

Forcing Choices: Testing the Transformation of Hamas

Regardless of what happens in future Palestinian parliamentary elections, Hamas has already won a historic victory. The organization, whose name is an acronym for “the Islamic Resistance Movement,” enjoyed tremendous success in municipal elections, and its readiness to participate on the national level constitutes nothing less than an earthquake in Palestinian politics, signaling the clear end of one-party rule. For a movement that has morphed from a militant organization into a political party in less than a generation, Hamas’s participation on the national level is evidence of the organization’s adaptability and durability within Palestinian society and politics.

Among the United States, Israel, and Europe, as well as Arab governments, speculation and uneasiness has surrounded Hamas’s newfound role. Skeptics argue that electoral politics do not make one democratic, and that Hamas’s electoral ambitions mask the group’s true intention of establishing an Islamic state in all of historic Palestine—a goal that includes Israel’s destruction.¹ These critics believe that, once Hamas has secured its position within the Palestinian Authority (PA) and institutions of the Palestine Liberation Organization (PLO), the movement will resume its campaign of terror and attempt to control the Palestinian national agenda by force.

Despite the inherent risks, proponents of expanding Hamas’s role in Palestinian national politics argue that political activity will ultimately moderate the movement. These advocates point to the fact that Hamas’s leaders have long called for transparent and accountable governing institutions and have demonstrated political pragmatism, suggesting that the group could accept less than its absolutist demands. Continuing to marginalize Hamas, which represents a significant portion of Palestinian society, will ensure that

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The Washington Quarterly • 28:4 pp. 37–54.

the movement will continue terrorist activities, thwarting any future political agreement with Israel and dashing any prospects for the creation of a vibrant Palestinian democracy. Although there is some danger in allowing an armed movement to reap the benefits of political participation, integrating Hamas into the electoral process is a necessary step for the long-term strategy of democratizing Palestinian politics and ultimately creating an independent Palestinian state.

As Hamas enters the political arena, interested observers must ensure it respects the rule of law and governing institutions of the PA. They need to define the conditions under which the promise of electoral participation would lead Hamas to renounce the use of violence in the long term. The organization's entry into politics must also entrench broader political participation rather than be a harbinger of Islamist authoritarian rule. To test Hamas's commitment, the PA should establish a series of benchmarks that ultimately strengthen the rule of law. Palestinian president Mahmoud Abbas needs to raise the political costs of resorting to terrorism to the point where Hamas would refrain from resorting to such tactics. Hamas is clearly at a crossroads: although it will not disarm or renounce the use of violence and resistance in the near term—the ultimate test of moderation and a strategic shift—it has shown a willingness to participate within the bounds of the political establishment. That trend should be encouraged and, as much as possible, guided.

Identifying Hamas's Goals

Hamas emerged in the Gaza Strip during the first days of the Palestinian uprising in December 1987 and quickly assumed a leading role in the violent struggle against Israel. Born of the Muslim Brotherhood, originally established in Egypt in 1928, and active in Palestine since the 1940s, the movement focused primarily on doing charitable works and providing social services such as education, which the group believed were necessary to transform Palestinian society into one based on Islamic law and principles. When the first intifada broke out at the end of 1987, the Muslim Brotherhood's need to compete with the PLO's nationalist groups in the struggle against Israel spurred the creation of Hamas. Its aim, based on a unique blend of Palestinian nationalism and Islam, was to liberate all of historic Palestine through jihad.

As a militant movement that uses violence and terror for political ends, Hamas has been branded a terrorist organization by the United States and Israel, as well as the European Union. It has killed hundreds of Israeli civilians through suicide bombings and other lethal attacks. Yet, Hamas's social

role and deep roots within Palestinian society cannot be denied. It has long played a dual role as champion of jihad against Israel and of the underprivileged and destitute; it has been both a powerful military group and an efficient social movement. Hamas has used its network of social institutions, including schools, medical clinics, and food distribution networks, to build a wide power base beyond its natural ideological constituency. The Islamic movement has become a vital source of support for hundreds of thousands of Palestinians and has filled the void left by a dearth of state-sponsored social services.

It is difficult to ascertain the precise number of social institutions operated by or affiliated with Hamas. One study conducted prior to the outbreak of the Al Aqsa Intifada in 2000 estimated that 65 percent of all education below secondary school in Gaza is Islamic and thus in some way controlled by Hamas.² Another study conducted during the late 1990s revealed that Islamic social institutions in the West Bank and Gaza provided support to more than 275,000 Palestinians.³ Given the deepening economic crisis since the outbreak of the second intifada in September 2000, it is likely that the number of Palestinians receiving support from Hamas-affiliated institutions has increased dramatically. No exact figures are available regarding Hamas's budget, but U.S. government estimates have put the figure at approximately \$50 million annually.⁴

For Hamas, providing social services and waging war against Israel are part of its holistic approach to the liberation of Palestine—politically and religiously—that has remained constant since the group's foundation. Despite the consistency of its objective, Hamas's leaders have declared their acceptance in the near term of a Palestinian state along the 1967 borders. Sheikh Ahmed Yassin, the Hamas founder and spiritual leader who was assassinated by an Israeli military air strike in March 2004, was perhaps the first to articulate this goal, claiming that “we want the complete removal of occupation from our lands occupied after 1967. ... [W]e want to set up our independent Palestinian state on our liberated soil with holy Jerusalem as its capital.”⁵ Hassan Youssef, the West Bank's most prominent Hamas leader, recently reiterated this position, stating that Hamas “accepts a Palestinian independent state within the 1967 borders with a long-term truce.”⁶ This policy, echoed by many Hamas officials, is commonly referred to as the interim solution.

The term “cease-fire” used by Youssef and others refers to the concept of *hudna*, or a long-term truce, which is different from the lull in fighting to

Marginalizing Hamas will ensure that the movement will continue terrorist activities.

which the Palestinian factions agreed in Cairo on March 17, 2005. The Cairo agreement set conditions for a temporary suspension of attacks known as *tahdiya*, which refers to a “period of calm” or “cooling off.” The two terms have been incorrectly used interchangeably by the media and Western commentators.

Hamas’s willingness to accept an interim solution as Yassin and others espoused, even if only as a stage in the liberation of historic Palestine, demonstrates a pragmatic and flexible approach to the conflict. Hamas’s vision of an interim solution closely mirrors the basic demands of Abbas and the PA leadership: the creation of an independent Palestinian state based on the 1967 borders, with Jerusalem as its capital, and a resolution of the refugee crisis. Whether some Palestinian leaders affiliated with the PA or Hamas would be willing to accept less than that formula is open for debate.

What emerges, however, is a convergence of interests between the two main Palestinian groups—the secular-nationalist PLO and the religious-nationalist Hamas—that Abbas has used in an effort to reach a national consensus. Many fear that a larger Hamas role in negotiations will lead to a hardened Palestinian negotiating position once final-status negotiations resume. This may be true, yet Hamas’s participation could also strengthen any deal that is eventually struck, giving it greater legitimacy through a wider consensus within Palestinian society.

The Risk of Legitimization

Hamas’s capability to use terror to thwart any progress on the diplomatic path between Israelis and Palestinians (and within the Palestinian political arena) certainly remains. Still, in an interview with the *New York Times* shortly after his election in January 2005, Abbas said of Hamas, “Of course they should be converted into a political party. ... [I]t is good for us. We are talking about national unity. ... [N]ow Hamas and Jihad [Palestine Islamic Jihad] are running for the elections, and what does it mean? It means that they will be converted in time to political parties.”⁷ Yet, Abbas’s assessment may be overly optimistic, as integrating an armed movement into mainstream politics comes with inherent risks.

Hamas has retained its arms and can still use them against the PA and Israel, ensuring that its position and demands must be heeded. There is a fear that, once Hamas has gained a solid foothold in the parliament and increased its influence within the political system, the organization will resort to the use of violence, manipulating the period of calm to rebuild its military capacity. These fears have been supported by reports from Israeli military intelligence and other security agencies claiming that Hamas has used the pe-

riod of calm to build a well-equipped army of several thousand fighters in Gaza, restock arms supplies, and plan future terrorist attacks.⁸ In his final briefing to the Knesset's Foreign Affairs and Defense Committee, outgoing Israeli chief of staff Moshe Yaalon reported that Hamas is building up an armed popular army against the PA.⁹ Historically, offers of a truce by Hamas have, in fact, emerged when the movement was weak or under pressure from the PA or Israel.¹⁰ One such suspension of attacks was announced in the immediate aftermath of the September 11 attacks, when the movement sought to maintain a low profile and avoid being targeted by the war on terrorism.

Participation in electoral politics alone will not guarantee that Hamas will moderate its position or eventually renounce terrorism. The movement's leaders themselves have consistently denied that political activity will mean the end of resistance. Youssef stated in the Palestinian daily *Al Ayyam* that "for Hamas political activity is part of the whole package. Thus the movement's political activities are not an indication of the cessation of its resistance enterprise, which is the cornerstone of Hamas."¹¹ For much of the past decade, Hamas's use of terror and violence, which increased the movement's popularity, was actually aimed as much at undermining the PA as opposing Israeli occupation.

Those who point to Hamas's acceptance of a *tahdiya* in Cairo in March 2005 as a strategic shift in policy fail to notice the conditional nature of the agreement. The factions agreed to extend a period of calm if Israel suspended all military incursions and assassinations of wanted militants as well as released all Palestinian prisoners in Israeli prisons. According to the Israeli human rights organization B'tselem, Israel is currently holding approximately 8,000 Palestinian prisoners and detainees.¹² Setting such a high bar may suggest that Hamas is not seriously committed to maintaining the calm for any longer than suits its own interests, using the time freely to campaign for future elections and restock its arsenals.

Yet, in acquiescing to a suspension of attacks, Hamas was in part reacting to public opinion and also paving the way for its participation in Palestinian political life. Leading up to the agreement in Cairo, Hamas's leadership clearly believed that it was in its interest to grant Abbas a period of calm. The head of Hamas's powerful political bureau and most senior figure of the external leadership, Khaled Masha'al, clarified Hamas's position, which reflects the realization that Hamas had broad public support for a temporary halt to attacks: "There is a cooling down process that

Hamas has been both a powerful military group and an efficient social movement.

can be called preliminary ... for the sake of the general national interests and in order to serve our peoples interests and strengthen the domestic Palestinian front."¹³ By skillfully adapting to new circumstances and opportunities, Hamas has proven to be a resilient organization whose leadership is adept at gauging the mood of Palestinian society and shifting its policies accordingly. Public sentiment also greatly influenced the movement's decision to participate in the first rounds of municipal elections in the West Bank and Gaza and its intention to participate in parliamentary elections.

Integration or Confrontation?

Historically, Hamas has played the role of a classic spoiler, attempting to undermine the PA and thwart the diplomatic process with Israel. Throughout the Oslo years, from 1993 to 2000, when attempts to reach a final agreement collapsed at Camp David, Hamas was excluded from Palestinian decisionmaking and governmental institutions. Its leadership was harassed and imprisoned by the PA, often at the behest of Israel and the United States. Violence erupted regularly between Hamas supporters and the PA, the most brutal incident occurring in November 1994 when PA police and Hamas supporters clashed outside the Palestine Mosque in Gaza City, killing 15 Hamas supporters and wounding more than 200. The marginalization of Hamas throughout this critical period of negotiations ensured that the movement would oppose Israeli-Palestinian negotiations and the new Palestinian order that was being created.

Despite the tension and periodic clashes with the PA, Hamas has remained committed to Palestinian unity and seeks to avoid any confrontation with Fatah, the largest and dominant party of the PLO and the PA—an ideal shared by Abbas. Nonetheless, the threat of escalation remains high as Fatah and Hamas compete for power and political positions. Any long-term delay of parliamentary elections without the agreement of Hamas could lead to an outbreak of violence between the two rival organizations as well as to a resumption of full-scale terrorist operations against Israel. As it is, Hamas has vowed to respond to every Israeli military offensive and has launched barrages of rockets from Gaza on numerous occasions since the Cairo agreement, allegedly in response to Israeli military operations.

ACCOMMODATION UNDER ABBAS

Abbas believes that giving Hamas supporters and sympathizers a connection to the political process will also give them a stake in the success of the governing structure, eventually moderating the movement. This strategy would

also force Hamas officials to concentrate on political survival rather than on violence and terror. The hallmark of Abbas's approach has been to broker a hudna with Islamists and militants, allowing him to pursue the pressing reforms that he seeks to enact, such as establishing the rule of law, reforming the security services, increasing governmental transparency, and liberalizing the economy, while also pursuing the basic goal of establishing an independent Palestinian state.

The logic of this approach rests on the fact that, once elected, politicians generally focus on staying in office. Advocates of political integration hold that Hamas officials will be more concerned with delivering services and governing than with planning and committing acts of terrorism. Hamas performed well in the first rounds of municipal elections in December 2004 and January and May 2005 precisely because it campaigned on the platform of good governance and integrity. By participating in elections as part of the political system defined by the PA and created under the Oslo framework, Hamas has conferred de facto legitimacy on the system. Although the organization remains critical of many aspects of Palestinian governance, it has wittingly or unwittingly resuscitated the decaying PA from an early death. Whether Hamas would destroy the system given the opportunity remains subject to speculation.

Abbas has correctly assumed that confrontation with Hamas would lead to bloodshed and civil war, ensuring that Palestinian politics and society remain dysfunctional and marred in violence. Even if it had been feasible to disarm Hamas through force at some point in the last decade, that time has long since passed. Any attempt by the PA's security forces to arrest Hamas militants or to confiscate their weapons would be met with violent opposition. Although the movement is committed to ensuring Palestinian unity, Hamas would defend itself against any offensive action by PA security forces, and a confrontation with Hamas would find little support among the Palestinian public. Although many Palestinians do not necessarily identify with Hamas's Islamist ideology, they are nonetheless sympathetic to the movement and its role within their society, particularly because Hamas is not perceived to be tainted by corruption. In contrast, a poll conducted by the Palestinian Center for Policy and Survey Research in June 2004 revealed that 87 percent of respondents in the West Bank and Gaza believed that corruption existed within the PA.¹⁴ The leaders of Fatah and the PA are seen as opportunists who have enriched themselves at the expense of the population.

Integrating an armed movement into mainstream politics comes with inherent risks.

The key challenge is convincing Hamas's leaders and followers to respect the rule of law.

Long before democratization became a dominant public theme of U.S. regional policy, Palestinians advocated democratization and the creation of a transparent government. To be successful, though, such a process must be inclusive and embrace all segments of Palestinian society, including Islam-

ists. By creating more space for democratic participation, Abbas's strategy seeks not only to regulate Palestinian politics but also to ensure that a divergence of views can be expressed through legitimate political channels rather than violence. Advocates of accommodation argue that a Palestinian government that includes Hamas will have a greater basis for legitimacy, something the PA has always lacked. According to some analysts, "There is, in short, the practical need to in-

clude the Islamists. Without their acquiescence, armed resistance will continue."¹⁵

ELECTIONS WITH RESISTANCE: THE HIZBALLAH MODEL

Nevertheless, assuming that Hamas will choose political activity at the exclusion of terrorist tactics in the short term oversimplifies the movement's choices and risks impatiently abandoning the strategy of integration prematurely. For Hamas, there is no contradiction between political activity and military activity; both, they claim, go hand in hand as dual parts of the resistance. In fact, Hamas believes that military action and resistance will strengthen the Palestinian political and negotiating position. As Masha'al has stated, "[N]egotiating without resistance leads to surrender but negotiating with resistance leads to real peace."¹⁶ This dual-track explanation is perhaps the best way to describe the movement's current path toward becoming an armed resistance group that participates in electoral politics. Even during a hudna, Hamas will not renounce the "right" of resistance. Whether or not Hamas employs this "right," resistance is an existential part of the movement's ideology.

As it negotiates its way into the political mainstream, Hamas is emulating its Shi'a cousin in Lebanon, Hizballah, which successfully fought Israel and remains sworn to its destruction. Since 1992, Hizballah has participated in Lebanese national elections, playing a significant role in the opposition and maintaining a lethal armed militia. Hizballah has since emerged as one of the strongest social, political, and military forces within Lebanese politics and holds one of the keys to stability in Lebanon. With a bloc of members in the parliament and now a minister, Hizballah has proven to be a pragmatic

and relatively predictable actor that occasionally uses calculated levels of violence. Hizballah has also negotiated with Israel on several occasions over the release of prisoners and cease-fires, albeit usually through a third party.

Having learned many lessons from Hizballah's military strategy against Israel, it is likely that Hamas seeks to take a page from Hizballah's political operations as well. Hizballah's two decades of parliamentary participation have earned it international legitimacy as well as significant power beyond its limited bloc in parliament. Similarly, Hamas seeks the recognition that electoral politics will provide in the domestic and international arenas. There are already signals of a shift in the European position as EU officials have met with elected Hamas representatives.¹⁷ During his visit to Israel and the Palestinian territories in June 2005, British foreign secretary Jack Straw admitted that British diplomats were in contact with elected Hamas officials.¹⁸ As Ismail Haniyah, a senior Hamas official in Gaza claimed, Hamas's new approach gives the group "a chance to prove to the outside world that the representatives of Hamas and the other Palestinian resistance groups have a political vision and that the Zionists had no desire for peace."¹⁹

To be clear, Hamas will maintain its military capacity and will not demobilize as long as the conflict with Israel continues. Hamas will also ensure that its electoral gains are not thwarted by an increasingly fractured and chaotic Fatah. Part of the movement's popular appeal has been drawn from its aura of resistance, fueled by its potent military operations against Israel. Indeed, those who have advocated resistance believe that four years of violence achieved more for Palestinians than a decade of negotiating. The key to Abbas's strategy is to encourage political participation by integrating Hamas into the political system and wean Hamas from using terrorist attacks to achieve its political objectives.

Testing Integration: Rule of Law Benchmarks

Abbas has staked his entire political agenda and legacy on achieving a lasting hudna with Israel. Perhaps his most ambitious and difficult objective is attempting to convince militants to renounce the use of violence and to accept a long-term truce. The notion of a cease-fire or a suspension of violent attacks, however, is one of the more demanding and complex benchmarks for gauging Hamas's transformation. A hudna has far-reaching implications for the nature of the conflict and would signal a significant shift in Hamas strategy. Youssef articulated the significance of a hudna for Hamas: "For us a truce means that two warring parties live side by side in peace and security for a certain period and this period is eligible for renewal. ... That means Hamas accepts that the other party will live in security and peace."²⁰

Hamas's truce offers have always been conditioned on Israel meeting certain demands, including a withdrawal to the 1967 borders. It remains unclear whether Hamas would officially accept a state with a modified version of the 1967 borders, including land swaps with Israel to account for Israeli settlement blocks.

In the meantime, the key challenge of integrating Hamas into the political system is convincing its leaders and followers to respect the rule of law. Abbas has extolled the importance of establishing rule of law and declared that there should be "one authority, one law, one legitimate weapon and political pluralism."²¹ Although it is unrealistic to assume that Hamas will disarm in the near future, the Palestinians, Israel, and the United States should establish a series of steps, or sequenced benchmarks, to gauge Hamas's intentions and actions in the short term, encouraging the movement to signal its commitment to the rule of law and democratization within Palestinian society. The broader, more ambitious, and more complex issues, such as disarmament, recognition of Israel, and the creation of a Palestinian state that does not include all of historic Palestine, should be deferred. More manageable, realistic standards are vital to understanding and testing the process of Hamas's integration, including extending the *tahdiya*; accepting the rule of law and the authority of security services; complying with the ban on public displays of weapons; securing an end to weapons smuggling and production; and establishing a ban on receiving external funds and support from Iran and Syria, which continue to support Palestinian militant groups.

Extending the *tahdiya* beyond Israel's disengagement from Gaza and Palestinian parliamentary elections could be an indicator that Hamas is willing to contemplate a more lasting cease-fire. Because the *tahdiya* is conditional and unilateral, it can be broken. As Masha'al explained, "The fact that we agreed locally on calm does not mean that we lose all our options and abandon our arms or our right to resistance."²² Even though the *tahdiya* is conditional and temporary, it remains a significant achievement for Abbas. Despite continued violations by Israelis and Palestinians, Hamas has accepted the *tahdiya* in principle, recognizing that the Palestinian public needed a cooling-off period and considering it a necessary precondition for competing in elections. The *tahdiya* remains a tactical arrangement that Hamas has repeatedly threatened to abandon but has proven reluctant to do so. Relying more on political activity and less on terrorist attacks could eventually evolve into a formal cease-fire.

Its ability to do so, however, will also depend on the actions of others, including Israel and other militant Palestinian groups such as Islamic Jihad and most importantly Fatah. It will be difficult for Hamas to remain on the sidelines should there be a significant escalation in Israeli-Palestinian violence

and Israeli military operations. For the moment, the agreement between the PA and Hamas (including the other Palestinian factions) is tenuous at best, as violence continues to flare. The threat of Hamas-affiliated rogue elements launching terrorist attacks persists. Furthermore, groups of individuals known as popular resistance committees reject the agreement reached in Cairo. The committees, which have loose affiliations with various movements such as Hamas or Fatah, may try to thwart the process by provoking attacks against Israel or even violence between Fatah and Hamas. These individuals and groups pose a significant challenge to Abbas and the PA's security force as they are undisciplined and fall under no central command structure. As Hamas continues its foray into democratic politics, there may be domestic and international pressure formally to split the political wing and the military wing, known as the Izzadine el-Qassam Brigades.

Manageable, realistic standards are vital to testing the process of Hamas's integration.

To enforce a cease-fire effectively, Palestinians must establish rules for compliance and impose enforceable consequences for those militants who violate the terms. Abbas realizes that it will ultimately be necessary to confront those individuals or groups who remain outside the political system and continue to resort to terrorism. For the PA to maintain stability and enforce the rule of law, it must possess a monopoly on the use of force. Without such a monopoly, the PA will be unable to enforce its own laws and any future agreements with Israel. Achieving such a capability may even include the absorption of gunmen affiliated with Hamas and other militant groups into the PA security forces. Once the authority of a unified security force is clearly established within the parameters of the new system, Abbas will be left with no choice but to confront those militants who are committed to violent struggle and refuse to obey the rule of law. Enforcement of a cease-fire's terms can only be carried out by an empowered and capable security force.

The most basic benchmark for Hamas and other militant organizations is to refrain from brandishing weapons in public, an act that deepens the public's sense of insecurity and chaos. The PA has announced such a ban but has yet to enforce it. Although the goals of restoring a sense of order as well as the rule of law and strengthening the authority of the PA can be achieved only if Palestinian security officials have effective control over PA territory, Israel has been slow to relinquish this control. In response, public display of arms, a trademark of Palestinian rallies and demonstrations, have been part of a form of protest and a show of force by Hamas and other mili-

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tary groups. The display of machine guns, which are often issued by the Israeli Defense Forces, serves as a status symbol for individuals in their local settings and neighborhoods. All too often, these weapons have been used for vigilante justice and intimidation. Only official PA security forces should be allowed to carry weapons, and criminal penalties should be imposed on those who violate this law. Weapons must only be displayed in public by the PA's security apparatus, which would be the sole authority for imposing law and order. This is a difficult task because the PA's security forces have been

dominated by Fatah and have historically clashed with Hamas followers. Therefore, it is not just Hamas but also Fatah and the PA's various security organizations that must agree to act within the law. Compliance with such a ban will demonstrate a commitment to the rule of law and the strengthening of Palestinian governing institutions.

Hamas must also halt the smuggling, production, and development of rockets, missiles, bombs, weapons, and ammunition. These activities

should be criminalized for all Palestinians, and Hamas's willingness to do so is also an important signal of its future intentions. The PA from time to time has taken action against smuggling tunnels between Gaza and Egyptian border towns, yet progress has been slow. Several large families in Gaza are dependent on the lucrative smuggling trade, and the PA has been ineffective in confronting them. Again, it will be difficult for Hamas to comply with a ban on these activities unless other militant groups, including militias affiliated with Fatah, make a similar commitment. A proliferation of weapons on the streets of Gaza and the West Bank will only complicate the PA's effort to enforce the rule of law, and it must establish a more efficient strategy for ending such activities. A genuine effort to end smuggling and arms production would both strengthen Palestinians' sense of security and help alleviate Israeli fears that the suspension of attacks is being exploited to rearm for a new round of fighting. It could also encourage Israel to relinquish the Gaza border controls following its withdrawal, a key Palestinian demand.

Finally, despite a concerted effort to curb financing of terrorist organizations as part of the U.S.-led global war on terrorism, Hamas continues to receive funds and support from state sponsors of terrorism and individuals in countries such as Iran, Syria, and the Gulf states. Breaking Hamas's dependence on material support from sources that have been trying to sabotage the peace process since its inception would be an important achievement. The campaign against terrorism financing has made it more difficult for

Hamas to raise income from outside the Palestinian territories, yet the flow continues. In April 2004, this financial squeeze on funds channeled primarily through Hamas's externally dominated political bureau led to a popular fund-raising drive in Gaza, which raised an estimated \$3 million.²³ The funds were used to support the movement's local operations, perhaps suggesting that Hamas could feasibly meet this benchmark and diminish reliance on external influences.

The complexity of meeting these benchmarks is deepened by the fact that they are consistently violated by gunmen and groups affiliated with Abbas's Fatah movement. Criminal activity as well as political violence by disgruntled gunmen loosely affiliated with Fatah pose a separate challenge for Abbas and further complicate his efforts to maneuver Hamas into accepting the rule of law. Given the uncertainty of the conflict, it is reasonable to assume that some benchmarks will be met only partially, while others may not be met at all. Yet, if Hamas can be forced to comply with them, it could strengthen the rule of law in the Palestinian territories and be a powerful indicator that the movement can play a more responsible role in national politics as well as in legitimizing any future agreement between Israelis and Palestinians. Should Hamas disregard these benchmarks and continue to undermine the rule of law and institutions of the PA or resume full-scale terrorist attacks against Israel, massive retaliation and military offensives to destroy the organization's military infrastructure would be justified both by the PA and Israel.

Implications for U.S. Policymakers

Despite the risks involved in integrating Hamas into mainstream politics, continuing to exclude the organization from the political arena is even more dangerous. From within the political system, the burden will be on Hamas to demonstrate its respect for the rule of law. The challenge for Abbas and the PA is to ensure that those who have been marginalized in the past are given a stake in the system and that the cost of remaining outside the new consensus emerging in Palestinian society remains high enough to deter a return to full-scale violence and terrorism. By establishing realistic benchmarks for Hamas aimed at strengthening the rule of law, Abbas will clarify the direction in which Hamas intends to move. Failure to comply with basic Palestinian attempts to establish the rule of law may be a signal that Hamas seeks to use the democratic process for absolutist goals rather than strengthening Palestinian democracy.

Israel's response in this debate has been mixed. Prime Minister Ariel Sharon reacted to the March 2005 Cairo announcement that Palestinian

factions had agreed to a cooling-off period by calling it a “positive first step.” Sharon also recognized that it was a temporary arrangement and insisted “that in order to move forward in the diplomatic process the terrorist organizations will be unable to continue existing as armed organizations and certainly not as terrorist organizations.”²⁴ Nonetheless, Sharon did not attempt to thwart the talks and has given Abbas some room to maneuver. Yaalon was less diplomatic, claiming that violence would end only when the terrorist groups were disarmed. He added that “the [militant] organizations want the period of calm, but see it as a time to regroup and rearm before the fighting is resumed, without waiving their strategic goals.”²⁵ Israeli security services are clearly expecting a new round of violence as they continue to witness the buildup of weapons and to intercept would-be bombers.

At a White House press conference with Abbas held on May 26, 2005, President George W. Bush reiterated the U.S. stance that Hamas is a terrorist organization that must be dismantled, stating that “[o]ur position on Hamas is very clear, it’s a well-known position and it hasn’t changed. ... Hamas is a terrorist group, it’s on a terrorist list for a reason.”²⁶ This has been the U.S. position since the organization was designated a “Terrorist Organization Which Threatens To Disrupt the Middle East Peace Process” by Executive Order 12947 on January 23, 1995, and by the U.S. Department of State as a “Foreign Terrorist Organization” since 1997. All agreements and plans aimed at jump-starting the peace process from the Mitchell Report to the road map have made similar demands to disarm militant groups, including Hamas.

Yet, at the May 26 press conference, Bush also stated that, “[a]s the elections go forward, of course, we want everybody to participate in the vote,”²⁷ potentially indicating that, although the statement of official U.S. policy is clear, its implementation is more nuanced. By agreeing that all factions should participate in the elections and deferring the issue of disarmament until after the parliamentary vote, the Bush administration appears to have endorsed Abbas’s approach. The policy seems to indicate that the administration recognizes both the difficulty of disarming militant groups and of promoting democracy in the region while excluding those, including Hamas, who have been some of the more vocal advocates for accountable and transparent government.

Given Abbas’s current efforts to stabilize Palestinian politics by integrating Hamas, as well as the complexity of the domestic Palestinian balance of power, this more nuanced U.S. approach should be welcomed. It is no longer enough to demand Hamas’s destruction and ignore the insurmountable obstacles Abbas or any other Palestinian leader would face in carrying out such a task, not to mention the costs to Palestinian society of intercommunal vio-

lence. A crackdown would set back the path of democratization that Palestinians have vigorously pursued and could lead to a resumption of full-scale violence between Israelis and Palestinians. It is vital for the United States to recognize Abbas's domestic challenges and give him an opportunity to pursue an indigenous strategy to integrate Hamas into the political system. The administration has come to realize that democratization in the Middle East is a risky business. In a broad sense, noted Philip Zelikow, a State Department counselor and the former executive director of the 9/11 Commission, "That's the thing about freedom—it involves calculated risks. What we have to do is look at the net assessment over the long haul, and I think it makes us better long-term partners."²⁸

For the moment, the Bush administration appears willing to take this risk for the sake of promoting democracy. Thus far, however, it has been a theoretical discussion. With Hamas officials assuming posts on municipal councils and others set to play an expanded role in national politics through the parliament and potentially the government, the United States will soon be confronted with the real prospect of interacting face-to-face with political representatives of Hamas. This possibility has psychological as well as legal ramifications. Much as President Ronald Reagan did with the PLO during his administration's final days in office, the Bush administration should set out clear and unambiguous guidelines for a political dialogue with Hamas. If Hamas agrees to suspend attacks and is able to impose discipline on its military cadres by complying with the proposed benchmarks, the United States should reconsider its position of banning contacts with Hamas's political leadership, tone down rhetoric calling for its elimination, and resolve Hamas's future as a military organization another day.

The point of such dialogue is to build a process that potentially concludes with Hamas denouncing violence and accepting the parameters of a negotiated agreement with Israel leading to the creation of an independent Palestinian state. Such strategic engagement should be viewed as part of the global war on terrorism and not a softening of U.S. resolve. Hamas's political participation marks an opportunity for a new kind of U.S. engagement in the Israeli-Palestinian conflict, which creates choices for the parties involved and practical stepping stones for a terrorist organization to transform into a responsible political actor. The outcome of the process is in no way guaranteed, nor is the process irreversible. Should Hamas resort to the use of violence or undermine the institutions of the PA through undemocratic means,

The burden will be on Hamas to demonstrate its respect for the rule of law.

the United States should suspend all contacts and support efforts to destroy the military capability of the organization.

Although it is the Palestinians and Israelis who must directly face the consequences, whether positive or negative, of Hamas's political integration, the outcome of this strategy will also have an impact on U.S. policy

A crackdown on Hamas would set back the path of Palestinian democratization.

throughout the region. Despite the psychological barriers erected as a result of the war on terrorism, U.S. policymakers must adjust to the new realities taking shape in the Palestinian political arena. Ongoing pressure and attempts to destroy Hamas have failed and have arguably strengthened the popular appeal of the movement. Notwithstanding its adherence to the use of violence and the "right" of resistance, the integration of Hamas into the Palestinian political system is a positive step for

the stabilization of Palestinian society and politics and is one that can ultimately strengthen any future agreement between Israel and the Palestinians. For now, Hamas retains the ability to use violence as a means to thwart almost every political step the PA takes, both in domestic politics and vis-à-vis Israel. Its domestic position has been strengthened and legitimized by its entry into the electoral process, yet there is reason to anticipate that such integration may reap long-term benefits. The burden will rest with Hamas's leaders to prove their respect for the rule of law and their commitment to strengthening democracy in Palestine.

Notes

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