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HAMAS CHARTER: CHANGES AND PRINCIPLES

Abstract

The paper examines the differences between the old charter of the Islamic Resistance Movement "Hamas" in 1988 and its political declaration document issued in 2017, titled "Principles and General Policies". Which redefined the movement and its objectives and vision in concern of Palestine and its main issues, such as Jerusalem and the refugees. In addition, the charter redefined the main regional and international dimensions of the Palestinian cause and the movement's view of Zionism and Israel, and its position on the Palestine Liberation Organization "PLO." The study was based on in-depth analysis of Hamas-related documents and primary sources. The study is concluded with significant results that signify and highlight some important variables and changes in Hamas' moderated charter; including, but not limited to, the changes of its objectives, and the use of modern language, best found in the movement redefining itself as a liberation movement.

Keywords: Palestine, Hamas, liberation movements, the Palestinian cause, political Islam

Introduction

The Islamic Resistance Movement "Hamas" issued two important documents that illustrate the movement's ideology, principles and standpoints. The first was the movement's charter issued concededly with the movement's creation in 1988 and titled "the Charter of the Islamic Resistance Movement." The second, titled "Principles and General Policies Charter" issued 29 after the writing of the original charter of 1988. The three decades distance between both charters justifies the issuance of a new document that takes into account the developments that recent years have been punctuated by. Hence the importance of this research stems from the significance of Hamas as one of the largest Palestinian resistance movements, in addition to the significance of the two Hamas documents presented and analyzed in-depth in the research. The research highlights the importance of the differences between the two documents and concludes with recommendations.

So, the core question that will be answered by the research is, how did the document of principles and general policies issued by Hamas in 2017 differ from

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the Hamas Charter 1988 and its previous foundational principles and positions?

The research aims to observe and analyze the changes, constants and differences between the Hamas 1988 charter and subsequent statements that followed this charter, and the political document of 2017 in terms of the objectives of the movement, its redefinition of itself, its view of Palestine and its main issues with its regional and international dimensions, in addition to its view of Zionism and Israel, and its position on the PLO.

The research adopts analytical research methodology, comparative analysis, content analysis, and inductive methodology. It follows all the articles contained in the Hamas 1988 charter, its 2017 political document, and the historical context of both. The research also relies on primary sources in Hamas; documents, statements, and writings and oral accounts of its leaders, in order to enrich the research data and raise its significance.

Background

The Islamic Resistance Movement “Hamas” linked its launch with the distribution of its statement on 14 December 1987, a few days after the beginning of the Intifada of the Palestinian people on 9 December 1987.

On 18 August 1988, the charter of the movement, constituted by 36 articles, was issued² to illustrate the movement’s ideology, vision, standpoints and objectives and it drew the map of the movement in order encourage more people to join its ranks.

“It was a necessity,” says one of the movement’s founders and head of its governing body in Gaza and the West Bank and its charter writer, Abdel Fattah Dukhan. Eighteen Hamas members of the consultative council in the West Bank and Gaza endorsed the charter.³

Attempts were made to amend the charter⁴ in favor of alleviating and moderating its religious dimension in order to highlight the legal dimension behind the movement’s foundation. Particularly during the visit of the head of the Hamas political bureau abroad “Dr. Musa Abu Marzouk” to the exiled Hamas leaders in Marj al-Zuhour in 1993. However, such attempts weren’t concluded with success.⁵

In November 2012, Hamas politburo former chief, Khalid Meshaal, announced Hamas’ vision and definition of its principles, standpoints and policies in nineteen articles,⁶ and the announcement was published with details and explana-

2 Mohammed Mahmoud Al-Sied, *Between the charter and the document: Hamas didn’t overcome the principles of the past yet*, <https://www.ida2at.com/between-the-charter-and-document-hamas-and-past-constants/> (2 May 2017).

3 Abdul Fatah Dukhan, *Interview*, archives of The Center of Palestinian Historiography and Documentation, Gaza, 1 September, 2013.

4 The term “Hamas charter” will be used repeatedly in reference to the document of “Hamas charter” issued by Hamas in 1988. (*Hamas Charter*). See the text of Hamas’s charter at http://avalon.law.yale.edu/20th_century/hamas.asp.

5 Abdul-Fatah Dukhan, *Interview*, *Ibid*

6 Khalid Meshaal, *The statement of the head of Hamas political bureau at the conference of “The Islamists in the Arab world and the Pal-*

tions⁷ that paved the way for the document issued on 1 May 2017.⁸ A member of the political bureau of Hamas, Salah al-Bardawil, emphasized that the movement was preparing for the 2017 document for five years before it was announced.⁹ What has changed during the five years preceding Hamas' change?

Some believe that the tight siege on Hamas in the Gaza Strip and the need to support the Arab region have given Hamas good motivation to re-present itself in a better form.¹⁰ Hamas chief Khalid Meshaal considered the document a natural development for Hamas necessitated by developments since its first charter. The movement was interested to present itself to the international community as it wished and therefore published an English version of the document,¹¹ while denying that the document was in response to European demands. However, the impact of the Arab Spring and its repercussions, especially in Syria and Egypt, cannot be ruled out, in addition to the need to paint a moderate image of Hamas in Palestinian and international public perception.

Hamas' Objectives and Goals

The 1988 charter pointed to the movement's goals as:

1. Combating and defeating falsehood and oppression so that righteousness prevails.
2. Restoration of the homeland.
3. Re-establishing the state of Islam and raising the Azan from the mosques of Palestine.¹²
4. Supporting all vulnerable people and advocating the rights of all those oppressed in every place that can be reached and affected.¹³

The Hamas Principles and General Policies document of 2017 defined the Movement's objectives as:

1. Liberation of Palestine.
2. Facing the Zionist project.¹⁴

estinian Cause in light of changes and Arab revolutions", Al-Zaytouna Center for Studies and Consultancy, Beirut, 28-29 November, 2012.

7 Khalid Meshaal "a journey in the political vision of Hamas" Hamas The Islamic Resistance Movement, Hamas media office, no publication country specified, 2013.

8 The term "Hamas's document" will be used repeatedly in reference to the document of "Hamas's document, Declaration of Principles and General Policies," issued by Hamas in 2017. (*Hamas's document*). See the text of Hamas's document at <http://hamas.ps/ar/uploads/documents/06c77206ce934064ab5a901fa8bfef44.pdf>, (01 May, 17).

9 Mohammed Mahmoud Al-Sied, *Ibid*

10 Sarah Helm, If we cared about peace we would be talking to Hamas, *The Guardian*, <https://www.theguardian.com/commentis-free/2017/may/19/hamas-peace-gaza-stalemate>, (Friday 19 May 2017, 08.30).

11 Khalid Meshaal, A press conference of the Islamic Resistance Movement "Hamas" to announce the new political document of the movement, Al-Jazeera Live, https://youtu.be/GvPQ_L1BKeI (1 May, 2017)

12 *Hamas charter*, article 9.

13 *Ibid*, article 10.

14 *Hamas's document*, article 1.

Thus, the new document dropped two objectives:

1. Establishing the state of Islam.
2. Supporting all oppressed wherever they are.

Instead of explicitly declaring the goal of establishing the state of Islam in the new Hamas document, it merely noted that Hamas believes that Islam is “a religion of peace and tolerance, in which the followers of the religions live in security and tranquility; and that Palestine has always been a model of coexistence and tolerance”.¹⁵

The document attributed the issue of supporting the oppressed to the Islamic religion, where the followers of Islam are raised on this principle.¹⁶ While the document emphasized that Hamas “refuses to interfere in the internal affairs of other states, and stands against the disputes and conflicts between them”.¹⁷ The document seems to have considered its rejection of imperialist attempts to dominate over the Ummah and other nations and its condemnation of “all forms of colonialism, occupation, discrimination, injustice and aggression in the world”¹⁸ as a kind of duty that does not conflict with its commitment to non-interference in the affairs of other states. Especially that condemnation and denunciation are rather moral and don’t necessitate undertaking certain actions. Which, in sum, means a practical retreat from the support of the oppressed in favor of a moral support.

It should be noted that the Charter did not explicitly mention the liberation of Palestine. The term “the return of homelands”¹⁹ was rather used while the liberation goal was considered as “the task of the Islamic nation”.²⁰

However, in some of the movement’s early 1990s statements, reference was made to the liberation of Palestine through “the liberation of Gaza, the Negev, Nablus, al-Jalil, Umm al-Fahm, Hebron, and all our cities and Arab villages from Rafah to Ras al-Naqoura. It’s time to begin the holy battle of liberation. The arms of Jihad in Gaza and the West Bank and the inside must stand together.”²¹

However, Hamas’ goals were not clearly articulated in the 1988 Charter, which lacked specificity, alongside being great ambitious. In the 2017 document, the fundamental goals were clearly stated, although some goals from the earlier charter were dropped to spare political or intellectual controversy. The reason behind this change could be attributed to:

15 *Hamas charter*, article 8.

16 *Ibid*, article 9.

17 *Hamas’s document*, article 37.

18 *Ibid*, article 42.

19 *Hamas Charter*, article 9

20 *Ibid*, article 14

21 Statement issued by the Islamic resistance movement “Hamas”, titled “*statement No. 1, issued by Al-Qassam Brigades to our heroic people [who’re] occupied since 1948*”, A document distributed throughout the Gaza Strip, 2 March, 1994.

1- Emphasizing the national dimension of the movement instead of the global one that some countries might find controversial. Especially after the emergence of movements that claimed Islamic background and goals while making the world an arena for its struggle against hostile forces.

2- Drawing a new image of the movement to appear as a liberation movement in the face of the Zionist occupation of Palestine.

3- The need of the Hamas leadership residing outside of Palestine to a formula that removes the embarrassment and delicacy caused by the old charter of the movement, which was formulated by the Hamas leadership inside Palestine. Especially in terms of the association dilemma with the Muslim Brotherhood movement; which was not maintained in the 2017 document. This indicates the compliance of Hamas to the pressures of reality and their observance of the changing variables and conditions in the region.

Defining the movement

The name of the movement has been mentioned only three times in the 2017 document instead of 48 times in the 1988 Charter. This means that the movement is no longer asserting itself at this stage, unlike the stage where the movement needed to assert itself at its inception.

The 1988 Charter sets forth the first section to the movement's definition. Which included eight articles, dealing with: intellectual principles Article (1) , the movement's connection to the Muslim Brotherhood movement Article 2 , structure and composition Article (3), (4) , temporal and spatial dimension Article (5) distinct and independence Article (6), (7) , and the slogan of the movement, which is the motto of the Muslim Brotherhood Article (8) .

While the 2017 document, however, defined the movement in the first article only. The document pointed out that Hamas is a "liberation movement".²² A description that had no precedence in the 1988 Charter, but its meaning was implicitly expressed in different terms and in various articles. For instance, in terms of raising the flag of jihad to liberate the country and the people,²³ besides "raising the flags of Allah on every inch of Palestine",²⁴ in addition to deeming the conflict as "a component in body of jihad".²⁵

The exclusiveness of the term "liberation" is signified in the 2017 document by deeming that, "The liberation of Palestine is the duty of the Palestinian people in particular",²⁶ a responsibility attributed to the Ummah in the Charter, in "Its

22 *Hamas's document*, article one.

23 *Hamas Charter*, article 3.

24 *Ibid*, article 6.

25 *Ibid*, article 7.

26 *Ibid*, article 24.

liberation is a duty on every Muslim wherever he is".²⁷

Thus, the Charter did not regard Hamas as a liberation movement; it did not mention that at all; it rather defined the movement as a "Mujahedeen" movement, where it said "a component in body of jihad in the face of the Zionist invasion".²⁸ The word "Jihad," instead of "resistance," was used twenty times, in multiple places in the charter,²⁹ while the term "resistance" was confined to the movement's name, and was mentioned 48 times.

The 2017 document used the term "resistance" 16 times, three of which were paired with the name of the movement. The document used the word "Jihad" only once, in "The resistance and Jihad for the liberation of Palestine will remain legitimate and obligatory."³⁰ Hamas has been calling for the destruction of Israel, yet has reluctantly agreed to honor previous peace agreements.³¹

Since its inception, Hamas paired its name with the term "resistance," a term not taken by other Palestinian national factions that rather adopted the term "liberation" in its names. Hamas deviated from this rule, and the 1988 charter came to explain the reasons for this, where liberation was considered to be the responsibility of the Muslim Ummah and not a Palestinian responsibility only. The document's addition of the term "Liberation" alongside "Resistance" to define the movement implies the following:

1. The movement's need for a stronger and clearer term than simply just the "resistance" one, as it sets its plans for the liberation of Palestine.

2. The movement's realization that it being just a "resistance" movement does not place it in the same ranks of the Palestinian liberation movements.

3. The changed conviction of the movement, and its belief in its ability to liberate Palestine after it used to believe it was the responsibility of the Ummah.

4. The movement's attempt to take advantage of the legacy created by the global liberation movements that enjoy international legitimacy and acceptance and are considered to be remarkable human experiences worth following.

The 2017 document also reiterated that Hamas is a "Palestinian national resistance movement",³² a new description without earlier precedence in the 1988 charter, which referred to Hamas only once as a "Palestinian movement"³³ and never referred to its national dimension.

When the charter addressed the issue of patriotism and nationalism, the national identity was paired with the lands of Islam and not just to Palestine.³⁴

27 Ibid, article 14.

28 Ibid, article 7.

29 Ibid, articles 3, 7, 8, 15.

30 *Hamas's document*, article 23.

31 Yousef M. Aljamal, Hamas: A Terrorist Organization or Liberation Movement?, *Politics and Religion Journal*, Vol. 8, No. 1, 2014, p. 40.

32 *Hamas's document*, article 1.

33 *Hamas Charter*, article 6.

34 Ibid, article 12.

Therefore, it was normal for the document to redefine its goal as “the liberation of Palestine,” after it has become a liberation movement.

The Palestinian identity of Hamas

The word “Palestine” and its derivatives was mentioned 85 times in the 2017 document that represented one-third of the 1988 Charter’s size, yet twice as much recurrence of the word that was only mentioned 46 times in the Charter. Which means that the document sought to amplifying, highlight and emphasize the Palestinian dimension of Hamas.

The Charter contained phrases such as “Palestinian nationalism”,³⁵ “Palestinian people”,³⁶ “Palestinian national movements”³⁷ and “the Palestinian circle”.³⁸ The charter also described Hamas as a “Palestinian movement”³⁹ only once.

On the other hand, the 2017 document clearly focused on the Palestinian dimension of the cause, the people, the movement and the struggle. The word “the Palestinian people” was explicitly mentioned 21 times and many other times implicitly. It is remarkable that, for the first time in contemporary Palestinian history, the word “Arab” was paired with the word “Palestinian” in the clause “Palestine is the land of the Arab Palestinian people”,⁴⁰ it has been customary to say “the Palestinian Arab people” or “the Arab people in Palestine”.

Thus, the document overemphasized the Palestinian dimension of the struggle to the extent that it exceeded the Fatah movement, to whom the “Palestinization” of the struggle is usually attributed to.⁴¹ In this context, the document also described Hamas as a “Palestinian Islamic national movement”,⁴² where it prioritized the national Palestinian dimension over the Islamic one. Also, Hamas sought to emphasize the independence of independence of the “Palestinian national decision” in the document.⁴³

The Hamas document assertion of the Palestinian dimension could be attributed to two factors:

1. Educating useful lessons from the experience of other Palestinian movement, such as Fatah, which stated in the framework of its operation “to work to highlight the Palestinian personality with its revolutionary characteristic in the international arena, which does not contradict or contrast with the decisive link

35 *Ibid*, article 20.

36 *Ibid*, article 13, 32.

37 *Ibid*, article 11, 27.

38 *Ibid*, article 14.

39 *Ibid*, article 6.

40 *Hamas's document*, the introduction.

41 Fatah, *the Basic Law*, Fifth Conference, 1989. article 17, 18.

42 *Hamas's document*, article 1.

43 *Ibid*, article 32.

between the Arab nation and the Palestinian people".⁴⁴

2. In order to avoid any confusion with contemporary transnational Islamic armed movements such as al-Qaeda and ISIS, who are associated with international terrorism.

The Islamic dimension of Hamas

The word "Islamist" retracted from being mentioned 80 times in the Charter to only 19 times in the document. The charter was overwhelmingly religious and enriched with Quranic verses in its discourse.⁴⁵ It was also dominated by Juristic formulations; Palestine was considered "the land of Islamic Waqf",⁴⁶ its liberation was deemed a compelling duty,⁴⁷ and Hamas "does not tolerate slander or defamation".⁴⁸

The document also did not overlook the Islamic dimension, but it was confined to limited points.⁴⁹ It clearly indicated in its definition that Hamas' "ideology stems from Islam in its origins, objectives and means".⁵⁰

The movement may have found it necessary to address the world in a moderate political language without coloring its discourse with religion. This means that the Movement tries to balance its Palestinianism and its Islamism in a way that preserves the two identities in a non-conflictual way. The thing that the movement's leadership believes will give it a more acceptable form on the national and international arenas.

On the other hand, the charter clarified Hamas' links with the Muslim Brotherhood. In the second article of the charter, it is pointed out that "the Islamic Resistance Movement is a wing of the Muslim Brotherhood in Palestine."⁵¹ While the Hamas document remained silent about this connection, and merely pointed out that "its reference to Islam is in its principles, objectives and means"⁵² and that "it understands Islam comprehensively."⁵³

Khalid Mashaal confirmed that Hamas was affiliated with the Brotherhood's school of thought and did not deny its old name: 'The Palestinian Muslim Brotherhood.' Yet, he also stressed that Hamas today is an independent Palestinian organization that is self-contained and referenced, guided by its leading institu-

44 Fatah, *the Basic Law*, article 21.

45 *Hamas Charter*, article 1 – 9, 12, 13, 15, 21 and other content.

46 *Ibid*, article 11.

47 *Ibid*, article 14.

48 *Ibid*, article 24.

49 *Hamas's document*, articles 3, 7, 9.

50 *Ibid*, first article.

51 *Hamas Charter*, article 2.

52 *Hamas Charter*, first article.

53 *Ibid*, article 8.

tions and it is not affiliated with any organization here or there.”⁵⁴ It is clear that Hamas wants to move away from any suspicions that cause problems or hinder the improvement especially its public perception in the Arab and international opinion.

Palestine; the land and people

The document defined Palestine’s borders,⁵⁵ while the Charter did not address this. The document also emphasized the Arabism, Islamism and sanctity of Palestine,⁵⁶ while the Charter, instead, emphasized its nature as a land of waqf.⁵⁷

The document defined the Palestinian people,⁵⁸ and the Palestinian character.⁵⁹ It also put emphasis on the unity of the Palestinian people with all of the society’s components,⁶⁰ while the Charter did not address the definition of the Palestinians and the Palestinian identity, and rather only hinted at the unity of the Palestinian people, saying, “Our homeland one, our wound is one, our destiny is one and our enemy is one”.⁶¹

Jerusalem, the Refugees and Right of Return

The Charter addressed the issue of Jerusalem in two places in a purely historical context. The first was when “Allenby declared at the entrance to Jerusalem, saying: Today the Crusaders battle ended”,⁶² and the second “when [the Jews] occupied Jerusalem in 1967”.⁶³ The Charter deemed any relinquishment of any part of Palestine as a relinquishment of the religion itself,⁶⁴ it also emphasized that Jerusalem is the first Qiblah and the third of the two Harams sacred mosques, and consequently its liberation was deemed a duty on every Muslim wherever he is.⁶⁵

Hamas’s different statements later called for “the establishment of a Palestinian state with Jerusalem as its capital”⁶⁶ and stressed that, “Jerusalem is the

54 Khalid Meshaal, A press conference of the Islamic Resistance Movement “Hamas” to announce the new political document of the movement, Al-Jazeera Live, https://youtu.be/GvPQ_L1BKeI (1 May, 2017).

55 *Hamas’s document*, second article.

56 *Ibid*, third article.

57 *Ibid*, article 11.

58 *Ibid*, article 4.

59 *Ibid*, article 5.

60 *Ibid*, article 6.

61 *Ibid*, article 11.

62 *Ibid*, article 15.

63 *Ibid*, article 28.

64 *Ibid*, article 13.

65 *Hamas Charter*, article 15.

66 Statement of the Islamic Resistance Movement Hamas, *The mountain has gave birth to a mouse, to all those who dream of the Palestinian state, the new Cairo agreement, liquidation of the cause and the dedication of the occupation*, A document distributed throughout the Gaza Strip, on 3 May, 1994.

eternal capital of a Palestinian state".⁶⁷ Thus, the movement's statements stated what the Charter missed or ignored.

Jerusalem appeared clearly in six different places in the 2017 document, both with its political and religious dimensions. The document pointed out that it is "the capital of Palestine, and it has a special status, and there would be no capitulation of any part of it, and the practices of the occupation are illegal".⁶⁸

The Charter didn't address the issue of the refugees and the Right of Return except implicitly in stating that, "[the occupation] deprived people of their homeland and properties, pursued them in their places of exile and gathering".⁶⁹ While the movement's statements emphasized that "The right of return is a sacred right, and the solution of the Palestinian cause is based primarily on the right of return of Palestinian refugees to their lands from which they were forcibly expelled".⁷⁰ The 2017 document specified two articles to address the issue of the refugees and the right of return.⁷¹

Thus, it should be clear how the document managed to close the gaps that were unaddressed in the Charter, as it also supplemented some of the movement's statements. The movement had to have a declared official position on these issues, which represent the most important Palestinian principles.

Judaism, Zionism and Israel

The words "Jews, Zionism and Israel" were frequently mentioned in both the 1988 Charter and the 2017 document in different contexts. The said words were repeated in the Charter more often than in the document, where the words were used in the latter with less intensity. The Charter used the word "Jews" 13 times in clearly hostile positions. "Our battle with the Jews",⁷² "Until the Muslims fight the Jews",⁷³ "The Jewish extortion of Palestine," "The Nazism of the Jews",⁷⁴ "The Jews when they occupied Jerusalem".⁷⁵

The document however, used the word "Judaization 3 times" to refer to the practices of occupation in Jerusalem "from Judaization and settlement... Judaization of the Aqsa Mosque... settlement or Judaization",⁷⁶ while the word "Jews"

67 Statement of the Islamic Resistance Movement Hamas, "Battle of Jerusalem... is not the first and will not be the last", A document distributed throughout the Gaza Strip, published on 11 October, 1994.

68 *Hamas's document*, article 10.

69 *Hamas Charter*, article 20.

70 Statement of the Islamic Resistance Movement Hamas, *The right of return is a sacred right, no siege above the siege*, A document distributed throughout the Gaza Strip, on 2 September, 1997.

71 *Hamas's document*, articles 12, 13.

72 *Hamas's document*, the introduction.

73 *Hamas Charter*, article 7.

74 *Ibid*, article 20.

75 *Ibid*, article 28.

76 *Ibid*, articles 10, 19.

was used 7 times in the context of denying the conflict with them, as in, "Not a conflict with the Jews because of their religion",⁷⁷ and in, "the Jewish problem, anti-Semitism and persecution of Jews are phenomena mainly associated with European history".⁷⁸

The Charter used the word Zionism in various contexts: "Zionist invasion",⁷⁹ "conflict with Zionism," "Zionist plan," "Zionist practices",⁸⁰ "Zionist organizations",⁸¹ "interests of Zionism".⁸² The 2017 document also talked about the "Zionist project",⁸³ "Zionist movement"⁸⁴ and "Zionist entity".⁸⁵ The Charter used the word "Israel" four times in reference to the state of the Zionist entity,⁸⁶ which was also done twice in the document; the first in the form of "Israeli entity",⁸⁷ and the second placed in brackets "the establishment of 'Israel'".⁸⁸ Which indicates that the movement didn't find sensitivity in the use of the word 'Israel' to describe the Zionist entity, while taking into account in the language of its new speech and discourse to be in accordance with the national situation in general.

In any case, the Charter equated the terms of the Jews, Zionism and Israel to a large extent, while the document distinguished between the terms, focusing on Zionism as a hostile party, and excluding the Jews from the conflict as a religion, and maintained its reserve on the use of the word Israel. Khalid Meshaal summed that up by saying that, "Hamas does not fight the Zionists because they are Jews, but it fights them because they are occupiers... The resistance and the military confrontation with the Israelis are caused by the occupation, the aggression and the crimes they commit against the Palestinian people".⁸⁹

Liberation and Settlement

Liberation and settlement are two opposing projects that meet only temporarily and for tactical reasons. The charter used religious terms in servitude of the liberation project, such as, "In the face of the Jews' extortion of Palestine, the flag of jihad must be raised".⁹⁰ The charter illustrated a broad understanding of jihad,

77 Ibid, article 16.

78 Ibid, article 17.

79 Ibid, articles 7, 30, 35.

80 Ibid, articles 14, 31, 32.

81 Ibid, article 17.

82 Ibid, articles 22, 28.

83 *Hamas's document*, Introduction, article 1, 14.

84 Ibid, articles 17, 19, 20, 41.

85 Ibid, article 2.

86 *Hamas Charter*, Introduction, articles 27, 28.

87 *Hamas's document*, article 14.

88 Ibid, article 18.

89 Khalid Meshaal "a journey in the political vision of Hamas" Hamas The Islamic Resistance Movement, Hamas media office, no publication country specified, 2013, pp. 49-50.

90 *Hamas Charter*, article 15.

not limited to military actions. "Jihad is not confined to carrying weapons and fighting enemies..."⁹¹ Awareness raising, education reform, attention to women, Islamic art and social solidarity were all attributed to the act of Jihad.⁹² In its early years, Hamas' statements called for the use of all forms of struggle, calling for "the escalation of jihad and activating patterns of struggle and confrontation",⁹³ and called for "boycotting Jewish goods that have national alternatives".⁹⁴

The Charter did not include any gestures of being prepared to make compromises or settlements. It considered "relinquishing any part of Palestine is a relinquishment of the religion itself" and that "international conferences do not restore rights," besides stating that, "initiatives, proposals and conferences are a waste of time and misleading".⁹⁵

After the signing of the Oslo agreement in 1993, Hamas announced its position, "We announce with strong voice our opposition to this disastrous agreement which is equivalent to the Balfour Declaration",⁹⁶ Hamas called "to foil plans to liquidate the cause and sell the homeland." It also emphasized its "persistence to continue the course of Jihad and martyrdom as the sole way to liberate Palestine and establish an Islamic Palestinian state on all the soil of pure Palestine".⁹⁷

The 2017 document asserted what the Charter mentioned, in considering "the liberation of Palestine a duty",⁹⁸ and the pillars of the establishment of Israel are null, void and invalid,⁹⁹ as well as the legitimacy of the Zionist entity and its practices¹⁰⁰. It stressed that there will be "no concession to any part of the land of Palestine... Hamas rejects any alternative to the liberation of Palestine, a complete liberation from the river to sea",¹⁰¹ and its means to accomplish that is "resisting the occupation by all means and methods... At the heart of which is armed resistance".¹⁰²

The document noted Hamas' rejection of the Oslo Accords and its annexes,¹⁰³

91 Ibid, article 30.

92 Ibid, articles 15-21.

93 Statement of the Islamic Resistance Movement Hamas, *No to the conference of conspiracy and ignorance ... Jihad is the way*, A document distributed throughout the Gaza Strip, on Friday, 3 January, 1992.

94 Statement of the Islamic Resistance Movement Hamas, *Our Intifada is the symbol of our pride ... and the process of surrender should stop*, A document distributed throughout the Gaza Strip, on Tuesday, 4 February, 1992.

95 *Hamas Charter*, article 13.

96 Statement of the Islamic Resistance Movement Hamas, *Gaza/Jericho agreement between the perpetuation of the occupation and the liquidation of rights*, a document distributed throughout the Gaza Strip on 17 August, 1993.

97 Statement of the Islamic Resistance Movement Hamas, *Yes to jihad and martyrdom... No and a thousand no to land brokers and sellers of the homeland*, a document distributed throughout the Gaza Strip, on 3 September, 1993.

98 *Hamas's document*, article 24.

99 Ibid, article 18.

100 Ibid, article 19.

101 Ibid, article 20.

102 Ibid, article 25.

103 Ibid, article 21.

and its rejection of “all agreements, initiatives and settlement projects”.¹⁰⁴ It considered that with the continued injustice against the Palestinian people, there will be no peace, and resistance and Jihad for the liberation of Palestine will remain a duty and a right.¹⁰⁵

The Palestinian State

The 2017 document didn't close the door in front of partial solutions as long as such solutions don't undermine the core substance of the struggle and the rights of the Palestinian people. It also showed implicit readiness to embrace initiatives that don't compromise the Palestinian people's rights, and “any position, initiative or political program must not undermine those rights”.¹⁰⁶ Therefore, the document considered that “establishing an independent Palestinian state with full sovereignty and Jerusalem as its capital on the lands of June 1967 along with the return of Palestinian refugees and displaced to their home from which they were expelled, is the national consensus formula”.¹⁰⁷

At the beginnings of the 1988 first Intifada, Shiekh Ahmed Yassin, founder of Hamas, proposed a cease-fire with respect to the 1967 borders,¹⁰⁸ with the emphasis remaining that Hamas' Charter, without going into details, rejects the idea of the “secular state¹⁰⁹ that the PLO embraces. Later, Hamas addressed implicitly in some of its statements its conception of a Palestinian state that, “as long as the Israeli occupation remains in the West Bank and the Gaza Strip, and settlers refuse to leave our occupied land, al-Qassam bridges and the resistance arms of the Islamic resistance movement Hamas will have a dialog with Rabin's government in the only language they and the leaders of the Hebrew state understand; the language of bullets”.¹¹⁰

Sheikh Ahmed Yassin, presented his proposal again after coming out of detention in 1997¹¹¹ and conceptualized in a TV interview a Palestinian state on the 1967 borders as an interim solution if the cease-fire conditions were satisfied. Such conditions included the complete removal of the occupation from the 1967 lands and its traces. Such as the settlements, detention camps, closed borders and economic and internal pressures, and having Jerusalem as the capital of the Palestinian state, in addition to complete 'Israeli' non-intervention in our affairs, security and movement, and that “our people attain their full right to self-

104 Ibid, article 22.

105 Ibid, article 23.

106 Ibid, article 22.

107 Ibid, article 20.

108 Ahmed Yassin, *interview*, archives of The Center of Palestinian Historiography and Documentation, Gaza, 26 August, 2002.

109 *Hamas Charter*, article 27.

110 Statement of the Islamic Resistance Movement Hamas, *In response to the statements of the Prime Minister of the enemy (Yitzhak Rabin)*, a document distributed throughout the Gaza Strip on 23 February, 1994.

111 Ahmed Yassin, *interview*, Ibid

determination".¹¹²

Sheikh Abdul Fattah Dukhan, the author of the Hamas charter, talked about the Palestinian state in 2004, that, "We support the establishment of an independent Palestinian state on any part of liberated Palestinian land, so that this state will be the starting point for the resumption of jihad and the completion of the liberation process for all the occupied Palestinian land. The recognition of the Zionist State's right to exist on our land should never be the price of the Palestinian state".¹¹³ The movement then officially included this project in the 2017 political document.

The conception of this state in the 2017 Hamas document has seven elements:

- 1- A fully sovereign Palestinian state.
- 2- With Jerusalem as its capital.
- 3- On the June 1967 borders.
- 4- With the return of the refugees and displaced Palestinians to the home from which they had been expelled.
- 5- Refusing to recognize the Zionist entity.
- 6- Refusing any compromise of Palestinian rights.
- 7- Being a national consensus resolution.

Thus, the researcher note that the 2017 document did not waive in this formula any of the Palestinian rights, did not recognize the Zionist entity, and formed a lever for the Palestinian national movement by creating common consensus on this formula that prevents side concessions from here or there detract from Palestinian rights.

It paves the way of the PLO to withdraw its recognition of Israel, if the former commits to what was agreed upon in this regard in the document of national consensus in 2006, in whose forefront it stated that, "On the basis of non-recognition of the legitimacy of the occupation... The establishment of an independent state with full sovereignty over all the territories occupied in 1967, with Jerusalem as its capital and to ensure the right of refugees to return to their homes and property from which they were expelled and to be compensated".¹¹⁴ Khalid Meshaal considered this formula to be a "viable solution on the ground... that can win the confidence of the Palestinian people and the Arab and Islamic public".¹¹⁵

112 Ahmed Yassin, TV interview on 26 April, 1998 'Sharia and life,' on *Al-Jazeera*, Qatar, see: Hamas's dialectical issues, Ahmed Yassin's response (video), on the website of the Palestinian Information Center, <https://palinfo.com/198553>, (22 March, 2017).

113 Abdul Fattah Dukhan, *The Muslim Brotherhood and the Question of Palestine in the 20th Century*, Al Noor Center for Research and Studies, Gaza, Palestine, published in June 2004, part two.

114 The full text of the National Reconciliation Document signed by the Palestinian factions, published on the website of Donia Al-Watan. Retrieved from: <https://www.alwatanvoice.com/arabic/content/print/49134.html> (28 June, 2006); Also see: Issam Adwan, Hamas's amendments to the prisoners' document and its implications, published on the Palestinian Network for Dialogue <https://www.paldf.net/forum/showthread-.php?t=70680>, (2006-07-01).

115 Khalid Meshaal, "a journey in the political vision of Hamas" Hamas The Islamic Resistance Movement, Hamas media office, no publication country specified, 201, pp. 49.

The formula has been silent on topics that need to be answered by the leaders of the movement:

1- If the fully sovereign state established on all of Palestine is the fruit of liberation,¹¹⁶ would the state established on the 1967 borders be also the fruit of liberation or the product of a political process?

2- In the event of the establishment of such a sovereign state, what would be the fate of the Palestinian resistance in it?

3- Will the resistance stop its military actions against the state of the Zionist entity?

4- Will the armed actions against the Zionist entity be stopped unilaterally by the resistance alone or by some agreement with the entity? Is this cease-fire permanent or temporary? If it is temporary, for how long can the resistance factions accept it?

5- What will be the nature of the relationship between the independent Palestinian state and the Zionist entity?

6- How will the citizens of the Palestinian state communicate and travel between the West Bank and Gaza if the Palestinian state does not have good relations and peace with the Zionist entity to allow them and their government to pass through the territories separating them, which the entity considers "its own territory?"

7- In the event that some Palestinian factions retreat from the common consensus formula on this proposal and engage in opposite behavior, what would be the reaction?

8- If the Zionist entity and the international community do not deal with this formula, and did not give it a hand, will Hamas continue to stick to it? And for how long?

In any case, there has been no change in Hamas' adherence to the liberation of Palestine, and the carrying out of the duty of jihad, even if called resistance. There has also been no change in its faith in all the means of resistance, while maintaining armed resistance in the heart of all.

Hamas maintained its rejection of all solutions and initiatives that detract from the rights of the Palestinian people. However, it presented a tactical formula for the establishment of a fully sovereign Palestinian state without recognition of the Zionist entity or the erosion of the rights of the Palestinian people. In this old-new formula, Hamas didn't answer certain questions that erupt from this proposal. Therefore, it still needs enrichment and clarification.

The Palestinian political system

When the Hamas charter was issued, the declaration of Palestinian inde-

116 *Hamas's document*, article 27.

pendence in Algeria in 1988 was not made yet. After the establishment of the Palestinian Authority through the 1993 Oslo Agreement, the movement's position was expressed through its statements at the time. It called for "the adoption of the elections as the only way to choose the leaders of our people"¹¹⁷ and the democratic dialogue. "The constructive democratic dialogue is our way and we will not resort to other methods against [Palestinian] brothers".¹¹⁸

Hamas illustrated that "in the absence of an Islamic system based on Shura, the Islamic Movement does not mind that the democratic system becomes a mean of political life and a tool to establish a civil society based on the participation of the people in governance and the building of national institutions on this basis".¹¹⁹ It stressed on "adopting dialog and the democratic system as a sole way to resolve internal differences, away from violence".¹²⁰ Hamas then participated in the PLC elections and formed the tenth Palestinian government in 2006. The Hamas 2017 document came to show its position on the existing and hoped-for Palestinian political system.

Hamas has not been enthusiastically welcomed in the Palestinian political system for its victory in democratic elections. It seems as if Hamas is pursuing a different religion than the others. Thus, these "religions" do not grant political legitimacy to an elected group that does not meet the criteria of their "religious" political beliefs on which the Palestinian political system is based.¹²¹

The document pointed out at the beginning that a full Palestinian state over all of Palestine would be the result of liberation,¹²² and that Palestinian internal relations should be managed on the basis of pluralism, democratic choice and national partnership.¹²³

The document emphasized the "building of Palestinian national institutions and organizations on sound democratic foundations, especially free and fair elections and on the basis of national partnership",¹²⁴ without forgetting the role of women in building the political system, which was described as pivotal¹²⁵. And that the role of the Palestinian Authority must be in the service of the people and to protect their security, rights and national project.¹²⁶

Thus, Hamas' calls for democratic dialogue, national partnership and the

117 Statement of the Islamic Resistance Movement Hamas, *Our blood is not water and shame for the surrendered*, A document distributed throughout the Gaza Strip on Sunday, 3 April, 1994.

118 Ibid.

119 Ismail Abu Shanab, "Islamic trend and the subject of democracy", Statement of the Islamic Resistance Movement Hamas at the Conference of "State of Democracy in Palestine" Palestinian Council for Foreign Relations, Gaza, on 11 July, 1998.

120 Ahmed Yassin, *A memo addressed to President Abu Ammar*, (Unpublished document), on 17 October, 1998.

121 Mirosljub Jevtic, Political Sciences and Religion, *Politics and Religion Journal*, Vol. 1, No. 1, 2007, p. 65.

122 *Hamas's document.*, article 27.

123 Ibid, article 28.

124 Ibid, article 30.

125 Ibid, article 34.

126 Ibid, article 31.

system of elections were not new to it. They have called for it through its statements since its establishment, and such calls have been emphasized and highlighted in its latest document.

Palestine Liberation Organization, PLO

Hamas's charter treated the Palestine Liberation Organization PLO with ambiguity but courtesy when it stated, "The PLO is one of the closest to the Islamic Resistance Movement".¹²⁷ It then described it as secular, where there is no convergence with Hamas's Islamic ideology, "We cannot replace the present and future Islamism of Palestine to adopt secular ideology... when the Palestinian Liberation Organization adopts Islam as a way of life, we'll be its soldiers".¹²⁸ This issue highlighted an ideological gap between the two parties, but did not bear any level of conflict.

The signing of the PLO autonomy agreement with the Zionist entity, however, exacerbated the dispute between the two parties. Hamas considered "the Declaration of the Palestine Liberation Organization of common principles, by which it accepts an autonomous rule in Gaza and Jericho, is to abandon all the national principles. Both with regard to the establishment of the state, or the right of return, or the return of Jerusalem as the capital of the state of Palestine, or ending the settlements in the occupied territories".¹²⁹ It labeled such an agreement with treachery.¹³⁰

Then, after a series of agreements with the PLO, including the Cairo Agreement in March 2005, where it was agreed to, "the activation and development of the Palestine Liberation Organization on mutually agreed bases, to include all Palestinian forces and factions",¹³¹ the Hamas document explained that, "The PLO is a national framework for the people of Palestine, inside and abroad. Which must be preserved, with the need to work on developing and rebuilding it on democratic foundations that ensure the participation of all the components and forces of the Palestinian people. In a manner that preserves Palestinian rights".¹³²

Therefore, the 2017 document did not stipulate that the PLO was the only legitimate representative, not even the only national framework for the Palestin-

127 *Hamas Charter*, article 27.

128 *Ibid.*

129 Statement of the Islamic Resistance Movement Hamas, *Yes to jihad and martyrdom... No and a thousand no to land brokers and sellers of the homeland*, a document distributed throughout the Gaza Strip, on Sunday 3 September, 1993.

130 Statement of the Islamic Resistance Movement Hamas, *Political assassinations is not a method of understanding*, A document distributed throughout the Gaza Strip on Sunday 22 September, 1993; Statement of the Islamic Resistance Movement Hamas, *An appeal to the heroic sons, partisans and supporters of the Islamic Movement*, a document distributed throughout the Gaza Strip, date is not specified.

131 The literal text of the "Declaration of Cairo" issued by the Palestinian factions, Wafa Agency, <http://info.wafa.ps/atemplate.aspx?id=4894>. (17 March, 2005).

132 *Hamas's document*, article 29.

ian people, but rather a “national framework for the Palestinian people.” It did not grant it an open mandate, but was restricted to what “preserves Palestinian rights.” With a call to improve it and even “rebuild it on democratic foundations.”

Thus, Hamas’ attitude towards the PLO has evolved from the being “the closest of confidants” to accusing it of betrayal after the Oslo agreement, to accepting take part in it on the basis of activating and developing it, and ending with a reserved position in the 2017 document.

The Arabic, Islamic and International Dimension

The 2017 document did not bring anything new in regards of the relationship between the Palestinian people and the Arab and Islamic nations and the international community, except for the contradiction in the issue of interfering in the affairs of other states. The charter stated that “Hamas is the support of all the vulnerable and an ally of all the oppressed”.¹³³ Which was a common practice of international liberation movements, including the Fatah movement, whose fifth goal was to “support oppressed peoples in their struggles to liberate their homelands and gain self-determination in order to build the foundations of world peace on just foundations”.¹³⁴ The document retracted from this position and rather emphasized that Hamas refuses to interfere in the internal affairs of other States and their inter-state conflicts,¹³⁵ and that it believes in respecting the will of the people.¹³⁶ Since the document came in the atmosphere of the Arab Spring, it is clear that Hamas has wanted to confirm the suspicion of Arab regimes that it has no interference in internal affairs and internal conflicts in the Arab World. Hamas has been pressured by countries such as Qatar to produce its first political document to avoid charges that have haunted the movement for so many years, and most importantly terrorism.

The Charter also referred to linking the liberation of Palestine with the three circles; “the Palestinian circle, the Arab circle and the Islamic circle... and it is a grave mistake, and blatant ignorance to neglect any of these circles”.¹³⁷ Khalid Mashaal considered that the Palestinian role is a leading and essential role in the battle of liberation “and it should not be considered an annex to the Arab and Islamic role... After the Palestinian circle, comes the Arab circle in priority, then the Islamic one, and then the one of common humanity.”¹³⁸ This is what the 2017 document emphasized, by referring to “harmonious integrated circles, with no

133 *Hamas Charter*, article 10.

134 *Fatah, the Basic Law*, article 16.

135 *Hamas’s document*, article 37.

136 *Ibid*, article 40.

137 *Hamas Charter*, article 14.

138 Khalid Mashaal, “*a journey in the political vision of Hamas*” Hamas The Islamic Resistance Movement, Hamas media office, no publication country specified, 2013, p 16.

conflict between them”¹³⁹.

In the Western world, which is in the point of view of Hamas, supports Israel, the movement does not see in the West a Hamas enemy and Hamas has never targeted the West before. However, the West commits to Israel’s classification of Hamas as a terrorist movement.¹⁴⁰

Results and Conclusions

The study followed the changes in the 2017 Hamas document, by first drawing concrete comparison with the Charter, then second, with the movement’s statements, and the third with discourse analysis. All as the method to determine the nature of the changes and the areas defined as constant principles. The study found the following results:

1- The 2017 document sufficed with merely recording the principles and general policies of the movement without referring to the mechanisms of its implementation. For instance, some articles in the document stated that Hamas “rejected” all agreements, initiatives and settlement projects,¹⁴¹ and not “resisted” these agreements and initiatives.

2- The objectives of Hamas were not explicitly or specifically articulated in the 1988 Charter, in addition to its great ambitions. While such objectives were clearly stated in the 2017 document. The document also made two important changes to the objectives of the movement, in which they renounced the establishment of the Islamic State in Palestine and supporting the oppressed everywhere, under the pretext of not interfering in the internal affairs of other states. It also added a new description of the movement as it became a liberation movement.

3- It was clear that the 2017 document closed some of the gaps left by the 1988 Charter, as was done also by some of the movement’s statements. The movement had to have an official position declaring these issues, which represent the most important Palestinian principles and constants.

4- The 2017 document of principles and general policies of Hamas has demonstrated to a large extent the harmony of the movement with its past and its origins and included new issues and issues that needed to be highlighted and emphasized. Such as Jerusalem as the capital, the right of return, the borders of Palestine, the Palestinian dimension and stating a consensus formula for a Palestinian state.

139 *Hamas’s document*, article 24.

140 Yousef M. Aljamal, *Ibid*, p. 46

141 *Hamas’s document* , article 22.

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Исам М.А. Адван **ПОВЕЉА ХАМАСА: ПРОМЕНЕ И ПРИНЦИПИ**

Сажетак

Овај чланак истражује разлике између старе повеље исламског покрета отпора „Хамас“ из 1988. године и политичке декларације покрета објављене 2017. године са насловом „Принципи и опште политике“. Други документ је редефинисао покрет, његове циљеве и визију према бризи о Палестини и другим важним питањима, као што су Јерусалим и избеглице. Поред тога, повеља је редефинисала регионалну и интернационалну димензију покрета, виђења према ционизму и Израелу, као и позицију према Палестинској ослободилачкој организацији „ПЛО“. Студија се заснива на методи анализе Хамасових докумената и примарних извора. Резултати истраживања указују на неке важне промене у Хамасу, које, између осталог, укључују промене његових циљева и употребу модерног језика, која се најбоље види у разумевању ове организације као ослободилачког покрета.

Кључне речи: Палестина, Хамас, ослободилачки покрети, палестинско питање, политички ислам

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