Article

Controlling the State in the Political Theory of Hamas and Palestinian Islamic Jihad

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Abstract: Existing scholarship has largely focused on the violence of Hamas and Palestinian Islamic Jihad (PIJ) when analyzing their response to the Oslo Agreement and the establishment of the Palestinian National Authority (PA) in the 1990s. The Islamist opposition's contribution to Palestinian political thought has largely been ignored, however, although the prospects of Palestinian self-rule confronted the two movements with fundamental questions about social organization, governance, and the permissibility of democracy. I offer an analysis of key Hamas and PIJ texts from this period to demonstrate that Hamas and PIJ fundamentally differ in their analysis of the state and the organization of just society. While Hamas outlines a state-centric approach to governance through which Islamic values are enforced from above, PIJ perceives the state to be the greatest threat to the just organization of society. This article consequently dispels the myth that the two Palestinian Islamist movements had no significant ideological differences in the 1990s.

Keywords: Hamas; Palestinian Islamic Jihad; political theory; Islamism; Jamal Mansur; Fathi al-Shiqaqi

1. Introduction

How did the Palestinian Islamist opposition—Hamas and Palestinian Islamic Jihad (PIJ)—react to the initiation of the Oslo Agreement and the establishment of the Palestinian National Authority (PA)? Existing scholarship has largely focused on their violent reaction following the commencement of the peace process—discussing the two Palestinian Islamist movements as spoilers or semi-spoilers (see e.g., Mishal and Sela 2006, pp. 67–68; Gupta and Mundra 2005; Gunning 2009, pp. 195–240; Pearlman 2009; Milton-Edwards and Farrell 2010, pp. 71–74). The Islamist opposition's literary production spurred by the paradigmatic shifts in the 1990s, and its contribution to Palestinian political thought, have largely been ignored, however, although the prospects of Palestinian self-rule confronted Hamas and PIJ with fundamental questions about social organization, political governance, and the legality of democracy.

The urgency of these questions is illustrated by the booklet *The Palestinian Democratic Transformation* (*al-Taḥawwul al-Dīmuqrātī al-Filasṭīnī*), authored in 1999 by the senior West Bank member of Hamas, Jamal Mansur, and the published lecture "Fundamentalism and secularism" ("al-Uṣūliyya wa-l-ʿIlmāniyya"), held by former secretary-general of PIJ, Fathi al-Shiqaqi, in 1995. These two texts are not, in fact, a polemical entry against the peace process or the two-state solution. Instead, they convey a profound concern with the authoritarian turn of the PA and the prospects for future, democratic Palestinian society. What both Mansur and al-Shiqaqi provide, then, is a discussion of the just organization of society and the threats of authoritarianism.

These two texts matter because they still appear relevant for each of their respective movements. PIJ leaders such as Anwar Abu Taha, for example, corroborates the views of late al-Shiqaqi and shows that there does exist a narrative within the movement although it is not canonized through literary production (interview with author, 19 March 2018, Beirut). Similarly, Mansur is referenced by Hamas's former Minister of Information, Yusuf

Rizqa (2017), who presents almost identical conceptions of the state and social organization when clarifying Hamas' position today. The analysis of these two texts also matters because it illuminates how both movements agree on democracy and democratic mechanisms, yet fundamentally differ in their understanding of Islamic traditions and in their approach to the state and its role in ensuring, or preventing, justice. While Mansur believes in a strong state as a guarantor for the preservation of Islamic values, al-Shiqaqi conversely perceives the state as the main threat against Islamic values. While there is an implicit desire to obtain power in Mansur's analysis, PIJ in general and al-Shiqaqi in particular are hesitant and even suspicious of its corrupting influence. While Mansur believes in the feasibility of civilizing the state through checks, balances, and a clear separation of power, al-Shiqaqi believes the state must be dispossessed of influence. While Mansur (1999, p. 45) references Montesquieu, al-Shiqaqi (1995, p. 591) references Lenin.

Through a close comparative reading of these two texts and by employing Lockean and Hobbesian political theory to frame them, this article thus contributes to further our understanding of Islamic political thought because it illustrates its diversity when Islamist movements attempt to outline their visions for the just organization of society. Although there is a belief among Islamists that religion is not merely a private matter but that it also provides ethical guidelines for the organization of society (Utvik 2020, p. 21), this does not translate into uniform 'blueprints' among Islamist actors. Further, this article provides an empirical contribution because existing scholarship has largely focused on the realpolitikal manoeuvring of the two movements when facing new challenges on the ground such as the Oslo Agreement or the split between Gaza and the West Bank post-2007. We thus know little about the actual political theory of the two movements.

This article consists of four parts. First, I discuss al-Shiqaqi's analysis of the state and the danger he believed it posed against the just organization of society. I then proceed to assess Mansur's reaction to the establishment of the PA and his conception of the state to demonstrate that the two movements' conception of the state and governance fundamentally differ. While Hamas seeks a state-centric approach to justice, PIJ believes the state must turn despotic by nature. Third, I discuss the democratic limitations of al-Shiqaqi's and Mansur's ideal societies. Finally, I summarize my findings and propose new fields of research.

2. The Necessity of Removing the Fangs of the State
al-Shiqaqi's Conception of Just Society

Both PIJ and Hamas reacted vehemently once they learned that there were possibilities of the Palestine Liberation Organization (PLO) and Israel commencing negotiations. One reason for their rejection of the peace process was the fact that the armed Islamic movements did not believe that the Oslo Agreement favored Palestinian independence. In their view, the PLO had instead sold out the Palestinians, and "particularly those who had made huge sacrifices during the Intifada" (Milton-Edwards and Farrell 2010, p. 70). al-Shiqaqi, for example, stated that the Oslo Agreement "chained the Palestinians to dangerous handcuffs" and that the agreement was only a solution for "the Zionist entity and its security and economic burdens" which freed Israel from the political and ethical obligations of occupation (al-Raya 1994, p. 912). Hamas (Hamas Communique 1992), on the other hand, stated that "the only way and the only method that the occupying enemy understands, is the method of force, through the escalation of the blessed intifada, and by raising the banner of jihad and resistance." As Burgat (2003, p. 53) notes, in the view of the Palestinian Islamic movements, the Oslo Agreement was closer to istislām (capitulation) than salām (peace).

We do not know with certainty, of course, what or who influenced al-Shiqaqi's political thinking about the state and the organization of just society. His visions for civil society largely resemble those of the Tunisian Islamist Rachid al-Ghannouchi (Skare 2021, pp. 206–7), for example, and al-Shiqaqi also discussed the writings of Iranian politician Abolhassan Banisadr about the "non-authoritarian idea" in Islam and the elimination of

centralized power (al-Shiqaqi 1980). It is nevertheless implausible that intra-Palestinian political developments did not inform the lecture that Fathi al-Shiqaqi held in 1995 in al-Yarmuk refugee camp in Damascus in which he discussed secularism, fundamentalism, and the just organization of society—concepts he further elaborated upon in an interview one month later (al-Hadaf 1995). The PA had already started to clamp down on PIJ when al-Shiqaqi spoke about these issues and several members of PIJ's political bureau such as Muhammad al-Hindi, Abdallah al-Shami, and Nafidh Azzam were incarcerated in this period (Skare 2021, p. 122). This came in addition to past experiences with Arab autocrats, as al-Shiqaqi had been imprisoned twice as a medical student in Egypt following his book *Khomeini: The Islamic Solution and Alternative* in 1979.

The subject of the state is consequently one with few positive connotations in the political philosophy of PIJ. Although the movement provides general outlines such as the principle of establishing Islamic rule in the land of Palestine, which guarantees justice, freedom, equality, and consultation, this is not the responsibility of an Islamic state. On the contrary, because the movement believes that the state is repressive by nature and must progressively turn despotic, a just society is one with an inherently weak state, and with a strong civil society counterbalancing the monopoly of the former. al-Shiqaqi perceived the main contradiction in a just society to be between state and civil society, in which the former will necessarily attempt to dominate the latter.

Without specifying where or when, al-Shiqaqi stressed this perceived contradiction by noting that while the state attempted to dominate society, the sources of legislation in Islamic society had historically been the Qur'an and the Sunna, in addition to the consensus of the scholars (ʿulamāʾ). Accordingly, in al-Shiqaqi's view, a series of checks and balances existed to limit the powers of the state as "[the institution of scholars] oversaw legislation, justice, education, waqf, and it had closer relations to the market (the bazaars)" (al-Shiqaqi 1995, p. 591). If the ruler wanted to impose a jurisprudential system, with all powers in the hands of the state, then he would be unable to do so without the consent of the scholars. In the words of al-Shiqaqi: "the institutions of the scholars [muʾassasat al-ʿulamāʾ] was able to protect society from the tyranny of the state and to preserve its cohesive fabric", and "we had a true civil society for fourteen centuries, which was independent from the state and with education, health, waqf, and mosque in its hands. Even with the corruption and moral collapse of the state, with its justice or injustice, it did not leave a serious impact on society" (al-Shiqaqi 1995, p. 592).

For al-Shiqaqi, colonially imposed secularism proved so disastrous exactly because of his belief that the scholars exercised a counterbalancing role against the monopoly of the state. It was thus not a step towards liberation from religious tyranny, but rather a recipe for political tyranny as secularism abolished the division of political power and authority. Suddenly, all powers lay in the hands of the state. "At a time when the secularists wanted to separate religion and state, and to establish civil institution, they [. . .] struck the most important civil institution, which was completely subjected to the state after being dismantled, and its internal strength fragmented" (al-Shiqaqi 1995, p. 591).

A society where the state had all powers was certainly worrisome for al-Shiqaqi:

> The state is repressive by nature, or a tool of repression against the government classes as defined by Lenin. It is the most dangerous instrument of power created by human society, so Islam worked to sort out a mode of human society depriving this state of its power and domination, and thus making it weaker than, and accountable to, society even if the most powerful caliphs and sultans controlled it (al-Shiqaqi 1995, p. 591).

Yet, al-Shiqaqi arrived at the opposite conclusion to that of Lenin—the latter arguing that the working class had to consolidate its power in the state structure for the transformation of society into a classless one. Instead, according to al-Shiqaqi, the state had to be deprived of its power and tools of domination, making it accountable to civil society. Abu Taha corroborated this notion of the state's nature to turn repressive, notably applying a Weberian instead of a Leninist conception when he stated:

It is in the nature of the state always to become despotic. A strong civil society prevents the state from controlling more power. What is the state? The definition of the state is the monopoly of force; it holds legitimate force. The power of any state, any society, must be distributed. If the economy, such as money, is distributed, then power is distributed—and it is not as if the state has its hands on everything. The state then becomes weaker and a servant for society, and not society as a servant for the state. Today, the university administration [should] serve the students, and not the students who [should] serve the university administration. The state [should] serve the people, and not the people serve the state (interview with author, 19 March 2018, Beirut).

PIJ's conception of the state and the need for civil society to keep it in check does then resemble the belief of classical liberalism that a strong state may threaten the harmony of society. While one postulation of classical liberalism is the individual as the fundamental bearer of morality (Lomasky 2002, p. 52), the institution of scholars emerges as the mediating institution between the individual and the state in PIJ's future society. PIJ's conception of an ideal society can then be described as a form of an Islamic-Lockean constitutional system. As Kelsay (2002, p. 3) notes, Lockean political philosophy has traditionally emphasized the importance of mediating institutions (churches, synagogues, etc.) to preserve a balance of power between those holding the reigns of the government and ordinary citizens. Indeed, civil society has generally been "a discussion of the ways Muslims have understood that social life should be organized, so as to protect the relative independence of Islamic values from the authoritarian tendencies of governments" (Kelsay 2002, p. 30). For PIJ, the conclusion to this discussion is the re-establishment and revival of authority for the institution of scholars as center of civil society.

Certainly, it is unlikely al-Shiqaqi arrived at this conclusion from reading history alone, and the democratic 'deficiencies' of the PA must presumably have added to this feeling of state power inevitably turning authoritarian. His experience with authoritarian Arab regimes must have accentuated his perceptions of the state as well (after all, Egyptian authorities imprisoned al-Shiqaqi twice during his studies in Egypt). When asked about the necessity of separating legislative power from the state, for example, al-Shiqaqi referred to Egypt:

The state controls everything today from legislation to jurisdiction and executive power. There is thus no legislative authority independent from the state preventing the latter from infringement, particularly since unlimited security apparatuses support this state. Take Press Law no. 93 of 1995 in Egypt, for example. The state imposed the law on the Egyptian parliament [majlis al-shaʿb], despite the comprehensive opposition. The legislation has today become subjected to the state or the executive power, whilst it under Islam was subjected to the class of scholars and judges [li-ṭabaqat al-ʿulamāʾ wa-l-quḍāh], and those qualified to appoint or depose a ruler on behalf of the Muslim community [ahl al-ḥall wa-l-ʿaqd] (al-Hadaf 1995, p. 1218).

Due to the emphasis on the inherent contradiction between state and society, it is clear that PIJ does not seek the establishment of an Islamic state through which Islamic values are imposed from above. As I have demonstrated, the state should be exempt from religious matters as it is the main contender and threat to Islamic values that the movement attempts to preserve as guidelines for societal development and order. Instead of seeking a strong Islamic state through which policies are implemented from the top down, values are maintained and preserved through civil society from the bottom up. As Abu Taha postulated, the state "becomes a functional state and not a divine state or a sovereign state; nor a theocratic state, a Marxist state or an Islamic state, no. It becomes a functional state apparatus that serves the people" (interview with author, 19 March 2018, Beirut). The function of the state will thus be limited to that of an executive branch of power. Although the institution of scholars emerges as an institution of state-like power through its legislative function, the scholars are nevertheless portrayed as exterior to structures of

the state in PIJ's political philosophy. Although this may appear to be a contradiction, al-Shiqaqi's point was not to prevent institutions of state-like power from emerging. Instead, his focus was on preventing all power from residing in one institution.

3. Preventing the Descent into the State of Nature
Mansur's Conception of Just Society

Hamas had already begun to vacillate in its approach to power when Mansur published his theory of the state and democracy in the booklet *The Palestinian Democratic Transformation* in 1999. As Hroub notes, Hamas had at that point left its initial uncompromising positions, and its main aim in this period was to avoid political isolation. While Hamas collaborated with the rejectionist PLO currents against political settlement and peace negotiations in the 1990s, this also caused the movement to discuss internally the possibilities of participating in elections under the Oslo Agreement (Hroub 2000, pp. 50, 64–65). As Mishal and Sela note, Hamas did not advocate one political line in this period—and while the leadership of Hamas outside the Occupied Palestinian Territories were inspired by "an avant-garde vision and advocated a revolution from above", its "inside" leaders in Gaza and the West Bank focused more on immediate communal interests, reformist processes from within, and realpolitikal maneuvering (2006, p. 166; see also Gunning 2009, pp. 40–41).

Moreover, the Oslo Agreement had effectively cancelled the First Intifada, the platform that had enabled Hamas to become a viable political alternative to the PLO. As the Oslo Agreement was supposed to give Fatah the upper hand, the establishment of the PA altered the balance of economic class power in the Occupied Palestinian Territories as the Palestinian proto-statelet allied itself with members of the traditional elite to bolster its position against Palestinian grassroots and the new generation of Palestinian leaders that emerged with the eruption of the First Intifada (Gunning 2009, p. 43). Either way, Hamas did not dismiss seeking, and obtaining, political power.

It is this context that shaped the political thought of Jamal Mansur, the West Bank Hamas leader who was assassinated by Israel in 2001, when he theorized the relationship between the state, civil society, and its subjects, to wit, the requirements for a democratic transformation in the Occupied Palestinian Territories. Mansur was, for example, not just a Hamas cadre but also one of the First Intifada's university-educated representatives of the local leadership, which PLO chairman and President of the PA, Yasser Arafat, perceived as competitors for national leadership (Kimmerling and Migdal 2003, pp. 367–68). Consequently, we will see in this part that Mansur fundamentally differed from al-Shiqaqi on the question of the just organization of society. Not because they disagree about the goal—keeping the state or executive authority in check in a society governed by Islamic law and values—but because the very premise of their analyses differs.

While the main threat to al-Shiqaqi's vision of an ideal society is the political tyranny of an all-powerful state, Mansur fears a societal descent into "chaos" (fawḍā). Indeed, similar to Hobbesian political theory, Mansur takes a rather dim view of human nature and operates implicitly with an imagined 'state of nature' in which it is all against all as the premise for his discussion of justice—a state caused by competing contradictions, interests, and differences at the economic, social, intellectual, and political levels. It is, then, to be expected that all groups will compete against each other for power and control over others, which will "pave the way for the rule of chaos" (Mansur 1999, p. 19). All civilizational progress has consequently come at a cost; and human rights charters, for instance, only appeared "in the wake of devastating global catastrophes and wars, the human longing for justice and equality, and a desire for dignity after terrible abuses throughout the world over long periods of time" (Mansur 1999, p. 20).

Because man is a social animal organizing itself in competing groups to secure his material or spiritual interests, differences must be carefully managed according to a set of pre-agreed rules to which all subscribe. Yet, contrary to Thomas Hobbes who theorized the state of nature to justify absolutist rule and to advocate the multitude's uncondi-

tional surrender of its own powers (Wood 2012, p. 243), Mansur postulates that political power derives from, and thus stands responsible in front of, the people. The people are thus capable (and morally obligated to) remove those in power if deemed necessary (Mansur 1999, p. 19). "The demand for democracy has therefore become a form and a method of governance", Mansur writes, "and a guarantee of freedoms and safety from tyranny and oppression—of ensuring that the political community is not drawn into societal political violence" (Mansur 1999, p. 15). Furthermore, "elections are considered means of managing conflicts in an open, orderly, and peaceful manner . . . and were thus introduced to prevent these conflicts from breaking out, and to prevent the parties [involved] from resorting to material—and possibly armed and bloody—means [to obtain power]" (Mansur 1999, p. 19). Essentially, "[democratic mechanisms] were able to neutralize the elements of tension and conflict in society and to turn them into a healthy competition that guarantees the rights of all to political participation and the peaceful transfer of power" (Mansur 1999, p. 95).

Certainly, there is little doubt that Mansur's analysis is a political entry informed by contemporary Palestinian political reality in the 1990s with the incomplete and undeveloped formation of the PA. Mansur describes, for example, the absence of a clear Palestinian constitutional reference, which is supposed to control the balance between the pillars of the state—the executive, judicial, and legislative powers—intended to ensure political stability and societal harmony. Instead, "we notice legal and legislative chaos . . . in the Legislative Council, which cannot find a basis for its various legislations". Even worse,

> the president accepts, rejects, or freezes whatever laws he wants by virtue of the [existing peace] agreements, the rule of the historical [Palestinian] leadership and the status quo, and the weak role of the legislative council . . . The evidence of this is the deteriorating state of freedoms, human rights, and legal and judicial status [in the Occupied Palestinian Territories] . . . The absence of law and its rule will pave the way for the rule of chaos, the rule of centers of power, and the rule of the security and customary spirit [siyādat al-rūḥ al-amaniyya wa-l-ʿurfiyya] in public life (Mansur 1999, pp. 37–38).

This stage in Palestinian state-building, and the commencing impasse of functioning Palestinian democracy, is presumably why both al-Shiqaqi and Mansur give themselves one particular theoretical task in the 1990s: To outline how one can avoid all political power being concentrated in one hand (in this case, the hand of PA President Yasser Arafat). Yet, as a representative of Hamas' "internal" reformist leadership addressing "the realities in our societies under the logic of interests [maṣāliḥ] and corruption [mafāsid]" (1999, p. 24), Mansur never arrives at al-Shiqaqi's conclusion of defanging the state so that Islamic law and values can be safeguarded from below, but instead operates well within the limits of the political system.

For Mansur, the democratic deficiencies of the PA are not caused by an inherent essence in, or nature of, the state itself which must almost instinctively turn despotic. Although he notes that an unhinged executive power will cause chaos, the state itself is nevertheless an instrument capable of managing competing interests and preserving social cohesion if a balance between the centers of power is found:

> In order to ensure the creation of a political entity and a modern state, a commitment to an effective balance and equilibrium between the three authorities must be found, as this is one of the important general concepts, which the world has known for civilization as a basis for a normal rule, but it is the defining boundary that distinguishes the modern state from the clan and the most important guarantee of public liberties (Mansur 1999, p. 45).

Indeed, there is a clear, yet cautious, optimism between the lines of Mansur's piece insofar as he believes in the feasibility of reforming the Palestinian political system to unleash its full democratic potential. As he admits, the draft of the Palestinian Basic Law, for example, was a "reasonably balanced project" which was an acceptable foundation for

a political system with "most of the democratic requirements" (Mansur 1999, p. 37) and a major step forward is to strengthen it further:

> The constitution is, in this way, considered a contract between the pillars of society or its parts, and it represents the most important principle of social cohesion at the societal or group level. This is because leaving matters to coincidences or good intentions will lead to problems, unrest, and even conflicts. The clearer and more reliable our contractual rules are, the fewer errors there are and the easier the correction process is (Mansur 1999, p. 19).

Both al-Shiqaqi and Mansur thus refer to the judicial authority (the institution of scholars in the case of al-Shiqaqi) as an independent safeguard as "the principle of the judiciary's independence is one of the foundations for justice, one of the bases for stability, and one of the safeguards preventing tyranny with the domination of the executive power (Mansur 1999, pp. 19, 95). Yet, while al-Shiqaqi refers to Lenin, Mansur quotes Montesquieu: "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty. Again, there is no liberty, if the judiciary power be not separated from the executive" (quoted in: Mansur 1999, p. 45). In fact, Mansur's use of Montesquieu is even more striking when one considers that he actually adjusts the quote—intentionally or unintentionally—in order to emphasize the danger of the executive power.[1]

To summarize this section, there are clear differences in the way al-Shiqaqi and Mansur approached the state in the 1990s following the Oslo Agreement and the corresponding establishment of the PA. While al-Shiqaqi perceived power with suspicion, stressing the necessity of removing all power from the state as it inevitably would turn despotic, Mansur never intended to overthrow the existing system and assign it to the dustbin of history. Instead, Mansur intended to restore it in its proper right by establishing clear separations between the executive, legislative, and judicial powers. In this way, it is clear that Mansur was far more optimistic in regard to the democratic potential of the PA than al-Shiqaqi was.

However, although al-Shiqaqi and Mansur differed in their approach to organizing society to unleash its full potential of justice, they both stressed the necessity and virtue of religion as a fundament for the political system. Moreover, there was little, or no, contradiction between religion as societal fundament and democracy. This is where I turn in the next section.

4. The Democratic Limits of al-Shiqaqi and Mansur's Future Societies

In the two preceding sections, I demonstrated that al-Shiqaqi seeks a society where the state has inherently weak executive power and is held in check by civil society and its institutions. Mansur, on the other hand, outlines a theory in which it suffices with clear and strict separations of powers to limit the influence of the executive authority. None of them reject democracy, democratic mechanisms, or elections. Yet, as we will see in this section, there are inherent and structural limitations to the democratic potential of their vision because it is difficult to transcend or sideline religion as the societal fundament.

Several in PIJ have emphasized the need for elections and representative democracy in future society. Al-Shiqaqi, for example, never dismissed the idea of a parliament representing the populace, nor did he dismiss a multi-party system (taʿaddudiyya) with the rotation of power. As he postulated, "Islam does not mean this party or that movement" (al-Hadaf 1995, p. 1218). In fact, al-Shiqaqi explained that the apparent dismissal of "democracy" by Islamists was an issue of semantics as

> the problem that some Islamists have with democracy is with the term and not with the principle of consultation [shūra] and political participation. Nor do they have a problem with the mechanisms, means, systems, institutions, and experiences achieving the purposes and objectives of democracy (al-Shiqaqi 1995, p. 595).

al-Shiqaqi thus noted that to reject political oppression and to call for the widest political popular participation in democracy was a divine obligation (farīḍa ilāhiyya) (al-Shiqaqi 1995, p. 595). Indeed, "pluralism is a natural issue, and it is not possible to suppress it. As for the rotation of power, it is acceptable, and it even pushes the Islamists to innovate and avoid stagnation" (al-Hadaf 1995, p. 1220). Abu Taha corroborated this support for elections and parliamentary representation too, stating that democracy was a political and historical system compatible with Islam because it was merely the shape of representation and consultation that had changed, and not their essence:

> Today, in some states, there are people's councils or councils of lords, one council, or several councils; this is not a problem. The issue is always to have a state that represents society, which emanates from the parliament, the president or government, and that they represent the people, and [not emanate] from corruption or acquisition (interview with author, 19 March 2018, Beirut).

Alternatively, as al-Shiqaqi described:

> It is true that the Islamic political system is not static. However, from the time when it was set up in the era of the Prophet, it is possible to rely on [its] foundations, principles, and fixed assets to develop our Islamic political system according to any new reality and according to the facts that arise (al-Shiqaqi 1990, p. 727).

That is, "the details [of Islam] are influenced by time and place in the context of these [Islamic] principles, but do not depart from them" (al-Hadaf 1995, p. 727).

Mansur also proclaims his support for elections as the only accepted means to transfer power as man is the deputy of God on earth, to wit, the people are the source of all political legitimacy [maṣdar al-sharʿiyya al-siyāsiyya]. "If the Islamists are accepted, then they rule. If they lose legitimacy, then they must accept the rule of the game and step aside according to the will of the people" (Mansur 1999, p. 96). It necessarily follows that Mansur supports the freedom of expression, freedom of beliefs, and the right to organize through which competing groups in society present their ideas in order to "reach power or to pressure it" (Mansur 1999, p. 22).

The issue of democracy is consequently an issue of semantics, and—because democracy is an approach [manhaj] and not a creed [ʿaqīda]—Mansur redressed contemporary concepts of democracy with traditional Islamic forms of governance. Elections, for example, become a contemporary form of oath of allegiance [al-bayʿa al-muʿāṣira], while representative democracy is a form of consultation [shūrā], "the cornerstone of Islam's governing mechanism . . . [and a] guarantee of the umma's participation in governance . . . with an explicit mandate from Islamic law" (Mansur 1999, p. 13).

Yet, although al-Shiqaqi and Mansur promote and endorse elections, multi-party systems, and a rotation of power, there are nevertheless a certain trepidation in both that the popular will may transgress Islamic values and sideline the religious fundament they both desire for society. Consider the following description by al-Shiqaqi, for example, on participation in democratic elections and its requirements:

> I believe that Islam forms the umma's identity and its civilizational heritage, which cannot be abandoned, and which simultaneously is its reference [marjiʿiyyatuhā]. With the recognition of this reference, then there is no problem with pluralism. Islam does not mean this party or that movement. All of these Islamic movements and organizations do not equate Islam but are only a part of it. All currents that recognize one reference for the umma is a part of it and has the right to express itself in the appropriate manner. We therefore believe in pluralism and the rotation of power within the framework of all recognizing the reference of the one umma and the constitution on which the umma agrees. After that, if there are a number of independent reasonings [ijtihādāt] and interpretations [tafsīrāt], even in the understanding of the constitution and religion itself, there is still no problem (al-Hadaf 1995, p. 1218).

In other words, political pluralism is allowed, and free elections and democracy are mandatory; yet this can only take place within the consensus and common recognition of Islam as the reference of the state through which Islamic law constitutes the fundamental framework for constitution and legislation. That is, "It is intended that the Qur'an provides the constitution with the basis and principles on which the constitution is based", and "the human authority remains governed by the philosophy of Islam in legislation (what is allowed and prohibited)" (al-Hadaf 1995, p. 1218).

Moreover, we may recall that the real power in future society should be in the hands of civil society and the institution of scholars, which are non-elected and not a part of future democratic process—at least not as outlined by the texts of PIJ. When al-Shiqaqi described ideal past society, it was one in which the state had little influence over society. For example, when he was asked who should have legislative power in future society, al-Shiqaqi noted that it should reside in the umma and its representatives, and not in the state, in order to preserve Islamic values and law (al-Hadaf 1995, p. 1218). In addition, the responsibilities of the states, such as "the opportunity to life and health, as well as education", were fixed according to "Islamic jurisprudence and law [fī al-fiqh wa-l-sharīʿa al-islāmiyya]" (al-Hadaf 1995, p. 1218). Essentially, although PIJ does not advocate a notion of the complete sovereignty of God's law (ḥākimiyya), one nevertheless sees that man-made laws are to be subordinated to divine law in a fair society aiming for justice.

The same applies to Mansur's conception of just society insofar as also he stresses the need for religion to have a significant role in governance: "With the distinctiveness of Islam and its uniqueness and comprehensiveness in all aspects of life, it is the final religion … Being the final religion, it is required that it is superior and has authority to act in all stages of human development as its specific and defining texts are our reference in rule and in life" (Mansur 1999, p. 13). As in al-Shiqaqi's writings, religion will form the basis for the state's constitution:

> For the Qur'an is the constitution in the sense that it is the reference and supreme legitimacy, and the constitution of an Islamic entity will never deviate from the requirements of the Qur'an and its legal provisions (Mansur 1999, pp. 13, 20) … As for the written constitution, it is a modern necessity and has legal and structural foundations. It has been accepted in Islam, provided that the constitution is guided above all by the rules and purposes of Islamic law [bi-qawāʿid al-sharīʿa wa maqāṣiduhā] (Mansur 1999, p. 96).

What permeates the texts of al-Shiqaqi and Mansur is consequently a certain trepidation that religion may be sidelined if democratic freedom goes too far (a freedom to choose anarchy), which causes both to approach the issue with the notion of "Yes, but". Mansur, for example, stresses the support for democratic means to solve societal differences. He notes, for example, that Islamists view of democracy "leads to the acceptance of pluralism open to all, the right to political participation, and the pursuit of power through peaceful transfer of power" (Mansur 1999, p. 96). Yet, admittedly, this is also based on "our conviction that there is no successful political future for any group that rejects the culture and religion of the Muslim majority in Muslim countries … We are confident that Islam is the owner of the future in predominantly Muslim countries, but we are satisfied with the choice of the people and are all committed to its results" (Mansur 1999, p. 99).

Indeed, because both al-Shiqaqi and Masur postulates that Islam must be the reference of the political system, and because the constitution and legislation must be based on supposed Islamic values, it is only within this framework that politics can navigate, negotiate, and implement change. There is thus little to indicate that the Islamic framework may be transcended when attempting to limit the powers and influence of the executive power. In this sense, the future society that al-Shiqaqi and Mansur outline can then, at best, be described as non-liberal, yet rights-based.

5. Conclusions

In this article, I have analyzed Fathi al-Shiqaqi's and Jamal Mansur's visions for the just organization of society. I have argued that while both al-Shiqaqi and Mansur attempts to limit the influence and power of the executive authority ("the state" in al-Shiqaqi's parlance), they propose different solution. al-Shiqaqi's conception of future society is based on the premise that the state must inevitably turn repressive. The state must therefore be weakened and deconstructed in order to be kept under control, and traditional governing responsibilities and tasks will be transferred to civil society in general and the institution of scholars in particular. The well-ordered society of PIJ does thus resemble the postulates of classical liberalism and Lockean political philosophy.

Mansur, a representative of Hamas' reformist wing, operates with something similar to the Hobbesian state of nature as a premise for outlining the just organization of society. In order to prevent chaos and a struggle of all against all, differences must be carefully managed according to a set of pre-agreed rules to which all subscribe, to wit, democratic elections and representative democracy through which the peaceful transfer of power is carefully organized. Although there is a clear trepidation about the development of the PA, Mansur believes it suffices with clear separations of power between the executive, legislative, and judicial authority. There is thus an inherent pessimism in Mansur's writings regarding human nature (inherently prone to conflict) and a sense of optimism regarding the required means to solve the democratic impasse in the Occupied Palestinian Territories (a reform of the existing system based on an elaborate constitution).

The contribution of this article is empirical insofar as it sheds light on an understudied aspect of Palestinian Islamism as the literature has mainly focused on the realpolitikal considerations of Hamas and PIJ when facing new challenges on the ground. By focusing on the political theory of the two Palestinian Islamist movements, I have demonstrated that there were, in fact, ideological differences between the two in the 1990s, and the two proposed decidedly different solutions to the set same of problems.

I anticipate at least two objections to my analysis. First, some may argue that analyzing ideological texts published by Hamas and PIJ in the mid-1990s provides little information about how the two movements will act once in power. Relying too heavily on texts has traditionally meant depicting these movements as driven by rigid ideological ideals with little room for pragmatic maneuverability in their daily practices (Hroub 2010, p. 13). Or, as Hegghammer (2013, p. 259) notes, Islamist movements tend to have end goals that essentially are "very vague, similar and utopian"—all of which can be used to rationalize a vast range of political and military strategies. Just like the declared aim of a "better world" tells us very little about the political preferences of western political parties, Islamist slogans such as "establishing the Caliphate" are too vague to tell us anything about the expected political behaviour of a group in the short- or mid-term. Secondly, some may also question to what extent these two texts are representative of Hamas and PIJ today and their view on governance in general and the state in particular. Mansur, for example, was based in the West Bank and he never had the following of other Hamas leaders such as Sheikh Yassin. PIJ in general and al-Shiqaqi in particular had, and still has, close ties to the Iranian regime which some employ to explain both behaviour and thought of the group and its members (see e.g., Frantzman 2019). Moreover, none of the two movements have written extensively about the issue, partly because Hamas and PIJ are mainly "preoccupied with liberation from the occupation and achieving self-determination" (Rizqa 2017, p. 7). We thus rely on scattered theoretical references instead of a comprehensive and fully developed political theory.

That said, I would first contend that there is still value to analyzing political actors' conception of the future organization of society because it constitutes a gravity point towards which a movement is continually pulled when maneuvering between what is and what ought to be. As Gunning notes, an actor's political practice cannot be understood without a thorough understanding of its political theory because ideas are translated into action (Gunning 2009, p. 16), and due to the pervasiveness and durability of certain

texts and doctrines, we may generally assume that they encode, in however mystified way, genuine needs and desires (Eagleton 2007, p. 12). Most important, the aim of this article has never been to analyze these texts to frame or explain contemporary Palestinian politics—such as Hamas' rule in Gaza—but rather to demonstrate that there is, and has been, a greater diversity in Palestinian Islamist political thought than initially claimed. Consequently, I do not suggest that these texts matter because they have predictive value.

Second, although almost two decades have passed since al-Shiqaqi was assassinated in 1995, interviews with contemporary PIJ leaders such as Anwar Abu Taha corroborate the views of late al-Shiqaqi—showing that they are representative and that there does exist a narrative within the movement although not canonized through literary production. Although Abu Taha speaks for himself, it is unlikely that a high-ranking leader in PIJ would be so vocal if these issues were disputed in the movement. Further, although PIJ has been funded by Iran since the late 1980s, the movement has always attempted to preserve its operational and ideological independence. This has caused tensions between the two in the 1990s and as late as in the mid-2010s (see e.g., Skare 2021). Ideologically, neither PIJ texts or interviews with its members and leaders refer to Iran as anything more than an inspiration for its nationalist Palestinian struggle. PIJ cannot simply be dismissed as an Iranian proxy. Similarly, although some would claim Mansur did not have a large following in the 1990s, his writings are, as noted, still referenced by Hamas senior members and leaders. One example is Hamas's former Minister of Information, Yusuf Rizqa, when outlining the political vision of Hamas as late as in 2017. Mansur is far from being deemed irrelevant or forgotten by contemporary Hamas thinkers and senior members.

Although both Hamas and PIJ are Palestinian Islamist armed movements largely operating within the same time span, this does not translate into any uniformity of proposed solution when facing changes on the ground. Although one may argue that the two movements propose the same goal—a society based on, and guided by, Islamic law and values—they nevertheless propose different paths through which to reach it. The state, and its role in Islamist actors' political theory, may thus illuminate important ideological differences between actors that, on the face of it, appear almost identical.

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Notes

[1] The original sentence is: "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty . . . Again, there is no liberty, *if the judiciary power be not separated from the legislative and executive* [emphasis added]" (de Montesquieu 1766, p. 222).

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