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Yet another step in the establishment of a totalitarian “Islamic Emirate” in the Gaza Strip: the Hamas administration announces that it is now drawing a new bill, imposing also shari’ah-based penal codes on the Gaza Strip

Introducing new penal codes based on Islamic religious law

1. **The Hamas administration’s Legal Advise and Legislation Office** in the Gaza Strip announced that, within its capacity as legislator, it was drafting penal codes according to the **“noble Islamic religious law”**. In a press release dated November 5 and published in the Hamas mouthpiece Felesteen (November 6), the office said that the bill included penal codes based on Quranic laws, punishments based on civil law, ransom, punishments that do not appear in the religious law and which are decided by the Hamas administration, imprisonment, fines, and confiscation. It also includes a separate chapter dealing with computer and Internet crime. After the bill is drawn, it will be submitted to the administration which will order the Hamas-controlled Legislative Council to approve it in accordance with legislative procedures (Felesteen, November 9)

2. According to the announcement, the bill includes a chapter which defines some 150 terms used in it. This is meant to make it easier for the Gaza Strip legal institutions to understand, implement, and locate the laws. The bill consists of 14 chapters and 220 clauses. There is a special chapter which renders obsolete the old penal codes. The new penal codes abolish Gaza Strip’s old penal codes (which date back to the British mandate in 1936), the Jordanian

penal codes which are in force in the West Bank, as well as the Egyptian laws and Israeli military decrees.

Implications

3 . Hamas's takeover of the Gaza Strip marked the emergence of a **radical Islamic political entity**, which has some characteristics of a sovereign state. That entity is governed by Hamas, a movement which subscribes to a radical Islamic worldview and views internal and external terrorism and suppression as a means to achieve its goals. Hamas is closely related to Egypt's Muslim Brotherhood and to Iran, a country with a radical Shi'ite Islamic regime.¹

4. Since the Hamas takeover of the Gaza Strip (June 2007), **radical Islam has become the obligatory way of life, whose influence on the population's daily lives just keeps getting bigger**. The enforcement of radical Islamic codes on the population is already partially implemented by Hamas's control over all political, social, educational, and religious systems whose activities have a significant impact on the prevailing ethos of the Gaza Strip (the education system, mosques, the *da'wah* infrastructure, the media). The enforcement of Islamic social codes on the population is mostly done by the Hamas interior security services, which also operate as a "moral police".² That activity has no legal basis, relying instead on Islamic religious law (*shari'ah*), **giving it a clearly totalitarian nature despite the existence of allegedly democratic institutions**.

5. Should it take place, the enforcement of Islamic penal codes, even if for the time being it will be **integrated into** civil law rather than replacing it, is **yet another step in the Islamization process** of the Gaza Strip. This step has numerous political and social consequences, **and may completely change the way of life in the Gaza Strip**, especially over the long term (combined with other Islamization measures taken by Hamas). This has two important implications:

- a. **Politically**, it is a step forward in the **disengagement of the Gaza Strip** from the Palestinian Authority and in the ever-increasing distinction between the Palestinian

¹ See our Information Bulletin: "[Since Hamas took over the Gaza Strip, it has intensified its activities to impose an Islamic social code. Hamas is careful not to represent it as a step toward establishing a radical Islamic state. The process is just beginning but indicates an increase in the Islamization of the Gaza Strip](#)" (August 31, 2008).

² A police force whose role is to enforce Islamic religious law in everyday life. Such police exists, for example, in Saudi Arabia and in Iran, and existed also in Taliban-ruled Afghanistan. In the Gaza Strip, the activities of such forces include making sure women on the beaches dress modestly, and beating teenage boys for taking pictures of women on beaches.

Authority and the fundamentally secular nationalist movement (represented by Fatah) on one hand and the Hamas administration in the Gaza Strip on the other. Perhaps it is no coincidence that the bill was published before the end of tenure of Abu Mazen, who represents the nationalist movement. Furthermore, from a broader regional perspective, it is Hamas's way of **signaling to its strategic radical Islam supporters** (such as Hezbollah, Iran, and the Muslim Brotherhood) that it is taking its place alongside radical Islam, contrary to Fatah and the Palestinian Authority, which are perceived as being collaborators with Israel and the US.

b. **Socially and religiously**, it is another step in the enforcement of Islamic religious law (*shari'ah*) on all walks of life of Gaza Strip residents, bringing the Gaza Strip closer to becoming a radical Islamic entity ("Islamic Emirate"). It should be noted that, as a legal-religious system, Islam does not distinguish between religious worship and daily life; therefore, Islamic religious law pertains not only to religious rituals but to all aspects of life: politics, economy, society, culture, banking, employment laws, contracts, family laws, etc. The *shari'ah*-based penal codes include such punishments as execution, dismemberment, stoning, beheading, etc.

6. One of the major requirements brought up by any movement which espouses radical Islam is the enforcement of *shari'ah* on the political entity which it seeks to establish and govern. This is the most prominent feature in the establishment of a totalitarian Islamic regime, even if it does have some seemingly democratic institutions (such as a democratically elected parliament). Hamas, which is basically a radical Islamic movement, cleverly exploited the democratic elections to gain control of the Palestinian Authority. Then, however, it took over the Gaza Strip by brutal military force. Ever since, it has been engaged in the establishment of a radical, totalitarian "Islamic Emirate", **making mockery of the democratic system**. It is an ongoing process which is still incomplete; however, so far Hamas has the upper hand.