by all external and internal actors and powers; to raise the bar on the bargaining of unity negotiations with Fatah and the President for better conditions for Hamas and its political/security agenda and to be a “real” partner in governance; and, to signal to its own divergent leaders (or internal trends) in the NUG and others for the necessity to entirely commit to the official platform of the movement. Hamas needed to emphasize to its armed groups and constituents that it was able to restore order as their major government and representative, against the PF, and to continue being the force of reform. Hamas leadership may have also wanted to have control over the “legitimate” deployment of violence (as the supposedly Palestinian government who won democratic elections) and end the control of Fatah/PA chiefs. It wanted to overcome the two-level game uncertainties using different means.

Accordingly, I argue that the final aim of the deployment of violence to control the security compounds, by some Hamas leadership or possibly the *Shura* Council, was most probably not for the takeover of the whole of the Gaza Strip and not to ruling it out by Hamas; rather, the aim was to improve the conditions of the unity plan for better conditions for Hamas and according to Hamas’s beliefs of democratic legitimacy. Hamas wanted to continue working within the PA but with better conditions and possibly within a different political/security vision. They controlled the security forces by force to end Dahlan’s PF and the participation of other militants, to restore security in the Gaza Strip, to emphasize their military capacity and, of course to signal their political leverage over the PA. Yet, as I will show below, the plan did not go exactly as expected. The partial

autonomy of Hamas's armed groups on the ground and the sequence of events (the fleeing of the PA security chiefs and Fatah leaders outside of the Strip) led to the total control of the Strip by Hamas.

Given the perceptions discussed in the previous section and the little, if any, incentives provided through continued ostensible power sharing, mistrust<sup>556</sup> and polarization between some Hamas leaders and its armed groups, the President, Fatah/PA elites and external powers were rampant and growing. In addition, there was dissatisfaction with the approach of some Hamas leadership towards co-optation.<sup>557</sup> The President was too weak for Hamas to depend upon and to trust that he would secure legitimate partnership for Hamas; in addition, there were various competing Fatah/PA centers of power that Hamas had to account for, and which represented the total lack of central authority on the ground. The powerlessness of the NUG, including those in Hamas who called for continued co-optation, and its security plan to deter Fatah elites and its armed groups and to break the sanctions made some within Hamas realize that the unity agreement was not on their side and might open the door for American-Fatah funded security forces. It appears that, at least the "rejectionist" and *muqawimin* trends in Hamas and Hamas's armed groups' interests, perceptions, and ideas converged on the eve

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<sup>556</sup> Ahmad Yousef, presidential consultant, wrote in the New York Times: "Sadly, it became apparent that not all officials from Fatah were negotiating in good faith" (2007b).

<sup>557</sup> The appointment by Abbas of Dahlan as his national security advisor after the unity agreement was even unacceptable to those who were not from Hamas, and it was received by some Hamas leaders and armed groups as a clear sign of the President's approach to security that preferred security coordination, represented by Dahlan, over his unity with Hamas (A writer affiliated with Hamas, 5 July 2007, Al-Bireh; PLC/LoCR member, 12 May 2007, Nablus; Hamas leader and coordinator of its election campaign, 24 June 2007, Al-Bireh).

of control of the security compounds in the Gaza Strip; some analysts and ministers reiterated this.<sup>558</sup> A minister in the NUG, among others, talked of such issues:

I announced earlier that there were interest groups [within Hamas], and rather than terminating them, the political leadership colluded with them and gave them justification for the continuation of their orientations. It was clear that al-Zahar adopted this operation (seizure of security compounds); Salah al-Bardawil [Hamas top leader] said we decided to do so, and Mashal adopted the operation and said we were obliged to do it. This meant that there was a decision on the political level to resolve matters. Now whether they wanted to resolve it to the extent that the situation went to total takeover of all [not few] security compounds and of Gaza, this remains up to discretion and judgment.<sup>559</sup>

There is little doubt that Hamas wanted to takeover the PFs' central headquarters to stop the hostility of the PF and settle the competition with other armed groups on Hamas's side. They sought to restore control over the situation in the Gaza Strip and end violence in their own way, in the total absence of a central and formal authority on the ground and without any formal or professional security forces. A Hamas member and activist said, "What happened was of military decisiveness; Abu Mazen and Dahlan now understand that Hamas is an existing political and social reality."<sup>560</sup> This was made clear by a consultant to the deposed PM in the Gaza Strip:

We are the government now while back then there was a group [of Preventive Forces and Fatah militants] who went against the law and the government...they went against the authority... They were an authority within the authority. They were a tribal system where no one was able to stop them...but it is over

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<sup>558</sup> Prominent Palestinian researcher, 1 October 2010, Ramallah; Palestinian academic, 9 October 2007, Birzeit; Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah; Director of a women's center in the Gaza Strip and a "leftist" activist, 21 September 2007, Ramallah; Minister of the NUG and an independent broker between Fatah and Hamas, 7 October 2007, Ramallah.

<sup>559</sup> Minister of the NUG, 26 June 2007, Ramallah.

<sup>560</sup> Hamas leader and prisoner, 7 September 2007 (Personal Interview over the phone).

now...now Gaza has authority and a police which have the responsibility to protect the prestige of the government [the Hamas deposed government in Gaza]...as a result, there was a need to target the PF supported by the US.<sup>561</sup>

Whether there was an “urgency” to deploy force to end the informal authority of the Fatah armed groups and affiliated security forces is debatable (even inside Hamas). Yet, the NUG ministers almost all agreed, before the takeover, that Fatah’s armed groups and affiliated security forces were uncontrollable and that there should be a way through which the NUG addressed the armed groups on the ground and end civil fighting through non-violent means. As I discussed above, restoring power was not the whole story for Hamas’s control of the security forces and deployment of violence against authority. There were some reasons that made deployment of violence a reasonable and accepted option for some leaders over co-optation. Hamas might have deployed force to overtake the PF headquarters, a break with Hamas’s formal non-confrontational approach with the PA, as a step that broke with the NUG and changed the parameters of the unity agreement altogether. By doing so, it hoped to corner the President into negotiations with Hamas over reformation of the NUG, especially the security file, and offer them a better position as a real partner within the PA and the PLO in order to co-lead the national movement not to be co-opted under the agenda of Abbas and the NUG and external conditions. Especially when it came to the security file, Hamas hoped for a national security plan that would guarantee its resistance advantage, popularity, and a “fair” share of governance.<sup>562</sup> That is, Hamas seemed intent on raising the bar of negotiations on the

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<sup>561</sup> Deposed PM consultant, 3 May 2008, the Gaza Strip (Interview over the phone).

<sup>562</sup> Prominent Hamas leader, 18 September 2007, Nablus.

unity/security plan after a year and a half from their victory, given Hamas's power, popularity, and democratic legitimacy, as was well expressed by a minister in the NUG,

I guess that they [some leaders and armed groups within Hamas] expected to take the Preventive Forces and the General Intelligence locations and to negotiate with Abu Mazen over a new situation (and basis)...I think they reached a conclusion that the NUG formula was not beneficial anymore for them; thus, they aimed for a change...they wanted to increase the negotiation ceiling [with Abbas and Hamas], or they wanted to change the starting point [or the base] from which this agreement [the NUG and the unity agreement] was set off...consequently, it is a political coup, not a military one, meaning in practice it was an attempt to achieve political gains through force.<sup>563</sup>

This perception of a political coup rather than a military coup, despite the deployment of Hamas to overtake security compounds, reflects the awareness by the NUG ministers and even some Fatah/PA elites that Hamas was not instigating a coup against the President and the PA regime but using it as a maneuver or tactic to gain power while still adhering to law and order and, even more importantly, to its democratic legitimacy.

Yet, even if Hamas aimed only for raising political gains (beyond co-optation) and the bar for negotiations, this would not happen unless the politics (the political agenda) of the PA elites and the PLO changed. Specifically, they were hoping for changes in the PA agenda with Israel and the US's non-recognition of Hamas and its vision of the Palestinian-Israeli conflict resolution and Middle East democracy in general. They also wanted to highlight the inconsistency in the vision of the US,<sup>564</sup> claiming to

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<sup>563</sup> Minister of the NUG, 26 June 2007, Ramallah.

<sup>564</sup> For more regarding such US agenda in the Middle East, see Haass (2006).

promote democracy but depriving Hamas and the Palestinians their right to have it, as expressed by Ahmed Yousef, the senior political advisor to Ismail Haniyyeh. He wrote in the Washington Post, after gaining control of the Gaza Strip, to dispute the dismissal of the PM:

The Palestinian National Authority apparently joins the list of elected governments targeted or toppled over the past century by interventionism: nations that had the courage to take American rhetoric at face value and elect whomever they would. No doubt some in Washington persist in the fiction that the United States is following a "road map" to democracy for Palestinians, just as others believe the Iraq war has been a sincere exercise in nation-building. Neoconservative strategists have miscalculated, however, and Hamas is stronger than ever... those who warn of "failed states" and "Hamastan" as a breeding ground for terrorism forget where blame for failure belongs -- at the feet of the American administration, which has chosen to isolate, rather than deal with, the elected government ... We urge the Bush administration not to repeat the mistakes that have become hallmarks of its actions in the Middle East. Allow the Palestinian people to chart their own course, free from the influence of those who seek little more than to perpetuate the status quo. The alternative is unacceptable (2007a).

Hamas was looking for international and US/EU recognition and wanted it in order to govern from within the PA. By deploying violence against the PA, Hamas might have been aiming or calling for changing the national political ceiling set by Abbas, Israel and the US. This vision rejected Oslo and its negative and destructive implications, as viewed by Hamas, since Israel not only did not deliver peace, but also used it to establish facts on the ground like the Separation Wall and the growing settlements in the West Bank that made the Palestinian state unfeasible, at a minimum.<sup>565</sup> They were hoping that the President would join/be obliged to join the bandwagon and better accommodate

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<sup>565</sup> The unity talks after the takeover of the Gaza Strip revealed that the security file and its complication with the existence of occupation and the PLO file remained the main obstacle to unity afterwards.

Hamas and raise the political ceiling to avoid civil war and, in doing so, the President's position would oblige the international community and the Quartet (including the US) to acknowledge Hamas and try to find a workable deal. A journalist who lived in the Gaza Strip early on and researched Hamas wrote, "The Hamas decision to seize control of Gaza was born out of the realization that this was the only available way of gaining recognition or, at least, attention of the international community" (Chehab. 2007). Hamas might have wanted to set up a new political platform for Palestinians that guaranteed an acknowledged central legitimate place for Hamas, minus outside intervention.<sup>566</sup> For example, for Hamas to have its security force as part of the PSF, it had to first guarantee the restructuring of the PSF according to a national agenda that consequently guarantees institutional inclusion of Hamas' affiliates in the PSS. That is, not according to Oslo and the security coordination that it was mandated, for example, the withdrawal of resistance weapons and the arrest of resistant groups deemed terrorists.<sup>567</sup> Without such restructuring and endorsement by the international community, Hamas could hardly be part of the PSF because this would mean that it would technically end as a resistance movement before any delivery of peace or the establishment of a Palestinian state within the 1967 borders. The President, the PA elites and Fatah were involved in what the Oslo peace process brought and in regional alliances and US outlooks to the conflict that were almost impossible to break with at the time. For example, the President was afraid to face the same destiny as Arafat and his approach was, as his political advisor put it,

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<sup>566</sup> Also see Giacaman (2006).

<sup>567</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

“...negotiation, and if it failed, then negotiation, and if it failed then negotiation. This has been the President’s approach and belief despite all the Israeli non-concessions and building facts on the ground.”<sup>568</sup> Based on the above, a major figure in Hamas told me about interpreting the takeover of the Gaza Strip as not going against the legitimacy of the regime but implying it was an attempt at restructuring.<sup>569</sup>

... Abu Mazen is legitimate since he was elected and Hamas did not say they wanted Mashal to be the President but accepted and continued to accept Abbas. Also Hamas did not go against the PLC and did not disassemble it. So the President was not touched, the PLC was not touched, and the government was not touched. That is, the centers of authority and power were not targeted. Then how can we call what happened on 14 June a coup? Those who call it a coup are those who want to see it and designate it as a coup in order to work on their own in the West Bank and without having to work with Hamas on a new [unity] agenda. The real coup was what Fatah and the President did to Hamas last year.<sup>570</sup>

Finally, I provide support for the claim that intra-Hamas divergences discussed earlier in this chapter factored into the decision for control of security compounds in the Gaza Strip. That is, intra-divergences as I showed above, enlightened the picture of how the groups differed and fractured over approaches and means to govern under unusual conditions of exclusive inclusion, but also bridging such divergences might have been part of the incentives for the deployment of violence for quick results. The bridging of

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<sup>568</sup> Political advisor to the President, 16 September 2007, Ramallah.

<sup>569</sup> “Limatha Hadatha ma Hadatha fi Gaza” (Why What Happened, Happened in Gaza), Preliminary Report (1) drafted by Hamas to the League of Arab States, 26 July 2007.

<sup>570</sup> A Hamas leader and coordinator of its election campaign, 24 June 2007, al-Birah.

divergences would also end co-optation as an option that was made available after participation, at least for some of Hamas's leaders. As I mentioned in the previous section, Haniyyeh himself became the Minister of the Interior and the PM after the independent Minister of the Interior resigned. There was more than one sign that the PM, as a symbol of the whole trend, was on board with the NUG to use diplomacy to solve all issues. It was reported by the NUG ministers I interviewed and even Fatah/PA elites and a presidential consultant, that they were getting along with Haniyyeh and that he was the major personality, among others, from Hamas. They felt he wanted the NUG and diplomacy to settle differences, even those under control of Fatah and the outside powers. It seems, as hinted by some ministers, that the takeover was not only against Fatah/PA elites, the sanctions, or the Israeli agenda, but it also aimed at the new trends within Hamas that were "more" reconciled with the NUG and the President represented by the PM. A moderator of the Hamas-Fatah unity talks spoke of two incidences during the talks with Abbas and Haniyyeh two weeks before the takeover that reflect Haniyyeh's orientation and his approach by the end of 2006 and 2007, and that lend themselves to supporting my argument:

One day, I was with Haniyyeh and Abu Mazen, and Abu Mazen told him your people are threatening to take Gaza and *al-muntada* [the presidential compound]. Haniyyeh said this would happen under no circumstances ...I will not let them do that and if they do, I will resign.<sup>571</sup>

At an earlier incidence with Haniyyeh, Abbas and the same moderator, he expressed the idea that the PM might have been under pressure from Hamas to make a decision against his will:

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<sup>571</sup> Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah.

...Right before we formed the unity government [the beginning of 2007] we [the President, Haniyyeh, and the moderator] outlined a paper that discussed the main points of the unity government and we signed it. I was a witness to the paper and Abu Mazen and Haniyyeh were optimistic. Haniyyeh had even said that he would defend every word that came from this accord... Yet, the next day, Haniyyeh called me up and said he had to talk to the President and me urgently. We went to see the President and Haniyyeh said that there were objections to some items of the accord from some Islamic scholars from the MB and Hamas... Haniyyeh could not stand by his words! ...He seemed to be under various and enormous pressures.<sup>572</sup>

Ministers of the NUG said that one week before the takeover, Haniyyeh was on board with them regarding the need to implement their security plan at the CoM meeting. Yet, armed groups at the same time had shot at the location where the NUG ministers were meeting. Haniyyeh, though, might have been forced to choose between his vision of his governmental responsibilities or becoming part of the unfolding process in the Strip. Some of those I interviewed thought that most probably the PM did not know about the taking of security locations by force by Hamas and others suspected that he might have known about them but could not stop them and was not involved. Whether Haniyyeh<sup>573</sup> and others (who share his approach) knew of the decision of the seizure, they would have little to do but to follow the *Shura* Council's decision and consent, or otherwise be ostracized, as discussed above (especially since he could hardly defend his vision under ostensible power sharing). It might also be that it was not a *Shura* Council decision but an act by some Hamas leaders to impose facts on the ground where everyone had to deal with them.

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<sup>572</sup> Ibid., personal interview, 11 May 2008, Washington, DC.

<sup>573</sup> There is still a chance the he did know since the decisions were based on what we know were taken by the regional *Shura* Council and the Political Bureau, but also we know that the outside leadership did coordinate with militants for operations without the ratification of the *Shura* Council.

Given the importance of such issues, I will provide further elaboration. There are some historical indications that some leaders in Hamas were more powerful than others or, more precisely, that some of the external leadership of Hamas (in the Political Bureau and *Shura* Council) tried to affect the decisions of Hamas in their own way (by pushing some militants to deploy violence), regardless of the *Shura* Council, or by directing the decision of the *Shura* Council in other ways. There have been some writings about moving the center of decision-making to the outside leadership after the assassination of Hamas founder, Ahmad Yasin and others since 2004, i.e., placing it in the hands of the Political Bureau represented by Khalid Mashal in Syria (Gunning 2008: 112-113; Meshal and Sela 2000: 164-166). It has been speculated that since some outside leadership financed the movement or had leverage over its finances and its relationship with the outside world, they might have tried to push for their own political position over the *Shura* Council's decisions or even signaled with finances to force leaders to vote in one way and not the other in the Council (Gunning 2008:111-112). Based on this inference, the decision to takeover the Gaza Strip might be one of these instances where the external leadership pushed for this decision in the *Shura* Council and may have imposed it on other leaders who opposed it. It was also reported that occasionally some Hamas leaders created conditions on the ground that would practically halt some *Shura* Council decisions and skew them to look for alternatives.<sup>574</sup> For example, external leadership

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<sup>574</sup> Some speculated that the kidnapping of the Israeli soldier in June 2006 during the unity talks between Hamas and Fatah might fit within such a category where some Hamas leaders tried to change the venue of the talks, that they perceived as against Hamas, while other Hamas leadership was in dialogue. This might be supported by what a PLC member wrote in his diary about the kidnap and how such an operation was in the interest of Hamas, in his point of view, to raise its negotiation stakes with the President: "the Prisoners Accord [unity accord], and dialogues were a trap that was designed by the President and a way to usurp his government and Hamas's first experience in governance...the unity accord is "a virtue concealing vice"... and it cannot be accepted as it is because it has what Abu Mazen wanted [recognition of Israel and acceptance of international accords without conditions]...Abu Mazen put us at an impasse through this

supported a suicide attack to exact revenge for the assassination of Yahia Aiyash where the timing of the attack aimed to end talks between internal Hamas leaders and Arafat (Gunning 2008: 112-113).<sup>575</sup> The same issue was recounted by a Fatah/PA official who was usually involved in the Fatah-Hamas talks, commenting on Hamas by saying that they were divided and that, “while we [Arafat and the elites] were negotiating with some Hamas leadership, others in Gaza and the outside were not happy with our negotiations.”<sup>576</sup>

Given all of the above, it seems that some trends within Hamas did not support the continuation of the NUG as it was. One minister was more outspoken about Haniyyeh’s power and his trend and how divergences factored into the decision of the takeover of the security compounds. He argued:

I think that the way the takeover happened was a toppling (removal from power) of what could be the rising power of Haniyyeh [potential and expected rising power of Haniyyeh], because, had this government [the NUG] succeeded, Haniyyeh’s position and status within Hamas would have been boosted, too [and his outlook], and I think there was a big intention to weaken [less rejectionist] currents within Hamas inside the WBGs and outside the country. Thus, this was a coup not from those Hamas leaders related to the NUG but was a coup ordered from the outside leadership of Hamas...<sup>577</sup> One can understand this coup as a coup against Haniyyeh, not only against Abu Mazen. That is, if Haniyyeh had not been a major leader within Hamas, this coup would have been understood as a coup against his own government because he was the one who was officially responsible for the PSF [namely Internal Security Forces] when the coup happened and he was leading the government. Thus, when someone was

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accord...but the imprisonment of the Israeli soldier led the dialogues to fail. Not only that, but also led the conspiracy to fail.” (PLC /LoCR member personal writings, 2006-2007).

<sup>575</sup> Also mentioned in an interview with previous Fatah PLC member close to Hamas, 13 September 2007, Ramallah.

<sup>576</sup> Presidency Secretary General, 8, October, 2007, Ramallah.

<sup>577</sup> Non-Hamas Minister of the NUG, 26 June 2007, Ramallah.

assaulted over the formal security agencies under his supervision, this meant that this is a coup against him and this meant that the government would collapse and the person severely disadvantaged from its collapse is the head [leader]!

The above critical quote might explain why Hamas used a quick way of deploying force instead of diplomacy that was already practiced and represented by Hamas's PM in the NUG. Some within Hamas seemed to want to break with such trends and its approach within the NUG and create some new facts on the ground that obliged the PM and his diplomatically-oriented stream to deal with it. Most probably, they wanted to end the option of any kind of co-optation of Hamas according to the agenda of Fatah and its Western allies and within the "corrupted" structure of the PA as seen by Hamas's leadership. It might also be that there were many previous attempts by the PA to divide up Hamas and co-opt some of its leaders<sup>578</sup> and the movement took some pre-emptive measures in June 2007 to prevent any further attempt at potential division. Also, from the history of Hamas we see that leaders, including Haniyyeh, who had wide-reaching popularity and support sometimes deviated to express their own outlook on various issues, even when the leadership of Hamas did not agree, as discussed above (Gunning 2008: 110). Hence, it looked as if some Hamas leaders did not want other leaders who did not share their views to gain in popularity so that they would pass on their own ideas, irrespective of whether their plan lacked the movement's consensus.

After all, some close to Haniyyeh told me that he did not leave home for two days (whether he was prevented from leaving or whether he chose not to was unclear) or more after the coup; others said he tried to resign but was stopped at the last minute.

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<sup>578</sup> Presidency Secretary General, 8, October, 2007, Ramallah.

Disagreement and rejection over the takeover was definitely expressed by other Hamas-affiliated ministers in the NUG; some had spoken on Al Jazeera TV hours after the coup to resign and express their disagreements. A prominent journalist who used to travel to the Gaza Strip mentioned:

Hamas-Hamas clashes [within clashes] happened, too, and Hamas did not negate this issue totally...Haniyyeh did not agree with controlling the security locations. I heard that he resigned on the day of the takeover and some forced him to withdraw his resignation, like Ahmad Yousef and Ghazi Hamad. Haniyyeh now denies that, it seems that facts on the ground determined the situation. Haniyyeh would be afraid to say otherwise, like most factions who also became afraid after the takeover.<sup>579</sup>

To sum up, after the NUG and continued ostensible power sharing, Hamas lost most of its mandated power within the PA at the game level compared to Fatah (through giving up major ministries like the Ministry of Finance and Ministry of Foreign Affairs, among others discussed above). Hamas's security control was also eroding due to continued civil conflict, non-cooperation of the President, and external support to Fatah. Regarding the meta-game, the sanctions were not lifted and ostensible power sharing mechanisms continued to be deployed which meant that Hamas could accomplish little, if anything, in the long run in terms of its institutional reform objectives. There was much talk on the street of Hamas being just the other side of the coin to Fatah, and just as corrupt and looking for a seat in the PA. This meant that Hamas's normative message was also compromised. Given all the above and various uncertainties regarding the payoffs of the inclusion itself and the rules governing the power sharing process, and given that Hamas decided to refuse to be co-opted by Fatah and the West, some Hamas

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<sup>579</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

leadership were looking for a third way out of the above normative and strategic dilemmas. This leadership looked for ways where they could satisfy various objectives at the two-level game: Hamas could stay in power, practice their mandated power (that would lead to a future reform of rules of the game and the PA institutions), while maintaining legitimacy and popularity, and hopefully gaining external recognition and certification.<sup>580</sup> Some within Hamas might have thought that claiming control by force over some security forces, regarded as the symbol of government power, should make all or at least some of the above objectives possible. Deploying violence over some security institutions related to Fatah in the Gaza Strip would change the balance of power with Fatah and might pressure the NUG to accommodate Hamas's policies more than they did. Yet, I argue, that Hamas's leadership did not consider enough that, first, the deployment of violence against some PA security institutions might be out of their hands when implemented by Hamas's armed groups (mainly the al-Qassam Brigades and the EF), and second, that using non-democratic means of action to ask for better inclusion conditions while being a governing body (not opposition outside the PA) might go against their calculations and against their will of being part of the PA, yet resisting its incumbents' manipulations.

The deployment of violence against PA institutions actually led to discredit Hamas at least for a while (however, their actions might not have benefitted their side after they governed the Gaza Strip alone and continued to ask for their representation in the PA) and offered incumbents good reason to end the NUG and claim that Hamas was

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<sup>580</sup> Defined by Charles Tilly as "Validation or (invalidation) of actors, their performance, and their claims by external authorities" (2005: 222).

just a radical Islamist group that could never pursue democracy. Now I will turn to how the seizure of the whole Gaza Strip took place among contingent developments.

### **THE GAZA STRIP FALLS TO HAMAS (14 JUNE 2007): DECISIONS OR CONTINGENCIES?<sup>581</sup>**

The takeover of certain security compounds, as argued above, most likely happened due to the political orders of some leadership or the *Shura* Council without the agreement of all leaders. Therefore, it was initially planned to change some facts on the ground but armed groups, especially the EF, and new contingencies went beyond the plan. This all coincided with an overestimation of Fatah's PSF power and its militants who ended up fleeing the security compounds, leaving them behind for Hamas. It seems that the unfolding of events went even further than was expected among the Hamas external leadership, along with some internal political leadership. There were various narratives told by different Islamists, non-Islamists, and Hamas officials and members. An Islamist writer close to Hamas argued that the takeover was exclusive to the PF headquarters and it would have made sense and served Hamas, but it did not:

Hamas's position would have been much better had they only gotten rid of Dahlan's group [the PF] and stopped right there without actually taking the National Security compounds and the presidential compound. If they had only defeated Dahlan and his people Hamas would have been supported by some Fatah members and currents [who were against Dahlan], in addition to gaining popularity and having the President's acceptance. But what happened on 13 and 14 June got out of Hamas' hands and the EF acted as it pleased! And that was a fatal error.<sup>582</sup>

A female activist and leftist said:

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<sup>581</sup> For a trend of violent incidences during 2007, see chapter 1.

<sup>582</sup> Islamic writer close to Hamas, 22 June 2007, Ramallah.

What happened on the ground was beyond the plan of Hamas, this information is very close to certain and coming from those within Hamas; that the political leadership did know about the control over the security forces only. The decision was to control the security compounds only, and there was a red line that armed groups should not even cross or reach the President's office. The logic behind this was that Hamas armed groups had a serious problem with the PF and/or National Forces and they wanted to control their compounds. Yet, what happened destroyed everything on the ground, they [Hamas armed groups] entered even the civil ministries.<sup>583</sup>

The PM consultant made a daring statement:

I expected that things were going bad. I expected that killing would continue and the numbers of victims would increase. But I never expected that Hamas would gain control and that the PSF would collapse easily. No one expected that! ...as far as I knew, there was no political decision to control or takeover Gaza... events led to such an outcome...there was no decision to take *all* PSF security compounds, too. That is, the fighting between Hamas and Fatah moved from one area to others, the Preventive Force was considered the major reason for the security deterioration in Gaza, hence Hamas attacked their location (compound). The field commanders on the ground were the ones who settled the fighting in this way [taking over all compounds and Gaza]...<sup>584</sup>

Two weeks before the takeover, clashes between Hamas affiliates and those of Fatah, intermixed with violence from affiliated families and revenge killings, increased. No one party was ruling the Gaza Strip during the last week before the takeover. Many truces were formed and collapsed (some did not even last for a couple of hours, as I was told). It was highly suspected that Hamas already had total control over its own armed groups which also seemed to become, as discussed above, a relatively autonomous forces on their own (which had happened earlier as I show below). They were still related to and governed by Hamas, but their power and the quickly evolving daily events on the ground

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<sup>583</sup> Director of a women's center in the Gaza Strip and "leftist" activist, 21 September 2007, Ramallah.

<sup>584</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

made it hard to communicate orders from above (as I was told even before the control of the Gaza Strip). For Fatah, they had no high command whatsoever and there were decentralized militias without leadership. A week before the takeover, the internal fighting reached its highest level between both sides (and among affiliated families) who were firing on each other constantly, yet did not reach the authority's institutions. Yet, on 13 June 2007, the EF and the al-Qassam Brigades were marching to the central buildings of the PF in the Gaza Strip and other security compounds. The EF overpowered the PF and Fatah armed groups (and the PSF) and it was unexpectedly easy. Hamas armed groups and leadership did not have a good estimate of the strength of the PSF and Fatah and they did not think it would collapse that easily but, as they described later, they were shocked to see them withdrawing after the EF and the al-Qassam Brigades attempted to fight them in the center location of the PF which led Hamas armed groups to move to the presidential compound on the eve of 13 and 14 June 2007. Consultants for the PM who were close to events on the ground said:

The compound was not fought for but it was handed to Hamas. We did not fight all of Fatah but only a small group that hijacked Fatah that handed in their weapons and all. It was not a real fight!<sup>585</sup>

Witnesses from Fatah militias and Hamas confirmed that Hamas's cadres found a minimum, if any, resistance from Fatah generals and security forces (ICG 2007a).<sup>586</sup> Hamas leadership later claimed that they had to protect all these security locations when the PSF left. Therefore, it seems that fighting on the ground took on a life of its own,

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<sup>585</sup> Deposed PM consultant, 3 May 2008, Gaza Strip (Interview over the phone).

<sup>586</sup> "Middle of June, What happened?" Documentary by Al-Hiwar Satellite Channel (1-6), Britain, part 5. <http://www.youtube.com/watch?v=bsj8UPELFoI&feature=fvwrel> .

where Hamas unexpectedly found the Gaza Strip under its control. Many experts and leaders were talking of a plot where the PSF escaped so that Hamas would be accused of taking the Strip and never be allowed back into the West Bank. Others negated such claims, but no evidence was found to support any of the claims.

In conclusion, one can hardly imagine that the takeover was only a decision of armed groups, as they must have had some political backing, as mentioned above, given all that we know about the education of the al-Qassam Brigades and the EF and the compliance of its members. Yet, further research into the al-Qassam military which has been systematically compliant to the movement, one finds that armed groups in Hamas undertook few military operations without the concession of the *Shura* Council, like the suicide attack in 2003 that ended the truce between the Palestinian factions and Israel.<sup>587</sup> This might have to do with the armed groups' dependence or interrelation with some Hamas leadership, especially those who provided money for the Brigades and militants:

However, because the [al-Qassam] Brigades have, for security purposes, been set up as a separate organizational entity, with a separate (though overlapping) leadership, and a highly secretive, de-centralized cell structure (Mishal and Sela, 2000: 75-81, 159-160), there is considerable leeway for Brigades cells to operate independently or on behalf of a particular faction within Hamas (particularly if that faction provides the money as has been the case with the external leadership (Gunning 2008:115).

When it comes to the EF, it is different than the al-Qassam military wing because it is more decentralized, less trained and less organized. It also encompasses other members from different factions:

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<sup>587</sup> Fatah Revolutionary Council Member, 7 July 2007, Ramallah. He was a major negotiator from Fatah for the truce with Hamas and the other Palestinian factions and narrated how Hamas leaders were shocked by such a military attack, especially those who worked for this truce to succeed.

The EF did most of the killing and all of the follies. They were not trained and have differences with the al-Qassam Brigades, too. The EF made many mistakes because they were random people that became part of the force – it even had Fatah rejectionist people there. They collected all of them to make a militant force!<sup>588</sup>

A scholar, who visited the Strip after the takeover and did research on the EF, emphasized the above image and rules of the EF during the fighting in 2007:

There is no evidence of any debate within Hamas about the consequences of the EF serving as part of the rapid arming and militarization of Palestinian society in Gaza and the high civilian casualties that this was contributing to. The EF was responsible, along with other elements from Hamas and Fatah, for hundreds of civilian injuries and deaths, and was accused by international organizations of ‘grave human rights abuses.’<sup>589</sup> EF commanders and Hamas ministers and leaders have failed to explain how such abuses have contributed to restoring law and order, or peace and security, though both before and after the Hamas security takeover, abuses have figured in debates about the organization’s community support and legitimacy (Milton-Edwards 2008: 671).

A person close to Hamas, including some Fatah/PA leaders, once agreed that, “the reins slipped away” [from the Hamas leadership] as they say.<sup>590</sup> In other words, the EF got carried away by the events and their superiority over the PSF who fled not only the security compound but the Gaza Strip to the West Bank.

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<sup>588</sup> Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah.

<sup>589</sup> Milton-Edwards (2008), cited in Amnesty International, October 2007 ([www.amnesty.org/en/news-andupdates/reports/hundreds-killed-gaza-strip-violence-20071024](http://www.amnesty.org/en/news-andupdates/reports/hundreds-killed-gaza-strip-violence-20071024)).

<sup>590</sup> Close Hamas affiliate and supporter, 6 May 2008, Gaza Strip (interview over the phone).

Nevertheless, I think that the external Hamas leadership could not condemn the takeover, even if it did not order it, because it was done by part of its military wing and the EF. The military wings and militants constituted an important section in the movement that resisted and carried arms. They were the military wing of Hamas that carried an important message of resistance and they were a power to be reckoned with on the ground. In a way, the external leadership of Hamas could not bridle or restrain its armed groups which it funded and established as its right hand to implement decisions. The military wing was also highly respected in the Gaza Strip and by Palestinians, even though its respectability was questioned by some during the internal violence but, in general, it enjoyed a great deal of respect among Palestinians, if not among the Arab world. Hamas, as I argued in this section, also wanted to always portray an image of unity and would not jeopardize such an image easily.

Conversely, the deployment of force and violence to overtake security compounds was a shift in Hamas's position with authority and maybe its approach to authority. The internal strife in the Gaza Strip in 2006 was an extension of the lawlessness begun earlier in 2001, out of a lack of a central authority and intermixed with a familial component and vindictive killings, and had increased its factional component in 2006. However, the real turning point with Hamas was that there existed a decision from within Hamas directed toward its armed groups to deploy force or permit deployments of military force, not only against decentralized Fatah/PSF militants or civilian affiliates, but against a symbol of the authority's "security compounds" to achieve political change. This was the major regression point in the idea of incorporating Hamas into the Palestinian system as seen by Hamas's supporters and ministers in the West Bank. Hamas justified its decision to

takeover the security compounds and, later, the Gaza Strip, and did not apologize to the President but considered what it did as the right step to end civil conflict in the Strip by ending the power of Dahlan's PF and restoring law and order. Ahmed Yousef wrote in the New York Times, "There were attempts on Mr. Haniyyeh's life last week, and eventually we were forced into trying to take control of a very dangerous situation in order to provide political stability and establish law and order" (2007b).

Hamas justified and legitimized the use of violence by claiming it as a preemptive measure against a sure takeover that was planned by the Dahlan-Dayton plan and the PF and PG of the President. The Dahlan-Dayton plan happened, but was far from being deployed at this particular time. Fears were legitimate but this was not the whole story. A long process of exclusive inclusion created a specific intermixed approach of Hamas, increased polarization, and changed even within Hamas. This matter was confirmed from inside and from a high leader. He indicated that the above was not the whole story and there were some people within Hamas who knew that:

There was exaggeration [in the claim that Dahlan was behind the seizure of Gaza]; I am one of the people who met Dahlan not just once, twice, three times or even four. Once I and Said Siam sat with him and discussed if Dahlan was ready to deal with us. But, as you know, there is a historical disagreement between Hamas and Fatah. There were many mistakes by Dahlan, and there were many mistakes by Hamas, too. But I still think that Hamas enlarged the role that Dahlan played or the role of "the *inqelabi* current" [a word used for the Fatah current to overthrow Hamas]. I was not convinced of this argument. The Fatah security forces had committed many mistakes but not everything [for example internal violence in Gaza] was planned [by the PA elites and Dahlan].<sup>591</sup>

The above is not only a signal that the preemptive strike was not about the takeover of the security compounds and the takeover of the Gaza Strip, but about other

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<sup>591</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

matters, and more about improving exclusive inclusion conditions for Hamas. It was also a clear indicator of the defecting and unsatisfied voices of some major leaders within Hamas. The above source also told me that he distanced himself from the deposed government and, while he remained one of the major people in the PM office, he did not go to the office anymore. When I asked him why, he refrained from answering and only noted that one day he would be able to write about this matter in detail and make it available. Until this day, I hope that this dissertation assists in providing some insights and generating hypotheses about the deployment of violence against the authority, in addition to diplomacy, by some incorporated groups in competitive authoritarian regimes.

After the takeover of the Gaza Strip, the President deposed the NUG and asked Hamas to apologize, to “return” the Strip, and to send those involved to court. He did not, however, outlaw them. Nor did he refuse the return of the Gaza Strip unless there were guarantees of lifting sanctions, ending all mechanisms of ostensible power sharing, and sending officials and the PF to court. The President announced that the Gaza Strip should be handed back without conditions and, after this happened he would then negotiate with Hamas. For Hamas, there was no incentive to go back to Abbas’s time where he was powerless to help his government and where the Fatah/PA elites, Israel and the US, and (to a lesser extent) the EU, determined the internal politics of the West Bank and determined the kind of democracy it should or should not have. From June 2007 until this moment, Fatah and Hamas had embarked on interrupted unity negotiations that did not lead to any unity agreement. The same agenda that had controlled the exclusive inclusion in 2006 still determined the agenda of the unity talks; the integration of Hamas in the PSF

and the PLO and the type of unity government that would preserve both sides' political programs and concerns and did not lead to sanctions.

To situate the above argument within its structural context, one has to remember that the internal division (and the virtual one earlier) after the takeover of the Gaza Strip had been possible, at least institutionally, because Hamas's center of power, the Gaza Strip, is geographically separate from the rest of the West Bank. Because of this geographical separation, Hamas could easily establish its own government in the Strip, and the President could do so in the West Bank, without the need to denounce each other.

This tightened geographical division was induced due to a change in Israel's policy towards the Palestinian Occupied Territories in the late 1990s, after signing the DoP. In other words, Israel's vision and policies towards the Gaza Strip has not been the same as those for the West Bank, especially after Sharon became Israeli PM in 2001. PM Sharon, at that time, saw the future of the Gaza Strip and Jerusalem as separate to that of the West Bank. This vision became true after the evacuation of the Strip as a last step of such separation in 2005. Israel worked to implement its vision of division on the ground using all means possible. This change in Israel's strategy and vision, to divide the Palestinian Occupied Territories, affected the internal Palestinian situation and the subsequent political developments. Thus, I concur with some Palestinian academics and journalists who argued that the disconnection (or separation) happened before the division.<sup>592</sup> Based on the above facts, after Hamas's takeover of the Gaza Strip in June 2007, the Strip continued to remain under siege and under a different kind of Israeli

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<sup>592</sup> Discussed at a conference convened in Ramallah on 4 June 2009 sponsored by the Journal of Palestine Studies under the title, "The Palestinian Division and the Dialogue: Opposite Paths." Also, for more information about the geographical dimension and its role in conflicts see, Fearon and Laitin (2003: 84)

occupation (sanctions with control over borders, movement, services, and resources) compared to a direct occupation (constant invasions and the arrest of Palestinians) in the West Bank.<sup>593</sup> These two different political settings imposed two different political arrangements and set the groundwork for interrupted internal negotiations. For example, if Hamas would become part of the PSF today, it would most likely mean that Israel would enter the West Bank and arrest its members or affiliates.

### ***FIQH AL-MASALEH: JUSTIFICATION FOR POLITICAL VIOLENCE FROM WITHIN A WESTERN LIBERAL DISCOURSE***

Above, I have shown how the takeover of the Gaza Strip did not aim to hijack the PA or delegitimize the President, but was implemented to be a part of the improved conditions of inclusion towards Hamas and not a mere co-optation. Hamas deployed violence as a leveraging tool with the PA, but it was also a signal sent to its members with the intent to bridge internal differences and end any attempt of co-optation. In light of this, looking at how Hamas justified the takeover of the Gaza Strip helps us to understand how it thought of internal violence against the authority yet, at the same time, wanted to be a legitimate party within the regime and to get recognition by the international community. As I have showed all along in this dissertation, the deployment of force against Palestinians and, more particularly against authorities, was new and a shift within the movement that long talked of “Palestinian blood as a red line” that should not be crossed (and which was mostly deployed to mean non-violence against Arafat’s

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<sup>593</sup> Ibid., (2009).

PA). Additionally, as we saw in chapter 1, Hamas deployed the concept of *sabr* in order to contain its members and militants from deploying violence against the PA under Arafat and the PSF's repressive practices.<sup>594</sup> The change of discourses used from *sabr* to *fiqh al-masaleh* indicates a change in the movement and its perception of governance after exclusive inclusion.

Hamas chose consciously to justify deployment of violence, in addition to diplomacy, by evoking a religious concept (this concept had been invoked by Hamas earlier but not in the context of justifying violence), *fiqh al-masaleh* (interest/public welfare jurisprudence), that I argue enabled it to achieve three major aims. First, it allowed them to regain internal unity and remain intact (by endorsing armed groups and leadership using *sharia* concepts); second, it recognized the legitimacy of Abbas and the PA despite the takeover of the presidential compound and total control of the Gaza Strip by Hamas (and remaining part of the Palestinian system and not a separatist group); and third, it kept contact and a link with the Western world by endorsing, according to the movement, its Western liberal values of utility and interests and maintained a connection with the Islamic world through endorsing Islamic concepts.<sup>595</sup> To show this, I give a brief

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<sup>594</sup> This section needs further research into the usage of *fiqh al-masaleh* across other issues justified by Hamas and as an overall form of political thinking. For example, I was told by the same Hamas leader above: "I think that politics is all about national interest (*maslaha*), and the *maslaha* politics is essential to Islamic thought" (PLC/LoCR member, 12 May 2007, Nablus). However, this research lies beyond the scope of this dissertation. When resuming this work, I plan to extend this section and look at the usage of *maslaha* among Islamists historically especially after the era of what's called "the war in terror" in the Middle East.

<sup>595</sup> Gunning showed how Hamas had already borrowed some major themes from Western political theory earlier in its discourse and practice such as the notions of popular will, social contract, and representative authority. Gunning argued that, "... these notions have come to overlay Islamic traditions, changing how the latter are interpreted" (2008: 92). For more information look at Gunning chapters 3 and 4 (2008). However, there is no notion in Gunning's book, which was researched before 2007, to *fiqh al-masaleh* as a concept that overshadows Hamas's political thinking. This might be due to the fact that Hamas chose to activate such concept mainly after 2007. However, such claim needs to be verified by further research.

discussion of *fiqh al-masaleh* as a major functional concept used by Hamas and also draw on Western and liberal discourses of interest to reflect on Hamas's deployment of violence, not as an act of hegemony over the Gaza Strip, but as an act to attract more attention and recognition.

In 2006, Hamas wrote in item six of its electoral campaign, “[shedding] Palestinian blood is taboo in Palestinian society, and dialogue is the only acceptable approach to solve any internal Palestinian differences and disagreements.”<sup>596</sup> During the talk of the first Cabinet platform of Hamas in 2006 in the PLC, Haniyyeh emphasized that, “...consultation and dialogue on all issues of common concern will always remain our policy to achieve the supreme national interests of our people and nation.”<sup>597</sup>

Yet, even when Hamas deployed violence to take over the Gaza Strip, it justified deploying violence against Fatah and others for preserving order and ensuring protection. Hamas also argued that it was doing so in the national interest of Palestinians, to protect them from being hijacked by some groups like the Dahlan-related PF who wanted to follow the US agenda and pursue talks with Israel, in addition to ostracizing Hamas.<sup>598</sup> Thus, the red line mentioned above was crossed against other Palestinians and against the PA. So, how did Hamas which correlated diplomacy with Palestinian rights and interests earlier during Arafat's time, envision and justify the relation between takeover of the Gaza Strip and preserving the Palestinian rights and interests a year later?

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<sup>596</sup> Hamas electoral PLC Campaign 2006.

<sup>597</sup> See Hroub (2006).

<sup>598</sup> Also see, Rabbani (2008).

When asked where the red line of Hamas was when it took over the Gaza Strip, and how they were able to kill people against the traditions of Islam and the notion of *sabr* they called for earlier, many Hamas interviewees cited *fiqh al-masaleh*, vaguely saying that such religious regulations (*qa'ida shar'iyya*) give some leeway for Islamic leaders, under certain circumstances that threaten the community, to implement decisions and take actions that they would have not been able to do at other times, including killing other Palestinians. Some reiterated, "...necessities permitted what is forbidden." One prominent Hamas leader elaborated on *fiqh al-masaleh* further:

Nothing Hamas does should be in contradiction with the Palestinian cause; one should sacrifice himself for the cause...Therefore, there is no place for concessions [to Israel] to end this conflict [implying that the PSF and Fatah wanted to do so]. This conflict started 100 years ago and will not end by concessions and giving up part of the land to Israel. This is the main and essential red line. [Therefore], [shedding] Palestinian blood is a red line as long as it *does not bring harm* to the Palestinian cause ...and now we are in a stage where there are attempts to end the Palestinian cause.<sup>599</sup>

As shown from the above quote, the slogan and discursive doctrine of Hamas adhered to the dictum that, "Palestinian blood as a red line," and became understood in 2007 by Hamas as a conditional slogan on preserving the Palestinian cause and their national interest. In other words, preserving the Palestinian cause and Palestinian interests, which were in danger at the time of taking over the Gaza Strip as Hamas claimed, was a "necessity" now over the deployment of violence against the PA. Yet, it was not clear who decided this and what was the range that permitted a leader to deploy violence based on the estimation of necessities. It was also not clear how the Palestinian cause and interest in June 2007 was under greater threat, as estimated by Hamas, than it

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<sup>599</sup> Prominent Hamas leader, 18 September 2007, Nablus.

was earlier under the peace process that Hamas opposed all along, especially because Abbas and his negotiation team up until that point did not sign over the concession of Palestinian rights and constants (*thawabit*).<sup>600</sup> What is detectable here is that the discourse of liberal *rights* and high Palestinian *interests*, supplanted ideas of tolerance and *sabr*. This was provoked by the earlier movement towards authorities' voices within Hamas that called for rights and interests and might have exceeded the voices that called for tolerance and patience.

The deployment of *fiqh al-masaleh* represents an interesting case of selective use of tradition based on a liberal interpretation of Islamic law. While the history of the concept lies beyond the scope of my argument, a brief background helps to understand Hamas's strategic employment of the concept. A number of leaders told me that *fiqh al-masaleh* refers to a concept developed by the medieval jurist al-Ghazali (Abu Hamid Muhammad ibn Muhammad Ghazali, 1058-1111).<sup>601</sup> *Maslaha* means public interest or welfare; this definition simply relies on a basic rule which permits leaders, in cases when Palestinian interests are hurt, to resort to violence to prevent harm (*madara*) and preserve

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<sup>600</sup> In January 2011, Al Jazeera channel revealed leaked documents of negotiations between the PA/Fatah negotiators and the Israeli government that showed a delegation of concessions over major rights and constants to the Palestinians, including the borders of the Palestinian area, especially in Jerusalem, the right of return for Palestinian refugees, and security coordination with Israel. For more information see: Al Jazeera Transparency Unity, <http://transparency.aljazeera.net/>.

<sup>601</sup> Qur'an, *hadith* or *sunna*, *ijma'* (consensus) and *qiyas* (analogy) remained the four main sources of Islamic law (in the Sunni school). A further method of general understanding of *sharia* has been developing like, *maslaha* (interest, or public welfare) and *maqasid al-sharia* (end goals of Islamic law), in which a broad notion of *sharia* is thought of as preserving utilities and preventing harm. Ghazali, for example, suggested that *sharia* should preserve five vital necessities: Life, religion, mind, private property, and offspring (Ibrahim 2006: 161-162) where *maslaha* can be used. Others like Najm al-Din al-Tufi (1316) discussed *maslaha* and said that it should be used as the major source of law after the Qur'an and *sunna* and in some cases may supersede them. Such claims were neglected as a very radical (see Johnston 2004: 255) and were discussed again in the 20<sup>th</sup> century by reformists.

interest (*manfa'a*). However, what is notable is that this harm is elusively defined. If we look further into the concept of *fiqh al-masaleh*, we in fact find its usage developed in the 20<sup>th</sup> century to evoke liberal Western ideas of modernity and utilitarianism. This is how it was used by reformers like Muhamed Abdu and Rashid Rida (Abd el-Kader 2003; Ibrahim 2006; Johnston 2004);<sup>602</sup> despite their differences they put forward the concept of *maslaha* for more flexibility in the application of *sharia*, as an equivalent to the liberal concept of interest.<sup>603</sup>

Some Hamas leaders mixed and selectively advanced Hamas's claims, especially internal violence, by endorsing medieval thinkers like Ibn Tayymia and al-Ghazali, along with modern reformists like Abdu, al-Banna, and even Qutb. For example, my interviewees and some of Hamas's declarations endorsed *maslaha* as the end-goal of *sharia*, but they were not being precise about how they see *maslaha* and whether *maslaha* can only be pursued in case of "vital necessities." Also the relationship between *maslaha* and the other sources of Islamic law (Qur'an, *hadith*, consensus, and analogy) is not clear in Hamas's discourse. What is clear is linking the discussion of *maslaha* with the Palestinian cause and high national interests for greater leeway relating Islamic law with Hamas's practice.

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<sup>602</sup> For a review of the Islamic reformers in the 20<sup>th</sup> century see Bahlul (2007); Hallaq (1997); Hourani (1983); Kerr (1966).

<sup>603</sup> In general, for reformists public interest, *maslaha* can be a source of law as long as it does not conflict with *sharia*, however, in some cases it can override texts (Qur'an and *sunna*) - in the sphere to *muamalat*. For example, the *maslaha* notion is behind some arguments of Islamic reformers, like Abdu, to end polygamy: "...the demand for the prohibition of polygamy is supported with the argument that the prevention of injustice is preferable to its redress and is therefore a matter of *maslaha*" (Layish 1978: 267). In the end, Johnston and Layish discussed the failure of modern Islamist reformers in shaping new legal doctrine that mixes *sharia* with liberal notions of Western doctrine (Johnston 2004: 267-278; Layish 1978: 266-270).

By applying a *maslaha* discourse to situate the seizure of the Gaza Strip, Hamas also aimed consciously and tactically to address the *fiqh* concept that speaks to the liberal secular discourse of rights, maximizing interests, and to gain a popular mandate to accommodate its actions. Consequently, this approach (*maslaha*) to *sharia* by Hamas cannot be understood and does not operate out of context, but is used consciously to link Islamic legal theory to local and international contexts and suggests different directions for inquiries. Also, it might be part of a conscious effort and attempt by a contemporary Islamist movement, here Hamas and the MB, to resist liberalized new regimes and their ostensible inclusion using discourses that resonate with “real” liberalism (not false ones used by regimes) yet still allows for dissent.

In light of the above, *maslaha* is a bridging concept between Islamic and liberal discourses, and reveals that Hamas attempted to accommodate itself to the PA regime that went all the way to its discursive articulations of its political strategy. *Maslaha* seems compatible with the liberal notion of interest, and it enabled Hamas to both address Islamic elements in the Palestinian society to justify its acts, and also to internationalize liberal discourse (of preserving the interest of the people). Ultimately however, with regard to its actions, it seems quite likely that Hamas’s attempt to accommodate itself to the liberal notion of interest (through the concept of *maslaha*) is what provided it (ironically) with ideological justification to also break rank with the PA. In this sense, Hamas's discourse about interest does not offer an alternative to the way social movements could conduct themselves in light of the impasse of ostensible inclusion. That is, it offered accommodation to exclusive inclusion and not a new alternative resistant to it.

Finally, we should always remember that, in general, the interpretation of religion, *fiqh*, including *maslaha*, is shaped by Hamas's position in politics and its strategic interaction. And while religion is used with other notions like human rights and justice by Hamas, it does not entirely seem to determine Hamas's practice. However, *maslaha* along with other concepts like *sabr*, are deployed to justify these practices and make them resonate with the population and the international community in order to further Hamas's legitimacy. Hamas's justification cannot be taken at face value, and one has to understand why some justifications are used and others are not at this particular time.

To sum up, Hamas's practices cannot be understood without looking at the process of exclusive inclusion driven by PA ruling elites and international actors (mainly the US), and certainly not without considering Israel's important role and actions in upsetting any democratic processes that might include Hamas (or opposition to Oslo) along with the US's role in the region and Hamas's intra-politics and divergences.

## CONCLUSION

In this chapter we uncovered the final dimension of change within the intra-group organization and internal relations as a result of exclusive inclusion (open contestation and ostensible power sharing). I argue that a relative change in the structural organization of Hamas was triggered through open contestation in the PA which provided Hamas leaders and affiliates an additional open sphere to debate and function from within a formal institution, in addition to behind the closed doors of Hamas as a resistant movement. Participation also demanded a relatively looser organizational structure through the formation of an extra attached Hamas body (in the local councils, the PLC,

and the CoM), a relatively less centralized decision-making process by Hamas officials in the PA (far from Hamas consensus), and an overall less ambiguous governance strategy. These were radical changes for an opposition group that had, until recently, discussed politics and took decisions only discreetly and internally, including changes that mandated new ways of making politics within the movement and the strengthening of some voices that had long called for participation with the PA.

However ostensible power sharing and the interaction of incumbents and incorporated groups within the two-level game provoked a competition over power and reforming the very rule of power sharing, raising uncertainties over the exercise of power for incorporated opposition. Hamas's leadership and officials perceived these uncertainties and the ambivalence of ostensible power sharing differently, coupled with selective incumbents' manipulations. This generated various arguments and disagreements on how to manage such manipulative processes of power sharing, also emerging on most of the conjectures of decision-making and during continuous dilemmas and blocking of exercising of power by incumbents (backed by external powers). Divergences were becoming clearer, as I showed in the case of CSS and PSS, between Hamas leadership and officials. Therefore, the political opportunities made available to Hamas's leadership through open contestation were tightly restructured after the imposition of international sanctions and the deployment of ostensible power sharing mechanisms over the HLG and the Palestinian people. That is, ostensible power sharing mechanisms and their aim to prevent Hamas from exercising power or reforming the rule of power sharing, constrained and challenged Hamas's choices of governance policies and strategies to the ultimate since they demanded painful changes on behalf of Hamas

when Hamas was not always ready, given its combined reform and resistance agenda. Some leaders were more flexible to interact with the selective manipulative attempts and perceived them differently than others. Some preferences started to change, too, by some opposition leadership where they were more open for co-optation to reserve some of Hamas's power if the sanctions were to continue and if the power of the game continued to be on the side of the incumbents.

In addition, the emerging intermixed approach of Hamas out of interactions with incumbents and their manipulative mechanisms to the power sharing process was, itself, containing contradictory elements that were not totally satisfactory to "rejectionist" trends within Hamas, nor were they totally satisfactory to the trend that called for more assimilations and step by step reforms within the PA. Therefore, divergences also built up out of this intermixed approach among continued manipulations and sanctions. In other words, the intermixed approach of Hamas under formation and at a later stage (after it became more salient) became, in addition to mechanisms of ostensible power sharing and external factors, itself an arena of debate and divergences within the movement. Hamas leaders and officials disagreed mainly on the extent of their democratic legitimacy, given the complex nature of exclusive inclusion and the two-level games, on various selective manipulations and with heavy external intervention. Thus, there were disagreements on how to govern (at the game level), and whether/how to reform (or not) from within the PA (meta-game level). In addition, continued ostensible power sharing had strengthened voices within Hamas who were on the verge of or were not enthusiastic about manipulated power sharing and keen to keep the resistance identity of the movement and its popularity intact as "rejectionist." Accordingly, voices that were calling to work with

Fatah/PA elites with some tailoring to the ostensible power sharing mechanisms to lessen and contain the exercise of a power impasse were becoming less popular, especially among armed groups.

Yet, the critical point of power sharing was after the incumbents and opposition signed a unity agreement and formed a NUG. This agreement was the last chance to save power sharing. In addition, this agreement comprised concessions on the part of incorporated opposition where it could no longer apply policies and its intermixed approach as it wished and as it used to under the HLG when officials in the NUG were comprised from independents and other factions, including Hamas. When power sharing continued to be manipulated and hijacked by incumbents, despite the partial delivering of more power to Hamas's officials in the CSS, especially in the PSS that represented the essential control over the deployment of "legitimate" violence by government officials, Hamas had to look for a different approach. The intermixed approach of Hamas could satisfy and serve neither Hamas's ministers in the NUG who had to work according not only to Hamas's strategies, but also according to the new body of the NUG and were more open to co-optation since manipulations were at least lessening in the CSS. The intermixed approach was also not able to work according to the rejectionist trend that wanted to exercise its democratic legitimate powers in the PA and change the rules of the game to become more inclusive to its members and political views.

Hence, by mid-2007 there were those within Hamas who might have wanted to accept some formula of cooptation. The idea behind this thinking was that if Hamas wanted to gain power at the game level of continued participation they could accept some formula of co-optation with Fatah elites and the President according to the external

conditions and postpone reform for a later stage. By doing so, they argued, Hamas could at least secure a place in the PA and work from within gradually to reform the rules of the game and include its member in the CSS and PSS, step by step. This option was rejected by many, if not the majority, of the core leaders and armed groups of Hamas who saw in it an end to the identity of Hamas as a reformist and resistance movement and its comparative advantages over other Palestinian factions, mainly Fatah. The latter, however, wanted to continue working at the two level-games that on the one hand, had to extract mandates and powers (granted to them through democratic elections) hijacked by incumbents and supported by external powers, and on the other hand, to continue planting its members in the CSS and PSS to be able to change the rule of the game of power sharing in the PA (to reform it and to guarantee Hamas's return through free and fair elections) at the meta-game level. To achieve the former, some leaders preferred non-co-optation choices. It was at this decision point that divergences became salient. In particular, divergences about the security plans and visions within Hamas widened and this meant that the understandings and perceptions of certain actors on how to proceed altered and that the intermixed approach could not serve Hamas in total any more.

Therefore, the distribution of power and expected payoffs after the NUG did not satisfy some Hamas leadership who had limited incentives to be part of it and who might have wanted to change its parameters. The way leaders and the rank and file understood the unity agreement was not merely tied to their calculations and direct benefits, but to an overall understanding of the way to end the occupation and to reject outside hegemony over Palestinian political issues, that is, ideational factors. They were, in a way, part of a

broader project (of reform and resistance) that served as a lens through which they filtered internal issues.

While the perception of threats and constraints of the NUG and ostensible power sharing of some opposition rejectionist leadership relatively diverted from that of its armed groups, they both agreed on rejecting co-optation and total withdrawal from power. Factors of mistrust with PA/Fatah divided elites, increased polarization due to internal fighting of Fatah and Hamas armed groups on the ground, and the historical tensions between Hamas and PA elites played into their perceptions and appropriation of an already ostensible power sharing and its disincentives.

Some Hamas leadership, therefore, made the decision to deploy force to take over some important security compounds that symbolized the power of Fatah/PA security forces and their leaders. Concerns over *negotiation, signaling, certification, intra-unification, and competition* were significant parts of this decision and, therefore, were not only based on power maximization premises. These concerns emerged first and foremost out of the perplexed and complex nature of exclusive inclusion as a process deployed by the PA, competitive authoritarian regime, and the uncertainties and imbalance it generates on the kinds of protests and course of actions deployed by incorporated groups (from diplomacy to violence). It is, therefore, the ostensible power sharing manipulations mediated by intra-groups' divergences which made the deployment of violence a possible action by incorporated groups amongst diplomacy.

Therefore, I argue that violence was aimed against the very institutions that excluded Hamas from exercising its lawful right to govern. This was done in addition to aims of winning competition over power and having control over the deployment of

violence to the signaling of Hamas's mandated power to incumbents and various external political actors. Furthermore, improving bargaining and negotiating bar for better inclusive condition under more institutionalized power sharing that guarantees reform on the meta-game level and place for oppositions within the system; gaining certification and recognition from external community for their legitimate rights of exercising power; and finally to gluing and unifying intra-groups divergences and ending cooptation as an option while empowering the movement to face any de-reform or total ostracizing (exclusion) future attempts. The deployment of violence against authorities, according to some with Hamas, might have had the potential payoff expected not only to get Hamas its mandated powers back at the game level of power sharing and exercising power in the PA institutions (e.g., three powers and in the CSS and PSS), but it also changed some parameters of the rules of the meta-game level where power sharing would be restructured on a more legal basis and with a redefinition for those who should be in charge of policies and powers in the PA.

Factors related to the weakness of the President and the divided Fatah ruling party, as well as the high organizational and military capacity of Hamas armed groups, factored into the decision to deploy violence against authority. Hamas had most likely expected to get away with its limited deployment of violence as it had gotten away with the formation of the EF and the deployment of the contract system and maybe expected to open up the Palestinian system for pluralism. However, a major structural factor also determined the role in such a vision. This factor was the existing geographical separation (and, as a result, the partial institutional division) planned by Israel since 1994 to separate the Gaza Strip from the West Bank. Accordingly, Hamas's leaders might have thought

that they could control the deployment of limited violence in the Gaza Strip and it would not look as if it was against the authority of the President who resides in Ramallah. Also, they may have thought that takeoff of some security compounds (under the control of the known “corrupt” interest groups of Fatah/PA chiefs like Dahlan) would not lead to the deployment of Fatah/PA security forces against Hamas due to the geographical division.

However, as I showed in this chapter, contingent development went beyond the limited deployment of violence to the takeover of the whole Gaza Strip by Hamas due to the surrender and fleeing of Fatah/PA security forces (unexpected by Hamas) because of the former low organizational capacities, as well as the lack of will to fight for the sake of some Fatah/PA commanders and chiefs’ interests, including the deployment of extensive military force by Hamas-affiliated military groups against the PF of Fatah and the other security compounds in the Gaza Strip until they entered the presidential compound in the Gaza Strip and destroyed its contents and furniture. This led, as I discussed, to the President deposing the NUG. He did not ostracize or ban Hamas and the latter continued to recognize him as the President. The result, thus, was the unexpected division between the Gaza Strip (under Hamas) and the West Bank (under Fatah and the President) and the formation of two governments and two entities governing the Palestinian people.

Finally, I presented a brief analysis as to the justifications offered by Hamas for the takeover of the Gaza Strip where Hamas could not go against its armed groups’ actions or condemn them since they are the backbone of Hamas. I argued that the justification Hamas deployed through the usage of the Islamic and liberal concept of *fiqh al-masaleh* helped to situate the violence deployed and supported the arguments in this

chapter regarding the triggers of violence against authorities and the reasons for its presence, but still goes beyond the mere cost-benefit analysis into further considerations.

## **CHAPTER 6**

### **CONCLUSION**

Since the signing of the Oslo Accords 17 years ago, Palestinian politics and polity have been going through a critical transformation represented by the establishment of the PA and the emergence of the authority-dissent nexus during the existence of the Israeli occupation. A deadlock on resuming peace negotiations, let alone achieving a final peace solution, and the ascending Israeli policies of “creating facts on the ground”<sup>604</sup> in the Palestinian West Bank and East Jerusalem have made prospects for creating a Palestinian state within the 1967 borders extremely slim if not non-existent.

I started from the above basic understanding of Palestinian politics and offered an in-depth analysis of the changes in the internal authority-opposition dynamics during the preparation of the PLC’s second election (in the second half of 2005), the deployment of political violence and the takeover of the Gaza Strip by Hamas in mid-July 2007, and the separation that followed. More specifically, I unpacked the type of inclusion process in the Palestinian case, exclusive inclusion, and traced its link to the deployment of political violence. That is, I unpacked inclusion to two major dimensions, open contestation and ostensible power sharing, and uncovered the various mechanisms and means of control used by incumbents in each dimension (within state institutions and sometimes in the polity). More specifically, this study elucidated on the various levels of exclusive

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<sup>604</sup> These facts were represented by the Separation Wall, a system of road blocks, a geographical separation, and the proliferation of settlements among others.

inclusion in two major comparison sectors of the PA, the CSS and the PSS. By comparing these two major sectors, I traced a causal path of political violence and showed how it could develop out of some existing institutions, practices, and developments, of exclusive inclusion in some areas not other under the same political regime (issues related to the PSS more than the CSS). It further developed through the interactions of incumbents with incorporated oppositions, and the intra-opposition divergences. Hitherto, this previous causal path was largely affected by the Israeli policies towards the Occupied Palestinian Territories and Western support in various ways.

My research, consequently, offers two suggestions to theory building and development about inclusion and political violence in competitive authoritarianism. First, new theories need to systematically address the complexity of the inclusion process and disaggregate it to its various and contradicting strategies and means of control not only across cases but within the same cases across issue areas. This is because, as this research has found, exclusive inclusion can engender political violence and not only “moderation” as suggested by inclusion-moderation nexus. By disaggregating inclusion, scholars can further account for the interaction between incorporated opposition and incumbents and authorities, and the two-level games (nested game) of election and post-election eras. It also helps scholars to account for the level of Western leverage<sup>605</sup> and Western influence (here included as occupation too) in some issue areas and institutions, and within the same country more than others.

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<sup>605</sup> For more see Levitsky and Way (2006, 2010) and chapter 2.

My comparative research in the PSS and CSS showed that incumbents can apply various policies and practices, formal and informal, which deliver some entitled powers to Hamas's officials in one issue area on the one hand, but withdraw and/or deny power and demands on another issue area on the other hand. Hamas, in turn, did also tolerate some of previous transgressions as long as they could use a backdoor to regain some power back in some issue areas and satisfy some essential demands. In my case, incorporated opposition did not only respond to opportunities and constraints of ostensible power sharing but they affected and challenged them by creating and conducting new and previously unimagined options. This "creation" was essential to understanding the effects of various kinds of inclusion on opposition's behavior and ideas and vice versa.

Second, my research moves beyond the traditionally assumed black and white picture of internal political group dynamics. It shows that even organizationally united political groups may not be as internally homogeneous as they seem. That is, there were unforeseen instantaneous divergences out of exclusive inclusion that happened even when the group looked homogenous. Divergences are defined here as the change in the extent to which some top leadership and rank and file disagreed, almost publically, with other leaders on certain strategies and practices after a new area of debate and practicing politics became available (especially as a result of participation or loosening of the group's organizational structure). In the case of Hamas, with its political and armed groups' (formally the EF and Al-Aqsa Brigades), divergence under confusing signs and policies of exclusive inclusion meant that within Hamas's leaders and rank and file developed deviating motivations with regard to exclusive inclusion and opportunity

structures. They, therefore, had various attributions of threat and expected payoffs. These variations were essential to the decision of the deployment of limited political violence by Hamas in 2007.

I recognize that my work provides one example of a causal path linking exclusive inclusion to political violence through using within case sectoral comparisons and process tracing. I recognize, too, that there were various forms of inclusion and incorporated-authority dynamics in other cases that varied depending on initial political contexts among others. There is also a variety of groups and their demands across cases and within the same case-country, as this dissertation showed. Thus, extending the findings of this case to further in-depth case studies and comparisons across cases is essential to test intervening variables, causal mechanisms, and causal path, and to trace new ones. More specifically, future process tracing on other within case studies is essential to reveal further and different causal path(s) that lead to similar outcomes of political violence. The ultimate theoretical aim is to move to a typology of inclusion and a mid-range theory of political violence and various kinds of inclusions.

#### **PROBLEMATIZING THE INCLUSION-MODERATION NEXUS AND TRACING POLITICAL VIOLENCE:**

This dissertation accomplished two tasks that it set at the beginning. First, I unpacked inclusion under the PA into two dimensions contestation and power sharing. Second, I linked the unpacked inclusion to deployment of political violence by newly incorporated groups (Hamas). That is, I argued for opening up the inclusion-moderation hypothesis when applying it to non-democracies (mainly competitive authoritarianism) by disaggregating inclusion into its further elements and strategies. I then traced these

various strategies to various opposition forms of action (not necessarily moderation) (see figure 1).

In the democratic literature, inclusion in liberal democracies happens through institutional channels that provide both incentives and constraints to opposition and dissidents. The formers are rational actors who act according to their strategic interests within certain institutional constraints that usually lead to moderation. Thus, it is assumed that even if the opposition chooses inclusion strategically, over time they become moderates and learn how to modify their behavior (Przeworski 1991; 1993). This dissertation does not aim to refute the above inclusion-moderation nexus in democracies but demonstrates the limited usefulness of such an approach when it comes to understanding the power dynamics in non-democracies. Although theoretical and empirical attempts to apply the inclusion-moderation nexus in the authoritarian Middle East context do exist (e.g., Roberts 1994; Schwedler 2006; Wickham 2004), these studies have largely focused on unpacking moderation of political groups after inclusion. By contrast, this dissertation aims specifically and systematically at unpacking inclusion and its various open-ended outcomes.

When inclusion in the Occupied Palestinian Territories led to the deployment of political violence, the inclusion-moderation nexus was not adequate to assist in understanding the outcome (and neither were other alternative explanations as discussed in chapter 2). Further examples of inclusion that led to a mixture of accommodation but also political violence at one point was Hizballah in Lebanon in May 2008, and various militia groups in Iraq, mainly al-Sadr's Group in Iraq, in the recent years. As a result, I contend that a model that does not unpack inclusion, under non-democratic regimes in

transition, can hardly explain combinations of incorporated group actions. That is, combinations between, on the one hand, political violence and non-violence, and between the deployment of limited political violence and the persistence in admitting the legitimacy of the regime on the other – as the case of Hamas showed (radicalism and moderation as they were typically portrayed in the literature).

Furthermore, my disagreement with the inclusion-moderation nexus extended two-folds: first, there is not enough problematization and unpacking of opposition behavior. Put differently, there is little recognition that groups subsumed under traditional labels such as “radicals” and “moderates” are in fact entities that are subject to change, ideologically laden, and inseparable from internal and external power relations. Traditional labels are thus of little analytical value when it comes to cases where actors deploy violence but commit to democracy for instance. Second, the inclusion-moderation model aimed to scrutinize opposition’s behavior before critically questioning the underlying governance processes of the system (whether democratic or not). In doing so, it shifted the attention from those who do not “directly” possess power and can decide about participation (i.e., opposition forces), to the entities that actually make final decisions about the qualities and levels of participation and inclusion or not (i.e., regimes and incumbents). By contrast, this dissertation sought to restore and balance the former relationship by disaggregating the level of “moderation” of incumbents and inclusion. This restoration would be crucially important for political scientists to explore the new emerging systems after the recent revolutions in the Arab World, for example, and emerging activists and future incorporated groups within the yet-to-evolve and democratized systems and governing structures.

I have shown that the Occupied Palestinian Territories' case (from mid-2005 to mid-2007) had experienced exclusive inclusion: open contestation but ostensible power sharing. This exclusive inclusion was contextualized within existence of a colonial power and external influence (i.e., Western leverage). I unpacked inclusion on the executive, legislative, judicial levels and media levels. Then I further unpacked and contrasted inclusion within sectoral case studies of the PSS and the CSS (various executive, legislative and judicial regulations intersected with the analysis of the sectors). In these sectors, various formal and informal means and mechanisms of manipulation of power sharing were deployed by incumbents and surrounding elites in addition to the support of Israel, the US and, to a lesser extent, the EU. Chapter 3 went into detail about these contradicting incumbents' mechanisms that included elements of co-optation, repression and coercion, extra-judicial acts, certain institutional arrangements (not necessary liberal ones), sanctions, and/or reference to the law and regulations in one area and not another.

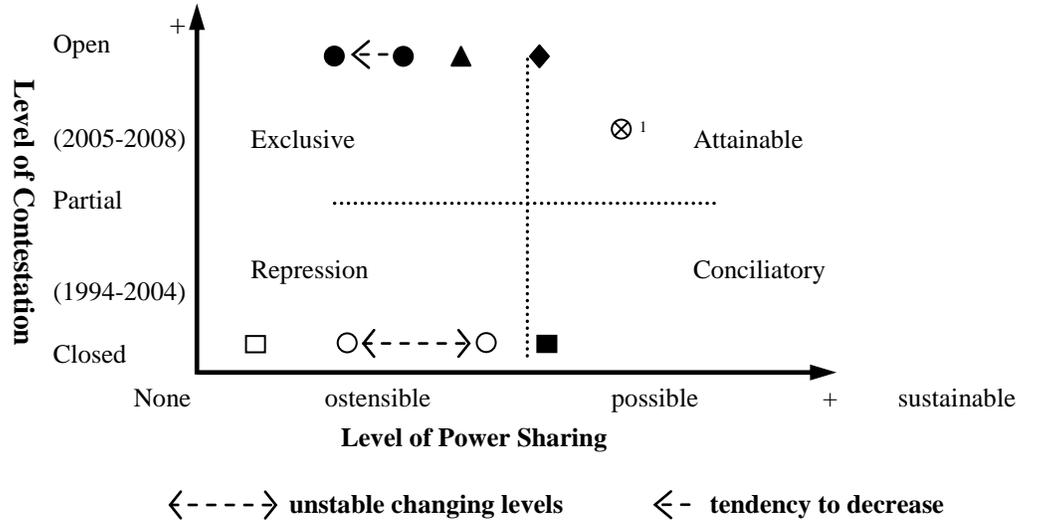
In general, the PSS had higher ostensible power sharing than the CSS due to an uneven playing field and current incumbents' practices. Initial situations were represented by complete exclusion of Hamas affiliates and supporters in the PSS; this included competition within Fatah/PA commanders and chiefs and rampant client-patron relations (including violent encounters), and relative lack of chain of command. Most crucially the PSS was more organically tied to the Oslo Accords' condition of preserving the security of Israel and committing to joint security coordination with Israel than the CSS. Further formal and informal common practices of ostensible power sharing in the PSS and CSS were mainly related to public employment processes and administrative/executive practices such as: the President and the executive power

superseding regulations and rules; public employee disobedience, non-cooperation, and obstruction of daily administrative procedures (by Fatah employees); para-militant use of means of coercions (including vandalism, kidnapping, violence); and activation of factionalism and clientalism to undermine institutions. After the unity agreement or the Mecca Accord in early 2007, former mechanisms slightly improved, especially in the field of public employment and policy-making and policy implementation into “better” power sharing in the CSS, but not in the PSS. That is, a power sharing that still had some ostensible mechanisms in the CSS but had also made initial steps of delivering more entitled power to Hamas. The former practices opened the road into what might be viable or possible power sharing and attainable inclusion in the long run (this option, however, did not seem clear in the PSS -see figure 4 below). Factional allocations in the CSS were signed and implemented, and Hamas was able to keep its employees, especially in the senior governmental positions.

Viable or possible power sharing vaguely connotes a higher power sharing level than ostensible power sharing, yet it is still not sustainable. Below figure captures the shift in contestation and power sharing and, thus, the types of inclusion in the Occupied Palestinian Territories (during two periods under Arafat 1994-2004 and Abbas 2005-2007).

The figure shows unpacked inclusion and exclusive inclusion from 2005-2007, that are the focus of this dissertation. But the figure also reflects on some other forms of inclusion that I discussed in chapter 1 under Arafat’s governance from 1994-2004. I revisit these comparisons below in this chapter.

**Figure 4: Level of Contestation, Power Sharing, and Kinds of Inclusion for Hamas (1994-2007)**



- **PSS: 2006-mid 2007**  
Similar in media, judiciary, and executive<sup>607</sup> institutions (the latter only in 2007)
- ▲ **CSS: 2006**  
Similar to legislative and executive institutions to a certain extent
- ◆ **CSS beginning 2007-mid 2007**  
(Similar to legislative institution)
- **Repression period under Arafat 1996 and 1998**
- **PA civil and security institutions under Arafat 1994-2001 (Selective repression and reconciliation).**<sup>608</sup>
- **Open communication and co-operation in civil and security services under Arafat (2002-2004)**

<sup>606</sup> ⊗ Under Abbas, the year 2005 witnessed free local council elections with viable power sharing that raised Hamas's expectation of a fair PLC election and sustainable inclusion. This dissertation focuses on the national elections, but I have added it here for clarification.

<sup>607</sup> For the rejectionist current of Hamas, the power sharing in the executive institutions had worsened since Hamas gave up three major ministries (Finance, Foreign and Interior) to independents in 2007. Yet, for the other trends, Hamas leaders related to the NUG, Power sharing in the executive institution had improved because of the formation of the NUG from all Palestinian factions and for the harmony in its decision making based mostly on consensus.

<sup>608</sup> The PSS was more exclusive to Hamas than the CSS but is not reflected in this figure.

As discussed in chapter 3, power sharing was ostensible in all PA institutions with slight differences. In 2007, power sharing improved in my case study of the CSS (and also in executive and legislative) but did not improve when it came to security jurisdictions of the Minister of the Interior, defection, control of Fatah/PA chiefs over the PSS despite ratification of unity security plan. Power sharing became worse in terms of increased engagement in coercion by both Fatah and Hamas armed groups and paramilitants.

The second task of the dissertation was linking exclusive inclusion to political violence. I started by analyzing the interaction of incumbents and incorporated oppositions through the “nested game” analysis of strategic interdependence used by Schedler on the competition institution (2002a). I extended its application to all interactions of incumbents and incorporated oppositions in the PA institutions with a focus on the comparative sectoral studies of the CSS and the PSS. In addition, exclusive inclusion in PA institutions and in my two comparison case studies led Hamas to deploy an intermixed approach (appropriation and resistance to practices of ostensible power sharing from within the authority institution) (see figure 1). It was deployed to reduce uncertainties of the strategic interdependence (between incumbents and opposition) but also to balance between Hamas’s new governance approach and “previous” resistance and opposition approach. Incumbents-incorporated groups’ interaction was restricted by institutional constraints related to the relation of the PA to Israel, mainly their security coordination, and Abbas’s commitment to peace negotiation and the Accords. The interaction was further complicated because of the shift in Hamas’s discourse and its developing of a less ambiguous governance vision. A narrative of democratic legitimacy

was extensively developed and deployed by Hamas's officials and movement and became an ideational constraint to actors' behavior (see chapter chapters 3 and 4).

Yet, as I discussed in chapters 2 and 4, the nested game (two-level games) had the game level and the meta-game level. That is, the interaction between political actors was not only over power and jurisdictions in the PA but over the game of governance itself, its rules, institutions and arrangements. In the CSS, it was primarily about factional balance and furthering Hamas to implement policies. However, in the PSS, it was concentrated over the structure and the outlook of the PSS, in addition to a special arrangement to engage (or not) Hamas's armed groups in the PSS.

Ostensible power sharing in both sectors led incorporated opposition to look for indirect and inventive ways to offset ostensible power sharing and practice significant powers and satisfy their demands (i.e., contract system in the CSS and formation of independent EF). These ways were unimaginable to the incorporated groups before exclusive inclusion. For example, there is no evidence that Hamas officials and leaders planned earlier to enter the PA in order to form and institutionalize a security force (EF) related to Hamas. Ostensible power sharing did not only constrain incorporated groups' behavior and possibilities but the latter had agency in constructing new options for themselves from within the authority institutions (and over the course of the year played back into incumbents strategies).

A colonial existence in the Palestinian case necessitated certain arrangements of power between incumbents and incorporated opposition that might not have existed otherwise. Most starkly was the insistence of Hamas to not merge its security force, the

EF, with the Palestinian ISF, at least for a while and to make it function as a semi-formal force (under the umbrella of the ISF but not merged with its forces) even after the formation of the NUG in March 2007. Hamas feared that total incorporation in the ISF and the PSS, especially in the WB, would make them the target of Israeli assassinations and incarceration. In addition, Hamas did not trust the divided Fatah commanders and their loyalties and client-patron relationship within the PSF, and their security apparatus security coordination with Israel. Put differently, any total incorporation of Hamas's EF in the PSS would not have led to more access to power (game level) nor to reform of the PSS institutions (meta game level).

Nevertheless, the arrangement of the EF to function outside the ISF did not fit a typical institutional and liberal notion of inclusion. According to this notion, the official security forces are put under the supervision of the central state and any armed group outside the formal security apparatus is unacceptable and considered a transgression over the state's sovereignty and the principles of democracy. In comparison, however, such arrangements existed in certain contexts like the case of Hizballah in Lebanon and Sudan People's Liberation Army/Movement (SPLA/M) in Sudan. In 2007, in order to improve ostensible power sharing in the PSS and to shift to possible power sharing, it required an agreed upon procedural arrangement between the President and Hamas (which mostly mandated agreements over a security vision and relation to Israel) in the PSS. The arrangement that would have satisfied Hamas's demands was one that made them practice power through their EF, but from outside the security institutions until the latter became reformed and/or until some gradual political solution emerged. This arrangement,

however, had its own problems and it would have been hard to sell to Israel and the Quartet (especially the US).

The second and last intervening dimensions traced by process tracing into linking exclusive inclusion to political violence was the intra-group divergence. There was change or extension of the organizational structure of Hamas and change of internal relations towards divergence that surfaced frequently and sometimes publically after 2006. More specifically, open contestation in the PLC elections in 2006, led to a looser organizational structure and to looser centralized decision-making of Hamas. This happened when Hamas created an extension body, LoCR, to run in the PLC elections. The LoCR's members were not all from Hamas but some were general supporters and sympathetic professionals. They became members of Parliament and Hamas's minister (or new professional sympathetic ministers were chosen). Hamas's affiliated officials in the PA were the proxy of Hamas in the PA but still had some leeway to act and were not strictly responsible in front of the Hamas Political Bureau.

Participation allowed for the opening of a new institutional arena for some voices within Hamas, like Hamas's officials (long time supporters of participation) who became ministers, to act and pursue politics outside the discrete Hamas organizational structures (even if they formally remained responsible in front of the Hamas Political Bureau and *Shura* Council). The previous led also to some relative dwindle of the centrality of decision-making in Hamas regarding daily issues. The political weight and significance of Hamas's leaders who had been sympathizers with participation (regardless of ostensible power sharing) within the PA were rising at the beginning of exclusive inclusion. For the first time they were able to practice their beliefs and to engage in

communication and arguments with traditional PA/Fatah officials. Hitherto, obtaining an extra-institutional arena for this trend or current within Hamas led to surfaced divergences between the accommodative trend and the “rejectionists” trend and between them and armed groups later on (after the NUG and continued exclusive inclusion). Over time, the “rejectionists” were unsatisfied with exclusive inclusion and entered into tension with the other trend, especially over the PSS and the role of resistance in Hamas’s principles.

The widening intra-divergences were not bridged given the lack of public, systematic, and wide debates within the Hamas movement in 2007. This is especially true in the case of Hamas’s armed groups (Al-Qassam Brigades, EF, and related militants). Various Hamas’s leaders and armed groups developed different understandings and perceptions about the exclusive inclusion. These development happened given the rapid accumulation of events from 2006-2007 and the continued sanctions over time by Israel and the Quartet, as well as Hamas’s internal decision-making process and initial variation and disagreements in political beliefs, and the formation of Hamas’s new intermixed approach. Many leaders of Hamas who became excluded from the NUG after February 2007, in addition to Hamas armed groups, grew dissatisfied with the continued exclusive inclusion process. They feared the loss of the “purity,” popularity, and competitive advantage of Hamas as a resistance movement in the Palestinian political system. This intermixed approach of Hamas, deployed through 2006 and the beginning of 2007, did not achieve its goals in the security domain after the formation of the NUG and its unified security plan. Hamas leadership and armed groups did not want to be part of joint armed groups with Fatah/PA security (as proposed by the unified security plan) whom they saw

as guardians of Israel and US interests in the PA and given the Fatah/PA commanders upper hand control over the structure and functioning of the security apparatus, as discussed above. In addition, the lack of an articulated and agreed upon governance strategy of Hamas, the clinging of its armed groups and some “rejectionist” leaders to the resistance identity of Hamas, and its comparative advantage over all other Palestinian factions contributed to the intra-divergence. Divergences happened especially regarding the security domain and the executive power of the NUG.

Finally, the above current within Hamas armed groups and rejectionist leaders led to political violence being deployed against the PF of Fatah in the Gaza Strip and later against the Presidential compound. I have argued in this dissertation that the intra-divergence within Hamas was related and finally caused the deployment of the political violence in June, 2007 through a causal mechanism; that is, through intra-Hamas differences in the attribution of threats and the expected payoffs of exclusive inclusion and, more specifically, in the security field. Below, I explain why intra Hamas divergences were linked to the deployment of political violence and why a unified Hamas would not have made the same decision.

The Intra-Hamas divergences, despite Hamas’ organizational unity, were linked to political violence. Divergences were not a mere difference of opinions and outlooks but differences in behavior. Had Hamas remained coherent from inside, it would have had to follow its formal and regular bottom-up consultation approach to decision-making as noted in chapter 6. That is, it would have had to start consultation at the level of cells, then ascend to the level of regional *shura* councils in four major areas covering all members (West Bank, Gaza Strip, those within Israeli prisons, and those outside the

WBGs), and finally to the national *shura* council so that decisions based on these consultations could be taken. Therefore, a decision to deploy political violence against some PSF would have to go through all the above-mentioned channels to be ratified and implemented by Hamas's Political Bureau and the military wing. In other words, the consent of Hamas leaders in various areas and in the regional *shura* councils was essential if political violence was to be deployed by Hamas in its entirety as an organization. In 2007, such consent did not exist. There were some Hamas leaders, a majority in the West Bank, who opposed political violence against the PA despite the Dahlan-Dayton security plan in the Gaza Strip. Their opposition (or non-consent) blocked any venue for formal adoption of political violence by Hamas. Therefore, political violence was deployed with the consent of some groups within Hamas but not others and, most likely, without consultation.

Those who refused political violence as a way out of the political impasse and sanctions in 2007 did so because they envisioned other diplomatic ways to confront exclusive inclusion. They (and this included PM Haniyyeh) proposed to implement the unified security plan in stages. Haniyyeh and other leaders thought that such a plan was reasonable because they believed that it would succeed if it was given more time and if it was fully endorsed by the President. Their position was based on preserving Hamas's democratic legitimacy from within the PA, persisting in trying to gain international recognition, and cooperating with other Palestinian factions, including Fatah, to set up a new national strategic plan to face occupation and sanctions. By having such a vision and pursuing it, PM Haniyyeh and some Hamas's officials and leader, were acting upon a certain approach that did not resonate with all – perhaps not even the majority – of

Hamas's leaders and certainly not with the armed groups. Therefore, in 2007, divergences were not simply differences in opinions and visions for the future of Hamas; they were "real" differences in behavior and practices. For example, the PM was negotiating with Fatah and other factions and arranged for a unified security force to be implemented on the ground. At the same time, Hamas's armed groups were preparing to not be merged and were fighting a daily battle with Fatah's para-militants and some security forces.

In summary, intra-Hamas divergences led to differences over the attribution of threats and expected payoffs of exclusive inclusion, especially in the security sector. Some currents within Hamas sought to face exclusive inclusion by more cooperation with the NUG; others did so, especially with respect to the Dahlan-Dayton plan, by deploying political violence. Ironically, while both groups aimed to lessen exclusive inclusion, end internal violence, and gain international recognition, the means to achieve these aims were different. The "rejectionist" current within Hamas, represented by some leadership and armed groups, deployed violence mainly for the following three reasons (in addition to wanting to end internal violence and restore order): First, to signal Hamas' power to PA elites and security personnel in order to improve the bar of negotiation and end exclusive inclusion for more inclusive policies (including special power arrangements for their armed groups). Second, they wanted to gain recognition and certification from the international community that was not possible through diplomacy. Third, they wanted to bridge the above mentioned intra-divergences by "forcing" the other currents within Hamas to end their co-optation with the PA and to reject exclusive inclusion and preserve resistance. Settling Hamas's divergences, therefore, was one reason for the deployment of

political violence itself. As one minister at the NUG told me, political violence was in part against Haniyyeh and his approach as the PM to the NUG. In some ways, this current was looking to restructure the governance game altogether and not only to have more power in the Palestinian regime.

Some of the Hamas leaders' rejectionist motivations and attributions intersected, at least momentarily, with its armed groups, at that particular moment, but not with the other current of Hamas leadership related to the NUG and its politics. For the rejectionists, political violence was a means to achieve certain purposes especially when they saw that the Hamas intermixed approach could not satisfy important demands. Therefore, the deployment of political violence, given the context of continued ostensible power sharing in the PSS (and the executive domain too), and despite the relative improvement of power sharing in the CSS (and virtually in the PLC), was based on cost-benefit analysis and the above-mentioned reasons.

Yet, the development of events represented by Fatah commanders and the rank and file's surrender to Hamas armed groups, in addition to the historical relative autonomy of Hamas's military wing, al-Qassam Brigades, from the political leadership might have led to the extra deployment of political violence than what was planned. This led to the extension of the takeover to the *de facto* fall of the Gaza Strip into Hamas's hands. Furthermore, political violence was possible in practice given the geographical separation of the Occupied Palestinian Territories, which turned the Strip into an enclave of Hamas and the West Bank as an enclave of Fatah and the President. The former situation restricted Abbas's and Fatah/PA commanders' ability to deploy more security forces to the Strip, if they wanted to do so, and made a decision of the deployment of

political violence by some Hamas leadership easier to envision and implement. Certainly the weak authority and decentralized power of the President, and the divided Fatah/PA elites and PSF factored in along with the above reasons to encourage the decision to use political violence.

Preliminary inferences in this study of the PA-Hamas showed that inclusion, as a general notion used in the literature, could produce violence and its own radical politics and not just moderation. A more specific kind of inclusion, here exclusive inclusion, within a non-democratic context was linked to political violence deployed by incorporated groups – even when the latter did not have a previous history or plan to ruin the inclusion experience. This dissertation primarily highlights the contradictions and challenges of inclusion as a process where the incorporation of some political group in the state institution does not always translate to “better” power sharing and demands satisfaction. Incorporation in state institutions might, in fact, deepen ostensible power sharing and jeopardize political groups’ demands. This happens because of the existence of an uneven playing field between incumbents and new officials, due to continued manipulation and lack of institutionalization, and due to external actors and powers favoring one party over the other. In non-democratic situations and contexts of conflict and/or occupation, incumbents and opposition might need to be open to and strike special power arrangements in some issue areas at least in the short run, outside the state institutions, to satisfy the incorporated opposition’s essential demands and for more negotiated outcomes that circumvent violent politics. These special arrangements do not always comply with experiences from liberal democratic institutions, but their notions of inclusion might be significant to accommodate groups’ demands (e.g., keeping of special

armed group outside the security system for a while) and to avoid interactions and intra-group divergences that might lead to political violence.

## **OTHER ISSUE-AREAS IN THE OCCUPIED PALESTINIAN TERRITORIES AND GENERALIZATIONS**

Various levels of exclusive inclusion emerged in the PSS and CSS. Dimensions of intermixed group approaches (interaction between incumbents and opposition), and intra-group dynamics were central to linking varying levels of exclusive inclusion to political violence. I have shown that the inability of an incorporated group to carry on its intermixed approach, especially in the PSS, and the increased divergences within incorporated opposition leaders lead to the various attributions of threat and potential payoffs. That is when political violence was deployed. Inclusion in other issue areas in the Occupied Palestinian Territories, mainly executive and legislative institutions, were also uncovered and disaggregated.<sup>609</sup> I briefly argue here that the executive institutions witnessed parallel continuous ostensible power sharing similar to the PSS according to the rejectionist current in Hamas. However, the legislative institution (PLC) had relatively improved ostensible power sharing after national unity in February 2007 and similar to that in the CSS, despite the continued incarceration by Israel of Hamas PLC members. According to Hamas officials in the NUG, they would realize that the CoM

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<sup>609</sup> When it comes to the judicial system it remained largely and almost exclusively under the President's control supported by a web of client-patron relationship tied to the PA/Fatah elites. When it comes to the public media, the Abbas and Fatah/PA elites had the *de facto* control of the media as I showed in chapter 3. During the 2006, the PA and Hamas had their totally separate media outlets with Hamas depending almost exclusively on private al-Manar Satellite TV, Palestine Information Center website, and its al-Risala newspaper along with circulated audio/visual and written material through its non-state organizations, charities, the Islamic Compound in the Gaza Strip, and mosques.

dynamics had actually improved with all ministers agreeing unanimously on most of the policies and decisions taken since March 2007 until the takeover. However, the CoM and the NUG did not get international recognition and support to make it effective (see figure 4).

A closer look shows that the intermixed Hamas approach was also not possible in the executive institution. During 2006, Hamas was still able to deploy its intermixed approach in almost all the PA institutions. Yet, this approach was not so useful after the formation of the unity government (NUG) at the executive level (as in the PSS as I showed in chapters 4 and 5). Hamas compromised or lost three major critical ministries to independents (Finance, Foreign, and the Interior Ministries). This meant that the NUG, which had ministers from Fatah and other factions along with Hamas, did not function under the direct and indirect supremacy of the Hamas Central Bureau and its *Shura* Council as did the HLG. Some Hamas leaders who were in the HLG but excluded from the NUG were not happy with the deal. They thought that Hamas shared its ministries with Fatah for no return since the sanctions were not lifted and Hamas was still not recognized by the Quartet. Their supporters from the rank and file in the armed groups also grew unconvinced and unsatisfied with the above deal. Likewise, this was the same stream within Hamas which was unsatisfied with the new united security plan that did not provide them with the securities they demanded. The initial deployment of political violence against the PF by Hamas armed groups in the Gaza Strip, and then the incursion of the presidential compound in the center of Gaza City, hinted to the direction of continued ostensible power sharing in the PSS and the executive institution and to

Hamas's internal divergence over them. Put differently, both institutions were seen by Hamas rejectionists as "stolen" with little option of return through national unity.

Regarding the legislative institution, the PLC, Hamas and Fatah members had a better positive cooperative environment and less ostensible power sharing. That is, they were able to conduct several sessions after the unity agreement (see chapter 3). They voted unanimously for the NUG (except for two members from the PFLP) and revitalized the work of the committees related to the PLC (that had not been active during 2006), hoping for viable and possible power sharing. Yet, the continued imprisonment of the majority of Hamas members in the WB by Israel throughout 2007 made Hamas lose its majority in the PLC and rendered the legislative institution fairly irrelevant. This meant that Fatah by *de facto* became the first majority in the PLC (instead of Hamas who had won the majority of the PLC seats) and could ratify and/or obstruct decisions and laws of its choosing. This was something Hamas PLC affiliates did not accept. They, as a result, demanded a new institutional arrangement (to be added to the internal law on the PLC for example) to overcome such an impasse. They suggested an exception that gave the PLC members imprisoned by Israel the right to continue casting their votes as elected members of the PLC from their jail cells. This was a proposal under study when the takeover took place; many in Fatah did not favor it. After all, the PLC was not the target of the political violence in the Gaza Strip. It might be that the legislative institution was seen by Hamas armed groups and rejectionists as one of the few quasi-state institutions that belonged to Hamas through election and where Israel was the responsible part for weakening it and rendering power sharing ostensible, rather than Fatah or the President.

Finally, as I noted in chapter 2, the generalizability of within-case study (for other cases) is usually limited. More specifically the outcomes and findings of a deviant case (here the Occupied Palestinian Territories to the inclusion-moderation nexus) and process tracing within it, are not typically suited for generating grand theories. They can, however, as we saw in this study, help provide some preliminary inferences, explore new causal mechanisms and causal paths, and test previous causal mechanisms and paths.

Exploring exclusive inclusion, and the possibility of other types of inclusion, and linking it to political violence through old and new mechanisms and causal paths, constitutes only one example of a case study here. This case, however, should pave the way in the direction of conditional generalization and mid-range theory building. This can happen only by extending this research project to include other within case studies and cross-case comparisons. By conducting the research on more cases, new causal mechanisms will emerge, old ones will be tested and further new causal paths that produce similar outcomes will be uncovered (e.g., equifinality).<sup>610</sup>

As a suggested first step, one ought to look for other similar cases that do not fit the inclusion-moderation nexus and deploy political violence. Maybe those that are similar to the Palestinian case in the sense of the existence of external power in all or part of the land – for example, the limited political violence deployed by Hizballah against the majority Lebanese governing coalition (March 14 Coalition), led by Saed Al-Hariri, in 7 May 2008, which lasted for a week. This was after almost a year and a half of political impasse and crises between the March 8 Coalition and the March 14 Coalition, and more

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<sup>610</sup> See also chapters 10 and 11 in George and Bennett (2005).

precisely when the government closed down the telecommunication system of Hizballah and dismissed the security Chief of Beirut's Airport for his affiliation with Hizballah. Contrary to the case of Hamas, after political violence, impasse was solved and Hizballah was back in the government with a compromising deal (the Doha Agreement).<sup>611</sup> Since Hizballah signed the Ta'if Accord in 1989 with the Lebanese parties in order to become part of the Lebanese sectarian political system, and even before, Hizballah did not resort to direct and/or targeted political violence against the Lebanese state, system or people. It always claimed that its armed group and weapons were against the Israeli occupation of Southern Lebanon and Shebaa' Farms on the border with Syria, and against Israeli hegemony over the Lebanese political system (Hamzeh 1993; Norton 2009; Saad-Ghorayeb 2002). It continues to insist on keeping its armed group outside the Lebanese security apparatus.

Another case of interest is the Iraq case after the US invasion in 2003 and the proliferation of various armed groups and the deployment of violence. Included groups (related to Shi'a militia) and excluded ones deployed violence (Sunni groups among others) in Iraq (Ucko 2009). The case of Muqtada al-Sadr, the Shi'a religious and political leader, who deployed violence against the US occupation forces in Iraq. Later on he became part of the Iraqi government in 2007 with threats to continue deployment of violence if the US did not withdraw from Iraq by the end of 2011 as promised. Iraq is an interesting case that highlights how the US got inclusion wrong by appointing selected

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<sup>611</sup> For more information, see also: Cammett, Melani 18 August 2009, "Democracy, Lebanese-Style" *Middle East Research and Information Project (MERIP)*, Retrieved 13 July, 2010 (<http://www.merip.org/mero/mero081809>); and Saad-Ghorayeb, Amal. 14 August 2007, "Washington in Lebanon and Palestine: Fatal Manipulation", Retrieved 17 December, 2009 (<http://conflictsforum.org/2007/washington-in-lebanon-and-palestine-fatal-manipulation/>).

minority and unpopular Shi'a and Kurds leaders to the Coalition Provisional Authority and the appointed Iraqi Governing Council after 2003 and excluded major Sunni groups (Ucko 2009). That is, the US opened the door for an institutionalized uneven playing field in Iraq and institutionalized militia groups within the security institutions that used the state institutions for a partisan agenda.<sup>612</sup> Inclusion and occupation again produced violence in the case of Iraq.

### **PLAUSIBLE RIVAL EXPLANATIONS: MILITARY POWER, TRANSITION AND DECENTRALIZATION, AND ELITE DEFECTION**

In this section, I discuss major rival explanations of the deployment of political violence in the Palestinian case in 2007 presented in the literature and discussed during my fieldwork. I show that some of these explanations are important and that they factor in the causal link, but they do not by themselves explain political violence by Hamas as claimed.

Transition from the neo-patrimonial centralized power of Arafat to the promised institutional and democratic governance of Abbas was not expected to be smooth or calm (Jarbawi and Pearlman 2007) - similar to other experiences of neo-patrimonial cases transitioning to democracy. Jarbawi and Pearlman discussed the possibilities of the coming period (they called it the post-charisma transition) with internal violence after 2005. This was because of the many divisions within the Fatah ruling party and movement and the proliferation of Fatah/PA power centers. The lack of a centralized

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<sup>612</sup> In 2007, the US tried to engage with Sunni communities and militia (Sons of Iraq) to overturn the danger of al-Qaeda in Iraq. For more see (Ucko 2009), Diamond (2005).

authority represented by the central figure of Arafat and the lack of strong formal institutions seemed to explain the continued lawlessness after Arafat's death and despite Abbas's attempt at institutionalization (faced by rejections from major trends in Fatah) (see chapter 1).

However, the transition from Arafat to Abbas and from the centralized to the decentralized authority of the PA can hardly explain the deployment of political violence by Hamas in 2006. After all, the end of Arafat's rule in 2002-2004 was characterized by decentralized governance (see chapter 1). In fact, this was the time when Hamas got closer to Arafat than at any point before. And yet, it did not exploit PA's weak civilian and security institutions to deploy violence or control over them (see figure 4). Therefore, while the weak governance and decentralized authority of Abbas may have contributed to the *de facto* outcome of political violence, investigation in this study showed that it does not offer enough explanation. If anything, Hamas joined the PA to support Abbas against his divided elites and to give him the chance to negotiate while Hamas worked on reforming the PA. It was the events that took place after Hamas's participation that seemed to have changed Hamas's decisions. Matters of open contestation with ostensible power sharing changed authority-opposition interactions and dynamics, in addition to the whole context of the sanctions, as I argued in this dissertation. In short, political violence was "created" and did not just happen as an outcome of weak/decentralized authority in the Palestinian case.

The second major alternative argument to the deployment of political violence and the takeover of the Gaza Strip in 2007 was the high military capacity of Hamas

which enabled it to deploy political violence against the PSF.<sup>613</sup> The point was raised by Greenhill and Major (2007), for instance, who argued that armed groups would break from any peace agreement if prevailing opportunity structures and expected payoffs were low and groups' military capacity (relative power of parties to peace accord) permitted them to do so. Greenhill and Major's argument applies to a break from a peace agreement rather than active deployment of political violence, however. It also depicts the group as a unit that takes a centralized decision which was not the case in case of Hamas, at least when it came to the 2007 political violence (see chapter 5).

I recognize that military capacity is clearly important in the group's calculations and strategic decisions especially when it comes to armed groups or separatist movements. However, focusing solely on the military capacity, as a major reason behind deployment of political violence, conceals more than it reveals. It tells us little about the complex macro- and micro- dynamics of the group itself that were essential for the deployment of the limited and discriminatory political violence in 2007. In general, relative military capacity of armed groups to the state does not explain why a group with relatively similar military capacities (similar or greater than state security forces) engages in an internal conflict or political violence against authorities sometimes but not other times. Hizballah, for example, had long possessed high military capacity compared to the Lebanese army but it deployed political violence only in May 2008. According to many Hamas leaders, Hamas had considerable military capacity in the beginning of the 1990s and during the second Intifada (compared to the PSF when the latter collapsed) but

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<sup>613</sup> Hamas military capacity has often cited by political analysts and politicians along the factional spectrum (Fatah and some leftists etc) and in the newspapers and daily talks too. Some local researchers told me that they think that military capacity was behind violence by Hamas.

deployed violence only in 2007. A major Hamas leader talked of other important values for Hamas than its military capacity:

Hamas had its highest military power earlier on and it was able to organize military operation against the PA if it wanted so...especially when its leaders were repressed and arrested by the PA in 1996. Yet the movement followed policy of restraint and patience...violence can never be a way for Hamas to topple the national project [Oslo peace process and promised Palestinian state as perceived by majority Palestinians].<sup>614</sup>

In addition, it is not possible to determine the exact Hamas military capacity given that its military wing is secretive and their channels to bring weapons are not lucid (there are speculations that they get support from Iran and Hizballah in Lebanon).<sup>615</sup> But we do know that the EF, which is a collection of various factions mainly from Hamas, has almost 5,000-5,500 security personnel who are not trained or are poorly trained, have light weapons and batons, and do not have a clear chain of command (this changed after 2007, see Milton-Edwards 2008). This is compared to the total of almost 60,000-80,000 trained security personnel of the PSF distributed among the security agencies in the WBGS. Among those the PG and PF have been well trained and have advanced Western weaponry (especially in the case of the PG) compared to the EF (Friedrich and Luethold 2007; Lia 2006; Rose 2008). Thus there is not enough evidence to support the argument

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<sup>614</sup> Prominent Hamas leader, 18 September 2007, Nablus.

<sup>615</sup> When I asked about the military capacity of Hamas, I got various answers. Yet, all agreed that its military capacity was not meager and was considerable at some points. A close aide to Arafat and a person who presented to me as the expert of the MB and Hamas told me that the PA had long feared the growing military capacity of Hamas and the support from Hizballah and Iran. He explained that the PA succeeded in smashing this military wing of Hamas twice in the 1990s when their power was high but that every time it became strong again.

that Hamas's military capacity was higher than that of the PSF in 2007 that translated into political violence.

Third, I traced the matter of the security dilemma, usually cited in civil war literature (Posen 1993; Snyder and Jervis 1999) and clearly cited by Hamas as a major reason for its deployment of political violence and the takeover of the Gaza Strip. The underlying explanation of the security dilemma is that armed groups are reluctant to give up power and arms, as a major reason for their survival and strength, and sign a peace treaty without sufficient guarantees that their demands will be met, given the other party's (usually the state's) continuing military capacity. Groups usually fear that if they give up their arms and become involved in peace agreements, their demands will not be met, their involvement in the system will be ostensible, and/or they will be destroyed or repressed by the regime. Likewise, when armed groups do actually sign an agreement but fail to get sufficient guarantees that their demands will be met, they will choose to break the agreement and may continue political violence. They do that as a means of obtaining relative security. This explanation, I contend, was not entirely convincing when applied to the Hamas-PA relationship and political violence in 2007.

Hamas claimed that they signed the unity agreement but later realized that this agreement, especially in the security domain, was used to cover up US support and fund of the PG and the PF and recruitment and training of further security personnel (in Jordan and Egypt) to topple Hamas's governance in the PA. Egypt and Saudi Arabia, according to Hamas, were not neutral brokers for Hamas and could not positively affect the implementation of the unity agreement. Thus, Hamas deployed limited political violence against the PF, as claimed by Hamas, as a preemptive measure against an expected

imminent attack by Fatah/PA security forces. It also aimed to weaken the PF's strength in the Gaza Strip and bring back security after a year of internal fighting in the Gaza Strip.

The above description by Hamas of the situation is, to a large extent, factually accurate. But, Hamas's deduction of the inevitability of political violence as a result of the former explanation is only part of the truth. As I showed in chapters 3 and 5, there was a US administration plan with some PA security forces and some Fatah/PA commanders to strengthen the PSF as a solely Fatah apparatus and to exclude Hamas with the cooperation of Jordan and Egypt (de Soto 2007; ICG 2007; Rose 2008; Saleh 2008b, 2008c).

Yet, zooming in closer on the events surrounding the takeover of the Gaza Strip in the beginning of June 2007 and the increased internal fight between Hamas and Fatah supporters, one can hardly neglect the predominance of Hamas armed groups (and supporters) and its popularity and control over the Gaza Strip.<sup>616</sup> The PF and its former chief, Dahlan, who was also a PLC member and a security consultant to the President at the time, had long been in conflict with Hamas. He was known for being a security chief who imprisoned and tortured Hamas members under Arafat during the 1990s and who had a vested interest in ruling over the Gaza Strip, using his para-militants related to the formal Palestinian security agencies. Also, he was Hamas's major opposition after they won the 2006 PLC elections. Yet Dahlan himself was not as powerful as Hamas in the Occupied Palestinian Territories, especially in Gaza City. This was simply because he was in major disagreement with previous and current Fatah/PA commanders and chiefs in

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<sup>616</sup> Also see ICG (2006b, 2007).

the PSF, and with major Fatah power centers within the Fatah Executive Committee and the PLO.<sup>617</sup> That is, while he had his own followers and clientelist network, he was certainly neither supported by Fatah nor as popular among Palestinians.

Given the previous context, it is hard to imagine that a well-planned movement like Hamas would risk its governance for some “spoilers,” but not for powerful or influential elites, like Dahlan and his followers in the ISF, as Hamas claimed them to be. Dahlan and his network of loyalists in the ISF were certainly rivals and opponents who continued to fuel internal conflict, but they were not all packed by Fatah. The President was not in full support of whatever Dahlan did and at least cared not to be responsible for a civil war in the WBGS. In sum, Dahlan and his para-militants’ imminent security threat and fueling of internal violence was major factor in a more complicated causal path to political violence.

The security dilemma was not imminent or dangerous to the level of being evoked by Hamas as the reason for the deployment of political violence in 2007. As I mentioned in chapter 5, Hamas’s recalling of Dahlan, his affiliated elites, and PF as a reason for political violence by Hamas was bluntly rejected by a major leader of Hamas in the Gaza Strip. The latter said that he was not convinced that ending Dahlan and his affiliates’ power was the main reason behind the deployment of political violence by Hamas and that this justification of political violence was exaggerated by Hamas’s leadership to

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<sup>617</sup>Some Fatah central committee elites, including Hani el-Hassan and Farouq al-Qadwmi, accused him of being involved in the assassination of Arafat with the help of Israel and the US. Independent minister of the NUG and a Broker between Fatah and Hamas, 7 October 2007, Ramallah.

justify the takeover.<sup>618</sup> Yet, it remains fair to say that from the perspective of Hamas's armed groups and (many Gazans) who were fighting daily with Dahlan's PF and other para-militants, the threat of the growing power from Dahlan that might topple Hamas's power with the help of the US was considerable (see chapter 5).<sup>619</sup>

The major impasse was that the NUG and its security plan was not amenable to implementation given the continuation of the sanctions, continued ostensible power sharing of Fatah/elites chiefs close to Dahlan, the uneven playing field towards Fatah officials in the PSS, and the total hegemony of the "Israel security" doctrine over the Palestinian security apparatus. The latter was represented mainly by continuous security coordination (that entailed the arrest of Hamas affiliates, among others) with Israel regardless of Israel's commitment to, or lack thereof, peace and its policies on the ground.

None of the three explanations presented above is sufficient to explain the use of political violence by Hamas. This dissertation aims to provide a more nuanced explanation, starting with various inclusion policies, analyzed within their context and with an eye on the role of external players, and linking them with two other dimensions. These are: changes in opposition approach and changes in intra-opposition organizational

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<sup>618</sup> Hamas leader and consultant, 28 September 2007, Gaza Strip (Interview over the phone).

<sup>619</sup> Independent minister of the NUG and a Broker between Fatah and Hamas, 7 October 2007, Ramallah; A Hamas leader and a coordinator of its Election Campaign, 1 September 2007, al-Bireh; Deposed PM consultant, 3 May 2008, Gaza Strip (interview over the phone).

structure and relations. Extending this study to other cases should reveal other causal paths to political violence.

The above two dimensions existed under Arafat (1994-2004) but interplayed differently and, of course there was a different context, mainly the optimism over the peace process (see chapter 1). Arafat's era witnessed no political violence by Hamas in times where there was no contestation but ostensible power sharing. During the first seven years of his governance, Arafat applied the strategy of selective repression and conciliation towards Hamas. In the last three years of Arafat's governance, when there was still no contestation, power sharing became more viable and possible between Hamas and Arafat (see figure 4). In chapter 1, I went into detail about the Arafat era. Here, I present some temporal comparisons of the Arafat era (1999-2004) and the Abu Mazen period that further foster and illustrate the link established in this dissertation between exclusive inclusion and political violence. Temporal comparison could be a topic of a whole other dissertation that accounts for changing contexts between these two eras. Here I outline an argument based on the above two major dimensions explored generally in the literature of Palestinian politics from 1994-2004 and compare them to the period 2005-2007. First, there is the change in the inclusion type, and therefore authority-opposition dynamics organically related to colonial existence and policies (see figure 1) and second, there is intra-Hamas unity. I tried to show that, in the Palestinian context when the former two dimensions were different, political violence by Hamas against the PA institutions did not stand a chance.

First, from 1994 until the end of 1990s, Arafat's repression of Hamas was largely justified even by Hamas. It understood the political obligations of the Oslo process (see

chapter 1) regarding Israel's security and they decided not to stand in the way of a national project desired and supported by Palestinians. During the 1990s Arafat's orientation towards internal stability and peace with Israel in general was important and structured his relation with Hamas. It was known that Arafat, contrary to Abbas, did not have an unconditional belief and commitment to peace and negotiations in the end.<sup>620</sup> He believed and behaved in a way where he would commit to peace and security coordination when Israel did so. Yet, Arafat would not cooperate when Israel regressed on their implementation of the Oslo Accords and continued to use security as a major condition for any implementation of a new stage of the Oslo Accords. Put differently, if Israel did not deliver on peace, Arafat could not justify continued "repression" of Hamas. Arafat never wanted to compromise internal stability and legitimacy for empty promises on peace and regressions by Israel. The former had in general structured the Hamas-Arafat relationship where even during the worst times of repression and imprisonment of Hamas in the PA prisons, after major suicide attacks on Israel, Hamas was furious and criticized Arafat but the general politics of Hamas showed understanding toward Arafat's position (see chapter 1). Hamas and Arafat, according to many studies on the subject, also maintained contentious communication channels and formal and informal dialogues and consultations over the peace process.<sup>621</sup> Arafat knew he could not simply ignore Hamas due to the movement's growing popularity and because he could use Hamas to

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<sup>620</sup> See Lia (2006); Prominent Hamas leader, 18 September 2007, Nablus. This view was mostly shared by interviewees from Hamas and Fatah.

<sup>621</sup> For more see Hroub 2000; Jamal (2005a); Mishal and Sela (2000).

pressure Israel and the US to implement the Oslo Accords; if the latter wanted the end of violence and the security of Israel. Likewise, Hamas understood that if they did not try to destroy the peace project and revolt against Arafat's governance, they could enjoy protection from Arafat. A major Hamas affiliate and mediator between Hamas and Arafat said, "...Arafat just wanted them [Hamas] to understand when they should not deploy violence against Israel...he, however, could not get Hamas to commit to that neither through written agreement nor unwritten one."<sup>622</sup>

Hamas refused to take part in national elections in the PA. It later refused to accept any ministerial positions or any kind of special arrangement that would include Hamas in the PA knowing that Arafat might control and co-opt them given his centralized power over the PA. Yet, both Arafat and Hamas maintained an open space for potential contestation and viable power sharing and maintained a relatively open channel of communication and consultation over large and macro national concerns regarding the final solution and peace process. This space had ironically shrunk for Hamas when it ran in elections under open contestation in 2006.

After the Camp David Summit in 2000, and the refusal of Arafat to sign a peace deal with Israel that did not guarantee major minimum rights of Palestinian security under specific UN Resolutions (a state based on the 1967 borders with East Jerusalem as its capital, and the right of return for refugees), the Oslo Accords were technically failing. This Failure was due to ongoing Israeli regression in implementing the Accords and the continuation of occupation policies (the resumed building of settlements in the West

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<sup>622</sup> Close Hamas affiliate and supporter, 6 May 2008, Gaza Strip (interview over the phone).

Bank and East Jerusalem, imprisonment, checkpoints and closures). It was at this point that Arafat was received by Palestinians, and especially Hamas, as a national hero who did not forfeit their rights (see also Tamimi 2007). Hamas's relationship with Arafat started taking a dramatic shift (see figure 4). Over the two years before Arafat's death, the channels of consultation and communication between the two sides were growing, especially after the second Intifada in 2001 and even more so during the imprisonment by Israel of President Arafat at his compound.<sup>623</sup> At this point Arafat became weaker and the PA institutions were also failing. Hamas filled the vacuum of the PA and was the *de facto* state within the failed quasi-state or entity (see also, Saad-Ghouryeb 2007; Sayigh 2007a). That is to say, power sharing was more possible and even though Hamas was not officially part of the PA, it had a say over many security and civil matters. Arafat did not resist that trend (and maybe he could not). He recognized that Hamas was a major opposition force which could potentially play a positive role in the peace process by forcing Israel to acknowledge Palestinian rights.

The above is only a glimpse of the Hamas-Arafat relationship. First I contend that progression and/or regression on options of the peace process affect authority-opposition dynamics significantly in the Occupied Palestinian Territories; second, I show that even with no contestation and Arafat's selective repression approach, where power sharing was still ostensible in 1994 and the late 1990s, Hamas was willing to cooperate with the system. This is because Arafat tried to incorporate Hamas' key demands (even though

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<sup>623</sup> A Hamas leader and a coordinator of its Election Campaign, 24 June 2007, al-Bireh.

Hamas refused to participate in the PA), kept an open communication with Hamas leaders and indirectly considered (and agreed with) their demands over important policy matters related to the peace process. The option of a future open contestation and viable and possible power sharing, from that point on, was not blocked but open and depended on the progress of the peace process. That is, the Arafat-Hamas interaction exhibited unique features, unaccounted for by the traditional inclusion-exclusion model: Since Hamas operated outside the PA, the interaction was not about power sharing within the PA but concentrated on incorporating Hamas's major political demands; and the interaction was maintained by guarantees from Arafat that he will not sign a peace treaty that transgressed Palestinians' rights and that he will not use sheer and total power against Hamas. The typical inclusion-moderation model would not count the era of Arafat (1994-2004) as inclusion to start with, given the election boycott of Hamas (later Arafat did not convene national elections given the stalled peace process), and it would not capture signs of moderation. Here and in chapter 1, I tried to show that there was something in between total exclusion and inclusion that was taking place during Arafat's time and influenced Hamas' non-violent course of action towards the PA.

Second, Hamas' policy of non-participation in the PA national elections and its continued refusal to take part in the PA under any special arrangement prevented Hamas's "pro-participation" stream or trend from being able to broadcast their disagreement or envision the possibility of pursuing a different path. Although some of the dissatisfied pro-participation Hamas leaders formed the Islamist Khalas party in 1996 with Arafat's support, the party was short-lived. Increased corruption within the PA, incarceration of some Hamas leaders during the 1990s and a crackdown on the Hamas

military wing, and the overall deterioration in the peace negotiations compelled these leaders to bounce back to Hamas and find a way to spread their views from within. They also feared fracturing Hamas for no concrete or possible gain. In sum, while Hamas had various disagreements from within during the period 1994-2004, it did have the option to develop public divergences. Hamas remained united and its dominant approach remained focused on resistance; it was not distracted by governance in any way.

Moving on to the interaction between Abbas and Hamas during the 2006-2007 period, under conditions of imposed sanctions by the Quartet and stalling peace process, Hamas' strategy took a different route. This time, Hamas was part of the PA and had official entitlement and jurisdictions, any block to these jurisdictions were understood to be against Hamas. This meant that Hamas could not justify any transgression from the PA and Abbas against them especially given the absence of any possibility of a "just" peace and actualization of a Palestinian state as happened under Arafat. Starkly different from Arafat's approach towards peace and negotiation, Abbas's policy rested on continued security cooperation and negotiations with Israel even as Israel increased its atrocities on the ground. This was a policy that was seen as unjustifiable by the Hamas leadership and its armed groups.

Add to all of this, ostensible power sharing, mainly in the PSS (but also in all other institutions), with the help of the US and the Quartet, against Hamas with the purpose of sidelining them was something the majority in Hamas received as a major transgression over its right and its democratic legitimacy, and as total disregard to Hamas's demands. Abbas, cornered by Hamas's democratic entitlements in the PA, with his fear of civil war, and the lack of advancement on the negotiation path with Israel, was

at an impasse where no one was satisfied with what he was doing. Especially after the failure of the NUG to lift sanctions and to reduce ostensible power sharing in the PA, more so in the PSS, and the inability to satisfy Hamas's demands of separate force and more security, the political horizon for both Hamas and Abbas was not clear but was also not so bright. On top of all the constraints and transgressions, Hamas, Abbas, and close Fatah/PA elites did not have a united agenda regarding the ways to face and deal with the technical end of the Oslo Accords and Israel's attempts to resume its policies in the Occupied Palestinian Territories with the US support (even when the latter was not in full agreement with Israel's policies).

After the takeover, and in 2008, Hamas and Fatah embarked upon unity reconciliation talks under Egypt's auspices. The anticipation was to pick up where they left off and to positively engage with the reasons of the impasse that led to the takeover of the Gaza Strip. Three years later it seemed that many of the reasons for the failure of the unity agreement in 2007 still remained. Yet, recently Hamas and Fatah and other Palestinian factions just signed a reconciliation agreement in April 2011, but under a whole different new regional condition under the auspices of "new" Egyptian partners in the post-Mubarak era. Below, I provide a brief update on the reconciliation agreement and argue that the same technical problems that existed under the unity agreement (the Mecca Accords in 2007) are still alive today. It seems that urgent questions remain as to how Palestinian parties to the conflict (Hamas and Fatah) can ever have a satisfactory inclusion and unity given the fall of the Oslo peace agreement and the lack of alternative Palestinian national policies, all this and given that Israel's new policies of disregarding

the Palestinian PA and Abbas and restructuring their own map of what remains of the 1967 borders and the non-contiguous space (see chapter 1).

### **THE HAMAS-FATAH RECONCILIATION AGREEMENT: UNITY OR MANAGED DIVISION?<sup>624</sup>**

The Hamas-Fatah reconciliation talks started in the last quarter of 2008 when the Ramallah government figured out that Hamas and its government in the Gaza Strip were there to stay. Shortly after the unity talks took place, Israel launched a war on the Gaza Strip in what considered the largest military operation ever (27 December 2008- 18 January 2009).<sup>625</sup> Thereafter, Fatah resumed talks with Hamas at the end of February 2009 under Egyptian auspices and among growing popularity of Hamas who were seen by Palestinians as victorious. The Hamas-Fatah dialogues resulted in a reconciliation proposal of the formation of five committees (government, election, security, PLO, and national reconciliation committees) to start the mission of ending the division between

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<sup>624</sup> A major part of this section was prepared as a brief policy paper I presented for a panel in Washington DC. Al-Madbouh, Ghada. 16 November, 2010. "Predicaments to the Hamas-Fatah Reconciliation 2007-2010." in *Panel on Current Political Debates in Palestine*. Washington DC: George Washington University, Elliott School of International Affairs. For that policy paper, I conducted extra fieldwork and interviews in Ramallah and the West Bank in November 2010. I also began new fieldwork for a paper on the newly emerging local mobilization in the Occupied Palestinian Territories and their intersection and cooperation with international solidarity movements. Preliminary data gathering started in the summer of 2010, and preliminary interviews occurred during April-June 2011 with the help of a local research assistant in the West Bank.

<sup>625</sup> For special coverage on the Israeli war on the Gaza Strip see *Journal of Palestine Studies*, 2009, 38.

the WB and the GS. Talks did not lead to unity until after the beginning of the revolutions of the Arab Spring<sup>626</sup> and the total deadlock on peace talks with Israel on 27 April 2011.

Expectations, in general, were that the new Arab regimes would be more supportive toward Palestinians than previous Arab regimes which were seen as allies of the US. Thus it is probably that if Hamas and Fatah united they would benefit from this new opportunity for a real peace and an end to the occupation. For Hamas, it was a ripe moment to sign a unity agreement since its major ally, the Syrian regime, had been witnessing serious uprisings and was destabilized. The siege against Hamas and the Gaza Strip has continued and Hamas was in need to open the border with Egypt for the movement of goods (in addition to the informal tunnel economy) and people and to rebuild the Strip after the war and to revitalize the economy of the Gaza Strip.<sup>627</sup> For Abbas and the PA, the time for signing a reconciliation agreement matured. They feared witnessing the same destiny as their major ally (Mubarak's regime) after embarking on a major repression against human rights and freedom of speech and gathering against Hamas in the West Bank and against opposition in general. Add to this the rising of nascent internet/Facebook mobilization and new activists like the *Shabab* (youth) March 15<sup>th</sup> and the *al-Hirak al-Mustaqil* (Independent Mobilization) calling the PA to end the division and renovate the PLO. Yet above all, was the total stall in direct and indirect negotiations on peace talks during 2010 and, until the moment of writing these pages,

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<sup>626</sup> The wave of uprisings in the Arab world and the overthrow of two authoritarian leaders in Tunisia, Zine el-Abdin Bin Ali on 14 January 2011 and in Egypt, Hosni Mubarak, on 11 February 2011 and the ongoing revolutions in Libya, Syria, and Yemen among others, will restructure regional politics.

<sup>627</sup> Journalist and a Moderator between Fatah and Hamas, 7 November 2010, Ramallah.

despite the US's soft attempts to push Israel to freeze settlement building in the West Bank in order to give the opportunity for negotiations to resume. Abbas seems to have no way to pressure Israel to recognize him as a partner for negotiations but to unite with Hamas. Put simply, the change in the opportunity structure in 2011 became ripe this time for both Hamas and Fatah to finally sign a reconciliation agreement under the new "neutral" interim Egyptian leadership.<sup>628</sup> Whether this reconciliation can or will be implemented is another question. All items of the reconciliation agreements (see appendix F) remain vague in terms of mechanism of implementation.<sup>629</sup>

Four months after the signing there has not been any concrete steps towards the implementation of the agreement. Meanwhile, Abbas, the central committee of the PLO, and the caretaker government of Fayyad, are planning to approach the UN opening session in September 2011 to demand recognition of a Palestinian state. Below, I discuss major predicaments to the implementation of the current reconciliation agreement (mainly in election and security domains) and options of sustainable inclusion; I end with a discussion of the options of a unilateral move of the PA toward UN recognition of the Palestinian state in September 2011.

There have been three major macro-impediments to national Palestinian reconciliation after 2007 that continue to exist after signing the agreement in 2011. First,

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<sup>628</sup> For more see also, Malley, Robert 3 May 2011, "The Arab Spring is Driving the Hamas-Fatah Unity Deal", Retrieved 15 May, 2011 ([http://www.washingtonpost.com/opinions/the-arab-spring-is-driving-the-hamas-fatah-unity-deal/2011/05/03/AFxbd6iF\\_story.html](http://www.washingtonpost.com/opinions/the-arab-spring-is-driving-the-hamas-fatah-unity-deal/2011/05/03/AFxbd6iF_story.html)).

<sup>629</sup> See also, Abunimah, Ali 27 April 2011, "Questions about "Hamas-Fatah reconciliation"", Retrieved 12 May, 2011 (<http://electronicintifada.net/node/9879>); Activists and independent moderator to the Fatah-Hamas reconciliation talks, 30 June, Ramallah (conducted by a research assistant).

I have shown throughout this work that exclusive inclusion and the authority-dissent interaction in the Occupied Palestinian Territories has been largely structured by the continuation and policies of the Israeli occupation and by the advancements and current regression over the peace process since 1999. The similar issues continue to structure intra-Palestinian reconciliation with the regression over the peace process until 2011 and the inability of the US to make Israel to, at least, halt building settlements, let alone dismantle settlements, in the West Bank and East Jerusalem, a land designated for Palestinians according to UN Resolutions 224 and 338. Even more, Israel and the US refused to recognize any Palestinian unity government that included Hamas and threatened to impose sanctions over the West Bank again if a government came to being (Greenburg and Smith 2011; see chapter 3). President Obama warned that the reconciliation might raise legitimate threats to Israel that the PA would have to answer for,<sup>630</sup> and Israeli PM Netanyahu asked Abbas and the PA to choose "either peace with us or with Hamas" (Somfalvi 2011). In the absence of any peace agreement, the US and Israel insisted to discredit Hamas as a major player and movement in the Occupied Palestinian Territories, only treating it as a terrorist organization. Abbas was then left with the same major impasse of stalled negotiations and internal pressure for unity.

Second, the *de facto* geographical separation of the Gaza Strip from the West Bank has led to two separate entities, even before the takeover of the Gaza Strip and after

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<sup>630</sup>See, President Obama's speech to the American Israel Public Affairs Committee (AIPAC) 2011; For the Palestinians' reaction on the speech see, Andoni, Lamis 23 May 2011, "Obama to Israel: Take Whatever You Want", Retrieved 30 May, 2011 (<http://english.aljazeera.net/indepth/opinion/2011/05/2011523115553473983.html>). For more information about the legal and political arguments of why the US aid might/will be cut on the PA if the united or included Hamas after the reconciliation agreement see, Greenburg and Smith (2011).

the takeover made division possible. Based on the previous, each government ( Hamas in the Strip and Abbas in the West Bank) basically, in the short run, could operate without the need to deal, cooperate, or collide with the other. This is truer in the case of the West Bank than with Hamas in the Strip, which has been under siege and lacked international recognition. However, both sides were biting to pressure the other to raise the bar of the reconciliation proposal to secure its demands (this is more urgent for Hamas).

Third, the accumulated new institutional arrangements and transgressions by the governments of the West Bank run by Abbas and PM Fayyad and the other in the Gaza Strip run by Haniyyeh and Hamas makes reconciliation hard to implement. For example, Hamas had already employed almost 32,000 affiliated public employees (15,000 in the IAF) when Fayyad asked the previous employees to not go to their jobs (Sayigh 2010: 2). In the West Bank they dismissed all the public employees employed by Hamas and closed Hamas affiliated NGOs and institutions. Each was “ruling” over some territory and each wanted to make sure that they would not lose their power and control if they united. For example, there has been a tendency throughout the talks by some Fatah/PA elites in the West Bank to minimize Hamas’s role in the PA to be only a “junior partner,” as expressed by an independent mediator to the dialogues on one side,<sup>631</sup> and there is PM Fayyad who wanted to get to the Palestinian state and resume negotiations through building the economy of the West Bank and developing professional public institutions and security force without disruptions from Hamas.<sup>632</sup> Yet on Hamas’s side there was

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<sup>631</sup> Journalist and moderator between Fatah and Hamas, 7 November 2010, Ramallah.

<sup>632</sup> For more information about Fayyad plans in the West Bank, see Brown, Nathan. June 2010, "Are Palestinians Building a State?" *Carnegie Commentary*, Retrieved 8 September, 2010 ([http://www.carnegieendowment.org/files/palestinian\\_state1.pdf](http://www.carnegieendowment.org/files/palestinian_state1.pdf)).

also fear and reluctance (especially by the “rejectionist” trend) of losing their legitimacy obtained during the 2006 elections and to lose their sole governance in the Gaza Strip if they shared. This was happening amongst rising internal challenges to Hamas’s government from its armed groups opposing governance before independence from occupation in the Territories.

More alarming for the implementation of a unity government have been human rights abuses, the policy of political incarceration, and the sometimes torture of Hamas members, affiliates, sympathizers, and relatives by the PF and IG in the West Bank (along with the continued arrest by Israel of Hamas and PLC members).<sup>633</sup> This was part of a security project by Abbas and Fayyad to create “the new Palestinian” (*al-filastini al-jasdid*) led by American General Lieutenant Keith Dayton. The previous meant the establishment of a new “professional” and institutionalized Palestinian police force for continued security coordination with Israel (Byrne 2009; see chapter 3). This had a negative result on Palestinians living in the West Bank, where the freedom of speech, gathering, and rallies had been severely undermined by ordinary people and where Hamas was unofficially “banned” from the West Bank. The situation for Fatah security and activists in the Gaza Strip has not been much better with Hamas’s continued arrest by Fatah activists and affiliates in addition to torture and death in prisons. This took place along other transgression over human rights and expressions (Human Rights Watch 2009; Milton-Edwards 2008). Previous transgressions added to the complication of an already complicated unity and structural obstacles.

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<sup>633</sup> For more information see, Human Rights Watch. July 2008, "Internal Fight: Palestinian Abuses in Gaza and the West Bank", Retrieved 15 December, 2008 (<http://www.hrw.org/en/reports/2008/07/29/internal-fight-0>).

In addition to the above, key issues remained; specifically the existence of two entities' political views and strategies. Abbas was still betting on negotiations with Israel (to some extent regardless of its policies on the ground) to bring him and the PA the legitimacy and justification to rule based on political achievements. This was in contrast to the case of Hamas who want to balance between its continuing opposition to negotiations with Israel based on the current political ceiling of Israel's demands and expected concessions from Palestinians, and adherence to resisting the occupation. Hamas had not prevented Abbas from negotiations, but it declared that it would not take part, nor would it accept any deal if the Palestinians did not want it.

To illuminate some of the above points, I will give examples of technical predicaments to unity related to the election and security arenas (out of many others like the PLO reform and united political strategy). A major technical impediment to conducting an election is the feasibility of conducting free and fair presidential and PLC elections to start with. In general the President, Fatah/PA elites, and Fatah have been demanding new national elections given the immense loss in the last PLC election in 2006. Hamas, in its turn, had a lot to lose if the elections turned out to be fraudulent. So Hamas was trying to postpone elections until it guaranteed "fairness." Thus far, the chance of having free and fair elections was low and the chance of scoring as high as they did in 2006 was not high. This was mainly because Hamas could not campaign in the West Bank and should have to think twice before risking running in the elections there because there was a high possibility that its activists and candidates would be arrested by Israel that would jeopardize Hamas winning. In addition, Palestinians would have been frightened to vote for Hamas in the West Bank fearing threats of imposed sanctions from

the Quartet or the US again, in addition, expected transgressions by Fatah/PA elites and chiefs and Fatah movement in general. On the contrary, Fatah could technically campaign and its candidates could theoretically run freely in the Gaza Strip without Israeli arrests (unless Hamas make obstructions).<sup>634</sup>

The security domain remains the most complicated impediment to the implementation of the national unity agreement. A PLC member and an independent moderator to the Hamas-Fatah talks spoke of a detailed reconciliation proposal in 2009 and 2010 where the idea was to include 3,000 security personnel from the West Bank in the ISF in the Gaza Strip (then the number would increase to 9,000 over time if the PA imprisonment of Hamas stopped) and for total reformation and restructuring of the PSF in the West Bank and the Hamas security forces in the Gaza Strip.<sup>635</sup> Yet, the problems remained that it would be hard if not impossible to include Hamas affiliates or recent security forces in the ISF (or to have it as a separate force) in the West Bank because this would make them amenable for assassination and incarceration by Israel. This meant that Hamas security personnel would not take part in any security arrangement in the West Bank as Fatah could take in the security of the Gaza Strip. This situation was expected to continue to provoke tensions between Hamas and Fatah and the President and within Hamas itself. As a moderator to the reconciliation talks told me: "In sum, Fatah in the

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<sup>634</sup> PLC General Secretary, 7 November 2010, Ramallah.

<sup>635</sup> I was also presented by list of formal modifications presented by Hamas to Fatah in May 2010 regarding elections, PLO, security, where most of the comments were about Hamas wanting to guarantee consensus over all decisions that will be taken and assurances that it will not be marginalized in the implementation process after signing the unity agreement. "Waraqat Hamas al-Musalama li-Harafat Fatah (Hamas's Paper Handed in to Fatah)," May 2010.

West Bank cannot offer Hamas what Fatah wants to share with Hamas in the Gaza Strip.”<sup>636</sup> A second major problem was if Abbas and the PA did not reformulate and restructure the PSF in ways that Hamas could accept politically (that was non-security coordination with Israel). Yet it seemed that Hamas was getting milder regarding delayed restructuring of the PSF in the West Bank since it knew it could not be part of it now, knowing the constraints.

The above examples lead an observer to think that it is more probable that in meantime Hamas will continue to keep its own security forces in the Gaza Strip and Fatah will continue to keep its own in the West Bank with fair coordination, if any, and postponed restructuring. In the larger picture, it also seems that the division at least, in the short run, might be only managed but not solved. It is clear that mutuality (reciprocal) is unfeasible. However, actual reconciliation with substantial inclusion can only happen when two parties enter a win-win game or at least the essential demands of both answered, especially in the case of Hamas who faced exclusive inclusion and feared marginalization and sanctions. For the previous to take place, in the long run, Palestinian parties ought to reconsider and set a clear political agenda and outlook of peace, negotiations, resistance, and international recognition. I will turn to this in the coming sections.

Meanwhile, there is doubt among some Palestinian circles that the PA may use the reconciliation agreement as a gateway or as political leverage for resumed negotiations with Israel (to certify the survival of the PA). That is, signing the

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<sup>636</sup> Journalist and moderator between Fatah and Hamas, 7 November 2010, Ramallah.

reconciliation agreement was meant to send a message to Israel and the US that if the negotiations continued to fail - due to Israel's imposition of conditions over negotiations, regardless of previous signed accords, and the resumption of building settlements and the Separation Wall - Abbas can always go back to reconciliation with Hamas. At the same time, if the Israeli-Palestinian negotiations resumed, Abbas and Fatah will not adhere to the implementation of the signed agreement and Hamas will be in an unenviable position, "Hamas will be faced with a signed agreement and resumed negotiations."<sup>637</sup>

Simultaneously, the PLO and the PA had also decided to pursue a unilateral declaration and recognition of Palestinian statehood within the 1967 borders at the UN General Assembly opening session in September 2011, as outlined in an op-ed by President Abbas in the New York Time. Needless to say, the calling for international recognition of a Palestinian state could not possibly happen without first securing a reconciliation agreement. Here is some of what Abbas wrote:

We go to the United Nations now to secure the right to live free in the remaining 22 percent<sup>638</sup> of our historic homeland because we have been negotiating with the State of Israel for 20 years without coming any closer to realizing a state of our own. We cannot wait indefinitely while Israel continues to send more settlers to

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<sup>637</sup> Ibid.

<sup>638</sup> This 22% (the 1967 borders) has been highly compromised and shrunken by Israel's policy of establishing 'facts on the ground;' for example, Israel's confiscation of Palestinian land to build the Separation Wall and secure surrounding roads of surveillance, and confiscation of lands to build Israeli settlements in the West Bank and East Jerusalem, among others. Mearsheimer and Walt, in their book on the Israeli lobby in the US and their criticism of Israel policy and the peace process, discussed that less than 76% of the 22% (almost 17%), that is divided into three cantons, was discussed by the Israeli government with the Palestinians at Camp David (which goes against the 1993 Oslo Accords when Palestinians recognized Israel's sovereignty over 78% of the whole land) (2008:104). For more information see the Palestine Papers, leaked meeting minutes, reports, and maps between Palestinians and Israelis, provided to Aljazeera, about land swaps and dividing the remaining 22%. Aljazeera. 23 January 2011, "The Palestine Papers" *Transparency Unit*, Retrieved 26 January, 2011 (<http://transparency.aljazeera.net/en/project/palestine-papers>).

the occupied West Bank and denies Palestinians access to most of our land and holy places, particularly in Jerusalem. Neither political pressure nor promises of rewards by the United States have stopped Israel's settlement program. Negotiations remain our first option, but due to their failure we are now compelled to turn to the international community to assist us in preserving the opportunity for a peaceful and just end to the conflict. Palestinian national unity is a key step in this regard. Contrary to what Prime Minister Benjamin Netanyahu of Israel asserts, and can be expected to repeat this week during his visit to Washington, the choice is not between Palestinian unity or peace with Israel; it is between a two-state solution or settlement-colonies (2011).<sup>639</sup>

The PA and the PLO have justified its unilateral move to the US by pointing to the Israeli government's turning against the Oslo Accords and the Road Map, as well as committing various daily transgressions that leave no chance for peace. That is, it is the non-violent alternative to almost two decades of failed peace (Kuttab 2011).

President Obama had clarified that his administration would not recognize any Palestinian state as it would threaten and undermine the chances of resuming the peace process between both parties. The US could not block recognition of the Palestinian state but it would most probably block its full membership in the UN (since it needs the ratification of the Security Council where the US will use its veto power).<sup>640</sup> Having international recognition for a Palestinian state, even if vetoed to become members by the US in the Security Council, should be seen as a conditional step forward. That is, it is only a virtual step forward. If it is not backed by a clear political agenda of reform from

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<sup>639</sup>For Israel's PM's response to the op-ed see, Lis, Jonathan 18 May 2011, "Netanyahu blasts Abbas over 'Distorted' Times" *Haaretz*, Retrieved 18 May, 2011 (<http://www.haaretz.com/print-edition/news/netanyahu-blasts-abbas-over-distorted-times-op-ed-1.362402>).

<sup>640</sup>For further discussion about the legal procedures in the US and legal gain for the Palestinian side see, Kattan, Victor. 3 June 2011, "A State of Palestine: The Case for UN Recognition and Membership", Retrieved 5 June, 2011 (<http://www.victorkattan.com/blogDetail.php?72>).

the PLO and the PA to end the occupation based on major Palestinian rights clarified in UN resolutions and with international support, to employ and endorse the support of international civil society and its non-violent resistance, to complete true reconciliation with Hamas, it would turn to be either useless for the coming period of time or even against Palestinian aims. This is simply because what is imperative is not only recognition of a Palestinian state but also total recognition of all Palestinian rights in the Occupied Palestinian Territories and elsewhere.<sup>641</sup> The PA is not yet a state and it should not be seen as a state “fighting” with another state (Israel). If the previous happened, it would be lacking in veracity. The Palestinians in the Occupied Palestinian Territories are a people who are struggling for self-determination against occupation; they are not in a post-conflict and state-building era yet.

In the light of the above, local activists and observers<sup>642</sup> have been warning that the current PLO Executive Committee and the PA, that Abbas should be careful not to use the September event of the recognition of the Palestinian state only as political leverage to push for resumed negotiations with Israel. The former positions are based on the fact that Israel's current political ceiling is humiliating to the Palestinians and the PA, as partially revealed in the leaked Palestinian Papers<sup>643</sup> and according to various announcements of the Israeli government and the PM. This ceiling has given Israel time

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<sup>641</sup> See the statement by the BNC, The Palestinian Boycott National Committee (BNC). 8 August 2011, "BNC Reiterates its Position on “September”", Retrieved 8 August, 2011 (<http://www.bdsmovement.net/2011/bnc-reiterates-its-position-on-september-7794>).

<sup>642</sup> Ibid.

<sup>643</sup> Ibid. “The Palestine Papers.”

to build more settlements, control Palestinian daily life, increase their daily suffering and humiliation, and institutionalize the Palestinian division.

### **IMPLICATIONS AND SUGGESTIONS FOR CONTEMPORARY PALESTINE POLITICAL STUDIES:**

My dissertation makes three major implications and suggestions for the study of Palestinian politics. First, unpacking inclusion and disregarding concepts like radicals and moderates in the case of the PA and Hamas are increasingly essential for mapping out political actors' interaction within various PA sectors and institutions and to trace political violence. By unpacking inclusion, evidence from this research shows that the exclusive inclusion of 2006-2007 was largely affected by the initial structures of the PA institutions based on the Oslo Accords and conditions. These conditions excluded dissent altogether and centered around Fatah/PA elites, and in the absence of progress in the peace process, contained the seeds of intra-Palestinian division. Consequently, this research has shown that when the stakes of Israeli security were not too high in the CSS there were some possibilities of possible power sharing through local authority-incorporated groups' interactions and arrangements. Nevertheless, that was almost impossible in the PSS where the sector was built and functioned in a way to protect the security of Israel, thus excluding any Palestinian dissent and solely dealing with certain Fatah/PA actors and political agenda. In addition, this research has shown that power sharing was also made ostensible in the PA in general, and more so in the PSS, based on growing and Fatah/PA invested interests with the uneven playing field (for disadvantage

of any dissent) in the PA institutions and through active attempts to extract entitled power from Hamas as possible - with the full support of the US and less so the EU.

Second, after exclusive inclusion took place based on contextual reasons and with the imposition of the sanctions and roles played by Fatah/PA elites, the interaction of Hamas-Fatah was not only over power but also the restructuring of the whole meta-game of the PA became essential. That is, along with the struggle over factional dividends and jurisdictions in the PA, there was also a struggle over the whole politics of the PA and the direction of its political and institutional reform. When both possibilities of practicing more power and of reform did not exist in the short run, Hamas looked for certain arrangements, for example regarding its security force outside the hegemony of Fatah/PA chiefs and, *by default*, that of Israel. Yet, during this process Hamas was transforming from the purist movement mastering resistance to the deployment of an intermixed approach that combined governance with resistance and transparency with factionalism. Hamas was also becoming more divergent. Researchers of Palestinian politics can trace continued internal divergences in the Gaza Strip today between the now Hamas government and its armed groups, mainly al-Qassam Brigades. The same concern of the latter remains to further resistance and not “state” building under ending occupation (also some have prestigious and economic return). However, the government in the Gaza Strip today is busy with governance matters (robust institutions, building strong police force, boosting economy, and re-building the Gaza Strip after the war). Even now, Hamas is also having its own dissent.

The above authority-corporate group changes were not totally unique to the PA and Hamas; slightly similar patterns have been evolving in the competitive

authoritarianism as well, and along other political groups struggling with occupation and external hegemony like the cases in Lebanon and Iraq. More imminently are the unfolding transitions and inclusion types in the new regimes in Tunisia and Egypt, and the interaction with old incumbents with new and old oppositions and activists to structure their institutions and societies. I argue that given the initial titled playing fields in both countries, active attempts to offset revolutions' sweeping institutional changes, and external players' endeavors to have a share in restructuring regional politics that protect various interests, unpacking inclusion and tracing its outcomes becomes an imperative for the research and studies of the Middle East.

Third, the stakes are still high for those who are involved in Palestinian politics and even for those who study and write about it. The prolongation of the conditions excited for exclusive inclusion of 2006 to today's new reconciliation agreement between Hamas and the PA would not end the Palestinian internal division, would not bring Israelis and Palestinians to the negotiation table with a reasonable proposal to discuss, nor would it lead to a just peace and self-determination for the Palestinians. If anything, it would lead to the opposite: continued or management of the Palestinian division, possibilities of latent internal violence, and postponed but imminent clashes between Palestinians and Israel. These scenarios would most certainly affect and involve regional power.

The deadlock of exclusive inclusion in 2006-2007 clearly uncovered the impasse of the PA under Abbas, when it became a bipolar system, between defending a failing peace process and pursuing negotiations under unaccepted conditions to the Palestinians on the one hand, and looking for internal stability, legitimacy, democratization, and

actualization of a Palestinian state on the other. This research has shown that sidelining the demands of a major opposition movement and constituents and focusing on mere calls for negotiation with Israel along with Abbas's continued attempts to prove competence and eligibility (to the US and Israel over securing Israel's security) have proven to be disempowering to his people and to the PA- given Israel's failure to meet and comply with the Oslo Accords, the Road Map, and previous UN resolutions.

The US and the Quartet's pressures and sanctions against the NUG and the Palestinian people when they democratically chose their candidates and when they wanted to bridge their internal divisions are not to be repeated. If anything, the international community has to tackle the underlying factors of political violence and to address political actors who are looking and calling for recognition with respect to their human dignity and self-determination. It is only through true self-determination and addressing the security of both Israelis and Palestinians that this conflict can come to an end.

When it comes to what Abbas and the PA "ought" to do, and what Hamas "ought" to do, there has been vibrant discussions in the Palestinian polity and civil society and almost everywhere else. These discussions<sup>644</sup> were recently revealed by the emergence of new internet groups (e.g., *Shabab* March 15) who have clear demands that start by calling for an end the Fatah-Hamas division, reform of the PLO to include Hamas under a united

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<sup>644</sup> I have conducted interviews on October 2010 about the possibility of unity agreement. But also I have been part of casual daily debates with all sorts of activists and people from July-October 2010 about the unity agreement where people are becoming more lean towards a serious Palestinian national plan to end occupation first then establishment of their state. These views are on stark difference than the economic plan of Fayyad's government.

political vision, and a national political program to end the occupation. Having a unified national agenda has been discussed as the major anchor where the national reconciliation should start and could rest.<sup>645</sup> Some Palestinians (who benefit from division or managed division) do not share such views, but the previous arguments are rising.

On one of many local initiatives that was being drafted on 7 November 2010, by many Palestinian independent activists, journalists, businessmen, academics, and others in the Occupied Palestinian Territories, called on Hamas and Fatah to unite not only technically but also to unite on an agreement that has political content.<sup>646</sup> That is, an agreement that adheres to the political grounds of the 2006 National Reconciliation Accord (NRC) with the first step to reform and activate the PLO democratically as a unified platform for all Palestinians and their factions. Then, through this unified platform, the PLO must take the lead in managing the national struggle, "...to confront and end the Israeli occupation in a way that achieves the Palestinian aims of self-independence, freedom, and right of return,"<sup>647</sup> as the initiative explains.

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<sup>645</sup> For some information about these arguments see, Baroud, Ramzy. 20 May 2011, "Towards a Real Palestinian Strategy: Unity is Not Compromise", Retrieved 30 May, 2011 (<http://www.counterpunch.org/baroud05202011.html>); Clot, Ziyad 14 May 2011, "Palestine Papers: Why I Blew the Whistle" *AlJazeera English*, Retrieved 14 May 2011, 2011 (<http://english.aljazeera.net/indepth/opinion/2011/05/201151432144832519.html>).

<sup>646</sup> Independent Palestinian Personalities Initiative. November 2010. "Nida' li-Qadat Harakat Fatah wa Hamas: Na'am li-Juhud al-Musalaha 'ala Tariq al-Wihda wa al-bina' al-Dimuqrati (A Call to the Leaders of Fatah and Hamas Movements: Yes to the Reconciliation Efforts on the Road of Unity and Building Democracy)." Ramallah-Gaza.

<sup>647</sup> Ibid.,

Given the above discussed obstacles to the unity and as my investigation in this dissertation of exclusive inclusion and its causal path to political violence have indicated, Palestinian factions might settle for managing the division not ending it. This is especially possible given that current reconciliation agreement is full of gaps for implementation. Palestinian parties ought to be careful in managing the division because it leaves the door open for exclusive inclusion, conflict, and internal violence. However, choices are tough for Palestinians. That is, unless they first and foremost set and agree on a united political agenda to face increasing injustices, demanding an end to the occupation, and continue to ask for a just peace; any internal-unity agreement with sustainable inclusion would be extremely hard to strike and implement. Put differently, Fatah and Hamas must have one government and united institutions with a clear political agenda and not to manage their division by continuing to govern separately with vague coordination that institutionalizes their division, further dividing their people, and increasing oppression in the West Bank and in the Gaza Strip.

In the absence of a serious peace process, the PA and Hamas must put aside their narrow factional interests and engage the international community and the growing international activism in their cause, and ask for legitimate representation for their people, free of occupation. It is time for Palestinians to think of the future where the chance for Hamas and Fatah to unite and set a clear agenda is still open.

This is becoming even more possible with the emergence of new local activism asking for an end to the division (Facebook groups like *Shabab* March 15, Youth Mobilization, among others). There is also anonymous internet *activist group* (mostly *Facebook*) vaguely called the National Committee for the *Commemoration* of the 63th

Anniversary of the *Nakba*,<sup>648</sup> all of whom are organizing global rallies by Palestinian supporters on 15 May 2011 against continued Israeli occupation, discrimination against Palestinian living in Israel, and the denial of the right of return. There have been many groups, campaigns and activists who resist the building of the Separation Wall, mostly endorsing non-violent means of resistance, like the Palestinian grassroots Anti-Apartheid Wall Campaign, the Palestine Solidarity Project (non-violent means to end the occupation), Youth Against Settlements (ending the building of Israeli settlement through non-violent popular struggle and civil disobedience), and the Israeli group Anarchists Against the Wall, among others.<sup>649</sup> Activism against building the Wall has led to a case in front of the International Court of Justice in The Hague where the case was ruled against the Wall on 9 July 2004.

In addition, Palestinians and Israelis, along with international activists, have been calling for a just peace and mutual self-determination through the global Boycott, Divestment and Sanctions (BDS) movement (since 2005) against Israel until it “complies with International Law and Palestinian rights.”<sup>650</sup> The Palestinian Boycott National Committee (BNC) (a coalition of Palestinian civil society parties, unions, and NGOs),

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<sup>648</sup> The *Nakba*, which literally means catastrophe, is the period in May 1948 when Palestinians were first expelled from their homes and displaced by Israelis for the creation of the state of Israel. They commemorate the *Nakba* every year on 15 May. The *Nakba* marks for Palestinians the beginning of Israel’s occupation over almost 80% of their land.

<sup>649</sup> I am indebted especially to Kobi Snitz, an Israeli mathematics professor and a leading activist in this movement, for our countless talks, started during our graduate studies and activism at the University of Maryland and during my fieldwork, about mobilization against the Separation Wall and the role Israelis can play in such mobilization. For more information about the group visit, <http://www.awalls.org/>

<sup>650</sup> For more information about BDS and their activities see, <http://www.bdsmovement.net/bdsintro>.

established in 2007, coordinates the BDS. Also the International Solidarity Movement (ISM) is a “Palestinian-led movement committed to resisting the Israeli apartheid in Palestine by using nonviolent, direct-action methods and principles”<sup>651</sup> that draws largely on international solidarity and support. The international Free Gaza Movement has worked with ISM in organizing the various flotillas to the Gaza Strip to break the Israeli siege and the restrictions of movement placed on those entering and exiting the Strip. Also, new grassroots organizations like *Shiekh Jarrah* Solidarity (named after a Palestinian neighborhood in East Jerusalem) included Palestinians, Israelis and internationals who are mainly, “...working towards civil equality within Israel and an end to the Israeli occupation of Palestine).”<sup>652</sup>

These emerging efforts of local activism along with international civil society challenge not only the continued Israeli occupation of the Palestinians and the sanctions over the Gaza Strip, but also the conventional authority-opposition nexus in the Occupied Palestinian Territories. Previous activism should bolster Hamas, the PA and Fatah to find new mechanisms not only to unify their agenda, but also to channel international support and endorse all local activism (not selective activism and not repression). Ilan Pappé, an Israeli history professor who has written about the history of the conflict and has been supportive of the BDS campaign said:

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<sup>651</sup> For more information about ISM and their activities see, <http://palsolidarity.org/about-ism/>

<sup>652</sup> Palestinians in East Jerusalem in general and in *Shiekh Jarrah* in particular have been suffering from all kinds of atrocities starting from expelling them from their homes, claiming they lack building permits, to total demolition of their homes. To know more about such activism see, <http://www.en.justjlm.org/>

There is no National Movement which achieved its aim, no injustice to which and end was put, without a serious involvement of the outside world. There never was. We need the outside world in order to end the occupation. We need public opinion in Europe, in the United States. After forty years we have the right to say that we need an outside pressure on Israel in order to end the occupation, that we don't want to wait for another forty years.<sup>653</sup>

In light of the above argument, benefiting from UN recognition of a Palestinian state should be seen within this previous context and not outside it, if the aim is to end the occupation, have sustainable inclusion, and a sustainable peace. New studies on Palestinian politics need to research and address the cooperation between local and international movements and civil society and the way they might bring an end to occupation and encourage peace in this conflict. It will also be interesting to research the effect of this international activism on activists' relations to their home countries and governments, in addition to the Israeli government. Another streak of research can focus on how international activism in this case might even affect relations between states (e.g., the political impasse between Turkey and Israel after Israel killed nine Turkish activists on board the Free Gaza flotilla, with other international activists, to break the siege over the Gaza Strip on 31 May 2008).

In an era of Arab revolution and democracy and post colonial struggles, it is hard and unacceptable for Israel to continue pursuing its policies of occupation; it is hard for Abbas and the PA to get away with authoritarian regime in the West Bank and repressed Palestinian rights and established security apparatus for that sake and continue the division. It is also not possible for Hamas to continue running the Gaza Strip itself under

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<sup>653</sup> Debate between Uri Avnery and Ilan Pappé. 11 June 2007, "Two States Or One State" *Gush Shalom*, Retrieved 25 August 2010 (<http://www.countercurrents.org/pappe110607.htm>).

increasing fear of a potential war instigated by Israel; it is also objectionable to run the Gaza Strip with a lack of human rights and continued factionalism.

Therefore, local political actors, local activists, international civil society and non-state actors, researchers and academics of Palestinian politics and Israel-Palestine politics, along with the international community, especially the US, have to share the responsibility in ending the initial conditions of exclusive inclusion, occupation and unjust peace, and support self-determination. The latter is the gate to both Israeli and Palestinian security. It is time for serious propositions to be put on the table ranging from a just two-state solution according to the 4 June 1967 borders that includes a solution to the refugee issue based on UN Resolution 194, to solutions based on a future one-state solution (democratic or bi-national)<sup>654</sup> that lays the groundwork for long-term peace. I close with what Professor Edward Said wrote 12 years ago after the deadlock on the Oslo negotiations when he questioned the whole Oslo peace process as an attempt to “put off the real reconciliation” and as a prelude for real separation. Thus, he advocated for real peace through a one-state solution:

Once we grant that Palestinians and Israelis are there to stay, then the decent conclusion has to be the need for peaceful coexistence and genuine reconciliation. Real self-determination. Unfortunately, injustice and belligerence don't diminish by themselves: they have to be attacked by all concerned (Said 1999: 8).

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<sup>654</sup> In the last years there has been a vibrant discussion of the form a solution that transcends the two-state solution that was sought to entrench rather than end the occupation, colonization, and veiled apartheid. Some Palestinian and Israeli activists and scholars like Ali Abunimah, Sari Maqdisi, Omar Barghuthi, Daniel Gavron, Ilan Pappé and others, started elaborating on a one state solution. I am grateful, however, to the seminars I took part in during my post-doctorate year in Germany at the Europe in the Middle East, the Middle East in Europe (EUME) program at the Wissenschaftskolleg zu Berlin for opening the sphere of such debate. A special thank to historian and Professor Amnon Raz-Krakotzkin in the EUME program and a history professor at Ben Gurion University, for valuable discussions on his argument of the bi-national state solution.

## APPENDICES

### **Appendix A. The Cairo Declaration among Palestinian Factions and the PA (17 March 2005)**

(1) Those gathered confirmed their adherence to Palestinian constants, without any neglect, and the right of the Palestinian people to resistance in order to end the occupation, establish a Palestinian state with full sovereignty with Jerusalem as its capital, and guaranteeing the right of return of refugees to their homes and properties.

(2) Those gathered agreed on a programme of action for the year 2005, centred on the continuation of the atmosphere of calm in return for Israel's adherence to stopping all forms of aggression against Palestinian people and land, no matter where they are, as well as the release of all prisoners and detainees.

(3) Those gathered confirmed that the continuation of settlement and the construction of the wall and the Judaisation of East Jerusalem are explosive issues.

(4) Those gathered explored the internal Palestinian situation and agreed on the necessity of completing total reform in all areas, of supporting the democratic process in its various aspects and of holding local and legislative elections at their determined time according to an election law to be agreed upon. The conference recommends to the Legislative Council that it take steps to amend the legislative elections law, relying on an equal division of seats in a mixed system, and it recommends that the law for elections of local councils be amended on the basis of proportional representation.

(5) Those gathered agreed to develop the Palestine Liberation Organisation (PLO) on bases that will be settled upon in order to include all the Palestinian powers and factions, as the organisation is the sole legitimate representative of the Palestinian people. To do this, it has been agreed upon to form a committee to define these bases, and the committee will be made up of the president of the National Council, the members of the PLO's Executive Committee, the secretary-generals of all Palestinian factions and independent national personalities. The president of the Executive Committee will convene this committee.

(6) Those gathered unanimously felt that dialogue is the sole means of interaction among all the factions, as a support to national unity and the unity of the Palestinian ranks. They were unanimous in forbidding the use of weapons in internal disputes, respecting the rights of the Palestinian citizen and refraining from violating them, and that continuing dialogue through the coming period is a basic necessity towards unifying our speech and preserving Palestinian rights.

Usher, Graham. 24-30 March 2005, "The Calm before the Storm?" *Al-Ahram Weekly*, Retrieved 17 August, 2006 (<http://weekly.ahram.org.eg/2005/735/re1.htm>).

**Appendix B. The Results of PLC election on 25 January 2006, distributed according to Affiliations and the Number of Seats**

<b>Political affiliation No. of seats in</b>	<b>No of seat in the lists</b>	<b>No. of seats in the districts</b>	<b>Total No. of Seats of the PLC</b>
Change and Reform [affiliated with Hamas]	29	45	74
Fatah Movement	28	17	45
Martyr Abu Ali Mustafa	3	0	3
The Third Way	2	0	2
The Alternative	2	0	2
Independent Palestine	2	0	2
Independents	0	4	4
<b>Total</b>	<b>66</b>	<b>66</b>	<b>132</b>

Central Election Commission in Palestine

**Appendix C. Hamas, “National Unity Government Program,” Gaza, 19 March 2006.**

*After winning the legislative elections,\* Hamas attempted to form a coalition government, drafting a national unity platform and holding consultations with the various factions to that end. Although it was unable to secure the participation of other parties, it retained the “national unity” platform as the government program. The thirty-nine points of the program were translated and distributed by the Palestine Center in Washington.*

1. Remove the occupation and settlements and demolish the apartheid separation wall; establish an independent, fully sovereign Palestinian state with Jerusalem as its capital; and reject all partial solutions, dictated policies, and *faits accomplis*;
2. Uphold Palestinian refugees’ right of return to their homes and properties, as an individual and general right on which there is no compromise;
3. Work toward the release of prisoners; confront occupation policies such as assassinations, arrests, incursions, collective punishment, annexations, settlement expansion, and particularly the Judaization of Jerusalem; and utilize the decision of the International Court of Justice regarding the wall and its regimes;
4. Uphold the belief that resistance in its various forms is a legitimate right of Palestinians  
to bring an end to the occupation and to secure their national rights;
5. Cooperate with the international community to end the occupation, remove settlements,  
and withdraw completely from lands occupied in 1967, including Jerusalem, to achieve calm and stability during this phase;
6. Comprehensively reform the domestic policies, including fighting corruption, ending unemployment, and rebuilding society and public institutions based on democratic principles, which guarantee fairness, equality, inclusion, political pluralism, the rule of law, governmental system of checks and balances, an independent judiciary, and respect for and protection of human rights and fundamental freedoms;
7. Rebuild the institutions on a foundation of democracy, professionalism, and nationalism—not in accordance with party affiliation;
8. Abide by the March 2005 agreement reached by the various Palestinian political parties regarding the PLO;
9. Work with the signed agreements, with the highest sense of responsibility, guided by an obligation to protect the interest, rights, and principles of the Palestinian people;
10. Work with international resolutions/decisions in a manner that protects the rights of the Palestinian people;
11. Preserve Palestinians’ independent decision-making process;
12. Work to revive the support of the Arab and Muslim world for Palestinians and their cause, given that we are Arab and Muslim;
13. Establish positive, friendly, and balanced ties with Arab, Muslim, and various other nations of the world and international institutions, based on mutual respect;
14. Work toward a free link between the villages and towns of the West Bank and between the West Bank and the Gaza Strip; work for a permanent opening of the

- crossings with Egypt and Jordan; and work for the construction of the seaport and the reopening of the airport;
15. Protect of democracy and strengthen the peaceful transition of power;
  16. Conclude municipal elections;
  17. Support the Palestinian presence in Jerusalem;
  18. Strengthen the rule of law;
  19. Guarantee personal, property, and national security;
  20. Enhance the judicial system's independence and transparency;
  21. Protect personal and public freedoms, including the freedom of expression/ opinion and the formation of political parties and the prohibition against political arrests;
  22. Build civil society and develop civic institutions;
  23. Conduct financial and administrative reform; strengthen the methods of accountability;  
and enact laws against mismanagement of public funds and party affiliation based employment;
  24. Develop all institutions that care for needs of the injured and for families of martyrs;
  25. Protect the Islamic and Christian waqf (trust)
  26. Protect the poor, weak, and those with special needs, and support the institutions that address these needs;
  27. Improve the standard of living, public services, and social, health, and educational networks available to those in need;
  28. Develop a National Development Plan with special attention to human development;
  29. Protect the rights of women, children, youth, and the family;
  30. Support youth organizations;
  31. Develop a national plan for alleviating poverty and unemployment;
  32. Work with the housing sector to find a solution for housing shortages and exorbitant rents;
  33. Strengthen the education sector and develop the educational institutions;
  34. Develop the health care sector on all levels through increased regional cooperation and cooperation with international organizations; and work for achieving self sufficiency in the health care sector;
  35. Develop the agriculture, livestock, and marine-life sectors; encourage exports; and assist local food industries;
  36. Develop the economic sector by encouraging investment, outlawing monopolies, protecting workers' rights, increasing exports, and developing trade with the international community;
  37. Strengthen the role of cultural institutions;
  38. Support an independent media and protect journalists and the media; and
  39. Reactivate professional unions.

\*" Hamas National Unity Government  
Program 19 March 2006." *Journal of  
Palestine Studies* 35:163-164.

## **Appendix D. Mecca Agreement 8 February 2007**

Based on the generous initiative announced by Saudi King Abdullah Ben Abdul Aziz and under the sponsorship of his majesty, Fatah and Hamas Movements held in the period February 6-8, 2007 in Holy Mecca the dialogues of Palestinian conciliation and agreement and these dialogues, thanks to God, ended with success and an agreement was reached on the following:

First: to stress on banning the shedding of the Palestinian blood and to take all measures and arrangements to prevent the shedding of the Palestinian blood and to stress on the importance of national unity as basis for national steadfastness and confronting the occupation and to achieve the legitimate national goals of the Palestinian people and adopt the language of dialogue as the sole basis for solving the political disagreements on the Palestinian arena.

Within this context, we offer gratitude to the brothers in Egypt and the Egyptian security delegation in Gaza who exerted tremendous efforts to calm the conditions in Gaza Strip in the past period.

Second: Final [to finalize] agreement to form a Palestinian national unity government according to a detailed agreement ratified by both sides and to start on an urgent basis to take the constitutional measures to form this government.

Third: to move ahead in measures to activate and reform the PLO and accelerate the work of the preparatory committee based on the Cairo and Damascus Understandings.

It has been agreed also on detailed steps between both sides on this issue.

Fourth: to stress on the principle of political partnership on the basis of the effective laws in the PNA and on the basis of political pluralism according to an agreement ratified between both parties.

We gladly announce this agreement to our Palestinian masses and to the Arab and Islamic nation and to all our friends in the world. We stress on our commitment to this agreement in text and spirit so that we can devote our time to achieve our national goals and get rid of the occupation and regain our rights and devote work to the main files, mainly Jerusalem, the refugees, the Aqsa Mosque, the prisoners and detainees and to confront the wall and settlements.

Published at Al Ayyam NewsPaper on February 9, 2007  
translated by Jerusalem Media and Communication  
Center,  
<http://www.jmcc.org/new/07/feb/meccaagree.htm>

## **Appendix E. Sharing of Ministries in the NUG (February 2007)**

The preliminary agreement on the distribution of ministerial portfolios reads as follows:

- The current PM Ismail Hanieh shall assume the PM post in the national unity government.
- President Abbas shall appoint a deputy PM.
- Ziad Abu Amr (Independent) shall be appointed as Minister for Foreign Affairs.
- Salam Fayyad (Independent) shall be appointed as Finance Minister.
- Hamas will nominate an independent figure for the Interior Ministry on condition that president Abbas approves to this nomination.
- Hamas will get eight ministries: Education and Higher Education, Islamic Waqf, Labour, Local Government, Youth and Sports, Justice, Telecommunications and Information Technology, Economy, and a state minister.
- Hamas will also name an independent figure to the Planning Ministry and another independent figure as state minister.
- Fatah will get six ministries: Health, Social Affairs, Public Works, Transportation, Agriculture and Prisoners Affairs.
- Fatah will name the Minister for foreign affairs (Ziad Abu Amr) and an independent figure as state minister.

Kaleej Times online:  
[http://www.khaleejtimes.com/DisplayArticleNew.asp?file=data/middleeast/2007/February/middleeast\\_February141.xml&section=middleeast&col.](http://www.khaleejtimes.com/DisplayArticleNew.asp?file=data/middleeast/2007/February/middleeast_February141.xml&section=middleeast&col)

## **Appendix F. Text of the Agreement between Fatah and Hamas (3 May 2011)**

Under the auspices of Egypt, delegations from the Fatah and Hamas movements met in Cairo on April 27, 2011 to discuss the issues concerning ending the political division and the achievement of national unity. On top of the issues were some reservations related to the Palestinian National Unity Accord made in 2009.

Both political parties mutually agreed that the basis of understanding made during the meeting are committing to both parties in the implementation of the Palestinian National Reconciliation Agreement. The basis of understanding agreed upon by Fatah and Hamas are as follows:

### **1. Elections**

#### **A. Election Committee:**

Both Fatah and Hamas agree to identify the names of the members of the Central Election Commission in agreement with the Palestinian factions. This list will then be submitted to the Palestinian President who will issue a decree of the reformation of the committee.

#### **B. Electoral Court:**

Both Fatah and Hamas agree on the nomination of no more than twelve judges to be members of the Electoral Court. This list will then be submitted to the Palestinian President in order to take the necessary legal actions to form the Electoral Court in agreement with the Palestinian factions.

#### **C. Timing of Elections:**

The Legislative, Presidential, and the Palestinian National Council elections will be conducted at the same time exactly one year after the signing of the Palestinian National Reconciliation Agreement.

### **2. Palestine Liberation Organization**

The political parties of both Fatah and Hamas agree that the tasks and decisions of the provisional interim leadership cannot be hindered or obstructed, but in a manner that is not conflicting with the authorities of the Executive Committee of the Palestine Liberation Organization.

### **3. Security**

It was emphasized that the formation of the Higher Security Committee which will be formed by a decree of the Palestinian President and will consist of professional officers in consensus. 4. Government

#### **A. Formation of the Government:**

Both Fatah and Hamas agree to form a Palestinian government and to appoint the Prime Minister and Ministers in consensus between them.

B. Functions of the Government:

1. Preparation of necessary condition for the conduction of Presidential, Legislative and the Palestinian National Council elections. 2. Supervising and addressing the prevalent issues regarding the internal Palestinian reconciliation resulting from the state of division. 3. Follow-up of the reconstruction operations in the Gaza Strip and the efforts to end the siege and blockade that is imposed on it. 4. Continuation of the implementation of the provisions of the Palestinian National Accord. 5. To resolve the civil and administrative problems that resulted from the division. 6. Unification of the Palestinian National Authority institutions in the West Bank, Gaza Strip and Jerusalem. 7. To fix the status of the associations, Non-Governmental Organizations and charities. 5. Legislative Council:

Both Fatah and Hamas agree to reactivate the Palestinian Legislative Council in accordance to the Basic Law.

Translated by Al Mubadara, the Palestinian National Initiative.

<http://www.palestinemonitor.org/spip/spip.php?article1787>

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#### **List of Fieldwork Interviews:**

- Administrative assistant to a Hamas affiliated Minister, 27 September 2007, Al-Bireh.
- Adviser and Head of 'Palestinian Territories Project' at the Geneva Center for the Democratic Control of Armed Forces (DCAF), 4 May 2008, Ramallah.
- Close Hamas affiliate and supporter, 6 May 2008, Gaza Strip (interview over the phone).
- Deposed PM consultant, 3 May 2008, Gaza Strip (interview over the phone).
- Director of a women's center in the Gaza Strip and a "leftist" activist, 21 September 2007, Ramallah.
- Employee in the Human Resource Department, 15 May 2007, Ramallah.
- Executive Director of the Municipality, 7 May 2007, Ramallah.
- Fatah leader and writer and former Governor of Bethlehem, April 2008; 7 May 2008, Amman, Jordan.
- Fatah PLC member, 25 April 2007, Ramallah.
- Fatah Revolutionary Council member, 7 July 2007; 9 October 2007, Ramallah.
- Fatah Revolutionary Council member and Fatah High Committee member, 29 August 2007, Ramallah.
- Fatah Revolutionary Council member and Fatah PLC member, 1 May 2007, 7 October 2007, Ramallah.
- Fatah Revolutionary Council member and former Head of the Preventive Force in the West Bank, 3 June 2007, Ramallah.
- Fatah Revolutionary Council member and previous Fatah Minister, 17 September 2007, Ramallah.
- Fatah writer and activist, 6 October 2007, Ramallah.
- Former Deputy of General Director of the Project Department, 30 May 2007, Ramallah.
- Former Fatah Deputy of to the General Director of the Human Resources and Finance Department in a PA ministry, 30 May, 2007, Ramallah.

- Former Fatah Minister and Fatah High Committee member, 8 April 2007; 11 April 2007; 13 September 2007; 29 April 2008, Ramallah.
- Former Fatah security personnel in the General Intelligence, 1 October 2007, Ramallah.
- General Fatah Director of the Studies, Research and Development Department in a PA ministry, 22 May 2007, Ramallah.
- Hamas affiliated General Director of the Human Resources and Finance Department in a PA ministry, 12 June 2007, Ramallah.
- Hamas affiliated Minister of the NUG, 8 July 2007, al-Khalil.
- Hamas leader, 30 September 2007, Ramallah.
- Hamas leader and consultant, 28 September 2007; 3 May 2008, Gaza Strip (Interview over the phone).
- Hamas leader and coordinator of its Election Campaign, 24 June 2007, 1 September 2007, al-Bireh.
- Hamas leader and prisoner, 7 September 2007, Ramallah (Interview over the phone).
- Head of the Department of Law in a PA ministry, 13 April 2007, Ramallah.
- Head of the DFLP and member of the PLC, 15 May 2007, Ramallah.
- Head of the Islamist Labor Union, 2 October 2007, Nablus.
- Head of the Municipality, 30 June 2007, Bethlehem.
- Head of the Research Department in a PA Ministry, 12 April 2007, Ramallah.
- Head of the Women's Department in a PA Ministry, 30 May 2007, Ramallah.
- Independent minister of the NUG and a broker between Fatah and Hamas, 7 October 2007, Ramallah; 11 May 2008, Washington, DC.
- Islamic writer close to Hamas, 22 June 2007, Ramallah.
- Journalist and moderator between Fatah and Hamas, 15 September 2007, Ramallah
- Leader of the Fatah al-Aqsa Brigades, 15 June 2006, Jenin.
- Leader of the Islamic Jihad Brigades, June 2006, Jenin.
- Member of the al-Aqsa Brigades, 23 June 2007, Ramallah.
- Member of the Employee Union in the Ministry and a consultant to the current HLG Minister, 6 June 2007, Ramallah.
- Member of the Municipality and an independent lawyer, 2 July 2007, Ramallah.
- Minister of the HLG, 2 May 2007, Ramallah.
- Minister of the HLG, 29 June 2007, Bethlehem.
- Minister of the HLG and the NUG, 22 May 2007, Ramallah.
- Minister of the HLG and the NUG, 1 October 2007, Nablus.
- Minister of the NUG, 26 June 2007, Ramallah.
- Minister of the NUG affiliated with Hamas, 30 September 2007, Bethlehem.
- Minister of Planning, 30 April 2006, Ramallah.
- Palestinian academic, 21 May 2007, Birzeit/Ramallah.
- Palestinian academic, 11 September 2007, Ramallah.
- Palestinian academic, 18 September 2007, Ramallah.
- Palestinian academic, 9 October 2007, Birzeit; 4 July 2007, Ramallah
- Palestinian academic close to Hamas, 1 October 2007, Nablus.
- Palestinian writer affiliated with Hamas, 5 July 2007, Al-Bireh.
- Palestinian writer and intellectual 17 September 2007, Ramallah.

- PLC Fatah member, 15 June 2006, Bethlehem.
- PLC General Secretary, 15 June 2006, Ramallah.
- PLC/LoCR member, 9 April 2007, 4 May 2008, Ramallah.
- PLC/LoCR member, 12 May 2007a, Nablus.
- PLC/LoCR member, 12 May 2007b, Nablus.
- PLC/LoCR member, 30 June 2007, Bethlehem.
- PLC/LoCR member, 8 July 2006, al-Khalil.
- PLC/LoCR member, 27 August 2007 and 3 September 2007, Ramallah.
- Political advisor to the President, 16 September 2007, Ramallah
- Presidency Secretary General, 8, October 2007, Ramallah.
- Previous Secretary General of the Palestinian People's Party, 22 August 2007, Ramallah.
- Prominent Fatah supporter and lawyer, 26 June 2007, Ramallah
- Prominent Hamas leader, 18 September 2007, Nablus.
- Prominent Hamas leader, 15 October 2007, Gaza Strip (Interview over the phone).
- Prominent Palestinian researcher, 1 October 2007, Ramallah.
- Rapporteur of the Committee on Oversight and Human Rights in the PLC, 15 May 2007, Ramallah.
- Representative of the PFLP, 13 June 2006; 29 May 2007, Ramallah.
- Researcher specialized in the Hamas Movement, 30 May 2007, Ramallah