

JIHADIST GOVERNANCE AND STATECRAFT

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RETREATING FROM LEGITIMACY: HAMAS'S ENGAGEMENT IN AND DISENGAGEMENT FROM GOVERNANCE



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Jihadist groups have taken over or built institutions in alternatively governed areas using a variety of methods. Some use violence, while others coopt existing political systems. Some become full governing actors, while others utilize aspects of governance to further their agenda without accepting full accountability to local populations. Hamas remains a unique case, as it is one of the few jihadist actors that entered governance—at least initially—through elections. While many assumed that Hamas would use its governance to gain legitimacy, the group instead entrenched itself in a system of control, while never relinquishing its ultimate goal of destroying Israel.

Hamas's Muslim Brotherhood roots are a vital component in understanding how the group has garnered internal and external support over the years, both before and after becoming a governing actor. As a Brotherhood-inspired group, it has focused on revolution from below, using existing political structures and establishing social services to gain and maintain popular support. Hamas has even engaged in aspects of modern political systems, including participation in the 2006 Palestinian elections, in hopes of creating a government eventually ruled by sharia.¹ In using a bottom-up approach to governance efforts, Hamas has sought to frame its "Islamization" of society as a choice driven by Palestinian populations living under its control. But despite this framing, Hamas has resorted to applying pressure and violence upon civilian populations on numerous

occasions in order to achieve its goals of a “traditional” Islamic society and to deter dissent.

In 2022, Hamas celebrated its thirty-fifth anniversary and its fifteenth as a governing actor. Despite continually calling itself a resistance organization, Hamas had made a seemingly smooth transition into governance and in some ways gained much of the international legitimacy it had long craved. To many, this anniversary marked Hamas as a moderate organization, one that had turned away from its more violent roots. Thus, for a group that long sought to transition into legitimate governance, the group’s decision to launch the October 7 attack constituted a major deviation in strategy. Examining the group now in 2024, we understand that through its governance, Hamas was seemingly faced with an ideological crisis: support its constituency in Gaza, or exploit its control over Gaza to build the infrastructure necessary to support its true goal of attacking Israel.

GOVERNANCE: A PATHWAY TO LEGITIMACY?

From its foundation in the 1980s until the mid-2000s, Hamas operated as both a social movement and terrorist actor.² It used its social movement to establish its future governance, and won hearts and minds by providing social services to men, women, and children in the undergoverned Palestinian arena. Hamas sought to bolster its international standing and legitimacy through gaining local support from the entirety of its constituency.³ In fact, one very underestimated (and underdiscussed) part of Hamas’s strategy has been its gendered policies, which are seemingly some of the most inclusive of any jihadist actor.⁴ For example, Hamas organized events on women’s issues predating its governance role, and in 2003 it established the Islamic Women’s Movement in Palestine as a way to emphasize women’s involvement in the organization.⁵ These gendered policies are based on its Muslim Brotherhood–inspired ideology, and its worldview for how to gain (and maintain) power using a bottom-up approach.⁶

In January 2006, Hamas participated in the Palestinian Legislative Council elections as part of the Change and Reform bloc, featuring both men and women on the ballot. Hamas won 74 out of the 132 seats,⁷ and its electoral success signified the first time an Islamist group democratically took power in the Arab world.⁸ Following the elections, Hamas and Fatah initially reached an agreement to form a national unity government, but the two groups soon thereafter descended

into deadly fighting, resulting in Hamas's takeover of Gaza in June 2007.⁹ Thus, two entities began to govern the Palestinian people: Hamas ruled Gaza, and the Fatah-dominated Palestinian Authority governed the West Bank.

In 2007, after Hamas wrested control of Gaza by force, it faced an ideological crisis: it could govern Gaza and address the needs of the Palestinian people, or it could take advantage of the resources it controlled in Gaza and use its territory to attack Israel. The organization understood that these two goals could not be achieved in tandem. While some expected Hamas to curb its violence or be coopted by governance demands, it instead invested in societal radicalization to the detriment of Gazan citizens. Hamas's leaders asserted that the group's participation in elections did not mean it had moderated its position calling for the destruction of Israel. Rather, Gaza was to be a launchpad to further this goal, not a distraction from it.¹⁰

TAKING OVER EXISTING INSTITUTIONS AND BUILDING NEW ONES

After taking over the Gaza Strip, Hamas assumed control predominantly over preexisting institutions. In addition to Hamas parliamentarians, who took on public-facing roles, Hamas took advantage of the benefits governance offered to deliver educational and social service programs.¹¹ Both Gazan men and women worked on Hamas's payroll as police, teachers, doctors, and administrators, among other roles.¹² Hamas's female members, including its all-female branches and female parliamentarians, helped provide a level of credibility to the group's state-building agenda.¹³ However, behind the facade of Hamas's purportedly inclusive workforce and political agenda, women were incorporated into Hamas in order to serve female constituents and perform enforcement functions men were unable to do. For example, women serving in Hamas's police force, while wearing uniforms adhering to Hamas's dress code, primarily worked on cases involving other women.

Some of its takeover of existing institutions had more nefarious implications, as Hamas used this to instill its "culture of resistance" in Gaza society.¹⁴ For example, it used television, radio, and the internet to disseminate its messaging both domestically and abroad,¹⁵ and it established youth summer camps to indoctrinate the next generation.¹⁶ In addition to these changes, Hamas continued to run social services—some more traditional than others.¹⁷ For example, it

sponsored weddings that matched up young men and women and provided stipends for them to start their lives.¹⁸ A critical component of Hamas's ideology has been transforming the ethno-political Palestinian struggle into a religious conflict, which allows the group to inspire Palestinians to reject any sort of compromise or peaceful solution to the ongoing conflict. Overall, Hamas ruled Gaza through force, restricted media access, and cracked down on Fatah and other groups that tried to organize there politically.¹⁹

Interestingly, Hamas did not just take over old institutions, but it also created new ones. For example, its military wing began to operate more openly and became institutionalized within Gaza.²⁰ Hamas also established new rules for society; as a governing actor, it became inseparable from the institutions it ran. Hamas controlled international aid entering Gaza,²¹ and paid salaries of government workers, sometimes even controlling the payment of Gaza government workers by external state benefactors like Qatar.²² Hamas also developed the necessary bureaucracy to collect taxes, customs duties, and bribes, as well as engage in extortion and racketeering schemes, through which the group raised significant funds. Eventually, Hamas's income from local governance of Gaza dwarfed its external funding from its main state benefactor, Iran.²³

Hamas's governance allowed it to implement its ideology on local populations under its control. For example, in 2013, Hamas codified into law what it was already encouraging in practice: excluding male teachers from girls' schools and segregating classes by gender after age nine.²⁴ Hamas framed this decision as driven by conservative Gaza society, and as a way to protect the "modesty" of women and girls. For example, Hamas has argued that while it is a religious obligation for women to wear a hijab, women retain the choice of wearing it, and the obligation cannot be forced upon them. But in order to assist in the internalization of its ideals of an Islamic society, Hamas exerted pressure through "virtue" campaigns, including in 2010, 2016, and 2021, that sought to discourage so-called Western behaviors.²⁵ Hamas framed this as a "population-driven" transformation of Gaza, explicitly as a "choice," though a genuine choice often did not exist.

Despite the community-driven framing of societal transformation under Hamas, the group has faced resistance to its so-called encouragement of men and women to adopt traditionalist behaviors. For example, female lawyers themselves challenged a 2009 ruling by a Hamas-appointed judge mandating that female lawyers wear a hijab and *jilbab* (a loose-fitting full-body garment). The female lawyers

argued that the ruling had no basis in law, and in response to pressure, Hamas withdrew the decision.²⁶ Additionally, protests erupted in February 2021 after a ruling from a Hamas-appointed Higher Sharia Council judge that required women to gain permission from a male guardian to travel outside of Gaza. In response to the protests, the court rewrote the law to only allow men to petition the court to prevent a woman from traveling.²⁷ In addition to pushback against the aforementioned judicial rulings, Gazans protested against Hamas in 2019 and 2023 for poor living conditions, both of which Hamas met with violent suppression.²⁸ Notwithstanding such protests, Hamas has not tolerated any genuine challenge to its governance, even from other jihadist groups.²⁹

A NEW, LEGITIMATE HAMAS?

Some have argued that governance forced Hamas to moderate, often pointing to its May 2017 charter update, “Document of General Principles and Policies.”³⁰ While the document adopted a seemingly more moderate tone and represented a “rhetorical shift,” it was just that. In the document, Hamas sought to present itself as a centrist alternative to global jihadist organizations like the Islamic State and secular nationalist groups like the Palestine Liberation Organization, and excluded reference to its Muslim Brotherhood roots. In addition to Hamas acknowledging—in writing—the possibility of a Palestinian state based on the 1967 ceasefire lines, it stated that it believed in “managing its Palestinian relations on the basis of pluralism, democracy, national partnership, acceptance of the other, and the adoption of dialogue.”³¹

But this so-called moderation appeared to be Hamas’s attempt to widen international support when it faced multiple, simultaneous challenges: an extremely poor economic situation and ongoing energy crisis in Gaza and strained relations with Egypt, in addition to others. Beyond rhetoric, Hamas’s actions at that time also exhibited a clear indication that the group had no intention to curb its hard-line militant activities. Despite its slightly muted rhetoric in recent years, resistance has remained a core principle for Hamas, which noted the following in its updated 2017 document: “Resistance and jihad for the liberation of Palestine will remain a legitimate right, a duty, and an honor for all the sons and daughters of our people and our *umma*.”³²

As it stood in 2022, thirty-five years after its founding, Hamas persisted in seeking international legitimacy, emphasizing what it considered to be its most admirable qualities. These included its supposed democratic rule (despite the lack of elections in Gaza), promotion of gender inclusivity, Islamization of society supposedly supported by Gazan citizens, and multi-language-messaging approach aimed at reaching local and international audiences. Many appeared distracted by Hamas's seemingly more moderate approach to governance and embrace of change in certain contexts.

FINAL THOUGHTS

In the lead-up to October 7, Hamas's governance practice demonstrated a more thoughtful consideration that its local decisions could have global consequences, compared to other governing jihadist groups.³³ For a group that had long pushed back against its designation as a terrorist organization and touted its role as a governing actor, the decision to launch the October 7 attack marks all the more of a pivot.

Hamas is and remains a unique case study. Its Muslim Brotherhood bottom-up approach helped aid the group's initial electoral success, and signified the first time an Islamist group democratically took power in the Arab world—that is, until the group violently took control less than a year later and refused to hold any further elections.

Governance itself forced Hamas's hand in an ideological crisis, caught between governing and serving the needs of the Palestinian people in Gaza and its goals of violently destroying Israel through force—and the group chose the latter. Hamas used its role as a governing actor to entrench itself in a system of control, while never relinquishing its ultimate goal of Israel's destruction. Hamas has remained committed to its original goal throughout its entire existence: violent struggle against Israel by any and all means necessary, with itself at the helm of Palestinian leadership. While the repercussions of Hamas's attack on October 7 persist, and will continue to for some time, the attack makes astoundingly clear that any illusions surrounding Hamas's legitimacy as a governing actor have been shattered.

NOTES

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