

HAMAS: A TERRORIST ORGANIZATION OR LIBERATION MOVEMENT?

Abstract

This article examines the West's designation of Hamas as a terrorist organization. Describing Hamas as such is unfounded. Western terror criterion and Hamas's Charter is not clear evidence that the movement is not ready to engage in the political process. The article draws a comparison between the Hamas's Charter and the Charter of the Israeli Likud Party. A number of arguments are presented in support of Hamas not being a terrorist organization. Among such evidences are Hamas's electoral victory in 2006, and many statements made by the movement's leaders. Moreover, Hamas has never threatened the West, thus there is no justification to designate it as a terrorist organization. The liberation discourse of the movement and the ongoing Israeli occupation of the Palestinian territories must also be considered. The author concludes that the West is urged to officially talk to Hamas for any lasting peaceful resolution to prevail in the Middle East.

Key Words: Hamas Charter, Terrorist Organization, the West, Israel, Political Engagement

Introduction

The Palestinian Islamic Resistance Movement, Hamas, established in 1987, the year in which the first Palestinian uprising (Intifada) broke out², is classified as a terrorist organization by most western countries. The Islamic movement organized and participated in the aftermath protests of the Intifada. Though the early years of Intifada witnessed the use of popular struggle as a tactic to protest against Israel's use of lethal force, the late 1980s witnessed the Hamas' use of armed struggle for the first time. The group was classified as a terrorist organization by most western countries including the EU and the US. The US

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2 The direct reason for the outbreak of the first Intifada was the illegal killing of eight Palestinian laborers from Gaza, who were working in Israel, by an Israeli driver, after he hit them with his truck.

Department of the state classified Hamas as a terrorist organization in 1997³. The European Union listed Hamas in its updated terrorist organizations' list in 2011. Article 1(3) of Common Position 2001/931/CFSP sets out the meaning of "terrorist act"⁴. The EU criteria for listing a group as a terrorist organization includes attacks upon a person's life which may cause death; attacks upon the physical integrity of a person; kidnapping or hostage taking; causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility; seizure of aircraft, ships or other means of public or goods transport; manufacture, possession, acquisition, transport, supply or use of weapons, explosives, or of nuclear, biological or chemical weapons, participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group. Organization for Economic Co-operation and Development OECD set a criteria for defining terrorism says "an act, including but not limited to the use of force or violence, causing serious (b) harm to human life, or to tangible or intangible property, or a threat thereof entailing serious (b) harm; A terrorist act is committed or threatened: with the intent to influence or destabilize any government or public entity and/or to provoke fear and insecurity in all or part of the population; in support of a political, religious, ethnic, ideological or similar goal⁵.

In January 2006, Hamas was democratically elected to govern the Palestinian territories. The electoral victory of Hamas has left many analysts at a loss. Hamas, which is accused of using "terror tactics" against Israel, runs on a law and order ticket in Palestinian elections. The movement pursues an Islamic state, yet holds internal elections. Hamas calls for the destruction of Israel, yet has reluctantly agreed to honor previous peace agreements.

The official western perception of Hamas does not differ from the academic and intellectual designation of the movement. A great number of western intellectuals look at Hamas through the lens of their governments and the mainstream portrayal of the group. There are a number of works written in the west that argue against the framing of Hamas as a terrorist group. Among such works are *Hamas in Politics: Democracy, Religion, Violence*, published in 2007, by Jeroen Gunning. Gunning challenges the assumption that religion, violence, and democracy are inherently incompatible and shows how many of these apparent contradictions flow from the interaction between Hamas's ideology, its local constituency, and the nature of politics in Israel/Palestine. He offers a penetrating analysis of "Hamas's own understanding of its ideology and in particular the tension between its dual commitment to God and

3 USDS, *Foreign Terrorist Organizations*, US Department of the State, 2012.

4 EU, *Council Decision 2011/70/CFSP of 31 January 2011*, 2011.

5 OECD, *OECD Check-List of Criteria to Define Terrorism for the Purpose of Compensation*, 2004.

the people”⁶.

The movement’s last suicide operation was in 2005 in response to the assassination of Ahmed Yassin, the founder and supreme leader of Hamas by Israel. Hamas’s involvement in politics and its network of social services, in addition to targeting Israel alone and not any other western country, shed doubts on classifying it as a terrorist organization by western countries. In a speech he gave at the Islamic International University in Malaysia (IIUM), Khaled Mishaal told the West that using armed resistance is a right. “We say to the states which designate us as a terrorist organization and overshadow the Israeli terrorism, this (resistance) is our right. The Israeli occupation killed our people inside and outside Palestine, they even killed British officials”. Israel’s classification of the movement as a terrorist organization is also questioned, keeping in mind the ongoing Israeli occupation of the Palestinian territories. Indeed, the continuing Israeli occupation of Palestine debunk Israeli’s claim of designating Hamas’s actions as a form of terror.

Azzam Altamimi, a childhood friend of Khaled Mishaal, the current political leader of Hamas, published a book in 2007 entitled *Hamas Unwritten Chapters* in which he attempts to explain some of the more controversial aspects of Hamas’s ideological objectives and activities. Altamimi talks about Hamas as a liberation movement, rather than a terrorist organization. In the chapter “The Liberation Ideology of Hamas”, Altamimi urges that “Hamas’s language is undistinguishable from that of any freedom fighter in Latin America, South Africa or East Asia”⁷. In a speech Khaled Mishaal gave on December 4, 2013 at IIUM, Malaysia, the head of the political bureau of Hamas stressed that his movement is “a national liberation movement”⁸.

Hamas is as much an issue for the Muslim world as for the West, and a detailed understanding of its real views and development is needed. This article examines Israel’s and the West’s designation of Hamas as a terrorist organization. By shedding light on Hamas’s involvement in politics and non-violent resistance, targeting Israel not the West, its wide network of social services, in addition to the movement’s readiness to accept the two-state solution, the author will present an analytical framework to better understand Hamas as a liberation movement.

Creation of Hamas in Context

1948 witnessed the creation of the state of Israel in the Middle East. What is the ‘revival of the Jewish People’ to many Jews is a catastrophe to Palestinians. The creation of Israel “resulted in the ethnic cleansing of 531 Palestinian villages and the displacement of more than 750,000 Palestinians from what

6 Gunning, Jeroen. *Hamas in politics: democracy, religion, violence*, 2007.

7 Tamimi, Azzam. *Hamas: Unwritten Chapters*, 2006.

8 Mishaal Khaled, *Hamas and the Islamic Nation*, 2013.

became later known as Israel⁹. Those Palestinians ended up as refugees in the Gaza Strip, the West Bank, as well as neighboring Arab countries. The conditions of those refugees in roughly 62 refugee camps scattered in the Palestinian territories as well as neighboring Arab countries is appalling. While any Jew can claim Israeli citizenship, those Palestinian are still denied the right to return to their towns according to the UN 194 Resolution, though the implementation of this Resolution was a pre-condition to accept Israel as a member state in the UN.

The following years of *Nakba*, the Arabic word for catastrophe used to describe what happened to Palestinians in 1948, shaped the Palestinian national movement, which called for the liberation of Palestine from 'the River to the Sea.' From a Palestinian point of view, the creation of Israel is a form of colonization that should be resisted. Hamas is among the liberation movements formed to end the colonization of the British mandate. However, the vast majority of western countries designate Hamas as a terrorist organization and its liberation motives, although evident, are completely ignored. Any study of Hamas should keep in mind the liberation discourse of the movement. The creation of Hamas in 1987 came in response to the largest ethnic cleansing campaign in the modern history against Palestinians by Israel in 1948, which resulted in the expulsion of 750,000 Arabs from their towns and the destruction of 531 Palestinian villages.

Hamas: A Western Perspective

The available literature on Hamas in the English-speaking world largely sides with the Israeli description of the movement as a terrorist organization. In the last few years, a few books have been published in the West on Hamas. These books meant to give Western audience an insight into the history of the movement and its position on the Palestine/Israel conflict. This section examines five books written on Hamas in the West, namely *Violence, Nonviolence, and the National Palestinian Movement*¹⁰; *Hamas: Politics, Charity, Terrorism, in Service of Jihad*¹¹; *More bad news from Israel*¹²; *the Israeli Lobby and American Foreign Policy*¹³; and *the Age of Warrior*¹⁴. These books serve to educate westerners about the Islamic movement, through the eyes of their authors. The reason these books have been selected is that they were published after the electoral victory of Hamas in 2006. These books also address the issue of changing politics of Hamas within a historical context. These books

9 Pappé Ilan, The 1948 Ethnic Cleansing of Palestine, *Journal of Palestine Studies*, Vol. 36, No. 1, 2006, London, pp. 6-20.

10 Wendy Perlman, *Violence, Nonviolence, and the National Palestinian Movement*, 2011.

11 Matthew Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*, 2007.

12 Greg Philo, Mike Berry, *More bad news from Israel*, 2011.

13 John J. Mearsheimer, Stephen M. Walt, *The Israel lobby and US foreign policy*, 2006.

14 Robert Fisk, *The age of the warrior: Selected essays*, 2008.

were written by well-known scholars and journalists specialized in the Middle East's politics and political Islam. The perception of Western academics of Hamas has been glossed over by researchers.

The nature of Hamas which operates under different wings created a debate among scholars and politicians in the West. Ambassador Dennis Ross, U.S. Envoy to the Middle East, 1988–2000, in his foreword¹⁵ of Matthew Levitt's *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*, published in 2007 by Yale University Press, raises a series of questions such as "how does a group that operates terror cells and espouses violence become a ruling political party? Can a single organization be committed to political activism and charitable good works while simultaneously dispatching suicide bombers to attack civilian targets? How is the world to understand and respond to Hamas, the militant Islamist organization that Palestinian voters brought to power in the stunning election of January 2006?"¹⁶.

Throughout his book, Levitt tries to provide an answer to all these questions, which reveal the controversial nature of the Islamic movement. Although the movement has a military and a political wing, it runs a wide network of social services in the Palestinian society, which contributed to increasing its popularity in the Palestinian street. Nevertheless, the author does not address the issue of continuing Israeli occupation in one hand and the liberation discourse of Palestinian factions such as Hamas, which is seen as a direct consequence, on the other hand.

One of the main issues western author address when talking about Hamas is the possibility of targeting the West by the group. Although Hamas has a clear position towards the West, this issue is still of a great debate among western scholars. In the chapter entitled "Will Hamas Target the West", Levitt discusses the possibility of changing within Hamas. He cites a statement made by the late female political leader of the movement Mariam Farahat in which she said "those who say we have changed our methods, we will never change"¹⁷." The author stresses that "while Hamas is not an al-Qaeda affiliate, the repercussions of Hamas terror echo far beyond the borders of the West Bank and Gaza. Not only does Hamas threaten peace and regional security in the Middle East, but by fanning the flames of the Israeli-Palestinian conflict and laboring to undermine peace initiatives, the group directly contributes to the rapid anti-Americanism spreading throughout the region"¹⁸. History proves that Hamas didn't target any Western country throughout its history. Therefore, citing statements made by the movement's leaders in a moment of rage and anger doesn't constitute solid evidence that the movement

15 Ibidem.

16 Levitt, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*... p. 6.

17 Ibidem.

18 Ibidem.

will target the West. Also, Western intellectuals tend to talk about 'threatening peace' by Palestinians especially Hamas and avoid talking about how much harm Israel brought to peace because of its continuing colonization of the West Bank, arbitrary arrests, killing, siege, land confiscation, house demolitions etc. The lack of 'a Palestinian partner' stressed by Israel and Western scholars strengthens the colonial discourse of portraying the other, rather than helping reaching a lasting peace in the Middle East.

Another issue western scholars discuss in relation to Hamas is the use of violence as a tactic by the movement. In her book, *Violence, Nonviolence, and the National Palestinian Movement*, published in 2011 by Cambridge University Press, Wendy Pearlman traces the use of violence by Hamas. The author explains that "Hamas is not a terrorist organization, yet it used terrorist tactics to achieve its goals"¹⁹. Pearlman talks about how Hamas used the 2006 elections to reaffirm its legitimacy and popularity in the Palestinian society by engaging in the different authorities of the Palestinian government. Introducing Hamas's electoral victory as overwhelmingly surprising grosses over the fact that Hamas won the majority of seats in the municipal elections which took place in the Palestinian territories. The movement also won the majority of seats in students councils in additions to syndicates and unions. This is to say the 2006 electoral victory was, to some extent, expected.

Western authors talk about how intensified campaigns against Hamas, which included imprisonment, deportation, killing, displacement and how it failed to bring the movement down or change its politics. It rather pushed the movement to adopt more radical positions. In their book, *More Bad News from Israel*, published in 2011 by Pluto Press,²⁰ urge that by deporting Hamas and Palestinian Islamic Jihad's activists to South Lebanon, Israel aimed at weakening Hamas, yet the outcome was otherwise. Mishaal and Shallah of Hamas and Palestinian Islamic Jihad (PIJ) asserted that "activists from both movements met Hezbollah members and started using bombing cars later". Philo and Berry's perception of Hamas is no different from that of Mearsheimer and Walt in their book *The Israel Lobby and U.S. Foreign Policy*. They believe that "Sharon, by refusing to negotiate with Abbas contributed directly to the electoral victory of Hamas in 2006".²¹

The fact is that Israel aimed to empower Islamists in the 70s and 80s to face the growing popularity of the Palestine Liberation Organization (PLO). Permits were given to Islamic figures to run charities such as Ahmad Yassin who established *Almoujama Alislami* which was later shut down by Israel after the Israeli crack down on the movement in the late 80s. This is to say, Israel accepted Hamas at some point and refused it later. Furthermore, it listed

19 Ibidem.

20 Ibidem.

21 Ibidem.

the movement as a terrorist organization. The same happened with the PLO, which was first designated as a terrorist organization by Israel and accepted as a peace partner after signing the Oslo Accords in 1993.

On the other hand, a handful of western figures call on western government to engage in talks with Hamas. Robert Fisk, a well-known journalist reporting on the Middle East believes that the West should talk to Hamas, as the Palestinian Authority leadership lacks credibility. In his book, *the Age of the Warrior*, published by Nation Books in 2008, Fisk claims that the Western world is still interested in negotiations with Abbas who lacks credibility. "Who can we negotiate with? To whom do we talk? Well, of course we should have talked to Hamas months ago. But we didn't like the democratically elected government of the Palestinian people²²". This is a clear call from a famous journalist who has been reporting on the Middle East since the 1970s to engage in talks with Hamas.

Other issue western scholars tend to clarify when talking about Hamas is the division within the movement. The division is between the several wings on one hand and the division between Hamas leadership inside and outside the Palestinian territories on the other hand. Perlman suggests that while Hamas leaders living in Gaza 'tended to reach a deal with Israel, 'brokered by the Palestinian Authority (PA), Hamas' leaders outside tried to block such attempts. Hamas' leadership in Damascus perceived Yassin, the spiritual leader of the movement in Gaza as a moderate, which pushed him to 'take hardcore positions' and send the first female suicide bomber in the movement's history²³".

The portrayal of Hamas by Western intellectuals, in many cases, as shown above, fall in the stereotypical image of perceiving Palestinians in the West. Hamas is no exception. Although some Western intellectuals started questioning these stereotypical images recently, the majority are still confined to the traditional perception of Palestinians as terrorists. Few are those who stress the notion of liberation discourse of Palestinians, including Hamas, when talking about the Palestine/Israel conflict. The Western attitude towards Islamists varies from time to time and from a movement to another. For example, Sufism didn't receive positive treatment by the West when it was engaged in armed resistance against colonial powers in Libya, where Mohammed Alsanousi was leading resistance against Italian colonialism. While nowadays, as put it, Western institutions have identified Tasawwuf as viable option for shaping all forms of cooperation and understanding with the Muslim world.²⁴

22 Ibidem, p. 232.

23 Ibidem.

24 Tarek Ladjal, Benaouda Bensaid, Mohd Roslan Mohd Nor, Tasawwuf and western interests perspective of history and politics, *Politics and Religion Journal*, Vol. 6, No. 1, 2012, Belgrade.

Response to Western Designation of Hamas as a Terrorist Organization

Most western governments, including the U.S. and EU designate Hamas as a terrorist organization²⁵. These governments adopt the same rhetoric to justify the designation of the movement as terrorist. The main claim is using violence to achieve political ends. Since Hamas has never targeted the West, this designation is largely influenced by Israel's perception of the movement. The same is applicable to western intellectuals' perception of Hamas. This section provides a critique of western perceptions of Hamas in the West. In many cases, religion was not the underlying reason of conflicts, but groups used it as a focal point around which they defended their identities²⁶.

The western criteria of terrorism includes: *first*, carrying out attacks upon a person's life which may cause death; attacks upon the physical integrity of a person. According to the statistics published by the Military Wing of Hamas-Ezzideen AlQassam Brigades, around 1212 Israelis were killed by Hamas members. The number of Israelis killed by Hamas is much more less than the number of Hamas members killed by Israel. According to the website of Hamas Military Wing, 1800 Hamas members were killed by Israel by 2010²⁷. Estimates of Palestinians killed in 1948 alone as a result of establishing Israel is around 15,000²⁸. This does not include tens of thousands of Palestinians who were killed in the Palestinian territories and neighboring Arab countries during incursions and clashes with the Israeli forces. *Second*: the kidnapping or hostage taking. Throughout the history of the conflict, the number of Israeli captured by Hamas was 14²⁹. An estimate of Palestinians kidnapped by Israel since 1967 is around 750,000. In 2006, Hamas captured the Israeli soldier Gilad Schalit at Gaza borders and exchanged him for 1027 Palestinian prisoners. According to a recent report published by the Palestinian Ministry of Detainees and ex-detainees, the number of Palestinians in Israeli jails is 4900³⁰. *Third*: causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility; seizure of aircraft, ships or other means of public or goods transport. Since 2005, Hamas stopped using suicide bombings against Israel. The number of Israelis killed by Hamas from 2005-2013 is around dozens only compared to hundreds of Israelis killed by Hamas from 2000-2005 which was largely to Israel's excessive use of violence against Palestinians, claiming the lives of thousands of Palestinians.

25 Jonathan Masters, *Hamas: What is Hamas?*, 2012.

26 Philip W. Barker, William J. Muck, *Secular Roots of Religious Rage: Shaping Religious Identity in the Middle East*, 2009.

27 AlQassam, *Hamas in numbers*, 2010.

28 Ibdaa, *Nakba in Numbers*, 2012.

29 The Military Wing of Hamas – Website: http://www.alqassam.ps/images/userfiles/image/special_files/wahim/report/9.htm

30 PMD, *Prisoner Club Report: 4900 Palestinians detained in Israeli jails*, 2013.

Israel, if this criterion is applicable to it, will be accused of terrorist acts too. Also, any examination of Israel's behavior should consider the International Law. The UN in 1972 reaffirmed "that the people of Palestine is entitled to equal rights and self-determination, in accordance with the Charter of the United Nations"³¹. The core issue which brought about all this violence between Palestinians and Israelis is the continuing Israeli occupation of Palestine. Israel should put an end to its occupation for this violence to stop. Hamas should adopt a non-violent discourse to gain more legitimacy on the international arena. The continuing Israeli occupation, at the same time, does not justify Hamas' use of violence.

The same goes for western intellectuals who portray Hamas in a negative way. Levitt's representation of Hamas aims at presenting a negative perception of the movement, where he quotes the leaders of the movement threatening, full of rage, the West. He does not include interviews with Hamas's leaders in response to the western critique of the movement. Though Hamas' leaders made several statements that would have been well received by the West, the author did not include them in his book. For instance, Khaled Mishaal, the top leader in the movement and the head of its political wing urged the west in a speech in 2009 saying "I tell European nations...three years of trying to eliminate Hamas is enough. It is time for you to deal with Hamas, which has gained legitimacy through struggle. The U.S. President Barack Obama and European leaders should glean the "required lessons" from their countries' support for the Israeli aggression"³². Such calls by the political leaders of the movement did not receive the same attention threats made by the same political leaders received in the West.

The use of violence by Hamas is shed light on in the West, yet authors like Perlman overshadows the fact that Hamas' first military operation came two years after its establishment, in addition to the fact that the establishment of Hamas as a political party came years later after its leaders started a network of social service and charitable organizations. *Almujamaa Alislami*, headed by the later supreme leader of Hamas, Ahmad Yassin, is one among such societies. In addition, Hamas' active involvement in non-violent demonstrations organized when the first Intifada broke out, were faced by excessive Israeli force that claimed the lives of scores of Palestinians. This is also ignored.

Western authors such as Perlman talk about "division within Hamas" yet it seems to have passed the test of time. Hamas is an example of a party that suffers from little to no division. This has to do, largely, with the nature of the structure of the movement, where obedience of leaders' decisions is one of the principles members of Hamas swear to respect when they officially decide to join the movement. As Fatah and other leftist Palestinian organizations

31 UNGA, *United Nations General Assembly Resolution 3089*, 1972.

32 Khaled Mishaal, *Meshal urges West: Stop trying to eliminate Hamas, deal with us*, 2009.

witnessed division over the last few decades, Hamas is still operating under one umbrella, the political leadership of the movement, which gives instructions to the *Dawa*³³ and military wings. The political leader of Hamas Khaled Mishaal dismissed all reports and claims which talk about division within his movement. "Some say Hamas is divided, I tell them: these are merely your wishes! Our goal, language are one inside and outside Palestine"³⁴. Pearlman's focus on the internal structure of the Palestinian national movement makes it difficult for her to capturing the process of using revolutionary violence which is necessary for ending occupation which raises the urgent need to completely challenge the colonial situation. Stressing on the rift of the Palestinian resistance movement as the mediation for violence appears at times of one-direction, ignoring the continuous Israeli colonial violence that cultivates the seeds of its Palestinian counter violence. Hamas' structure can help putting an end to the conflict, where decisions made by leaders are highly respected and implemented.

In a speech Khaled Mishaal gave in Malaysia on December 4, 2013, which was attended by the researcher, the political leader of the movement stressed the liberation discourse of the movement by saying "we are a national liberation movement"³⁵. Mishaal highlighted his movement's belief in democracy calling upon all people who accept the rules of the democratic game to accept the results of democracy whether they win or lose. The leader of Hamas seemed supportive of "joining civilization through progress and development"³⁶. He cited two models in this regard, Turkey and Malaysia, which he thinks "successful," urging the need for these models to be expanded to other Muslim and Arab nations. Speaking of armed resistance, he stressed the need for "defensive power" and "resistance power." He believes that resistance power is "important" for "people to liberate themselves such as Palestine"³⁷.

To sum up, Western governments' designation of Hamas as a terrorist organization is unfounded for two reasons. **First**, Hamas never acted against the West. In addition to the fact that thousands of westerners have visited the Gaza Strip under the protection of the Palestinian government led by Hamas, both solidarity activists and International Organizations' employees in the Gaza Strip. Western governments met with Hamas on many occasions publicly and through secret channels. **Second**, the designation of the movement as a terrorist organization does not keep in consideration the liberation discourse of the movement and the ongoing occupation of the Palestinian territories

33 Dawa is one of three main wings of Hamas which is assigned to promote Islamic principles in the Palestinian society.

34 Khaled Mishaal, *Meshal urges West: Stop trying to eliminate Hamas, deal with us*, 2009.

35 Ibidem.

36 Ibidem.

37 Ibidem.

by Israel, which is rejected, at least at the official level, by these very western governments. Hamas calls for the liberation of the Palestinian territories from Israeli occupation. The core issue is occupation. All violence brought about later was a direct consequence of occupation. To end this violence, including violence against Palestinians, which much more excessive than Palestinian violence directed at their occupiers, Israel's occupation has to come to an end.

Hamas' Discourse Change

Hamas' identity and discourse has undergone remarkable change and modification since the movement's foundation in 1987. The religious identity of Hamas has been altered by nationalism. This identity shift is manifest in Hamas' changing conceptions of the territory of Palestine, sacrifice in the name of the cause, and its view of Israel.

Alexander Blessing stresses in his 2013 study that "the idea of a national state at the 1967 borders began to emerge, creating a fissure in the Hamas' Islamic conception of a unitary Palestine... Finally, Hamas' view of the Israeli threat has changed over time"³⁸.

Most scholars and officials refer to Hamas' 1988 Charter as defining its ideology. They do not take into account the changes within Hamas, preferring instead to focus on the fundamentalism of the charter. Yet, Hamas officials have made public declarations that challenge the charter. Khaled Meshal, as observed by Sherifa Zuhur in 2008, affirmed that the charter "should not be regarded as the fundamental ideological frame of reference from which the movement takes its positions"³⁹.

The ongoing Israeli occupation of the Palestinian territories continues to cause great damage to the Palestinian society at all levels. As the continuing seven-year Israeli siege on Gaza has proved, subjecting Palestinians to hardships increases the rate of radicalization in the society. The emergence of Salafist groups in the Gaza Strip is an example of this. The sanctions policy imposed on Hamas to cause the movement to collapse has clearly failed. On the contrary, the movement strengthened its position and grip on Gaza.⁴⁰ believes that "three years after taking control of Gaza, Hamas has established a stable and effective governing system despite a crushing siege and political challenges from Fatah and Salafist groups."

Authors such as Hroub, the author of *Hamas: A beginner Guide* claims "whatever radicalism Hamas exhibits, is a "completely predictable result of the ongoing Israeli colonial project in Palestine." At the same time, Hroub argues that Hamas has evolved over time, demonstrating a pragmatism which "hov-

38 Jason A. Blessing, *From "Total Liberation" to "Phased Liberation": Temporality and Identity in the Provisional IRA and Hamas*, 2013.

39 Sherifa Zuhur, *Hamas and Israel: conflicting strategies of group-based politics*, 2008.

40 Yezid Sayigh, *Hamas Rule in Gaza: Three Years On*, 2010.

ers around accepting the concept of a two-state solution⁴¹.

Hamas' shift from military and religious discourse over the 80s and 90s to a more political discourse based on engagement requires further study. The movement's readiness to accept a two-state solution and respect the agreement signed by the PLO tells of a real change in the movement's structure. The 2006 electoral victory and the stoppage of suicide bombings since 2005 bode well for a peaceful resolution. The gap between Hamas's Charter and its behavior on the ground should be further examined.

The Hamas Charter: Theory and Reality

Much of the criticism of Hamas is directed at the movement's Charter which was published in 1988⁴². The call "to destroy Israel and establish an Islamic state" is always mentioned when speaking about Hamas' Charter. There is a clear need for the Hamas' Charter to be clarified and put into context. The religious discourse of the Charter is replaced nowadays with a more pragmatic and political discourse. One may urge that all textbooks of religiously motivated organizations contain such rhetoric. This includes groups from the three main religions. The following is a comparison between the Israel Likud Party's Charter with that of Hamas.

Article 13 of Hamas' Charter states that "as far as the ideology of the Islamic Resistance Movement is concerned, giving up any part of Palestine is like giving up part of its religion"⁴³. The recent statements and political positions of the movement demonstrate high levels of readiness to accept a political solution. The movement's readiness to accept a two-state solution is an example of the change the movement has gone through since its establishment in 1988.

There have been several fundamental changes in the thought and politics within the Hamas movement since the time its Charter was established. The Hamas Charter has never been rewritten to reflect these changes. In fact, it was originally written by a few individuals of the Hamas underground leadership at the time and was never subjected to deliberations within the movement's ranks, nor was it ever submitted for approval by the organization. That said, this doesn't absolve Hamas of the pressing need to rewrite its Charter. The Charter remains the only founding document of the movement and there is a need to rewrite it in a way that reflects the changes underwent by the movement.

An examination of the Charter of the Likud, the Israeli ruling party, shows that it calls for 'wiping Palestinians off the map,' yet this discourse is overshadowed compared to the focus on Hamas'. The Likud charter from 1999 as avail-

41 Khaled Hroub, *Hamas: A Beginner's Guide*, 2007.

42 Ziad Abu-Amr, *Hamas: a historical and political background*, 1993.

43 Muhammad Maqdsi, *Charter of the Islamic Resistance Movement (Hamas) of Palestine*, 1993.

able on the Israeli Knesset website⁴⁴ reads: "The Jewish communities in Judea, Samaria (*The West Bank*)⁴⁵ and Gaza are the realization of Zionist values. Settlement of the land is a clear expression of the unassailable right of the Jewish people to the Land of Israel and constitutes an important asset in the defense of the vital interests of the State of Israel. The Likud will continue to strengthen and develop these communities and will prevent their uprooting. The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river."

This example makes it evident that the ruling Israeli Party's Charter is against establishing a Palestinian state. Ironically, the party supports the two-state solution and is involved in negotiations with Palestinians for the establishment of a Palestinian state next to Israel. It is indeed a curious matter that western governments pay no attention to the party's charter while Hamas' receives the exact opposite treatment.

Further examination of Likud's Charter shows radical positions overlooked or ignored by many governments. The Likud Party Charter states: a. "the Jordan river will be the permanent eastern border of the State of Israel." Israel's official policy is to adopt a two-state solution, which means that the Jordan River will be the eastern borders of the assumed Palestinian state. The Charter also states "b. Jerusalem is the eternal, united capital of the State of Israel and only of Israel. The government will flatly reject Palestinian proposals to divide Jerusalem". The two-state solution is based on dividing Jerusalem into eastern and western. Western Jerusalem will remain under Israeli control, while Eastern Jerusalem will be the future capital of the Palestinian state. These are clear pre-conditions set by the Likud Party, which Israel's Prime Minister Benjamin Netanyahu belongs to. Netanyahu wants no pre-conditions from the Palestinians going into 'negotiations,' yet it seems that for them, it is acceptable to have pre-conditions.

The discourse of 'Greater Israel' and the biblical myths of 'David and Goliath' are largely adopted by Israeli religious and nationalist groups. The world is therefore urged to maintain a more balanced approach when talking to Hamas. Otherwise, the West's pre-perceptions of Hamas will put more obstacles on achieving a lasting and just peace in the Middle East. The movement's behavior is to be judged rather than sticking to old texts and scripts written by a small group of its members. As the Hamas Charter is given great emphasis, it is time for scholars to examine the charters of different Israeli groups, which in the researcher's point of view, expresses more radical positions than that of Hamas.

44 Israeli Knesset website: www.knesset.gov.il

45 Clarification added by the author. The area to the west of the Jordan River is known as the West Bank. Israeli religious groups use the biblical name of the area.

Hamas' Political Program Revisited

The late supreme leader of Hamas, Ahmad Yassin, assassinated by Israel in 2004, proposed a 10-year ceasefire between the movement and Israel in return for establishing a Palestinian state on 1967 boundaries. The movement reached several ceasefires with Israel and at some points accepted proposals to stop targeting Israeli civilians if Israel refrains from targeting Palestinian civilians. The acceptance of a two-state solution by Hamas was voiced by the movement's leaders such as Mishaal and Hanyia on different occasions⁴⁶.

Hamas' refusal to recognize Israel also needs to be put into its correct context. The Palestine Liberation Organization recognized Israel in 1993, but the later didn't recognize Palestine, but rather the PLO as a sole representative of the Palestinian people. Hamas may therefore be very careful when it comes to recognizing Israel, as 20 years of recognition by the PLO didn't bring any tangible solution to the Palestinians. Mahmoud Alzahar, one of the most prominent leaders of the movement and the former minister of foreign affairs, stressed in a statement he made while visiting China in 2006 that "the recognition of Israel by Hamas will not be at any expense"⁴⁷ Many Palestinians argue that it's Israel's turn to recognize Palestine since the PLO did so two decades ago. With two decades of peace talks, Israel is asking Palestinians to recognize it as a 'Jewish State,' which Palestinians refuse to do. Logic dictates that a mutual recognition should exist and it's Israel's turn to recognize Palestine, especially after Palestine obtained a non-member status in the United Nations General Assembly last year⁴⁸.

Speaking of non-violent resistance, the political leader of Hamas Khaled Mishaal assured the use of non-violent resistance by Palestinians. He claims that Palestinians "were the first to try non-violent resistance since the 1920s, up to the first Intifada in 1987, which was non-violent, but this led to nothing. But this pushed the enemy to further colonize our lands"⁴⁹. He urged that the only solution is "resistance"⁵⁰. Speaking of violence and blood, Mishaal affirmed no interest in spilling blood, but he noted that "Palestinian blood is spilled by Israel whether there is negotiations or resistance"⁵¹.

Hamas and the West

The years that followed the 2006 electoral victory of Hamas witnessed meetings between the group and some European diplomats⁵². Although these meetings were in most cases unofficial, they reflect a European new perspec-

46 Damien D. Cheong, *Hamas and a two-state solution: a move toward moderation?*, 2013.

47 Mamoud Alajrami, [Personal Communication with Mahmoud Alajrami], January 19, 2013.

48 Ibidem.

49 Ibidem.

50 Ibidem.

51 Ibidem.

52 Ahmad Yousef, *Hamas and the West*, 2013.

tive to deal with Hamas. In some cases, the calls to talk with Hamas came from EU officials. The British parliament's Foreign Affairs Committee said in a report that "it stood by a recommendation that the government should engage politically with moderate elements within Hamas, which rules the Gaza Strip. We conclude that there continue to be few signs that the current policy of non-engagement is achieving the Quartet's stated objectives"⁵³.

Countries such as Switzerland invited Hamas MPs to meet and talk to their counterparts. In 2013, Bulgaria gave a group of Hamas leaders and MPs visas to visit the country, yet the Bulgarian government asked those MPs days later, under Israeli pressure, to leave. These meetings were always met by Israeli anger and non-satisfaction. Compared to the U.S., the EU has shown flexibility in dealing with Hamas. The siege imposed on the movement in Gaza and the arrests of its MPs have always drawn EU criticism. Hundreds of EU citizens participated in land and sea convoys to break the siege imposed on Gaza. Therefore, the EU official position regarding Hamas should be more flexible and treat the movement politically the same as it's treated in secret channels meetings.

Zaki Chehab, the author of *Inside Hamas* urges that "at the end of the day Hamas want to see the outside world talking to them, but the problem here is not Hamas accepting to talk, it is what the West is going to offer Hamas"⁵⁴.

In his above mentioned speech, Khaled Mishaal stressed that Israel is the "the only enemy"⁵⁵. Mishaal repeated Hamas' position in this regard by saying "remember that the real enemy is the Zionist Regime. Israel imposes siege on Gaza, practices killing, all suffering is created by Israel. Israel is behind the siege even if we are besieged by some Arabs. "We have one battle which is with the Israeli occupation. We say to the states which designate us as terrorist organization and overshadow the Israeli terrorism. This is our right. The Israeli occupation killed our people inside and outside Palestine, they even killed British officials"⁵⁶.

Western governments' designation of Hamas has to be revised for several reasons. On one hand, Europeans talk to Hamas through secret channels and invite some of its leaders to visit Europe, while on the other; they are still committed to the Israeli-backed American designation of the movement. Hamas never targeted the West, thus it does not constitute any threat to it. Europe has to adopt its own position towards Hamas away from pressures practiced by the U.S. and Israel. Taking a more serious position towards engaging with Hamas and denouncing the continuing Israeli occupation of the Palestinian Territories might be a good start.

53 AJE, *UK MPs urge talks with Hamas*, 2009.

54 Ibidem.

55 Ibidem.

56 Ibidem.

Conclusion

The formation of Hamas came 39 years after the creation of Israel in the Middle East. When dealing with Hamas, the liberation discourse of the movement must be taken into consideration. The use of non-violent tactics and the wide network of social service the movement runs, its recent involvement in the political process in the Palestinian government, in addition to its readiness to accept two-state solution must be noted. Israel's designation of the movement should not affect any western government. Israel's designation of many groups as terrorist is politically motivated. At some point, the PLO was designated as a terrorist organization by Israel, yet it was described as a peace partner after 1993. Hamas leaders were given permits by Israel to run societies to weaken the growing support and influence of the PLO, however, Hamas was later declared a terrorist organization by Israel.

The West's focus on Hamas' Charter, which was written in 1988, does not meet the political pragmatic positions of the movement and does not reflect the fact that it was written by a small group of its members. The ongoing occupation of Palestine contextualizes the rise of Palestinian factions, including Hamas, and the collective national aspirations that were dependent on a liberation discourse.

The West's designation of Hamas as a terrorist organization has to be re-examined for two reasons. Hamas never attacked the West, and that the entire situation should be understood in the context of occupation and liberation. Asking Hamas to recognize Israel as a pre-condition to engaging in talks with it will not bring about change, especially since the PLO recognition of Israel did not bring about significant change. The violence the Palestinian people have gone through since the creation of Israel and the loss they have suffered ever since must also be considered.

It is Israel's turn to recognize Palestine after the UN recognition of Palestine as a non-member state in 2012 and twenty years of PLO recognition of Israel. To end the conflict, Israel has to recognize the Palestinian right to self-determination expressed and adopted by the UN, end the occupation of the Palestinian territories, and stop asking Palestinians to recognize it as a Jewish state.

The West ignores that Hamas' use of violence came at a time Palestinians were subjected to several forms of violence by Israel. Since Israel is the occupying power in the region, and Palestinians seem very vulnerable compared to Israel's weaponry and advanced technology. The use of violence by Palestinians, including Hamas, is a direct reaction to the continuing house demolishing, killings, imprisonments, land confiscation, stealing natural resources, building fences, walls, colonies, attacks by Israel settlers, and putting Palestinians in Gaza under a tightened siege for seven years now.

The justification for legitimate armed resistance has been applied to the

Palestinian struggle on different occasions. To quote General Assembly Resolution A/RES/3246 (XXIX) of 29 November 1974:

3. Reaffirms the legitimacy of the peoples' struggle for liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle; ...

7. Strongly condemns all Governments which do not recognize the right to self-determination and independence of peoples under colonial and foreign domination and alien subjugation, notably the peoples of Africa and the Palestinian people;

These two points — that people under colonial and external domination have the right to use armed struggle against their occupiers and that this specifically applies to the Palestinian people — has been repeatedly reaffirmed in a myriad of United Nations resolutions. These include UNGA Resolution A/RES/3246 (XXIX; 29 November 1974), UNGA Resolution A/RES/33/24 (29 November 1978), UNGA Resolution A/RES/34/44 (23 November 1979), UNGA Resolution A/RES/35/35 (14 November 1980), UNGA Resolution A/RES/36/9 (28 October 1981), and many others. While these resolutions, coming from the General Assembly do not carry the weight of law per se, they do reflect the views of the majority of the world's sovereign states, which is the basis of customary international law, including these western governments which list Hamas as a terrorist organization.

The speech Khaled Mishaal gave which is mentioned in this paper is evidence that Hamas is a liberation movement and has no interest whatsoever in targeting the West. Hamas has a common ground with the West since the movement believes in democracy, freedom and partnership. The West is urged to talk to Hamas instead of listing it as a terrorist organization. Ignoring Hamas will not bring any progress in the conflict and more violence will erupt as the last few years proved. The liberation discourse of the movement is essential to understand the nature of Hamas. Engaging in direct talks with Hamas to remove it from the terror list is necessary for any peace talks to succeed in Palestine. These talks should be transparent and direct.

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ХАМАС: ТЕРОРИСТИЧКА ОРГАНИЗАЦИЈА ИЛИ ПОКРЕТ ОСЛОБОЂЕЊА?

Резиме

Овај рад се бави западним виђењем Хамаса као терористичке организације. Такво описивање Хамаса је неосновано. Западњачки критеријум терора и програм Хамаса није јасан доказ да овај покрет није спреман да се укључи у политичке процесе. Овај чланак приказује поређење између Хамасовог програма и програма израелске политичке партије „Ликуд“. Рад садржи неколико аргумената који подржавају становиште да Хамас није терористичка организација. Међу тим аргументима јесте и Хамасова изборна победа 2006. године као и неколико изјава лидера овог покрета. Штавише, Хамас никада није угрозио Запад, и у складу са тим аутор сматра да приказивање Хамаса као терористичке организације није оправдано. Ослободилачки дискурс овог покрета као и текућа Израелска окупација Палестинских територија такође морају бити размотрени. Аутор закључује да Запад мора званично преговарати са Хамасом ако жели дуготрајно примирје на Блиском истоку.

Кључне речи: Хамасов статут, терористичка организација, запад, Израел, политичко ангажовање

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