

# Gaza's Tangentopoli<sup>1</sup>

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**Abstract:** *This article examines the evolution of the al-Harakat Muqawima al-Islamiya (Hamas) movement, operating, as it were, a statelet in the Gaza Strip based on the principles of 'Tangentopoli (bribesville).' Hamas shifted from being on the political fringe to Palestine's prime political resistance movement and now has come to be regarded as a trans-national criminal group. However, the process of transforming from an illegitimate "terrorist" or a legitimate "resistance" group (depending on individual sympathies) actually encouraged it to embark on criminal activities much beyond common corruption or policy excesses that often accompany combatant-justice. Instead, many of the interests currently pursued by Hamas are narrowly defined in terms of maintaining its own economic and military power rather than the establishment of a free and prosperous Palestine. This work applies common sense theory to both the evolution of governance in Palestine (re: Israel, the PLO, Hamas) and Hamas itself, as it is growing increasingly clear that Palestine's and Hamas' interests starkly contrast. Such theoretical 'musings' spills over to the empirical crutches this work relies on as the work deploys primary information (semi-structured) interviews as well as secondary information to assess the validity of each hypothesis. This work then concludes with a post-factum analysis.*

**Keywords:** *Hamas, Palestine, Israel, international criminality, common sense theory, Tangentopoli*

## Introduction

ectares of forests have given their lives, and many thousands of litres of ink have been spilt, attempting to paint international relations theory (IR) as a separate scholarly discipline, with actors unique to the international level of analysis and actor behaviours' differing greatly from states and individuals. What a trivial waste of time considering the grinding realisation that early IR scholarship; likening the field to an extension of human activities – though on the grandest level

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– had demonstrated the positive reflection of human behaviour into the realm of larger political communities nearly a century ago. In other words, IR is not unique; it is reflective of very human, all too human, characteristics.

Such a (re)cognition is gaining momentum as a quick assessment of the topical themes engulfing international relations demonstrates. For instance, human, environmental and economic security, terrorism, human rights, democratisation, and transnational organised crime (etc.) are in-vogue and each bleeds away from the exclusive domain of states. Instead, they gravitate around individuals: providing individuals with safety and material security, and holding individuals to account for their behaviours in armed conflicts, subversion, terrorist activities or organised crime. While it would be short-sighted to suggest that states are not crucial actors, they are. However, the basis of state activities and the interests they pursue have undergone significant evolutionary steps, constructing stronger cables of harmony between individual and national interests.

At the same time, a plethora of so-called “new actors” have emerged to change the dynamics of international exchanges. Indeed, a tremendous number of aspiring and established scholars have attempted to demonstrate that non-state actors have, suddenly, appeared in both central and more remote areas of the international community and are now a determining IR actor-set.<sup>3</sup> Unfortunately for such scholars, the novelty of such actors is pure fabrication. Sub-, inter-, and supra-state entities have always been present and active in international relations. Terrorist groups have influenced states since the dawn of history; criminal groups have sought to profit from anarchic political conditions in every corner of the world and seldom do such groups respect international frontiers. All this occurs against the backdrop of a drawn-out, centuries old, process of globalisation. While each generation – of scholars and laymen – may be tempted to highlight the uniqueness of their conditions, such sentiments are false and as Goethe noted ‘(e)verything has been thought of before, the problem is to think of it again.’ Regrettably, few venture to rethink what has come before and only grasp what is knowable through their five senses and not the sixth sense aka, common sense.

Despite such an introduction, this work does not pay particular attention to the egoism accompanying the current generation of international relations scholarship. Instead, the aforementioned should be regarded as a first-step in casting an old stone at an old problem: determining key causes driving the (local and international) socialisation of fringe groups. In other words, by what process can a fringe group gain

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3. For an in-depth and critical account of “new wars,” “old wars” and “new actors,” see: Hew Strachan and Sibylle Schiepers (eds), *The Changing Character of War*, Oxford UP, 2011.

local and international legitimacy as political representatives and, importantly, how does such a group act once endowed with such legitimacy? This endeavour is crucial since it does not aim to reproduce a binary view of “state” and “sub-state” actors, but rather looks at processes of legitimation as they are linked to governance and may be applied to both state and non-state actors.

This problematic is superimposed onto to case of Hamas, currently operating, as it were, a statelet in the Gaza Strip based on the principles of ‘Tangentopoli (bribesville).’<sup>4</sup> Hamas’s leadership and rank-in-file went from being on the political fringe (scant domestic and international legitimacy), to Palestine’s prime political resistance movement (heightened domestic and international legitimacy), and then into a trans-national criminal group (while maintaining enhanced domestic and international legitimacy). In other words, over the span of nearly three decades, Hamas has moved from the extreme fringe to occupy a central (power) position in Palestine and throughout the Middle East. However, the process of transforming from an illegitimate “terrorist” or a legitimate “resistance” group (depending on individual sympathies) actually encouraged it to embark on criminal activities much beyond common corruption or policy excesses that often accompany combatant-justice. Instead, many of the interests currently pursued by Hamas are narrowly defined in terms of maintaining its own economic and military power rather than the establishment of a free and prosperous Palestine.

To better understand the transformation of Hamas and the impact such a transformation is having on Palestinian society and the struggle for national independence, a firm theoretical foundation must be set and evidence provided. This work seeks both. It commences with the proposal of three hypotheses related to Hamas’ transformation. Before evaluating such hypotheses, the theoretical contours are established. This work applies *common sense theory* to both the evolution of governance in Palestine (re: Israel, the PLO, Hamas) and Hamas itself, as it is growing increasingly clear that Palestine’s and Hamas’ interests starkly contrast. Such theoretical ‘musings’ spills over to the empirical crutches this work relies on as the work deploys primary information (semi-structured) interviews as well as secondary information to assess the validity of each hypothesis. This work then concludes with a *post-factum* analysis.

## **Theoretical and Methodological Musings**

Following convention, this work approaches the investigation of Hamas’ criminality through proposing, and demonstrating the accuracy of, three hypotheses.

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4. For an in-depth exploration of Tangentopoli see: Pier Paolo Giglioli (1996), ‘Political Corruption and the Media: The Tangentopoli Affair,’ *International Social Science Journal*, 48:149, pp. 381-394.

These are meant to illustrate a wide set of activities embarked on by Hamas which distinguish it from other movements, and reveal its criminal credentials, despite its self- and international identification. It should be noted, that Hamas' local and international recognition – actual recognition in that other political communities recognise that it exists – stems from the actions it has undertaken in a particular time (late 1980's – present) against a particular "other" (Israel). If Hamas' main objective was to be recognised, then it has fared well. However, its self-prescribed expectations and the expectations of exogenous actors including Palestinian civilians, demand more. Hence, as this work examines the validity of the proposed hypotheses it becomes indisputably clear that while Hamas' is locally and internationally recognised, it is not the same organisation that produced action-based legitimacy among Palestinians; though external perceptions of the organisation have been slow to change to better reflect Hamas' transformation.

This work also breaks from convention since it is not meant to debase Hamas but rather to reveal how the organisation has changed, what its main objectives are, the gap between its self-prescribed objectives and its behaviour and, ultimately, to expose that these are out of sync with Palestinian interests. To do so, this work relies heavily on information gathered from field research conducted in Palestine and Israel between 05 and 17 July 2011. During that time, five semi-structured interviews were conducted, two with local, self-described members of Hamas' political wing, one with an independent "taxi" driver who has been employed by Hamas for two years, and two with scholars (one Palestinian and one Israeli).

These semi-structured interviews were conducted only on the expressed assurance that identities would not be published in this text.<sup>5</sup> This posed a significant hurdle in determining the amount of credence lent to interview results. Hence, this work and the points raised by interviewees must be considered with "a grain of salt" since, on expressing anonymity, many points cannot be verified. Nonetheless, the work itself may positively contribute to the unfolding discourse surrounding Hamas and organised criminal groups by offering alternative explanations of events on the ground, deploying an adequate theoretical approach and considerable supporting empirical evidence. In providing the methodological basis of this research, it is prudent to highlight those which were not selected for interviews and to justify such omissions to reduce charges of bias.

Interviews were not conducted with members of Israel's political or military establishment since it is wholly likely that such would use the interview to pursue

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5. For the purpose of this work, interviews conducted with: Hamas personnel are ascribed the letter 'H' (H1 and H2), Hamas' taxi driver is ascribed the letter 'X' while the interviewed academics are ascribed 'IA' for Israeli academic and 'PAC' for Palestinian academic.

their own interests and embellish information to assist in painting a negative picture of Palestine in general and Hamas in particular. Based on that assumption, the only Israeli selected for interviewing is rooted in Israel's academic community, is a more objective personality and does not have any ambitions related to painting Palestine or Hamas in a negative light.

Additionally, members of Fatah, the Palestinian Liberation Organisation (PLO) and non-Hamas members of the Palestinian Authority (PA) were omitted for many of the same reasons noted above. Despite the 27 April 2011 'reconciliation agreement' between Fatah and Hamas, the relationship between these parties remains fragile. Since this work is centred on Hamas' own (r)evolution it seems counter-productive to interview those who already view Hamas suspiciously.

Alternatively, 'H1' and 'H2' are better-placed to provide more accurate information on the organisation's behaviour and to explain the rationale behind some of its activities. 'X' is able to provide a more comprehensive account of Hamas because of a direct relationship to the organisation though not required to follow organisational policy. Finally, both 'IA' and 'PAC' are able to see beyond Hamas' official rhetoric and the manner exogenous actors portray Hamas, thereby providing more objective space to explore the following set of hypotheses.

## **Hypotheses**

The subsequent hypotheses were determined prior to conducting field research; posed after the public revelations that following the removal of the Mubarak regime (11 February 2011) and the permanent reopening of the Rafah Crossing (28 May 2011), linking the Gaza Strip to Egypt, Gaza's tunnel economy did not retract, but expanded. This was striking since the popular assumption was that Hamas had been seeking ways to 'legitimise' itself through constructing and maintaining a more open economic system. That Israel (with Egyptian collusion) had been suffocating Gaza's economy, as a punitive measure, after the rise of Hamas to elected power in the 2006 Palestinian Legislative Council (PLC) elections has been accepted as 'fact.' However, it seemed that the continued blockade of Gaza was (and is) in Hamas' interest; it helps to further delegitimise Israel while allowing it to maintain iron-clad control of Gaza's economy and society. This, together with the bizarre aid 'flotillas' and 'flytillas' launched to provoke Israel for not allowing aid into Gaza – despite the fact that the Rafah Crossing provides unhindered access to and from the Strip – is highly suspicious.

There must be additional reasons for Hamas' own blockade of Gaza and its insistence of maintaining the 'tunnel economy.' The subsequent hypotheses trace Hamas' evolution from ethno-national resistance movement to a more criminally inclined group.

**Hypotheses 1:** There is a positive relationship between legitimacy and criminality in Hamas, the greater its legitimacy the more robust its criminal activities.

**Hypotheses 2:** Hamas engages in organised criminal activities including: (serial) homicide, gendercide, unlawful imprisonment, human and arms trafficking and theft.

**Hypotheses 3:** Hamas' transformation into a criminal organisation was facilitated by rash international recognition, legitimation and material support of its resistance activities.

Each of these hypotheses will be tested in the subsequent sections below. Such testing is based on the deployment of information gleaned from the five semi-structured interviews, is complimented by secondary information and contains in-depth analysis.

Prior to presenting the crux of this research, it is essential to construct a solid theoretical foundation so that the illustrated findings assist in propelling knowledge rather than treating the work's subjects as abstractions. Since this work is concerned with the relationship between politics and criminality as manifest in Hamas' behaviour, and recognises Hamas' near-hegemonic power over the Gaza Strip, it also stands to reason that this work seeks to offer ways to overcome the present 'Hamas impasse' so that Palestine may develop an adequate 'civil society' and Israel may run out of excuses for not properly committing itself to ensuring the construction of a sustainable Palestinian state beside it.

### **Common Sense Theory**

Echoing the introductory section of this work, IR is not exclusively focused on the dynamics of systems, states or systems of states but also explores the human dimensions of international political life. Palestinians and Israelis (for example) should not be depicted only through the manifestations of their prescribed state/community. Instead, Israel must be viewed beyond the actions and declarations of its leadership (even if that leadership is elected) and Palestine must be viewed beyond ethno-religious simplifications. Instead, every actor within each political community should be gauged according to merit. While it is hardly possible to capture the political ideals, and delusions, aspirations and levels of tolerance of each individual member of any political community, it is possible to estimate levels of political acquiescence through the number and impact of civil society bonds, voting trends (when applicable) as well as levels of violence and threats to press people into obedience.

When it comes to Gaza and Palestine more broadly, it is clear that democracy is dysfunctional, civil society is fragmented and violence is rife, from both internal and external sources. This does not assign blame; it only acts as a general basis for life in Palestine. However, Palestinians are not stuck in spatial, temporal or political vacu-

ums, like others, they comprise an ever-evolving political community whose changes reflect internal and exogenous conditions. To make sense of such change, and to provide appropriate theoretical foundations to make sense of the cable to crime Hamas' retains, this work adopts *common sense theory* (CST) to illustrate choices made by Palestinians (at large) and Hamas more specifically.

Again, it must be noted that this work is selective and does not investigate all actors and sub-actors involved in the intra-Palestinian and Israeli-Palestinian conflicts. Instead, it narrowly addresses some of the thinking patterns and actions of Palestinians (as a community) as contrasted with Hamas, which has been adamant to promote itself as the legitimate representatives of the Palestinian people.

The basic principle behind CST rests on the notion that 'people are constantly hunting for ways to better their condition [...] the longer the hunt goes on, the more alternatives are discovered.'<sup>6</sup> This simple formula provides a solid basis for understanding political life though leaves many important questions open. For instance, if people are constantly hunting to better their conditions, is such a hunt implicit or explicit? Is there a socio-political recognition of what better conditions resemble, is such recognition an outgrowth of political leadership or hegemony? Additionally, is the proliferation of alternatives a positive, negative or neutral phenomenon?

For the purpose of this work, CST is taken to distinguish between Palestinian civilians (civil society) and leadership based interests and the capacity leaders have to achieve such interests.

Returning to CST and the betterment of Palestine's political conditions, it is important to limit the investigative timeframe and not allow such theoretical work to be applicable throughout history and into some unknowable future. Hence, for the purpose of this work, the evolution of Palestinian interests and the forms of governance meant to address such interests began in earnest following Israel's sweeping military victory against the combined Arab forces of Egypt, Jordan, Syria, Lebanon, Iraq and Algeria (in addition to a variety of militias including the new-found PLO) in 1967.<sup>7</sup> Hence, an evolution can be seen beginning in June 1967 and carrying on until the present. In practical terms this evolution has implied that:

1. following the 1967 war, Palestinian options were those of a 'defeated' or conquered people and hence could only look to Israel to better their conditions. The Arab states were – one by one – de-escalating and disengaging from the Arab-Israeli conflict.

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6. Andrew Bard Schmookler (1984), *The Parable of the Tribes: The Problem of Power in Social Evolution*, Los Angeles: University of California Press, p. 6.

7. For details of the Six Day War and analysis of its consequences see: Jeremy Bowan (2005), *Six Days: How the 1967 War Shaped the Middle East*, Thomas Dunn Books, Ltd. London: UK. See also Leslie Stien (2009), *The Making of Modern Israel: 1948-1967*, Polity Press, Cambridge: UK.



2. following the 1982 Israeli invasion of Lebanon, ostensibly to ‘weed-out’ the PLO which was then using Southern Lebanon as a guerrilla launch-pad, Palestinians in the Occupied Territories (Gaza and the West bank) gained another option; Yasser Arafat and the PLO.

3. following the outbreak of the first intifada in 1987, combined with the delegitimisation of the PLO and the rise of Hamas as an alternative source of power, Palestine gained yet another source of potential political betterment, Hamas.

While it is clear that there were a variety of other sources of Palestinian orientation, the most concrete are found in Israel, the PLO and Hamas and Palestinian civilians had to choose, consciously or unconsciously, which organisation would be best placed to fulfil their community-based interests. Despite popular depictions to the contrary, a majority of West Bank and Gaza Strip Palestinians accepted that Israel was best suited to enhance their political and economic lives following the 1967 conflict.<sup>8</sup> This was mainly due to the lack of available alternatives since many of the more polarising Palestinian figures were either in exile – and engaged in a frivolous guerrilla war against Israel (and, to a lesser extent, Jordan) – or embroiled in their own intrigues related to their relationship to host governments (re: Syria and Lebanon).

Over time, and successive military defeats such as the 1970 Black September conflict, the 1976 Lebanese Phalange-Syrian strangulation of Tel al-Zaatar, the 1970-1982 guerrilla war of attrition against Israel, which culminated in the 1982 Israeli invasion of Lebanon and the exile from exile of the PLO (to Tunisia), together with a full range of charges of corruption, Palestinians in Gaza and the West Bank were left on their own to forge ahead both politically and economically.

In 1984, Hamas emerged, with the financial support of Israel, to exclude of the PLO from Gaza and West Bank politics. International events however, conspired to produce the opposite and Yasser Arafat successfully took over the unfolding *intifada* – which itself was based on ‘internal combustion’ and meant to force the Israelis to extend full citizenship to Palestinians or else allow them to gain independence – and recast himself as Palestinian President and the PLO as the ‘sole and legitimate representatives of the Palestinian people.’ Arafat’s 1988 recognition of Israel and his explicit acceptance of key UN resolutions (notably Resolutions: 181, 242 and 338) which call for a ‘two-state solution,’ paving the way for the 1991 Madrid Peace Conference –

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8. Despite Israel’s new-found ‘settlement policy’ which was, in essence, designed to confiscate Palestinian land and colonise conquered territories, many Palestinians were satisfied with the level of education, healthcare services and the financial incentives derived from construction (ironically of Israeli settlements) and services work in pre-1967 Israel. For specific information regarding the evolution of Palestinian Health Care following the 1967 war see: Neve Gordon (1997), ‘Palestinian Health Care: Neglect and Crisis,’ *Palestine-Israel Journal of Politics, Economics and Culture*, 4:2.



though Palestine was represented under the Jordanian delegation – and ultimately the Oslo Agreement (1993).

At the time, the PLO/Fatah was seen by the clear majority of Palestinians as their legitimate leaders. However, on the fringe, Hamas had evolved into a more militant organisation mostly concerned with incremental gains against the PLO/Fatah in order to infuse Political Islam into the fabric of a burgeoning Palestinian state. This first wave of intra-Palestinian tensions resulted in mass arrests and abuse of Hamas members at the hands of the PLO/Fatah.

The Oslo Agreement was still-born and the daily lives of Palestinians did not drastically improve. Instead, the level of corruption, nepotism and cronyism in Palestine actually brought down Palestinians standard of living. At the same time, sporadic violence continued between Israel and the PLO/Fatah with the former deploying extreme measures and the latter unable to adequately resist. Alternatively, Hamas – through radicalisation – had begun to deploy suicide-bombers against Israeli citizens to commence their own war of attrition against perceived Israeli aggression. Israel's attention began to shift from the PLO/Fatah which was seen as fractured and weak, and began to wage a more explicit war against Hamas. This was precisely what Hamas wanted since battling Israel and making it suffer raised its credentials among many Palestinians who were looking for economic and political reprieve.

The situation came to a head with the commencement of the second *intifada* in 2000. With Israeli forces blockading Arafat in his Ramallah compound and open warfare spilling onto nearly every street in Palestine, the PLO/Fatah were completely discredited by the Palestinian people, after all the basic purpose of a government is to provide safety and security, of which the PLO/Fatah could achieve neither. Over the course of five years, Hamas went from being a fringe military-political group to the most potent symbol of Palestine. This was followed by the 2006 Palestinian Legislative Council elections which saw Hamas gain a clear majority of seats, inspiring the group to reach for full stewardship of Gaza, its greatest base of support, the following year.

However, despite Hamas' political rise, there has not been a tremendous shift in its political socialisation, only its on-political behaviour. Instead, with each passing day it is empowered by a variety of actors ranging from Palestinians, Israelis, Iranians, Europeans and the international community at large through their recognition of Hamas, their direct sponsoring of the movement as the political controllers of Gaza and a key in ultimately solving the Palestinian-Israeli conflict. Instead of accepting a new role, Hamas has kept up its resistance, inspired many Israeli reprisals – particularly for missile attacks from Gaza into Israeli cities – which have claimed many hun-

dreds of Palestinian lives.<sup>9</sup> At the same time, Hamas has embroiled itself in a variety of criminal activities which benefit it directly, but do not help alleviate Palestinian hardships. Indeed, it is clear that Hamas has abused its position for group-based gains at the expense of Palestinian civilians and Palestinian national independence.

Schmookler remarked that 'power is like a contaminant, a disease, which once introduced will gradually yet inexorably become universal in the system of competing societies.'<sup>10</sup> In Gaza, the power that Hamas currently wields has become a drug-like substance and it is unwilling to let it go. This implies that Palestinian *common sense* demands a change. However, with such power at the disposal of Hamas and its international recognition it seems that there will be many more tragedies before such *common sense* can be manifest in governments which reflect the interests of Palestine instead of their own political and economic interests.

### **Assessing Hamas: Between Politics and Crime**

Now that a clear theoretical basis has been developed, it is necessary to revisit the hypotheses identified above to gauge the transformation of Hamas from a legitimate political resistance movement into an organised criminal group. This is done by restating each hypothesis, together with particular, related questions, and then applying information gathered through the semi-structured interviews.

### **Legitimacy and Crime**

**Hypotheses 1:** There is a positive relationship between legitimacy and criminality in Hamas, the greater its legitimacy the more robust its criminal activities.

Many scholars and decision-makers attempted to cast Hamas as a criminal enterprise following its suicide-bombing campaign against Israeli civilians from the mid-1990s until the present. However, such characterisations were only rhetorical delegitimising techniques since political-military resistance – even if targeting civilians – falls under more murky areas of international legal discourses and do not, automatically, qualify as criminal acts. Indeed, the popular adjective 'terrorist' to describe Hamas has in many ways detracted from it being enframed as criminal. However, as Hamas increased its political leverage within Gaza, the West Bank and the international community at large, its behaviour has shifted away from national

9. For a critical analysis of the failures of Hamas to politically capitalise on its 2007 election see: Ata Qaymari (2006), 'Hamas between Hope and Disillusionment,' *Palestine-Israel Journal of Politics, Economics and Culture*, 13:3 and Khalil Shikaki (2006), 'Dissatisfied with Hamas, but Would Not Vote for Fatah,' *Palestine-Israel Journal of Politics, Economics and Culture*, 13:3.

10. Schmookler (1984), p. 22.

self-determination related goals and has moved much closer to criminality. This has been especially clear since its 2007 blitzkrieg against the PLO/Fatah in Gaza and the construction of a pseudo-independent statelet on the territory.

Hamas is not the first resistance movement to get lost while assuming the responsibilities of governance; many such organisations are unable to adequately transform from a guerrilla/terrorist group into a proper political party. However, with the international community deeply polarised over the seemingly intractable Israeli-Palestinian conflict, the region in an incessant game of buck-passing, and less tolerant more Islamist-inclined groups reaching the helm of political brokerage, it is striking that Hamas has not reaped political capital in its forceful acquisition of Gaza, but rather has actually transformed into a criminal group; not in name, but in practise. Such a transformation is supported by evidence gleaned in the semi-structured interviews conducted for this work as well as correlations determined in relevant literature.<sup>11</sup>

To demonstrate the validity of the claim that as Hamas' legitimacy rises so does its level of criminality, interviewees were asked questions related to sources of Hamas' legitimacy, Palestinian levels of tolerance of their rulers criminality and corruption and instances of criminality itself, particularly the maintenance and expansion of Gaza's 'tunnel economy' and the proliferation of criminal activities inherent to such parallel and underground economic structures.

**Question:** *Many suggest that criminality in the Gaza Strip has significantly risen since Hamas assumed full control over the territory. To what extent is this accurate?*<sup>12</sup>

Predictably, there was no agreement on the answer to this question; even between H1 and H2. For instance, H2 insisted that 'crime has gone down since we [Hamas] started policing Gaza' while H1 acknowledged 'it is normal for a new government to face problems especially when taking over from a corrupt governor.'<sup>13</sup> So, while H2 believes that Hamas has positively impacted the daily lives of Gazans through the reduction of crime, H1 inadvertently verifies the hypothesis though assigns blame to the PLO/Fatah (re: Mohammed Dahlan) rather than the rise of Hamas. This is echoed by X who claimed that 'there is no difference in crime now [as opposed to when the PLO/Fatah was responsible for Gaza]. Hamas has only exposed a problem that was here before.' This line of argumentation implies that the PLO/Fatah simply hid or fal-

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11. Concerning the semi-structured interviews, questions were slightly altered to acquire the most reliable information from each interviewee. H1, H2 and X were asked more elusive questions and the information gained from such questioning is largely interpretive. Alternatively, IA and PAC were asked more explicit questions as their scholarly positions allowed for a more open dialogue.

12. This question was phrased differently for IA and PAC: Has crime risen with Hamas' take-over of the Gaza Strip in 2007?

13. While there was no post 'governor' for Gaza, the term is often used sarcastically to denote Mohammad Dahlan, the former PLO strong-man in Gaza.

sified information regarding the level of criminality in the Gaza Strip and that Hamas inherited a crime-ridden territory, indicating a negative relationship between Gaza's crime levels and Hamas' assumption of power.

Contrarily, both IA and PAC verify that Hamas' assumption of power increased levels of criminality in Gaza, though for very different reasons. PAC believes that

Hamas kicked open the door to a criminal den [...] instead of waging a campaign against it [crime] Hamas used its overwhelming paramilitary power to gain Godfather status [...] The rise of criminality in Gaza reflects both the entrenchment of Hamas as a powerbroker in the territory [*sic*] and the resistance from other groups, religious, political, paramilitary and criminal, to such new arrangements.

IA, on the other hand, looks at criminality in Gaza as distinct from the rise of Hamas per se but rather a symptom of previous 'PLO cronyism, nepotism, corruption and raw abuse of civilians' and the sudden (forced) departure of the PLO/Fatah from the territory. Indeed, IA suggested 'there was, and is, a rise in crime in Gaza but it is hardly Hamas' fault. No, Arafat and his men are responsible for what follows in Gaza after 2007.'

Only H2 believes that Hamas has reduced criminality in Gaza (re: post-2007). The other interviewees acknowledge that crime is either on the same level or has risen together with Hamas' assumption of power over the territory. With the majority of interviewees suggesting that Hamas' rise corresponds to criminality, it was necessary to question how the legitimacy of Hamas was perceived by Palestinians. Such a subsequent line of questioning is key since – and recalling *common sense theory* – it would be absurd to extend political legitimacy to an organisation seen as incubating or participating in organised crime. However, Palestinian politics are often absurd.

**Question:** *Is Hamas the legitimate ruler of the Gaza Strip?*

Expectedly, H1 and H2 recited Hamas policy and both expressed that Hamas' legitimacy extended beyond Gaza, into the West Bank and Jordan and the Palestinian camps in Lebanon and Syria. Also, H1 remarked that 'Gaza is only the first step to building a Palestine. We [Hamas] will get elected, we will follow the rules set out by the PLC and get democratically elected to rule Palestine. That will be our contribution to national reconciliation.'

X also regards Hamas as legitimate, though interprets Hamas' legitimacy more cynically; as an extension of near-hegemonic power over Gaza and the daily lives of Gazans: 'Hamas defeated Fatah, Fatah looked [*sic*] protection from the enemy, Israel. In the eyes of all Palestinians this is legitimacy. Now Hamas gets to make law and enforce its will. It won.'

IA and PAC agreed with H1, H2 and X and considered Hamas as having increased their legitimacy based on their rout of the PLO/Fatah. Additionally, IA suggested that if an election were held 'where each Palestinian around the world could vote, Hamas would sweep to power.' Similar to H1, IA envisions that Hamas will eventually come to fully represent Palestine in Palestine and around the world.

It is noteworthy that none of the interviewees considered other sources of legitimacy besides Hamas' displacement of the PLO/Fatah in Gaza. Therefore, despite the recognition that Hamas encouraged, tolerated or ignored Gaza's criminality it was still regarded as legitimate. This begged an auxiliary question as to the level of Gazans' tolerance towards criminality at large.

**Question:** *How tolerant are Gazans of criminality in general?*

In response, H1 said that 'there are more important things to worry about than crime; we are in a struggle for our survival [...] people don't care about anything else except their freedom and until we [Palestine] are liberated everything else is of little consequence.' H2, on the other hand, reiterated that crime has gone down with Hamas' assumption of power and noted that 'people were angry at the deceit and corruption of Dahlan [clan, *sic*] and they elected us [Hamas] as protest to such crimes and to make things better, which happened immediately.' Therefore, while H1 dismisses crime and criminality as an important theme in Palestinian/Gazan politics, H2 recognises its importance, though stresses its decline following 2007. X is similarly predisposed as H1, suggesting that things were the same under the PLO/Fatah and 'people do not ask too many questions as long as crime does not affect them.' Such sentiments are also found in the responses of IA and PAC, both of whom regard Hamas' (among others) criminal behaviour as a form of 'order' quite distinct from the political ambitions of Palestinians/Gazans. In other words, Palestinians/Gazans are very tolerant of crime in general owing to perceived higher priorities related to national liberation.

## **Criminal Acts?**

**Hypotheses 2:** Hamas engages in organised criminal activities including: (serial) homicide, gendercide, unlawful imprisonment, human and arms trafficking and theft.

Following the initial set of questions, interviewing techniques were altered to allow for greater dialogue between interviewer and interviewee over specific charges of Hamas' rising criminality. Whereas the technique deployed to verify Hypothesis 1 revolved around more general themes, those posed to verify Hypothesis 2 were deliberately more nuanced and, simultaneously, more specific. In other words, questions were asked through the citation of credible sources which indicate specific crimes connected with Hamas' assumption of power in the Gaza Strip.

**Question:** *Human rights organisations claim that there has been a steady rise in the homicide rate in Gaza since Hamas came to power. How accurate are these suggestions?*

Shrewdly, H1 answered this question by citing the soaring murder rates in the UK and US. H1 refused to expand or answer the question in any meaningful manner. Such silence is indicative and should be taken as H1's recognition of the validity of the claim that there is an identifiable upwards trend in homicides in Gaza under Hamas' political stewardship. Alternatively, H2 was more candid and suggested that Hamas 'was in the process of building a strong legal system' though admits that a spike in homicides was visible. This begged a secondary question: is Hamas involved in such homicides? H2 responded by categorically denying Hamas' involvement 'in any murder.' However, H2 did concede that Hamas 'eliminates criminals [...] collaborators and traitors.' So, while H2 distances Hamas from homicide as such, there is recognition that Hamas practises extra-judicial killings on those suspected of collaboration with Israel. Since accurate homicide levels are very difficult to obtain for the Gaza Strip (since 2007), there is no way to indicate those deaths caused directly by Hamas and those perpetrated under other circumstances. However, the acknowledgement of extra-judicial killings is significant in verifying Hypothesis 2.

Such verification was also articulated by X who claimed to have witnessed a Hamas execution of a collaborator. X said that a balaclava clad militiaman provided evidence of collaboration to a 'local leader who then sentenced [the accused to] death. The guy was shot right there.' X was certain that the accused had committed treachery. Additionally, as X observed: 'This is war. There are no judges and lawyers to haggle over sentencing. Hamas is bringing order and unity to Palestine to fight with [*sic*] Israel [...] maybe it uses violence against collaboration [with the Israelis].' However, X also suggested that 'at other times, some members [of Hamas] use such methods for revenge against someone or a family disloyal [to the cause], or other reasons.' This is an important pronouncement since it recognises the validity of the claim that Hamas is engaged in homicidal acts though excuses them as part of the war effort against Israel. It is unclear whether accusations of collaboration are adequately investigated prior to passing sentence, particularly the death sentence, though it is highly unlikely owing to the limited resources of Hamas commanders in the Gaza Strip. The ideas of revenge killings and 'other reasons,' begs more questions, however, X does not provide any additional information on this topic.<sup>14</sup>

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14. X's proclamation that 'there are no judges and lawyers,' requires clarification since Hamas has relied on the 'Permanent Military Court in Gaza' to provide legal bearings for the executions it conducts. Such a loose judicial system has been accused of more than executing criminals but also political prisoners. For additionally information on both extra-judicial and Military Court-sanctioned killings in Gaza see: Position Paper: 'Death Penalty under the Palestinian National Authority,' *The Palestinian Centre for Human Rights*, 2010. This Position Paper is available at: <<http://pchrghaza.org/files/2010/death-penalty%20-2010.pdf>> (accessed 24 October 2011).

Whereas IA only offered anecdotal information gleaned from the Israel Defence Forces (IDF), PAC divulged an assortment of homicidal activities linked to Hamas. For instance, PAC claimed that 'murder is an everyday occurrence; people are genuinely terrified for their lives [...] with Hamas in near-total control of Gaza, how can such killings be committed without [Hamas'] consent? If it cannot control the streets why does Palestine need Hamas?' This perspective holds that Hamas, since seizing control of Gaza has constructed its own state-like control mechanisms and therefore is responsible for maintaining law and order. Since Hamas rules Gaza (ostensibly) with an iron fist, it is impossible for murders to occur without the specific and explicit consent of Hamas. While this must be considered as exaggerated since no state or statelet could boast "total control" over a population and it would be absurd to blame Hamas for every murder that occurs in Gaza. However, according to PAC the majority of murder victims are 'members of Palestine's civil society, former members of the PLO and members of the press.' If accurate, this would imply that the growing murder rate in Gaza is targeted and based on a deliberate strategy of eliminating Hamas' past, present and potential opponents.

The sentiments PAC are also reflected in the (dated) information from the Palestinian Independent Commission for Citizens' Rights (PICCR) which noted that '300 Palestinians were killed [...] by other Palestinians in 2006 [...] a 50% increase over 2005.'<sup>15</sup> While Up-to-date information is suspiciously inaccessible. However, such trends are demonstrated until mid-2007, just after Hamas consolidated its position in Gaza and pressured the Al Mezan Centre for Human Rights into closing many of its offices. However, until mid-2007 the statistics held that: '2 Palestinians were killed in internecine violence in 2002; 18 were killed in 2003; 57 were killed and 16 kidnapped in 2004; 101 were killed and 39 kidnapped in 2005; 260 were killed and 123 kidnapped in 2006; and 422 were killed and 296 kidnapped in just the first half of 2007.5.'<sup>16</sup> From information gathered during this research, such violence has not abated but rather escalated.

**Question:** *Both the PICCR and human rights organisations have noted a rise in gender-based crimes ranging from honour killings to forced marriage since 2007. To what extent are such charges accurate?*

Since issues concerning family and women are, for Hamas, rooted in rigidly interpreted Islamic Sharia law, there is little room to navigate with the interviewees so as to provoke more in-depth answers. However, many of the interviewees' state-

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15. Palestine Independent Commission for Citizen's Rights (PICCR), 04 December 2006. The PICCR has since changed its name to the Independent Commission for Human Rights (ICHR). The noted document is currently available at: <<http://www.ichr.ps/etemplate.php?id=44>> (accessed 24 October 2011).

16. Michael Eisenstadt, 'The Palestinians: Between State Failure and Civil War,' *The Washington Institute for Near East Policy*, Policy Focus 78, 2007. p. 6.



ments clearly reveal the wanton acceptance of actions, which may be considered as gendercide, by Hamas. For instance H1 and X both declined altogether from discussing honour killings or the role of women in Palestinian/Gazan society. Whereas H1 'didn't feel comfortable discussing the private lives of husbands and wives, sisters and brothers,' X saw such activities as 'part of our heritage' though believes that the practise 'should be outlawed.' H2 accepted that such honour killings were occurring more frequently now that Hamas was at the political helm of Gaza, though adamantly denied that Hamas bears any responsibility 'for such behaviour.' Both IA and PAC essentially agree in that neither believes that honour killings are encouraged, undertaken or even accepted by Hamas as an organisation. However, IA suggests that when 'Hamas came to power, on a religion-based platform; they encouraged more conservative elements to practise honour killings without the same fears of legal retribution as when Israel controlled the territory.' In other words, the type of government Hamas has advocated in Gaza – with more than 99% of the population as self-identified Sunni Muslims – encouraged more extreme religious practises. Such sentiments are echoed in PAC who claims 'honour killings and other strict enforcements of women's modesty have been tolerated by Hamas.'

Women's rights have typically been excluded from intra-Palestinian discourses as well as the larger Palestinian-Israeli conflict. This is largely due to both social and institutional prejudices faced by women in the more traditional cultural mosaic of Palestine. Despite such exclusion however, women's rights have come to reflect the progress (or in their absence, regress) of a society and activities deliberately directed against women must be seen for what they are, criminal. Although Hamas' has not explicitly endorsed honour killings and Article 12 of its Charter tells women to 'go out and fight the enemy even without her husband's permission,' Article 17 highlights the duties of Muslim women in their role of 'manufacturing men' and encourages women not to participate in civil society. This doctrine encourages more traditional perspectives of society and may have inadvertently led to a rise in honour killings as males attempt to fulfil the dictates of Hamas. Indeed, a 2009 report on violence in Gaza noted that 'the Hamas government is trying to impose a certain ideology, which includes forcing women to wear the hijab [...] this has eroded the standing of Gazan women.'<sup>17</sup> The report goes on to suggest that such an atmosphere led to a 'sharp increase in so-called honour killings.'<sup>18</sup>

**Question:** *Many security experts have linked Hamas to the proliferation of the 'tunnel economy' which is responsible for an upsurge in human, goods and arms traffick-*

17. 'Report: 77% of Gazan Women Face Violence,' *Stop Honour Killing*, 29 December 2009. This report is available at: <<http://www.stophonourkillings.com/?q=node/4169>> (accessed 17 October 2011).

18. *Ibid.*

*ing. To what extent is Hamas responsible for the maintenance of the 'tunnel economy'? What regulations, if any, exist to govern such tunnels?*

Following the 2007 election of Hamas, Israel unilaterally imposed a land and sea blockade on Gaza as a punitive measure. This was reciprocated by Egypt (under Mubarak) until 28 May 2011. In 2008, a sophisticated tunnel network linking Gaza to Egypt's Sinai Peninsula and Israel's Negev Desert, was disclosed though the specific whereabouts of individual tunnels have only been exposed piecemeal. Both H1 and H2 were proud of the existence of such tunnel networks though both denied they were constructed under the guidance of Hamas. However, neither denied that such tunnels and the so-called 'tunnel economy' have been incorporated into Hamas' economic and military strategies. For instance, H1 declared 'these tunnels are our life-line to the outside world. We cannot trade overland, our seaport is controlled by the Occupiers [...] we also need to eat, we also need means to defend ourselves and our land.' H2 suggested that individual entrepreneurs and supporters of the cause 'construct the tunnels and offer Hamas full access to them for feeding Gaza and making it secure' adding that 'Hamas is forced to develop an underground economy because the Israelis are suffocating Palestine. We [Hamas] do not smuggle anything into Gaza except food, medical supplies and weapons for self-defence.' When asked about the international 'flotillas' and 'if Hamas needs the aid people are trying to bring in?' H2 bluntly suggested: 'No. We do not need the aid. We can take care of ourselves. But the flotillas are more than aid; they [expose] the occupier's crimes and tell the world how we suffer.'

X was surprisingly open about the tunnel economy and suggested that 'tunnels need prior approval before their construction. Hamas does not allow a private person build a tunnel and therefore lose a degree of control over Gaza's economy. Instead Hamas issues permits to would-be tunnel builders, permits which are priced at tens of thousands [of USD].' Additionally, tunnels cost more than one hundred thousand [USD] to build but can earn up to fifteen thousand [USD] a day. This profit is taxed by Hamas [...] Hamas also uses the tunnels at its discretion.' Such information, while certainly interesting and somewhat revealing, begs the additional question of why, now that Gaza is no longer besieged by Egypt, the tunnel economy still exists? X summarises the situation well: 'Hamas does not want anyone to see what goes in and what comes out of Gaza.'

IA was sympathetic to Gazans when articulating that: 'It's logical for people to find alternative ways to survive once their economy is foreclosed. The tunnels offer business opportunities that would not, otherwise exist [...] there are some unanswered questions however. Why do such tunnels keep open now that Rafah is open? Who is on the other side [in Egypt, or Israel] to send and receive goods to and from

Gaza? [...]’ However, IA was critical of Hamas’ growing image in the West: ‘through such tunnels Hamas gives the impression of underground resistance [...] it lost its resistance credentials a long time ago and is now mainly focused on preserving its economic power over Gaza [...] no one seems to notice this and only listens to them instead of watching them.’

PAC was concerned about the more clandestine activities related to the tunnels particularly weapons and people smuggling. PAC recounted that ‘hundreds of Eritreans, Sudan [*sic*] have tried to get to Israel as economic refugees, they are kidnapped along the way by Bedouin which then sell those left alive to Hamas which itself sells them to Israel [aid agencies]. They are smuggled through the tunnels.’ When asked about weapons smuggling, PAC was certain that many of ‘the guns [large and small] from Kaddafi have found their way into Gaza. Not through Rafah, but under it.’

### The Role of External Actors

**Hypotheses 3:** Hamas’ transformation into a criminal organisation was facilitated by rash international recognition, legitimisation and material support of its resistance activities.

To verify Hypothesis 3, interviewing techniques were again altered, this time to allow for deeper reflection of interviewees. Since this section looks at potential linkages between the international community and Hamas, the line of questioning reflects interviewee opinions of the depth of the international ‘engines’ behind Hamas’ transformation, if any exist.

**Question:** *Which international actors have recognised Hamas?*

This question was designed to inspire discussion about how Palestinians, including Hamas, views the outside world and their recognition of Hamas as a movement, as government of Gaza and to determine which actors are prioritised for Hamas.

H1 suggested that ‘all countries recognise Hamas, even America and Israel.’ When asked about the most important partners, H1 suggested ‘Russia and China help us [Hamas] in the security council.’ The obvious omissions of Iran, Syria and Saudi Arabia, prompted an additional question: ‘Which regional actors support Hamas?’ To this, H1 said that ‘Syria is home to our political leadership [...] but there is pressure on the President [Bashar al Assad] and we may have to look for another base, maybe Egypt since it is closer to Gaza.’

Responding to the same question, H2 asked ‘what is recognition, you mean who recognises that we exist? Or who recognises us as the true, legal representatives of Palestine? These are different questions.’ The question was thus refined: ‘Which international actors recognise Hamas as the legitimate rulers of Gaza?’ H2 replies by suggesting ‘it is not important who recognises Hamas from the outside, only whether

Palestinians recognise us, and as the PLC elections showed, we are very popular.' X interpreted the question with more of a diplomatic perspective and said that ' Hamas has been welcomed in many countries in Europe, Russia and through the whole Middle East.' Although X does not further specify, there is the recognition that eventually 'everyone will have to deal with Hamas to bring peace first in Palestine and also with Israel.'

On the other hand, IA turned the question around and remarked that 'most countries still view Hamas as a terrorist group which came to power both through elections and by force. It is not highly regarded by the international community, many in Europe are afraid of Hamas and as long as they conduct violent actions against Israelis will remain outside of international diplomacy.' However, IA also linked Hamas to Hezbollah, Syria and Iran by suggesting that 'Hamas is not independent, it represents the interests of others in Palestine. It is supplied by Iran, is covered [political] by Syria and trained by Hezbollah.' Such sentiments were echoed by PAC who decried the role that Iran plays in the policy-making of Hamas. PAC noted that 'Tehran is interested in preventing Palestine-Israel [*sic*] peace and uses Hamas to make sure no national reconciliation takes place and that no real peace occurs.' PAC is convinced that Iran 'wants to consolidate its influence among resistance movements in the Middle East.'

**Question:** *Which international actors financially support Hamas?*

This question, apparently sensitive, was dismissed by both H1 and H2 with the former saying that 'this is a question for our political leadership' and the latter noting that 'to understand the international financing of the movement [...] there are too many areas to look at [...] I can't give you any information.' X was again more forthcoming in suggesting that a 'big part of Hamas' money comes from Palestinians, those in the camps and those living in the West.' X also noted that 'Iran helps in the struggle and Turkey pays for some infrastructure works in Gaza.' When asked about the EU, which contributes the bulk of Palestine's working budget, X replied: 'I don't know.'

The two scholarly interviewees, on the other hand, were aware of more specific sources of financial support. IA began by stressing that Israel 'paid the most to Gaza. It transfers millions of dollars [USD] to Hamas in taxes. Also, Israeli companies are important sources of income and provide basic services, usually with a high subsidy.' When asked to provide some concrete examples, IA noted that 'Bezek [the Israeli telephone company] employs hundreds of Gazans and provides telephone and internet connections to the people in the Strip.' IA was unable to provide other examples though suggested that there were many.' Also, IA was aware of the EU's contribution to Palestine, though thought that 'European money mostly goes to the PLO and does not find its way to Gaza.' Similarly, PAC mentioned that 'the European Union has been very helpful in sending aid and even money to Gaza. It mostly ends up in the

hands of Hamas, but they do spread it around to gain more popularity.' Additionally, PAC considers European and other money as counterproductive noting that 'Palestine is an international dependent, it cannot stand on its own two feet. Aid makes Palestine weak[er] in the long term.'

**Question:** *Is the recent Palestinian attempt to join the General Assembly a positive step?*

Since May 2011 it was clear that Palestinian President Mahmoud Abbas would seek UN recognition in a bid to achieve independence. In the September 2011 General Assembly meeting Abbas formally submitted Palestine's application. While this has, in some ways polarised Palestine and the international community at large, it nonetheless sparked a fresh debate about final Israeli-Palestinian peace. Since the initial submission, some have recognised and independent Palestine – notably Cyprus and Iceland – while others are waiting for the results of the UN application, though it is growing increasingly clear that the US will veto Palestine's membership. This process is impacting the policies of Hamas in Gaza.

When asked the above question, H1 differentiated between a personal opinion and official Hamas policy: 'For me the struggle can also be won diplomatically. If the world recognises Palestine it is good. We can start to live normal lives [...] Hamas is very suspicious. The goal of the movement is to gain full independence over all of Palestine, not the little enclaves we have now. Also, Abbas needs to gain Hamas' approval or we will keep Gaza and they the West Bank and then we have two Palestines.' H2 was also personally encouraged by the potential recognition of the UN: 'It is important to get the world to recognise us, this way we can move forward.' However, H2 thought that Abbas' actions were meant to delegitimise Hamas noting that: 'The PLO/Fatah wants to take back Gaza, they do not want real national unity. The UN move was meant to pressure us to abandon our true objectives of full liberation of Palestine.'

In contrast, X was fully supportive of the UN bid and remarked that 'it was almost the happiest day of my life. To see the Palestinian flag waving in the UN and to hear our President speaking to such an important audience was very emotional.' PAC was equally moved by Abbas' speech and the amount of international solidarity it produced. However, PAC was sceptical that UN recognition would change anything on the ground; it may make things worse since the stakes would be higher: 'Will Hamas lay down its arms and sit at the negotiating table [with Israel] if Palestine is a member of the UN? Probably not. Instead Hamas and other armed groups will try harder to take full power knowing that they will become the official international representatives of Palestine everywhere.'

Reflecting wide-spread Israeli opinion, IA was certain that such a step, together with a unilateral declaration of independence will actually produce a worse situation since it may 'empower Hamas and other armed groups to take the violence a step further [...] it rewards violence.'

## **Conclusion: Solving the Hamas Impasse**

The above presentation of interviewee responses reveals some important insights, namely:

1. Criminality has risen since the rise of Hamas to power in Gaza;
2. Hamas is largely regarded as legitimate by Palestinians;
3. Gazans are tolerant of criminality;
4. Hamas tolerates and may partake in homicides;
5. Hamas partakes in extra-judicial killings of 'collaborators';
6. Hamas is not responsible for honour killings though the rise of Hamas parallels a spike in such killings;
7. Hamas is content on maintaining the tunnel economy despite international aid and the opening of the Rafah Crossing to Egypt;
8. Hamas is complicit in people and weapons smuggling;
9. Hamas does not support Palestinian UN membership in its current proposed form.

Taken together the above provides a hefty indictment list. However, Palestinian politics being as they are, these must be put into context: such charges and their associated actions undermine the welfare of Palestinians more than they threaten Israel, any other state or political entity. Indeed, the actions of Hamas have cast the movement as an anti-nationalist (anti-Palestine) organisation, which draws Israel to wage pitched wars with it to further strengthen its position in Gaza irrespective of Palestinian civilian casualties. Hence, Hamas has become a danger to Palestine.

For an organisation which claims to defend Palestine and Palestinians, Hamas' actions have acted as a major hurdle towards peace between Palestinians as well as sustainable peace with Israel. Certainly, responsibility is not Hamas' alone. The PLO/Fatah have been involved in unspeakable crimes against Palestinian interests while Israel has decided to ignore its own moral bearings and behave in an oppressive and arrogant manner. However, neither the PLO/Fatah nor Israel have so systematically relinquished so much political ground with nothing to show. The PLO/Fatah may not have been able to overcome their cronyism, to rule without relying on force or to

defend the rights of Palestinians, but it is Hamas which triggered two major engagements with Israel, Hamas which has been willing to sacrifice Palestinian lives and livelihoods for the dream of a world without Israel. However, Israel is not going to pick-up and move. It is now a fixture of the Middle East and responsible governance needs to recognise this simple fact and start working on a diplomatic solution to avoid more, unnecessary Palestinian, and Israeli civilian casualties.

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