

The Palestinian Zakat Committees 1993–2007 and Their Contested Interpretations

Jonathan Benthall

The views expressed in this publication are those of the author and do not reflect the views of the PSIO and the Graduate Institute.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means – electronic, mechanical, photo-copying, recording or otherwise – without the prior permission of the Graduate Institute of International and Development Studies (IHEID).

In principle, permission will be granted, free of charge, provided full reference is given to the original work and to the author concerned.

Copyright 2008, IHEID, CH - Geneva

ISBN 978-2-940415-05-2

Foreword

The Graduate Institute of International Studies created the PSIO in 1994 to facilitate collaboration between the international and academic communities in Geneva and worldwide. It is both a research programme and a forum to stimulate discussions between academics and policy makers within the environment of the Graduate Institute in Geneva.

For ten years, the PSIO has been steadily expanding and diversifying its activities. In September 2005, it launched, with the Swiss Federal Department of Foreign Affairs, Political Division IV (DFA-PD IV), the project 'Religion and Politics: Initiatives and Applied Research', aimed at making an effective contribution to transforming conflicts in which religious and political factors are deeply interconnected and developing a platform of knowledge and expertise in this field. Since then, the project is being implemented through both operational and research activities, touching upon a variety of topics and situations worldwide.

Within the activities of the project, the initiative 'Towards cooperation in removing unjustified obstacles for Islamic charities' (also known as the *Montreux Initiative*) was launched in 2005. The objectives of the initiative are to build confidence between governments, Islamic charities, and support NGOs in order to give Islamic charities better tools for the post 9-11 context by means of capacity-building, and to improve the general atmosphere in the charity field which has suffered as a consequence of the 'war against terror'.

The Montreux Initiative has given attention to the Islamic charities set up to help Palestinians, and in particular the Palestinian zakat committees, which have attracted much controversy. This Occasional Paper reviews the argument that these committees have been engaged in abuse of the privileges of charities, and it concludes that the argument is, on the balance of evidence available, faulty. Though the author is one of the advisers to the Montreux Initiative, this Paper is published as an exercise in social research that represents the views of its author only.

Dr. Daniel Warner
Executive Director
PSIO

About the author

Jonathan Benthall is an honorary research fellow in the Department of Anthropology, University College London, and co-author, with Jérôme Bellion-Jourdan, of *The Charitable Crescent: Politics of Aid in the Muslim World* (I.B.Tauris, 2003, due to be republished in a paperback edition with a new preface in late 2008). His other publications include *Disasters, Relief and the Media* (I.B.Tauris, 1993). He has been Director of the Royal Anthropological Institute, Founding Editor of *Anthropology Today*, and Chairman of the Oxford based International NGO Training and Research Centre (INTRAC). Since 2005 he has served as an adviser to the Swiss Federal Department of Foreign Affairs (Political Division IV) on its initiatives relating to Islamic charities.

Table of Contents

| | |
|--|----|
| 1. Introduction | 6 |
| 2. The 'pyramid' model | 8 |
| 3. An alternative 'emic' model in three phases | 9 |
| 3.1. Phase 1, till 1967 | 9 |
| 3.2. Phase 2, 1968–1994 | 10 |
| 3.3. Phase 3, 1994–present | 10 |
| 4. Allegations against the zakat committees | 11 |
| 5. Some field evidence from 1996 | 13 |
| 6. The functioning of the zakat committees and their reputation | 15 |
| 7. An alternative 'etic' model | 18 |
| 8. Zakat committees as Faith Based Organizations | 21 |
| 9. The impasse for Palestinian Islamic charities in its geopolitical context | 22 |
| REFERENCES | 25 |

The Palestinian zakat committees 1993–2007 and their contested interpretations

1. Introduction

The nature of the Palestinian Islamic charities, known as zakat committees, has proved an extremely contentious issue, especially in Israel, the United States and some European countries. We shall contrast the current official position of the US government, that they are subsidiaries of a seamless and conspiratorial terrorist organization, with an alternative approach that contextualizes their religious and humanitarian aspects rather than limiting itself to a purely political and counter-terrorist analysis. Such is the heat of political conflict in Israel–Palestine that ostensibly innocuous humanitarian actions – the gift of beehives to support a destitute family, or the management of a clinic to treat gallstones – can acquire a nefarious reputation.

This article will argue that, difficult as it may be to arrive at complete certainty in such a fluid and contentious environment, the balance of evidence is against the conspiratorial theory. The article will draw on personal observations, commissioned information-gathering and published research, to argue in favour of a more benign interpretation, without falling into the error of denying that charity in any social context can be analytically divorced from politics. It will be suggested that the zakat committees are, among other things, an example of grass-roots, community-based local Faith Based Organizations that were a meeting-point for politically inspired Islamists and the devout middle class. They were beginning to tap successfully into the international aid system, and would have continued to develop in this direction if they had been encouraged to, and if they had not become the victims of a campaign since the end of 2007 to reorganize them under central control.

Zakat or almsgiving is one of the five pillars of Islam, closely associated with prayer – which without the observance of zakat is considered of no avail. It is the religious obligation for Muslims to give annually one-fortieth of the value of their assets, over and above basic property such as their home and working tools, to charity. Eight eligible categories of beneficiary are listed in the Qur'an, beginning with 'the poor'. Though the principle of zakat is deeply entrenched in Islamic law, teaching and historical practice, there is no country in which it functions as it ought to do in an ideal Islamic society: that is to say, automatically redistributing surplus wealth to those in need and thus purging private capital of its undesirable features. In some Muslim countries such as Pakistan it has been absorbed into the national tax system; in others, such as Oman, it is considered an entirely private matter. New-style Western Islamic aid agencies, such as Islamic Relief Worldwide, have adapted the teaching on zakat as an opportunity for professional fund-raising on an impressive scale, relying on modern readings of the Qur'anic prescriptions that enable zakat funds to be

disbursed for the benefit of those most in need, regardless of whether or not they are Muslims (Benthall and Bellion-Jourdan 2003: 7–28). In the Palestinian Territories a rather complex situation has arisen, reflecting tensions that have radiated transnationally into courtrooms, universities and polemical web sites.

The basic facts are clear enough.¹ The extent of deprivation and need in the Palestinian Territories has become more serious over the last thirty years, as a result of the failure of a succession of initiatives to try to resolve the Israel–Palestine conflict. In several major towns in the West Bank, some 90 zakat committees, as well as numerous Islamic charitable associations, have been gradually expanding their activities in providing services to local communities: hospitals and clinics, food distribution, income-generating projects, orphan sponsorship, schools, bursaries for students, summer camps, and the like. The largest such organization in the West Bank, at Hebron (Al-Khalil)², had in 2006 an annual expenditure of some \$7 million; the medium-size ones less than \$1 million; and there are many considerably smaller ones – much less than the support given by the United Nations and other international agencies to alleviate poverty and distress in the Territories, but still a substantial contribution.

We shall here confine our discussion to the West Bank. The legal status of zakat committees in Gaza is similar, in that, though Gaza was administered by Egypt between 1948 and 1967, Jordanian law was applied in this respect since 1967 (as explained below) over all the Palestinian Territories. Nearly all our evidence antedates the takeover of Gaza by Hamas in June 2007, which resulted in a new political convulsion in both Gaza and the West Bank – fast-moving and outside the scope of our present research. In particular, the Fatah-dominated Palestinian Authority based in Ramallah decided in December 2007 to radically reorganize the West Bank zakat committees under central control.³ We have used the present tense, but in most cases the past tense would be more accurate.

¹ I visited Jerusalem, the West Bank (including Nablus) and Gaza personally in 1996, and Jerusalem in 1999. As well as published sources, I have also used in this article information gathered in the course of giving advice on Islamic charities to the Swiss Federal Department of Foreign Affairs, Bern, since 2005 – on the ‘Montreux Initiative’ – and to a number of legal teams, in the USA and Europe, since 2006. This has included participation in meetings of experts in Britain, Switzerland, Belgium and Qatar. I am grateful to all the members of the Montreux Initiative core team; also specially to Mr Waleed Al-Salhi, an experienced Palestinian NGO manager originally from Nablus and now resident in London, for valuable information on the history of the Palestinian zakat committees since 1967 that he has collected; and to Sheila Carapico, Emanuel Schäublin, Natalie Schweizer and Haim Malka for helpful comments on drafts.

The 1996 research was carried out during sabbatical leave from the Royal Anthropological Institute, with funding from the Nuffield Foundation. More recently, information was gathered in the course of giving expert advice to defence attorneys in the Holy Land Foundation case, Dallas, Texas, 2007, with some funding from the Administrative Office of the US Courts.

This paper represents only my personal views, and none of those whose help is acknowledged bear any responsibility for the content.

² Technically the Hebron Charitable Association is not a zakat committee, but a society formed in 1962 under an Ottoman law of 1909. There are a number of similar Islamic charitable associations in the West Bank which are regulated by the Palestinian Authority, but not (unlike the zakat committees) under the Ministry of Awqaf. Except for this technical difference in regulation and monitoring, the issues raised by the charitable associations are similar to those raised by the zakat committees. They are treated as one broad category in this article.

³ At the time of writing, the Palestinian Authority had had to surrender control of Gaza to rule by Hamas.

2. The 'pyramid' model

The view of the West Bank zakat committees advanced by the American government is simple. It is influenced by the publications of Matthew Levitt, the counter-terrorism expert (Levitt 2006). The organization of Hamas is likened to a pyramid, with a political section at the top, which rests on a military section, which in turn rests on a broad social welfare section.⁴ This social welfare section is supposedly sometimes referred to as 'the Dawa'.⁵

It is common ground that *da`wa* in Arabic means the call to Islam, missionary activity, and sometimes by extension the provision of religious education and social services with a view to reviving the faith of a community. Though the details of its structure are not made public, there is little doubt that Hamas is indeed hierarchically organized, with a representative council (the Shura) at the apex, a military command structure (the Al-Qassam Brigades), and various committees. These no doubt include specialist committees dealing with charitable and welfare matters as well as finance, public relations, religion, women's issues and the like (Hroub 2006: 118), and were certainly set up with a view to facilitating wide consultation. There is no evidence to my knowledge to support the contention that there is a social welfare section called 'the Dawa'. It is true that Hamas does operate some relief and welfare services directly – that is to say, under its own control without any independent charity structures – and it would be reasonable to regard these as subsidiaries; but this does not apply to the independently constituted committees and societies. *Da`wa* is a principle, a set of values, not the name of a department. Levitt's is in sociological terms an 'etic'⁶ or outsider's interpretation, but presented as if it were an 'emic' description using insider categories, that is to say an organization chart. This might seem a pedantic point to make, except that the outcomes of some major current court hearings relating to Islamic charities depend partly on what judges and jury members may make of such nuances, and the justification by the Palestinian Authority in Ramallah of its recent reorganization of the zakat committees depends on whether the zakat committees actually deserved to be radically reformed or, on the contrary, were operating legally and effectively as grass-roots charities.

As an 'etic' construct, the pyramid model is contentious. It omits two foundation stones that have underpinned Hamas's popularity: first, religious conviction as a social determinant in itself, expressed with particular vigour in the idea of the *umma*, or brotherhood in Islam; and second, opposition to the Israeli military occupation which is by common consent responsible for much hardship. Another 'etic' interpretation of Hamas's motivation,

⁴ The 'pyramid model' is a descriptive name chosen for the present article, not a term used by Matthew Levitt himself.

⁵ Transcript of Trial, US District Court, Northern District of Texas, Dallas Division, USA v. Holy Land Foundation et al. (no. 3:04-24-G), 25 July 2007, evidence of Matthew Levitt, 09:49.

⁶ The neologisms 'emic' and 'etic' derive from an analogy with the terms 'phonemic' and 'phonetic'. The emic perspective focuses on the intrinsic cultural distinctions that are meaningful to the members of a given society, in the same way as phonemic analysis focuses on the intrinsic phonological distinctions that are meaningful to speakers of a given language (e.g. whether the 'glottal stop' is recognized as an alphabetical letter). The etic perspective relies on extrinsic concepts and categories that have meaning for analytic observers, in the same way as phonetic analysis relies on the extrinsic concepts and categories that are meaningful to linguistic analysts (e.g. dental fricatives). 'Emic knowledge is essential for an intuitive and empathic understanding of a culture, and is essential for conducting effective ethnographic fieldwork. ... Etic knowledge, on the other hand, is essential for cross-cultural comparison.' (Jetts 1996: 383).

advanced for instance by the French researcher Jean-François Legrain, contends that its military and political functions are subordinate to an overriding priority which has been to promote a moral and spiritual reawakening based on a particular reading of the Qur'an: the principle of *da'wa* as a primary objective, not as a means to a merely political end.⁷ However, the pyramid model is used by the United States and Israeli governments to argue that all Palestinian charitable organizations having, or deemed to have, an affiliation with Hamas, are in effect its subsidiaries. Hence any support given to these organizations is 'material support for terrorism', which is under US law tantamount to terrorism itself and in particular to the suicide attacks on unarmed civilians that Hamas has at various times organized. Allegations of material support for terrorism have led to designation (black-listing) of individuals and institutions under US law, to freezing of assets, and to criminal prosecutions.

It seems likely that the criminalization of material support for the zakat committees has in fact had the result of driving money underground, where it is outside the purview of banking regulators – because there are many ways of remitting funds other than through banking remittances between registered charities. If this is correct, 'designation' has the reverse effect to that intended. However, we are mainly concerned here with the validity of the process whereby designation has been decided as a policy, rather than with the practical consequences of the policy that have ensued.

3. An alternative 'emic' model in three phases

I propose instead an 'emic' description of the West Bank zakat committees that confines itself to categories recognized by all the participants and that also provides some time-depth. We will take as a case study the heritage town of Nablus, a commercial centre with a population of some 135,000. It is especially notable for a site sacred to Jews ('Joseph's tomb'⁸) and for a history of political opposition dating back to the British Mandate before the Second World War. The history of its zakat committee may be divided into three phases.

3.1. Phase 1, till 1967

During the first phase, before the Six-Day War of 1967 and Israeli occupation of the Palestinian Territories in 1968, when the West Bank was still under Jordanian control, the Nablus zakat committee was based in a historic mosque in the Old City. Funding came largely from well-to-do Muslims in the vicinity, in compliance with their zakat obligations, but also from income derived from some *waqf* real estate – assets donated for the inalienable benefit of the zakat committee.⁹ Alms were distributed to the poor and needy of the city – following the traditional practice of zakat committees all over the Muslim world. The main responsibility lay with the imam of the mosque, governed by Islamic law but also

⁷ « Le Hamas et le Fatah: doivent-ils dissoudre l'Autorité palestinienne? » *Le Figaro*, 23 November 2006.

⁸ The site was evacuated and subsequently vandalized in 2000.

⁹ The institution of *waqf*, though not Qur'anic, dates back to the foundation of Islam and became widespread over most of the Islamic world. Setting aside some legal technicalities, it is similar to the European charitable trust. On *waqf*, see Benthall and Bellion-Jourdan 2003: 29–37.

under the supervision of the Jordanian government's Ministry of Awqaf (the Arabic plural of *waqf*), which had charge of religious affairs¹⁰ and holy sites.

3.2. Phase 2, 1968–1994

The second phase, of 26 years, was a transitional period between Israel's victory in the Six-Day War and the foundation of the Palestinian National Authority (PNA) in 1994. The big change was Israeli military occupation of the Palestinian Territories. However, oversight of the Palestinian zakat committees, including Nablus, was still retained by the Jordanian Ministry of Awqaf – even after 1988, when King Hussain of Jordan decided to disengage from territorial claims to the West Bank. The Nablus committee was first registered under Jordanian law in 1977. During this second phase, the committee developed its activities: undertaking various charitable and community projects, beginning to secure external funds from bodies such as the French government and the World Bank, and investing its own funds for the future.

3.3. Phase 3, 1994–present

The third phase lasted from the foundation of the PNA in 1994 until the time of writing. The overall Israeli military occupation continued during this period, but the PNA acquired control of many aspects of the day-to-day administration of the Palestinian Territories. During the second phase, Non-Governmental Organizations (NGOs) had acquired considerable influence in the Territories on account of the vacuum in government and welfare services (Brown 2003). After 1994 the PNA exerted much political effort (against considerable opposition) to establishing control over the NGOs, passing new legislation with this in mind and insisting on rigorous registration and monitoring procedures. The zakat committees were treated as a special category and came under the control of the PNA, but now through the Palestinian Ministry of Awqaf.¹¹ Each zakat committee was required to register with this ministry, as well as with other specialist ministries if it was working in the fields of social affairs, health, education or agriculture, and to submit to regular inspections. The Ministry of Awqaf is required to approve the election of each of the members of a given zakat committee, between seven and thirteen in number, none related by close kinship ties, and they are not allowed to accept any payment for their services (unlike their employees). In effect, the zakat committees have operated under a combination of Jordanian zakat law and the new Palestinian regulations that lay down reporting and external auditing requirements for all voluntary associations.¹²

Since 1994, the Nablus zakat committee has expanded its activities considerably. Its many projects include an orphan programme, an eye hospital, a day clinic and a dairy. A large part of its funds are still generated locally as before: from zakat dues, income from real estate, and stock market investments. However, there has also been a considerable expansion in

¹⁰ Christian as well as Muslim.

¹¹ This does not apply in East Jerusalem, where the Ministry of Awqaf, including control of the holy sites, is still under Jordanian control.

¹² Jordanian law on zakat, *Zakat Fund Law and the Administrative Financial Instructions Issued According Thereto*, 1988; PNA, Office of the President, *Regulation No. (1) for the Year 2000 Regarding Charitable Societies and National Institutions*.

international funding. International donors have included the World Food Programme, the UN Development Programme and well-known American, German, Japanese and French agencies. But as might be expected, much of the external funding has come from Arab and Muslim individuals and institutions, in many countries, that are sympathetic to the plight of the Palestinians.¹³ In neighbouring Jordan, some zakat committees have specialized in sending the product of their local fund-raising to help Palestinians in need. But it is the action of European and American Islamic charities in sending funds to Palestine that has made them such a subject of bitter controversy, for according to the pyramid model this is equivalent to the financing of suicide bombing.

4. Allegations against the zakat committees

Perhaps the strongest charge against the zakat committees is the allegation that they directly support paramilitary activities, including the offer of a kind of advance insurance policy for Hamas suicide bombers, providing benefits for their families. One reason why this charge has gained credibility is that the suicide bombers are often called 'martyrs' (*shahīd*, plural *shuhada'*), and it is true that funds have sometimes been disbursed to support explicitly the families of 'martyrs'. However, the committees' defence is, first, that in the Arab world a *shahīd* is anyone who dies in a just cause or as a result, direct or indirect, of injustice (including anyone killed under Israeli fire, or even the victim of an electrical fire due to defective wiring in a deprived neighbourhood, or a woman who dies in childbirth when the ambulance transporting her is detained at a checkpoint)¹⁴; and second, that they carry out a needs assessment before helping bereaved families, so that the aid they give is based on need, irrespective of how the deceased met their deaths.¹⁵ Evidence to substantiate the strong charge is scarce, based on sources such as Israeli intelligence reports that are not only selective and heavily biased,¹⁶ but also sometimes compromised by semantic discrepancies, such as the ambiguity of *shahīd*, due to translation problems between Arabic, Hebrew and English. In some cases, alleged confessions appear to have been elicited under duress.

¹³ Documents show that: in 2004 Caritas, the international Roman Catholic aid agency, accepted food aid for kindergarten schools in Jericho, supplied by the Nablus zakat committee's dairy company, Al-Safa, with funds provided by the German Government. In 2005, the Saint Nicolas Home for the Elderly (Orthodox) in the Bethlehem area cooperated in the Palestine with Milk project launched by Al-Safa; likewise the SOS Children's Village, Bethlehem, the Arab Evangelical Home and School, Hebron, and the Crèche de la Sainte Famille, Bethlehem. Funds for the 2005 project appear to have been provided by the Islamic Bank in Jeddah.

¹⁴ A related word, *istishhādī*, is used specifically for suicide bombers.

¹⁵ It is true that the families of suicide bombers and other deceased militants have a special status in Palestinian society. But according to my information, Hamas has its own funds, mainly based on subscriptions from members, to help support the families of suicide bombers – not through charities. In addition, the Shahid Fund was set up by the PNA in 1994. Apparently, Arafat agreed to this fund being used to support the families of suicide bombers, even when the latter were Hamas members. There has hence, it would seem, been no need for the zakat charities to give special support to these families.

¹⁶ This is the present author's opinion. It is based on:

(i) an evaluation of Israeli intelligence websites such as www.terrorism-info.org.il (e.g. Special Information Bulletin, January 2005, Intelligence and Terrorism Information Center, Center for Special Studies, January 2005). It is significant that despite being able to draw on Israeli intelligence findings of this kind, the British Board of Jewish Deputies was unable to defend the defamation case brought against it in 2005 by the British charity Interpal (see note 41 below).

(ii) some of the 'raw material' for these websites, in the form of Israeli intelligence officers' reports, made available to me on a confidential basis in legal proceedings. There is no pretence made in these documents of assessing the available evidence in an equitable manner. Much of it is based on alleged personal associations.

An equally strong charge, but strong in a different way because it is so sweeping, is advanced. This is that the zakat committees are engaged in 'social engineering' on behalf of Hamas, "critical to winning the hearts and minds of the Palestinian people and to creating a military and operational pool for Hamas".¹⁷ The implicit effect of the pyramid model is to seek to persuade that Hamas is like a narcotics mafia, a corporate body whose ostensibly charitable aid to local communities is actually nothing but an instrument to further criminal activities, and which enforces obedience to its dictates. The allegation could be definitely verified or falsified only by the adducing of field-based sociological evidence, which is extremely hard to obtain in a zone of conflict and military occupation where a large proportion of the Palestinian people are already radicalized, irrespective of any actions that Hamas may take. However, evidence (summarized below) as to the high degree of public trust that the zakat committees have earned, by contrast with all political parties and movements in the Territories, suggests that the pyramid model is deficient.¹⁸

A less strong charge is also put forward by Matthew Levitt that the zakat committees' work creates a sense of indebtedness. "If a person is a taxi driver and they are asked to deliver a package somewhere they don't ask. They do it. If they are asked to shelter someone in their house overnight, they do it. It creates a sense of indebtedness that Hamas is able to call upon."¹⁹ This charge is anecdotal and somewhat inchoate. It is possible that a taxi driver may occasionally deliver a dubious package, but equally possible that he may convey an injured child to a clinic at risk to himself because of crossfire. I can find no sentence in Levitt's book on Hamas which acknowledges that the Islamic charities in Palestine may be even partly motivated by altruism, though with regard to Hamas he does refer to its "notorious honesty" (Levitt 2006: 238).

The weakest charge – but maybe that on which the campaign against the zakat committees ultimately depends – is that, even if it is conceded that such a charity provides genuine health and welfare services, financial support for the charity is nonetheless a support for terrorism, on the grounds that it is relieving Hamas from costs and hence frees up funds for paramilitary operations.²⁰ This has been called the doctrine of 'asset substitution', founded on the fact that money is 'fungible'. The implications of this argument have not perhaps been fully thought through. No-one denies the extent of health and welfare needs in the Palestinian Territories, yet US prosecutors contend that it is a criminal offence for external funds to be sent for a poor man to be given a cow to milk, or for a patient with eye disease to be given medical treatment, on the grounds that, without those external funds, the

¹⁷ USA v. Holy Land Foundation (see fn.2 above), Superseding Indictment, para. 3.

¹⁸ This is not to support the naïve view that charitable activities inhabit a political vacuum. For comments on the political dimension of all humanitarian aid, with special reference to tensions between Islam and the West, see Benthall and Bellion-Jourdan 2003: 153–6.

¹⁹ Evidence of Matthew Levitt, *ib.*, 14:51.

²⁰ USA v. Holy Land Foundation, Superseding Indictment, para. 4. This argument was legally weakened by the decision of a Federal Appeal Court in the 'David Boim case' (Stanley Boim et al. v. Holy Land Foundation et al., US Court of Appeals for the Seventh Circuit, decision of 28 December 2007). However, according to recent reports, the Seventh Circuit Court of Appeals has decided to overturn the appeal verdict and rehear the whole case *en banc*, that is to say with all eleven active judges sitting (Mike Robinson, Legal Affairs Writer, Associated Press, 23 June 2008).

money for buying explosives and training suicide-bombers would be tied up with charitable services, and so a terrorist attack would not take place.

One can appreciate the conscientious motivation of prosecutors who seek to deter financial transfers that, according to their theory, are facilitating acts designed to cause terrible carnage and suffering. Nonetheless, such an argument seems to be at variance with International Humanitarian Law as applied to zones of conflict, which gives priority to relieving the suffering of non-combatants. The logical consequence would be to prohibit funding of the International Red Cross and Red Crescent Movement, because some of their funds go to support Red Cross and Red Crescent National Societies in countries that are definite military threats to the West, and because the work of these National Societies includes the provision of military ambulances and hospitals.

Moreover, the argument suggests that the greater the professional integrity shown by the zakat committees – in delivering their services effectively to those most in need – and hence the greater the trust they earn from the communities they serve, the more successful they are likely to be in winning ‘hearts and minds’, and therefore the more culpable they are in allegedly sustaining Hamas. According to the argument, even if the charity managers, medics and others concerned were to succeed in satisfying a neutral adjudicator that they are committed to acting in a totally professional manner, this would not clear them of the charge of spreading an atmosphere of opinion supportive of Hamas. Such an argument places the zakat committees in a ‘no win’ double bind.

5. Some field evidence from 1996

My own fieldwork on Islamic charities in Palestine dates back to February 1996 and gave some attention to a Jordanian zakat committee in Amman that collected funds for Palestinian zakat committees – the Islamic Zakat Supporting Committee for the Palestinian People. My field notes of an interview with the general manager of this Amman committee (Mr Murad Al-Adayileh)²¹ read in part as follows:

[On their orphan programmes:] “Birth cert., family background, death cert. of father. Children’s files. Reports. School certificate. [...] Follow also health, medical checkups. [...] Regularly get harassed by Israeli authorities. [...] Tightening up by authorities after the creation of the PA but so far is still operating. Due to Western misrepresentations of Islam, local authorities in Arab world have to tighten control of Islamic associations. [But] programme not politicized. Members of the [Amman] committee are all independent – no party or affiliation. Humanitarian aid and Islam know no boundaries. All agree a poor man is a poor man. In assisting these children, the fathers could have been martyrs or sons and daughters of informers. Don’t distinguish between son of hero and villain. [...]

‘Caravans of charity’: offer special first aid or medical care on a temporary basis [...] organized from local medical centres to isolated or distant villages or communities. Provide free medical checkups for poor families and advocate health and hygiene. [...]

Familial solidarity and rehabilitation: aim is to try to stop these families from being dependent on charity. Five points: 1. income generation (e.g. beehive – family becomes a

²¹ The interview was conducted in Arabic with the help of Mr Riyad Mustafa as translator and research assistant.

productive unit and therefore charity stops); 2. cows; 3. sheep; 4. reuse of land; 5. textile clothing or knitting. 1 to 4 aimed at rural areas, 5 at cities. [...]

Sponsorship of university students: [...] stipend of 50 Jordanian dinars [about 50 British pounds] per month, linked to achievement; priority given to those doing well. Any subject: medicine, agriculture, shariah – 20 students per year, West Bank or Gazan institutions only. Conditions: students must be living in the Occupied Territories; good moral background; registered in further education institution; evidence of need for support; not a beneficiary of another grant; must return to Occupied Territories after study; committee's approval needed. [...]

Donors give specifically to programmes and get feedback and follow-up. [...]

When 400 Palestinians expelled from Palestine into Lebanon, the committee sponsored their families, also visited in Lebanon. [...]

Type of relief is when Israelis destroy houses in Gaza, massacre in the [Hebron] mosque. Gave out 30,000 dinars for families of victims, distributed food and helped those who were injured. [...]

Don't refuse help – don't distinguish between poor. [...]

[On attempts by the Jordanian government to centralize the collection of zakat and restrict local fund-raising:] Government attempt to please Israelis. [...] a critical issue since the peace treaty [between Israel and Jordan] – now restricted to Amman, charity fleamarkets etc. banned. But humanitarian aid must not be politicized. Zakat is one thing, a spiritual venture, nothing to do with tax. Question of trust is very important – a local charity more popular. [...]

2 or 3 days ago, celebrated 1,000th sponsorship of an orphan. Had iftar [Ramadan breakfast meal] with seven children from Palestine. Children spoke, people cried. [...]

Government zakat funds try to imitate local funds and revive trust. Entrepreneurs shift paying to government funds to get popular with government, rather than to local ones. Wants to emphasize trust. [...]

Not allowed to have volunteers working for them – one strategy to limit them. But has not affected level of donations. Only 8 staff, Ramadan work is 24 hours on 24. [...]

Budget is 500–600,000 dinar per year. [...] PNA authorities are cautious as to how to deal with these organizations.”

It could be argued that Mr Al-Adayileh was lying through his teeth and that I was deceived by him. This is the problem with individual fieldwork. I can only add that he made a favourable personal impression as a young man with modern fund-raising skills, pragmatic but committed to Islamic ideals (he also said that it was difficult to persuade secular people to contribute), and, as far as I could judge, sincere. His committee certainly had some kind of affiliation with the Jordanian Muslim Brothers, and had problems with the Jordanian government (as summarized above), but if he was merely a member of a conspiracy to further the interests of Hamas then the conspiracy was one so deep that I failed at the time to see through it, and still today fail to see through it – because what I have seen and heard of the Palestinian zakat committees since 1996 is consistent with the picture given me by Mr Adayileh.²²

²² It is logically impossible to completely disprove any conspiratorial theory, because its adherents are able to argue that all evidence against it is mendacious or otherwise flawed. One can only set out to advance an alternative theory, accepting that if new, clinching evidence in favour of the conspiratorial theory were to come to light, one would change one's mind.

6. The functioning of the zakat committees and their reputation

A key question is to what extent the zakat committees are 'affiliated' with Hamas. As we have seen, the Israeli and US governments' position is that they are so closely affiliated as to be, in effect, subsidiaries. The position of the committees themselves is that they are entirely independent charitable associations. The most serious, first-hand, unbiased data publicly available to date is contained in an International Crisis Group report (ICG 2003).²³ This suggests that some organizations in the Territories such as the Islamic Association (*al-Mujamma' al-Islami*) in Gaza are strongholds of Hamas, but that otherwise the concept of affiliation is problematic and a matter of degree. Some zakat committees are popularly seen as loosely affiliated politically with Hamas, some with Fatah, some are independent; but loose affiliation is not the same as the control that Hamas is accused of exercising.

My own investigations into the zakat committee in Nablus have concluded as follows. In the early summer of 1997 there were twelve committee members. The breakdown of its annual expenditure of US\$1 million was reported approximately as follows:

- 40% sponsorship of needy families through monthly payments
- 30% sponsored orphans
- 7% educational support for needy students
- 8% medical support
- 10% monthly staff salaries
- 5% other²⁴

The committee also manages the Islamic Medical Compound and a dairy, Al-Safa, on a cost recovery basis. Decisions are taken by majority vote, and are confirmed by the Ministry of Awqaf.

The Chairman, Dr Abdel-Rahim Hanbali, is a member of an ancient religious family associated with the Hanbali mosque in Nablus: his father was imam of the mosque and was the first chairman of the zakat committee. The deputy chairman, Sheikh Hamid Bitawi, is a well-known religious authority and a member of parliament, and clearly a preacher of militant, even inflammatory anti-Israeli views. Though he might justifiably be seen as a sympathizer with Hamas, he declares that he has no political affiliation, and aspires to be more a national and Islamic icon than a party politician. According to my information (some of which, though not all, I have been able to confirm from independent sources), none of the other six members of committee whom the Israeli government labels as 'Hamas' are members of Hamas.

Two of them are affluent businessmen. One of these, the honorary treasurer, Hajj Adli Yaish was elected Mayor of Nablus in municipal elections in 2005, on the 'Change and Reform' ticket, which was a coalition group including Hamas and other parties and individuals (including a number of Christians) and widely regarded as the Hamas party. At the time of

²³ The International Crisis Group's reputation and authority are in general very high. In particular we may note here the thoroughness of its field research.

²⁴ Information supplied by the committee.

going to press with this article, he was detained in an Israeli prison after his arrest in May 2007. I met with Mr Yaish in 1996 and was favourably impressed by him. I was not at the time aware of his political involvement: he seemed typical of the kind of practical business man who is appointed as honorary treasurer for charities all over the world. Impartial media reports confirm this impression:

A reputation for clean hands and caring about the people is why Islamist politicians like Mr Yaish, in alliance with Hamas, won 74% of the municipal election vote in Nablus. (Dan Damon, BBC News website, report from Nablus, 30 December 2005).

[Mr Yaish] is devout, but wealthy from auto parts and a Mercedes agency. He studied mechanical engineering in England from 1970 to 1975 and speaks English fluently; he speaks the modern language of efficiency and budget oversight; he keeps a picture of Yasir Arafat in his office and not Sheik Ahmed Yassin, the Hamas leader killed by Israel in March 2004.

"This is a government office," Mr. Yaish said. "President Abbas said to leave the photos of Arafat in offices, so we left it. Sheik Yassin was not elected, and this is not my house."²⁵

Mr. Yaish agrees that some people will vote differently on national and local issues, and he expects Hamas to get nowhere close to the 73 percent of the local vote it received a month ago. "We want partnership with Fatah," he said. "Democracy is competition and makes us stronger."

Hamas in the legislature will monitor government work, especially finances and accounts, to prevent corruption, he said, and to improve tax collection. "The same party as judge and jury is not good," he said. "If there is no oversight, even a good man can be tempted."

Hamas opposes negotiations with Israel, but Mr. Yaish thinks its presence in the legislature will stiffen the Palestinian Authority's back in dealings with Israel. "I don't like the Palestinian Authority to negotiate from a weak position," Mr. Yaish said, pragmatically. "We're occupied, and I want my government to talk harder to Israel." (Steven Erlanger, *New York Times*, 23 January 2006).

Since 1994, Hamas's popular approval rating among Palestinians, as manifested either in opinion polls or in municipal and parliamentary elections, has varied between 25 and 50 or even 60 per cent.²⁶ It is to be expected statistically that in a Palestinian committee of seven to thirteen members, up to a half of them will probably sympathize with Hamas as individuals. It does not however follow that they are unable to carry out their duties as committee members in a manner consistent with the local laws and with generally accepted principles of charity management.

As far as I know, no solid impartial research has yet been conducted into the detailed operations of the zakat committees in the Territories, which would be particularly difficult to

²⁵ It should be noted here that the late Sheikh Yassin is considered a national Palestinian figure as well as the Hamas spiritual leader, and his photograph is to be found in many houses, shops etc. not necessarily owned by Hamas supporters. Over 100,000 people attended his funeral in Gaza (BBC News, 23 March 2004).

²⁶ The CPRS, an independent research institution, estimated the mean level of support among the Palestinian public for Hamas during 1993 to 1997 as 18 per cent, which Hamas said was too low. Hamas has claimed up to 50 or 60 per cent. Khaled Hroub gave a personal estimate of 30 per cent in 2000 (Hroub 2000: 231-2). At the time of writing, June 2008, Fatah was leading Hamas in a public opinion poll in the Territories as a whole, after declaring that it wanted to reopen negotiations with Hamas (52 per cent for Abbas [Fatah], 40 per cent for Haniyeh [Hamas], in the event that a presidential election was called – compared to 47 per cent for Haniyeh and 46 per cent for Abbas in March – Reuters, 9 June 2008. According to a number of reports, Hamas was still more popular than Fatah in Gaza.)

undertake, on account of the highly charged political context.²⁷ However, a public opinion poll was conducted on two occasions in recent years by Bir Zeit University in Ramallah, to ascertain the degree of popular confidence in various civil institutions. This university has one of the best academic reputations in the Palestinian Territories. The results, though somewhat crude as sociological data, are highly suggestive:²⁸

| | |
|-------------------------------|-------|
| Universities | 70.9% |
| Zakat committees | 62.5% |
| NGOs and charitable societies | 50.0% |
| Local press | 46.0% |
| Formal judicial system | 43.5% |
| Trade unions | 37.5% |
| Palestinian opposition | 34.2% |
| Political movements/ parties | 27.8% |

It seems clear enough that during the period 2002–04 popular confidence in the opposition and political parties, presumably including Hamas, was very low. Second only to the universities, the zakat committees enjoyed a high level of confidence – higher than that of other types of NGO. This supports the conclusion of Norman Brown, an American political scientist who has studied the Palestinian voluntary sector and conducted extensive fieldwork in the Territories, that “Zakat committees enjoy a tremendous amount of legitimacy. Even secular leftists admire their authenticity and ability to operate without reliance on Western funding” (Brown 2003: 14). It may be speculated that part of this legitimacy has been

²⁷ Two recently published articles relating to Hamas and social welfare are consistent with the argument presented here. Haim Malka argues that social welfare has been a vital component in Hamas’s overall strategy, offering a favourable ratio of reward to risk, and he does not explicitly criticize the Matthew Levitt model (Malka 2007). He writes however: “Ideological affinity plays a more crucial role in mobilizing Hamas’s network than does formal political affiliation” (p.105). “Although these institutions [the zakat committees and similar charities] may not be officially linked, Islamic charities work towards the same goal within a similar religious and political context. [...] Although Hamas does not have any visible centralized organizing body for charity organizations affiliated with the movement, these numerous educational institutions, *zakat* committees, and clinics share the same worldview and identify with Hamas’s broad concept of creating a religiously observant and strong Muslim society” (p.107). “Whether Hamas extends aid as a *quid pro quo* for political support is debatable. *Zakat* committees in general claim to distribute aid in a non-partisan fashion based on specific criteria. Beneficiaries are generally required to fill out forms and a questionnaire and accept a home visit to determine eligibility. Yet it is difficult to imagine a totally fair method of distribution in a system where family and clan loyalties are so important and religious-political divisions so deep” (p.109). (We may note that this last is a problem faced by ‘Western’ NGOs as well, and many NGOs appear to have close informal links with Fatah politicians.) Malka’s article has the merit of being even-handed in intent, but is not explicit on its sources of oral or unpublished information. I understand however that his article is based on many years’ field experience as a reporter and researcher in Jerusalem and the Palestinian Territories (personal communication).

Lars Gunnar Lundblad has made five field visits to the West Bank between 1999 and 2007 (Lundblad 2008) and interviewed a wide variety of informants. Though he does not discount the possibility that some of the allegations of political favouritism made against the zakat committees are justified, he is impressed by the level of legitimacy and trust achieved by them and concludes “The stereotypical image of Islamic activism as a cover for terrorism needs to be redressed” (p.198). Lundblad makes an original contribution in noting how these zakat committees have only limited relations with the extensive NGO networks in the Palestinian Territories,

²⁸ Bir Zeit University Development Studies Program 2004, pp.104–5 (<http://birzeit.edu/cds>). I have here consolidated and averaged the percentage findings of two polls, no. 1 (August to September 2000) and no. 17 (June 2004). Allowance has been made for obvious misprints in the published tables. Confidence in the zakat committees was apparently rather higher in Gaza than in the West Bank but the difference is not great enough to affect the ordering. An analysis of the raw data may be found on the same website under ‘Opinion Polls’. They are based on a sample size of 1,256 in 2000, 1,197 in 2004, and 70 sample locations in 2000, 75 in 2004. 85 researchers were engaged for the 2004 poll. A margin of error of +/- 3% is suggested.

gained by responding spontaneously to obvious local needs, rather than trying to satisfy the agenda of the Western donor community.

A corroborating opinion is given by Professor As'ad Abdul Rahman, a senior independent Palestinian political scientist without party allegiances: "In the past [i.e. before the so-called reforms introduced by the PNA in Ramallah in 2007–08] zakat committees were formed in a free electoral or consensual mode". He foresees damaging consequences arising from the current move to bring them under government control: "This major and dangerous decision had major and dangerous reasons and consequences". And he describes the zakat committee system as a protection against terrorism rather than a fomenter of terrorism:

[a] popular, credible and democratic structure [...] that had helped in fighting poverty and bridging the internal Palestinian social gaps and consequently leading to creating such atmospheres that are neither tense nor extremist nor terrorist.²⁹

If we look to a wider Middle Eastern context, including Egypt (ben Néfissa 1995, Sullivan 1992) and the Arab villages in Israel (Israeli 1993), convincing evidence is available that the Islamic voluntary sector is often able to provide effective welfare and relief services to populations that the state is unable or unwilling to cater for. Similarly in Algeria, a team of British consultants concluded as a result of a commissioned survey in 2000 that Islamic charitable associations throughout the country, though markedly out of favour with the Algerian military government, were "almost without doubt the strongest NGOs in Algeria", especially in the poorest rural areas.³⁰ Zakat committees are exactly the kind of grass-roots, community-based, voluntary institution that many international donors now look to as an alternative to the waste and corruption that often accompany aid flows through large bureaucratic institutions.

7. An alternative 'etic' model

There is no reason to question the good faith of counter-terrorism experts; and indeed citizens everywhere have reason to be grateful to the police and intelligence services that track down and forestall terrorist attacks. However, the methods of enquiry used for this purpose depend critically on the construction of patterns of association through analysis of communications and meetings between individuals.³¹ There is thus a grave risk of attributing guilt by association. This risk is compounded by the citation of highly biased press reports and intelligence web sites, and sometimes by reliance on statements extracted from detainees under coercive interrogation. It is further compounded by the insistence of the US government on minimizing the distinction between transnational terrorism of the Al-Qaida type – which appeals positively to only a tiny minority of Muslims, despite its ability to call on the loyalty of co-religionists – and a movement such as Hamas which has a limited

²⁹ "Zakat panel revamp plan raises eyebrows", *Gulf News*, 14 June 2008; "Those who sow the wind are likely to harvest the tempest". *Gulf News*, 28 June 2008. Professor Abdul Rahman is executive chairman of the Palestine International Institute, based in Amman and Ramallah (www.paldiaspora.org).

³⁰ Confidential report from a British consultancy team. For further comments on Algerian civil society, see Benthall and Bellion-Jourdan 2003: 92–8.

³¹ See the official US Government report on 9/11, pp.9–10. Monograph on Terrorist Financing: Staff Report to the National Commission on Terrorist Attacks upon the United States (Washington, D.C.: National Commission on Terrorist Attacks upon the United States, 2004).

territorial motivation, the desire to displace an occupying power.³² Counter-terrorism has validity as a practical response to crisis. But it is not an intellectual discipline like political science or cultural anthropology that insists on scrupulous examination of sources, cross-checking of evidence from different viewpoints, and correction for observer bias.

An alternative 'etic' explanation may be proposed to the pyramid model. The Palestinian zakat committee is an instance of a deeply embedded 'civil society institution' that had been operating unobtrusively for centuries across the Muslim world. The principle of zakat is one on whose importance all Islamic apologists of whatever political complexion have agreed. Hamas was founded in 1987–88 as a successor to the Muslim Brotherhood's Palestinian branch, which was founded in Jerusalem in 1946, two years before the establishment of the state of Israel. The Muslim Brotherhood itself, the matrix of Sunni political Islam in the Middle East, had been founded in Egypt in 1928 and has splintered into numerous national movements varying greatly in their degree of radicalism, degree of nationalism and degree of commitment to violence – contrary to the view of some American counter-terrorist groups that it is an integrated Islamist International. In Jordan, which has close ties with Palestine, the Muslim Brothers constitute a kind of 'loyal opposition' to the Hashemite monarchy. The rise of the Muslim Brotherhood must be seen historically as part of a wider Islamic resurgence with counterparts in the Indian sub-continent, parts of south-east Asia and elsewhere.

Hamas viewed the defeat of the Arabs at the hands of the Israeli army in 1967 as a punishment for bad Muslims. The success of the Israeli state in imposing its will was seen by Hamas as an achievement of the Jewish faith (whereas in historical fact Zionism was more of a secular-ethnic than a religious movement, and Israeli politics in the 1950s and 1960s were much less influenced by the religious parties than today). Hamas's response to the Zionist claim to biblical lands was a new claim, that the whole of Palestine was *waqf*, inalienable till the end of days. "Since Palestine can only be recovered as an Islamic state by Muslims who have returned to their religion", wrote the political scientist Beverley Milton-Edwards in 1996, analysing the Hamas view, "the secular-nationalist approach is doomed to failure. Hamas, then, is concerned with individuals, re-educating them, encouraging them back to Islam and using the individual as a starting-point for the re-Islamisation of society" (Milton-Edwards 1996: 184).

This reislamization included attracting people back to the mosques, the encouragement of Islamic dress and morals and praying and fasting, the banning of cinemas. Hamas has worked particularly hard to reislamize the youth of Palestine. But the programme also included almsgiving; and here it was possible for those who sympathized with reislamization to engage with established institutions – such as the Nablus zakat committee, registered in 1977, or the older Hebron Charitable Association – and with new committees founded since 1988. It is possible for a Palestinian 'Islamist' to support reislamization as a religious principle, without being a member of Hamas or supporting its paramilitary activities.

³² This view is not uncontested (e.g. "Chapter 8: Will Hamas Target the West?", Levitt 2006: 203–28). However, Hamas has consistently disavowed any intention to spread its cause beyond the boundaries of Palestine. There is certainly a danger of 'al-qaidization' of the conflict if the political situation deteriorates further.

Reislamization has also harmonized with the practice and motivation of traditional observant Muslims uninterested in politics – a coalescence documented in the wider Middle East context by Gilles Kepel (Kepel 2002).

It would thus appear that the zakat committees provided a meeting-point between the new-style Islamism and the old-style Muslim piety. Hence it was not necessary, to achieve its objective of stimulating a vigorous Islamic welfare sector, for Hamas to establish control over the zakat committees. The reislamization policy has led to the translation of Islamic principles and values into effective charitable relief and welfare.³³ As we have seen, the evidence suggests that the zakat committees have operated strictly according to Palestinian law, and have earned considerable popular trust. The Palestinian Authority (dominated by Hamas's rival party, Fatah, and widely considered to be corrupt, at least before 2005–07) and the Israeli state have both viewed these committees with suspicion, sometimes detaining committee members, confiscating documents or closing offices; but on the whole the committees were until 2007 allowed to operate and to receive and disburse funds, even though Israel has complete control over financial flows into the Palestinian Territories through the banking system. Only relatively recently, in 2002, did the Israeli state declare the Nablus zakat committee and some thirty others to be illegal, but inward funds continued to flow.³⁴ All actions taken against the zakat committees by the Israeli authorities have apparently been authorized by administrative military order, not through the Israeli courts – presumably because these courts, being independent, would require more solid evidence of irregularities before condemning the committees.

No doubt the aspect of Hamas's activities that has made it so hated in Israel and the United States is the policy of organizing suicide-bomb attacks ('martyrdom operations'). Most commentators in the West regard these as inexcusable, and are particularly shocked by Hamas's unashamed deployment of religious symbolism to glorify indiscriminate killing. However, several opinion polls conducted in the Palestinian Territories between 2002 and 2005 show that the proportion of Palestinians endorsing suicide attacks against Israeli civilians has varied between 61 and 81 per cent (Tamimi 2007:161–5) and even if this were to be scaled down very substantially to allow for bias or error³⁵ it would still amount to a disturbing proportion.³⁶ The Israeli and US governments have set out to characterize Hamas as a conspiracy to radicalize the Palestinian population, a conspiracy to be unveiled and opposed as part of the 'global war on terror'. It is surely more historically objective to see

³³ This point is well made by Malka 2007.

³⁴ At the time of writing, it is reported that President Mahmoud Abbas has decided to clamp down on charitable associations in the West Bank seen as Hamas-affiliated (« A Naplouse, la police palestinienne harcèle le Hamas ». *Le Monde*, 28 September 2007). The Hebron Islamic Charitable Association has been closed down and its assets confiscated by the Israeli military ("Twilight zone: when charity ends at home". *Haaretz*, 15 March 2008). A number of external donors have withheld funds, pending clarification of the new legal and administrative arrangements.

³⁵ The polls referred to were conducted by the Norwegian organization Fafo, the (Israeli) *Jerusalem Post*, and the Palestinian Authority's State Information Service.

³⁶ Defenders of these attacks argue that they began in revenge for the massacre of worshippers in February 1994 by Baruch Goldstein in the Al-Haram Al-Ibrahimi mosque, Hebron; and that the 'martyrs' deserve respect for their sacrifice, whereas Israelis who kill Palestinians do so at little risk to themselves owing to their advanced military technology. Islamic scholars are divided as to the admissibility of suicide attacks in Palestine, but perhaps the most prominent and influential of them in the Middle East, Sheikh Yusuf Al-Qaradawi, has defended them. For further analysis of the Hamas position, see Tamimi 2007: 180–6.

Hamas as one party in a bitter, long-running territorial conflict where no side has a monopoly of righteousness.³⁷ The leader of one of the main Christian denominations in Jerusalem, Monsignor Michel Sabbagh, recognized this when he called in 2006 for Israel and the West to resume negotiations with Hamas³⁸, as have many commentators and political figures since then, including Ex-President Jimmy Carter.

It would be surprising if examples of clientelism and patronage were not to be identified in the operations of the zakat committees, because these are survival mechanisms in a society such as Palestine where the state is so weak as to be practically non-existent. As Emanuel Schäublin has observed, “[t]he Islamists have been successful in creating a solid and wide spread base of support because they were able both to enlarge the notion of the patronage system – the uniting factor being Islam and a political ideology.”³⁹ One reason why Islamism has gained support among professionals such as lawyers, doctors and engineers in the Middle East is that they see it as offering alternatives to kin-based social structures. A further strand in political support for Islamism is the adherence of former communists and socialists, since these secular political theories have found little resonance with the Arab populace.

The ‘pyramid’ model strips Palestinian Islamic institutions both of their geopolitical context – a military occupation widely considered to be illegal – and of their religio-political context, the resurgence of Islamist movements in many parts of the world that gathered force over the past thirty years. Our alternative etic model allows the Palestinian zakat committees to be seen in a different light, as local instances of a worldwide trend, the growth of Islamic NGOs, which are themselves a special case of Faith Based Organizations – but within the unique historical context of the Israel–Palestine conflict.

8. Zakat committees as Faith Based Organizations

Beginning towards the end of what we have called the second phase of development of the Palestinian zakat committees (1968–94), and continuing during the third phase (1994 to the present day), they began to tap into the international aid system.⁴⁰

The Nablus zakat committee, to take our case-study again, adapted its procedures to enter into substantial contracts to supply long life milk from its dairy to American Near East Refugee Aid and the World Food Programme, for distribution to Palestinians in need. The zakat committees also received donations from the international Islamic aid agencies that began to be founded from the 1980s onwards and are now established in most countries where there are either Muslim donors or Muslim beneficiaries or both. In Britain particularly, thanks to a sympathetic environment for Muslim charities fostered by the Charity Commission, some major NGOs such as Islamic Relief Worldwide and Muslim Aid have

³⁷ For an overview of the historical context of different forms of ‘terrorism’, see Chaliand and Blin 2004.

³⁸ « Il faut cesser de boycotter Hamas », interview, *Le Monde*. 17 May 2006.

³⁹ Personal communication, January 2008.

⁴⁰ To look further back in history, both Jewish and Christian Arab communities in Palestine have been receiving external aid for hundreds of years.

emerged.⁴¹ These have followed in the footsteps of Christian agencies such as Christian Aid and the Catholic Fund for Overseas Development (CAFOD, the English branch of Caritas Internationalis) by renouncing all proselytism⁴² and embracing international codes of conduct such as the commitment to non-discrimination and transparency. They are beginning to project a public image of Islam that contradicts widely held negative stereotypes, even to offer implicitly in their new bureaucracies an alternative focus of authority for Muslims to traditional religious hierarchies based on the mosque.

The process of integration of Islamic charities into the international aid system has been intermittent rather than following a uniform path. Some large Saudi-based charities may be thought of as constituting a kind of parallel aid system that has relatively few connections with their Western counterparts, and reliable information about their programmes is hard to obtain. However, in Europe and particularly in Britain the process is unmistakable. With so many humanitarian crises afflicting Muslims in many countries, fund-raising is energetically pursued by European Islamic charities, and the sufferings of the Palestinian people inevitably become a priority because of the consistently high media profile of the Israeli–Palestinian conflict.

9. The impasse for Palestinian Islamic charities in its geopolitical context

The development of Islamic aid agencies in the USA, by contrast, came to a halt after 11 September 2001, when they immediately became major suspects in the ‘global war on terror’. Though there were almost certainly some real abuses in the past of the privileges of Islamic charities⁴³ – in which respect they are not unique, for the whole charitable sector is always vulnerable to abuse, resting as it does on the principle of trust – political pressures have in my view resulted in a serious overreaction against these charities (Benthall 2007a, 2007b). The Palestinian zakat committees were beginning to benefit from the

⁴¹ The *cause célèbre* of Interpal is more complex. This British Islamic charity, founded in 1996 to help Palestinians and widely supported by British Muslims, has been designated by the US Government as an alleged terrorist entity. The Charity Commission has cleared it twice of malpractice, but after a BBC television programme screened in the summer of 2006 it decided to investigate it for a third time – an investigation which has not been concluded as this paper is completed in July 2008. In 2005, Interpal’s trustees obtained a public apology and financial compensation from the British Board of Jewish Deputies, which had accused it of sponsoring terrorism.

Much has been made, in the criticism of Interpal, of its links with the Union of Good (*I’tilāf al’Khair*), an umbrella organization of some fifty Islamic charities, based both in the Middle East and in Europe, committed to aiding Palestinians in need – particularly through the zakat committees. The Union of Good’s use of a map of an undivided Palestine in its publicity, and the leadership exercised within it by the controversial Sheikh Al-Qaradawi (see n. 36 above), are among the reasons for its being accused of being a front for Hamas. However, it appears to operate openly, rather than conspiratorially, and to confine itself to humanitarian aid (Source: 20-page report in Arabic for 2004-05, with list of members). Recently it has extended its work from merely fund-raising to training and institutional capacity-building. In July 2008, the Israeli government declared that all members of the Union of Good are prohibited in Israel (Efrat Weiss, “Israel versus Hamas’ ‘Union of Good’”, *Israel Times*, 7 July 2008). The Union of Good has an Arabic-language web-site: www.101days.org. Leaving aside the heated rhetoric on both sides of the dispute, the key question remains the one addressed in the present paper: whether or not the zakat committees are legitimate charities implementing policies based on needs.

⁴² This is not necessarily the case for many of the Islamic charities based in the petrodollar states, which combine religious and humanitarian aims (as do many important Christian NGOs).

⁴³ For instance, the use of charities to send arms to the *mujahidin* in Afghanistan during the 1980s. It has also been alleged that some Islamic charities were made use of to remit funds to make possible the 11 September 2001 attack on the United States, though this has never been proved.

encouragement given everywhere by international aid agencies since the 1990s to ‘civil society institutions’ and grass-roots organizations. Further evidence of their credibility as charities is the fact that a number of them were successful in securing financial support from major international agencies – such as USAID (the US governmental aid agency) and the large aid organization CARE – that impose demanding procedures for access to funds and evaluation of performance. In 2003, FAO (the Food and Agriculture Organization of the UN) reported that “the Islamic social welfare organizations (including Zakat committees) were collectively the largest food donor in the occupied Palestinian territories after UNRWA [the UN Relief and Works Association]”.⁴⁴ At about the same time, the International Crisis Group estimated that the Islamic organizations were providing, directly or indirectly, emergency cash/food assistance and medical and psychological care to at least one out of six Palestinians (ICG 2003: ii).

Since 2001, the zakat committees and their Muslim donors in the USA and some other countries have been exposed to considerable obstacles, for reasons we have examined. Muslim donors to these Palestinian charities have been prosecuted. And yet in 2002, memoranda from the US Embassy in Tel Aviv to USAID stated that it held “no derogatory information” about the zakat committees in Jenin and Tulkarem⁴⁵ – whereas for a Muslim donor to have sent funds to these West Bank committees is now held by US Government prosecutors to be a serious criminal offence.

We may note in passing that the Jewish National Fund, describing itself as “the caretaker of the land of Israel, on behalf of its owners – Jewish people everywhere”, encounters no legal obstacle in the USA when it raises tax-exempt funds for improvements to military installations in Israel.⁴⁶ The Palestinian zakat committees, by contrast, have never been accused of overtly spending funds on military projects, yet its American donors are charged with giving material support to terrorism when they remit funds that are demonstrably applied to support clinics, food aid and the like.

This is not the place for a general discussion of the Israel–Palestine conflict. I share the widespread view that it is a tragedy in the strict Hegelian sense, that is to say a collision of two rights. But some thoughts on how aid and charitable giving fit into the conflictual relations may be permitted.

The Palestinian resistance too readily equates Zionists, Israelis and Jews as if they all meant the same: hence the notoriously anti-Jewish passages in the Hamas charter.⁴⁷ Whereas Israel is supported by the global Jewish diaspora, the Palestinians are to some extent supported by the Muslim *umma* or community of believers. However, so deep are the political and

⁴⁴ FAO Report of the Food Security Assessment, West Bank and Gaza Strip, Rome 2003 (USAID document 002483). UNRWA is mandated to assist only registered Palestinian refugees.

⁴⁵ Interoffice memoranda on ‘trace requests’, 24 June 2002 (relating to Jenin) and 19 November 2002 (relating to Jenin).

⁴⁶ The aim is to improve living conditions for young military recruits. Source: www.jnf.org, 9 September 2007.

⁴⁷ The Hamas charter and other key documents are reproduced in full in English translation in Hroub 2000. Apologists for Hamas argue that the charter has little practical relevance today, and that the movement is opposed to the Jewish state, not to Jews as such. Yet it is clear that traditional Middle-Eastern anti-Jewish sentiment has combined with European anti-Jewish sentiment and anti-Zionist politics to form a new, toxic mixture.

sectarian divisions within the Muslim world that the *umma* has hitherto been more a rhetorical trope than a practical resource for resolving the Palestinians' dilemma.

Hamas's philosophy is that on the long time-scale of Islamic history it can afford to ride out short-term setbacks. Some leaders of Palestinian civil society advocate the non-violent or Gandhian option, which might have a valid future if it were adopted as a mass movement, but which has so far attracted scant support from politicians. Religion is one of their few remaining trump cards. This includes both the Hamas claim that the whole of Palestine is *waqf*, and a devout hope that justice for Palestinians will eventually be granted. But the religious commitment also includes zakat – which if it were seriously implemented on a large scale could not only give new impetus to desperately needed humanitarian relief aid, but also help regenerate the Palestinian economy. It offers a practical contribution towards reconstruction in Palestine, which must be a prerequisite for a lasting peace with Israel. Indeed, as one of the cornerstones of Islam, the principle of zakat has a reach that extends far beyond the specifics of Israeli–Palestinian politics, having the potential to effect a significant redistribution of resources within the entire Muslim world.⁴⁸

The campaign mounted by the Israeli and United States governments against Palestinian zakat committees and their donors resident in the West has the defensible aim of preventing terrorism, but it is a campaign that can be criticized as both conceptually questionable and practically ineffective. Such criticism should not be directed at these governments as unitary entities – for divergent views are no doubt expressed and ventilated among government officials. Nor should we necessarily infer any lack of sincerity or integrity on the part of those individuals who conduct the campaign. However, from an outside point of view it can seem like an attempt to neutralize the potential of zakat. In the eyes of many thoughtful Muslims, the campaign gives an impression, accurately or not, that these governments want to monopolize humanitarian action as a political tool to serve their own interests. The US government proclaims its wish to enter dialogue with and to encourage moderate, modernizing influences within the Islamic world; but when it is faced with a practical, internally generated modernizing movement – the development of a transnational Islamic charity sector in harmony with international humanitarian norms – the response seems to be an unfortunate one, with implications that are probably not fully intended: a decision to block and criminalize. Yet if we analyse the evolution of zakat committees as a special case of Faith Based Organizations, it may be possible to identify a substantial ongoing change that will affect the entire Muslim world. It is, after all, part of the genius of all the great religions that they are capable of quite rapid change, while maintaining the appearance of immobility.

⁴⁸ For consideration of whether Islamic aid agencies can have a privileged access in majority Muslim areas, see Benthall 2008.

REFERENCES

- ben Néfissa, Sarah. 1995. « Associations égyptiennes: une libéralisation sous contrôle ». *Monde arabe*, 150: Oct–Dec., 40–7.
- Benthall, Jonathan and Jérôme Bellion-Jourdan. 2003. *The Charitable Crescent: Politics of Aid in the Muslim World*. London: I.B.Tauris.
- Benthall, Jonathan. 2007a. "Islamic charities, faith-based organizations and the international aid system". In J. Alterman and K. van Hippel, eds., *Understanding Islamic Charities*. Washington, DC: Center for Strategic and International Studies Press.
- 2007b. "The overreaction against Islamic charities", *ISIM Bulletin*. Leiden: Institute for the Study of Islam in the Modern World, no. 20, Autumn 2007. Accessible online: www.isim.nl
- 2008. "Have Islamic agencies a privileged access in majority Muslim areas? The case of post-tsunami reconstruction in Aceh [Indonesia]". Online *Journal of Humanitarian Assistance*, www.jha.ac, posted 26 June 2008.
- Brown, Nathan J. 2003. "Palestinian civil society in theory and practice", paper for annual meeting of Structure of Government Section, International Political Science Association, Washington, DC.
- Chaliand, Gérard and Arnaud Blin. 2004. *Histoire du terrorisme: de l'Antiquité à Al Qaida*. Paris: Bayard.
- Hroub, Khaled. 2000. *Hamas: Political Thought and Practice*. Washington, DC: Institute for Palestine Studies.
- 2006. *Hamas: A Beginner's Guide*. London: Pluto Press.
- ICG. 2003. "Islamic social activism in the Palestinian Territories". Brussels/Amman: International Crisis Group.
- Israeli, Raphael. 1993. *Muslim Fundamentalism in Israel*. London: Brassey's.
- Kepel, Gilles. 2002. *Jihad: The Trail of Political Islam*. London: I.B.Tauris.
- Letts, James W. 1996. "Emic/etic distinctions". In *Encyclopedia of Cultural Anthropology*. New York: Henry Holt and Co., vol. 2, pp.382–3.
- Levitt, Matthew. 2006. *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*. New Haven: Yale University Press.

Lundblad, Lars Gunnar. 2008. "Islamic welfare, discourse and practise: the institutionalization of *zakat* in Palestine". In N. Naguib and I.M. Okkenhaug, eds., *Interpreting Welfare and Relief in the Middle East*. Leiden: Brill.

Malka, Haim. 2007. " Hamas: resistance and transformation of Palestinian society". In J. Alterman and K. van Hippel, eds., *Understanding Islamic Charities*. Washington, DC: Center for Strategic and International Studies Press.

Milton-Edwards, Beverley. 1996. *Islamic Politics in Palestine*. London: Tauris Academic.

Sullivan, Denis J. 1992. *Private Voluntary Organizations in Egypt: Islamic Development, Private Initiative and State Control*. Gainesville: University Press of Florida.

Tamimi, Azzam. 2007. *Hamas: Unwritten Chapters*. London: Hurst.