

**LEGITIMIZING HAMAS: A REJECTION OF US IDEALS ABOUT
TERRORISM**

An Undergraduate Research Scholars Thesis

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ABSTRACT

Legitimizing Hamas: A Rejection Of US Ideals Of Terrorism

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Hamas has been categorized as a terrorist organization and a sociopolitical organization resembling a government. However, the “terrorist” label overshadows Hamas’ other role as a provider of governance to Gazans. This agenda of delegitimizing Hamas is pushed forward by the United States’ official perspective which represents its political objectives in conjunction with Israel; the US uses exclusionary policies to keep Hamas from achieving a legitimate political status. Despite these difficulties in entering the international political sphere, Hamas has shown a proclivity toward changing their policies from violence to democracy and vice versa to achieve their goal of liberation of the Palestinian Occupied Territories from Israel. Recognition of Hamas’ role as a liberator and representative of an officially ungoverned people may allow non-state actors to govern without relying on violence. This thesis attempts to answer the question of to what extent should Hamas be defined as a legitimate authority. US exclusionary

policies have made Hamas' attempts at political participation, a critical tenant of legitimacy, ineffective, but Hamas continues to pursue various methods of legitimacy.

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NOMENCLATURE

DRS	Dual Resistance Strategy
EU	European Union
IDF	Israeli Defense Forces
IMT	Inclusion Moderation Theory
NSA	Non-State Actor
OIC	Organisation of Islamic Cooperation
OPT	Occupied Palestinian Territories
PA	Palestinian Authority
PLO	Palestinian Liberation Organization
PNA	Palestinian National Authority
UN	United Nations
US	United States of America
VNA	Violent Non-State Actor

1. INTRODUCTION

Violent non-state actors (VNA) especially those pursuing violence as a political tool, are often discarded as nondemocratic, fanatical organizations not concerned with responsible governance. Despite this belief by Western state actors, primarily the US, violent, terroristic organizations continue to pursue legitimate governance. Political theorists have analyzed how the two, violence and political participation, can coexist and balance. States, organizations, and scholars define the legitimacy of VNAs based on the political goals of the definer. However, it is possible for VNAs to be considered legitimate actors, governing for its people. This theoretical analysis is applied to Hamas as a case study on the requirements to be a legitimate governor when statehood due to violence is out of the question. The following discussion analyzes, first, how terrorism precludes Hamas from democratic governance in the eyes of the US and how the US has reacted by excluding Hamas politically. Secondly, the thesis shifts to Hamas' changes to adopt more legitimate means of governance through social strategies, political participation, and violence. Lastly, non-state actor legitimacy is called into question. Contrary to popular Western rhetoric, Hamas can be a legitimate state actor based on its changing political and violent methods to secure governance for Gazans.

1.1 Where is Hamas?

Palestine occupies the same space as Israel and is currently comprised of two Israeli-occupied territories: the West Bank and Gaza Strip. Occupation means these territories are under Israeli jurisdiction. Although both of those regions are OPTs, they have very different methods of governance. Palestinians in the West Bank generally have comparatively better living conditions than in the Gaza Strip, although there is still much to be desired (Robinson). Gaza is

known to be the more violent of the two regions, suffering from poverty, unemployment, poor infrastructure, health, and education (Zweiri 676). The situation in the Gaza Strip creates an environment that is predisposed to a radical call to improve the status quo. One such movement is Hamas. Many other organizations are operating among the OPTs, but Hamas is largely in power as of right now in the Gaza Strip (Berti and Kurz 29). Once in power, Hamas created judiciary, executive, and legislative bodies to govern Gaza despite the designation of many state responsibilities to Israel (Berti and Kurz 31). Hamas has still created a robust governing structure in the Gaza Strip and continues to fight for the right to govern.

1.2 Hamas' Terroristic Acts

Hamas is considered a terrorist organization by many Western states, because of its violent means of pursuing the political goal of liberation or resistance to Israel. The US rallies evidence such as Hamas' 1988 charter calling for the "destruction of Israel" (Haley). Hamas has been painted as an antisemitic, radical, and fundamentalist Islamic organization (Klein 442). A prime example of Hamas' violent acts is their use of suicide bombings, especially those which occur in civilian areas and murder innocent people. As Hamas moved on to more structured and organized violence against Israel's military or the Israeli Defense Force (IDF), they began to use rockets and bombs, targeting military locations and those close to the border of the OPTs. This thesis, by no means, attempts to encourage or condone violent acts but rather calls for a more complex understanding of why such violence occurs as an attempt at recognition.

1.3 Justifying Violence

Participants and leaders of violent Palestinian resistance see Israel as a settler-colonizer that "bombards, strikes, and assassinates" Palestinians to keep them silent (Rabbani 68). Therefore, these movements view their organization not as terrorists, but as a small war where

Palestinians are attempting to secure their safety in the face of a much stronger state (Held 177). Members of Hamas think of themselves as freedom fighters responding to aggression, not radicals or fanatics. For them, this is a story of victimization and oppression. Any attempt at truces with Israel has not been significant enough to eliminate violence from Israel, signaling to some Palestinians that Israel is not willing to negotiate despite Hamas' attempts at "political and popular action, media work, and diplomacy" (Rabbani 64). No doubt many Israelis think the same of Hamas as solely violent actors bent on the fall of Israel.

1.4 Hamas' Designation in the Status Quo

Hamas is primarily designated as a terrorist organization due to the domination of Western, specifically American, views on the organization. The West, comprised of North America, Western Europe, and Australia, have all categorized Hamas in its entirety as a terrorist organization. The international push to define Hamas as terrorism is credited to US policies of exclusion and has been undertaken for political objectives instead of a definitional discussion (Brown). Although there is greater discourse today on redefining this categorization in academic and media circles, the official policies of Western states remain unchanged.

Some countries have categorized only Hamas' military wing, the Izz ad-Din al-Qassam Brigades, or simply the Brigades, as terrorists. The East, on the other hand, primarily Asia and Africa (with the exceptions of Japan and Israel), generally do not designate Hamas as a terrorist organization on the official level (Ayalon et al.). This does not mean there is no discussion in recategorizing or conflict within Eastern and Western perspectives, but only that official policy is clear in designating Hamas on the national level. There is, however, uncertainty in supporting Hamas' violent actions, leading to a predominant Western perspective. This uncertainty is evident in the 2018 UN vote to designate Hamas a terrorist organization which ultimately failed;

while many Eastern countries voted against condemning Hamas, several others who do not have an official designation for Hamas as a terrorist organization still abstained from the vote (Activities of Hamas). To vote against the US-backed resolution is a vote against popular Western opinion on what the US constitutes a terrorist organization.

Within the academic world, the opposing perspectives tend to be more evident as discussions of Hamas as a terrorist organization are often from Western authors. On the other hand, recognition of Hamas as a sociopolitical, democratic, or liberation front most often stems from Eastern authors from countries whose official perspective does not condemn Hamas. Western authors are also more likely to support Eastern narratives of Hamas when they are not as closely affiliated with the official framing of their state. This distinction is important as it displays which parties define Hamas as terrorists and how definitional changes by authors are tied to official perspectives.

1.5 US-Israel Relationship

The US has close ties with Israel in terms of its funding to the Israeli Defense Forces, economic goods and services, and Middle Eastern security concerns. The US Department of State affirms:

Israel is a great partner to the United States, and Israel has no greater friend than the United States. Americans and Israelis are united by our shared commitment to democracy, economic prosperity, and regional security. The unbreakable bond between our two countries has never been stronger. (U.S. Relations)

The success of a resistance movement against Israel, a US ally, and by extension, the financial investments the US has made in the region means it is in the US's best interest to stand against resistance organizations that look unfavorably upon Israel's occupation of Gaza such as Hamas.

Since the US is a leader in Israeli-Palestinian affairs given its economic and political proximity to Israel, the US is a significant influence on Hamas' future. In the status quo, official US policy supports a two-state solution, but it is unlikely that Hamas will have any US sanctioned role to play in an independent Palestinian state.

These views are popularly supported by both American and European policy analysts such as Nathan Brown, Glenn Robinson, and Clara O'Donnell whose work is often cited as the foundation of policies regarding Hamas. The US-Israel relationship is significant because this alliance has influenced the US to take action against Hamas to protect their foreign interests.

2. WE DO NOT NEGOTIATE WITH TERRORISTS

2.1 “Terrorism” Delegitimizes a Movement

Given the US-Israel alliance, the US has the incentive to discredit Palestinian resistance. One of the easiest ways to discredit Palestinian resistance is through the label “terrorist.” Authors such as Alison Jaggar and Virginia Held, theoretical philosophers, agree that the term is abusive, and a strict condemnation of groups labeled as such. Although they differ in what qualifies as a terrorist group, both authors agree that the use of the term ‘terrorist’ “[delegitimizes] struggles by the weak while legitimating repression by the strong” (Jaggar). The ‘weak’ refers to non-state actors (NSAs) who do not hold the powers of a state like Hamas in comparison to strong actors like Israel and the US who can more easily repress any resistance from NSAs.

The term has an intrinsic “negative connotation that is applied to one’s enemies and opponents” when one wants to ignore the organization; terrorism is transformed from describing violence as a means of achieving political goals into a term that discredits Arabs and Middle Easterners and holds racist and xenophobic connotations (Hoffman). The combination of the unequal exchange of power between state actors and NSAs and the use of ‘terrorism’ is used to write off legitimizing Hamas.

Hamas is considered an “archetypical terrorist group,” a label that ignores the organization’s political reforms such as abandoning their aforementioned 1988 charter and announcing intentions to “convert into political parties” with the 2006 election (Wiegand 124). Inflexible American policies lack any spectrum in the definition, often equating all terrorist groups and ignoring their goals (Brown). In terms of US policy, pushing the terrorist label onto

Hamas was an attempt to blindly exclude it based on the categorization without considering Hamas' political transformation and importance to Gazans.

The US makes a point to delegitimize Hamas using the principle that NSAs that utilize violence should not be awarded recognition under any conditions. The use of "terrorist" to describe Hamas is the US's attempt to reject Hamas before it attains a recognized right to govern to become a legitimate state actor. The US focuses only on Hamas' violence as a sign they cannot be democratic. Even during times of relative peace, Hamas is painted as default transgressors because of the 1988 charter, the simple existence of which convinces Western commentators of Hamas' violent nature. There is a belief that there can never be an equal coexistence of violence and political participation, because in a perfect democracy, there would be no need for violence; everyone's views can be rationally debated through a nonviolent process (Schwarzmantel). This is a utopian theory since most democratic states still use violence and violence has not been eliminated in the world. Despite the impossibility of a perfect democracy, the US continues to apply these standards to NSAs.

In US President George W. Bush's 2003 speech regarding the Roadmap for Peace, he singles out terrorism as the sole obstacle to an Israeli-Palestinian peace agreement (Bush). He claims the only path to peace is one in which Hamas is upended because the current administration is "compromised by terror" (Bush). Only then, with a new administration and organizations, will the US recognize a Palestinian state. There is no room for reform in Bush's words. Upheaval and revolution of Palestinian political systems are the prerequisites for flexibility in US policies regarding Hamas. On the other hand, Hamas considers the US claims of democracy as a manipulative tool to maintain control of the Middle East instead of a genuine value (Rabbani 72).

These claims are paired with urges from the US to form a democratic government. This belief rests on the assumption that Hamas has not attempted to invest in democracy, because it is a violent and terroristic organization. After all, the coexistence of violence and democracy is antithetical to the US's official policy on terroristic organizations.

2.2 Exclusionary Policies

The Western consensus is that Hamas is a “terrorist entity and an enemy of peace” that is not “a partner to be engaged” (Brown). This belief that NSAs that utilize violence should be excluded has manifested in international policy, led by the US. The Oslo Accords granted political legitimacy to the Palestinian Liberation Organization (PLO), and its largest political faction, Fatah in 1993. The PLO created the Palestinian Authority (PA), otherwise known as Palestinian National Authority (PNA), to regulate Palestinian affairs (Brown). These groups enjoyed contact with the US while Hamas was left out of discussions. The first recognition of Palestinian affairs and the right to their self-governance established that Hamas would not be dealt with despite its status among Palestinians in the Gaza Strip as a quasi-government. The Oslo Accords drew a line in the sand between Hamas and other Palestinian groups as well, telling Gazan Palestinians who were already suffering more unstable conditions that they could not have recognized representation.

The introduction of the term “terrorist” is the beginning of the condemnation of Hamas. In 1995, President Clinton designated Hamas as a threat to the peace process due to their pursuit of violence which manifested in financial sanctions to any organizations supporting Hamas. Soon after, a Hamas leader was denied entry to the US as a “terrorist” (Brown). US official

policy was geared against attempting to include, understand, or engage with Hamas on a political field, especially with the usage of a derogatory and monolithic term as “terrorist” (O’Donnell 3).

In addition to the attempts at exclusion, US policies set out a plan for elimination (O’Donnell 3). The US supported the PA’s State Security Court in prosecuting those who used violence against Israelis even though the Court had various shortcomings in procedural duties (Brown). The US outsources its elimination plan for Hamas leadership to the Court. The US also applied pressure on Jordan and Syria to pursue an elimination plan in their own countries, surrounding Hamas and blocking out areas where the Court wouldn’t have authority (Brown). The US took the role of encouraging its allies to follow their policy of exclusion and elimination. Hamas was struck down by its neighbors and its own people, other Palestinians in the West Bank, the PLO, and PNA who were trying to keep their legitimacy by aligning with the US’ strong state interests.

However, unlike the US, the EU and individual European states were more reform-minded. They recognized a spectrum of discussion and sometimes mirrored the ideas of Palestinian reformers, but following 9/11, the European Council imposed financial sanctions and eventually designated Hamas as a terrorist organization as well under continued pressure from the US (Brown). However, post-2006, European states returned to encouraging “dialogue and engagement rather than isolation of Hamas” (Brown). Despite the renewed interest in bringing Hamas into the political sphere, the “terrorist” label remained, making any advancements difficult since Hamas was painted as a violent group that needed to be kept in check. The intifadas, or uprisings against Israeli occupation which lasted from the 80s through the early 2000s, created even greater financial pressure and sanctions on Hamas and their supporters. Summarily, international exclusionary policies shut down legitimate means of recognition that

the PLO and PNA were awarded. Hamas effectively had no voice on the international stage after the US used the Oslo Accords to set the stage for exclusion.

In 2006, when Hamas finally gained seats in a democratic election to join the PLO and PNA, the US condemned all the legitimate Palestinian organizations of governance to force them to exclude Hamas once again (Brown). Even when Hamas had pursued traditional routes of legitimacy without violence, the US refused to grant recognition. The US believes Hamas has no future in governance and the US will attempt to enforce that belief by tearing down any form of Palestinian representation if it colludes with Hamas.

Hamas was also considered the antonym to the nonviolent PA which was put to the test when Hamas won the election and became part of the PA. Despite Western consensus upholding the PA as an alternative, nonviolent voice for Palestinians, they continued to treat Hamas, now a piece of the PA, with their previous policies of disengagement. The US government informed non-governmental agencies that supporting Hamas-affiliated organizations or the PA would also mean violating US law (Brown). These international moves made a transition from violent resistance to a political strategy difficult. Hamas originally wanted to create a technocratic or coalition government, but due to the US-led policy of exclusion, was forced to govern alone.

To Hamas, the international endorsement or tolerance of these anti-Hamas policies was evidence that “constitutional and democratic mechanisms afforded it no protection” (Brown). Hamas claimed that only violence had been effective in garnering international attention to their plight in securing a Palestinian state and these new policies seemed like disincentives to political participation. To retire the Brigades in lieu of solely pursuing political avenues of change would force Hamas to lose the leverage and attention that has pressured Israeli settlements to recede

previously. Hamas' pursuit of violence may be attributed to the difficult and narrow path to international political participation.

It also aligns with Hamas' actions post-2006 election in which the Brigades continued to utilize violence since the results of the election did not hold up as negotiations between Hamas and the PA came to a standstill and eventually disintegrated under financial pressure from the US. In short, political participation was discouraged.

3. SOCIAL STRATEGY

As the political avenue became more difficult to navigate with exclusion and elimination policies, Hamas turned to emphasizing its social strategy. Violent resistance had garnered mounting negative international pressure. Violence was disrupting attempts at peace, attracting Israeli counterattacks, causing the PA to persecute the organization, and alienating Hamas' base support (Brown). In this case, violence did more to destabilize Hamas in the international sphere than give its claims legitimacy and effectively combat the occupation. Therefore, less violent means of change were beginning to look more appealing. The US exclusion and elimination process did not erase Hamas' existence, but it did eventually contribute to this change of strategy.

3.1 Muslim Brotherhood Roots

Hamas has its own civil society with common interests and collective activities, including schools, universities, professional groups, mosques, and unions, among others, started, run, or funded by Hamas' social service outlets (Robinson 112). These outlets were created by the Muslim Brotherhood, an Islamist and neofundamentalist group that aims to transform society through a bottom-up approach from grassroots movements (Robinson 122). These grassroots beginnings are still apparent in Hamas' organization today as much of their support in the Gaza Strip relies on the services they provide which originate from the Muslim Brotherhood's work. Despite the wide variety of branches of the Muslim Brotherhood throughout Islamic countries and the Arab world, most still have an established history of providing basic necessities and education to influence a return to Islamic principles. In the bigger picture, Islamist organizations

hope these steps will eventually lead to Islamic changes in the state. These roots are key to how Hamas functions today.

While the West expressed disbelief at the 2006 elections in which Hamas members were democratically elected into the PLO and PNA, Gazan Palestinians rejoiced at a result in the making since the Muslim Brotherhood's preliminary work in holding and winning local elections (US Cong. Sen. Comm. on Foreign Relations 1). The switch to a social strategy and attempting political participation through those means proved to be more fruitful than violence. Therefore, defining Hamas as solely a terrorist organization overshadows the social service work it accomplishes which is vital to Hamas' survival. Without these Muslim Brotherhood roots, Hamas' base would not exist.

4. INCLUSION MODERATION THEORY VS DUAL RESISTANCE STRATEGY

According to Western rhetoric, the participation of a terrorist organization in a democratic role is a contradiction; democracy is a nonviolent process. This belief is supported by US authors who have studied Hamas through a political science lens such as Jillian Schwedler and Brown but is largely denied by theoretical and philosophical authors like Held and Jaggard.

Despite differing scholarly opinions on whether democracy is nonviolent, the US official perspective and US policies are built on this assumption. The Inclusion Moderation Theory (IMT) supports the US perspective. The IMT argues that as an organization becomes more legitimately politically involved, violence decreases (Schwedler). The social strategy has shown that Hamas has participated in political processes such as democratic elections, civil society, legal protests, and demonstrations, especially as an alternative to violent resistance when violence wasn't achieving liberation (Kear 7). In other words, violence is only used as a tool to gain political legitimacy, just as political participation is. US policies have barred Hamas' attempts at political legitimacy by excluding them and preventing international recognition due to Hamas' ongoing violent actions. Because of US policies, Hamas does not get the opportunity to politically participate in the international field. According to the IMT, this barrier to political participation would force Hamas to choose the alternative: violence. The two options, violence and political participation, trade-off as means to achieve Hamas' goals. Therefore, the US tactic of excluding Hamas would theoretically contribute to the ongoing violence instead of allowing Hamas-led governance.

Contrary to the IMT, Kear argues that Hamas pursues a Dual Resistance Strategy (DRS), a theory Kear invented, to leave avenues of violent resistance open while politically participating. Kear asserts that through DRS, violence and democracy can coexist (3). Violence is thought to be the “antithesis of politically moderate behavior,” but NSAs like Hamas still use violence as a method of gaining political entry (Kear 1). This is a direct contradiction to Schwedler, Brown, and the US official policy that believes violence and democracy cannot coexist.

Kear explains that state actors retain their military while participating in democratic elections while simultaneously discouraging NSAs from retaining their military wings (1). Hamas, however, did not reject violence nor dissolve the Brigades, their military branch, before their entrance and victory in the 2006 election. This victory cemented the coexistence of violence and democracy. Kear attributes Hamas’ election results to DRS in which Hamas separates its military branch from its political actions so the organization can pursue both concurrently (3). For example, officials in Hamas would step down from their positions if they acquired a position in the PA with a conflict of interest. Hamas’ slogan, “one hand resists, while the other one builds” is another testament to the DRS; the Brigades resist while the political and social wings continue to build. Through DRS, Hamas can attempt democratization without giving up resistance, because Hamas believes that “neither political nor armed resistance alone is sufficient to achieve Palestinian statehood” (Kear 4). The US-led exclusion policies discussed previously are the reason Hamas chose to pursue a DRS since rejecting violence to solely pursue political participation has proven to be an unlikely method to achieve legitimacy; Hamas attempted such in the 2006 election and was still met with international hostility.

Kear emphasizes that Hamas' use of a DRS is not to be confused with a trend toward a sole reliance on political participation (3). Unlike the IMT, DRS argues that both violence and political participation will continue indefinitely and simultaneously. Kear's assumption that Hamas will continue to be violent and vie for political recognition equally is incorrect based on his own analysis that Hamas has shown a desire to work within the political system to achieve its goals (4). Kear even admits that Hamas' election Manifesto from when it attempted to become a political party called Change and Reform in 2006 shows Hamas' commitment to democracy by emphasizing the separation of powers, political plurality, institutional reform and capacity building, the peaceful and unfettered alternation of power, the safeguarding of political liberties and the primacy of elections (Kear 2).

The rejection of the charter, creation of political parties, shift to a social strategy, and attempt at liberation through intifadas are more examples of Hamas' constant organizational changes to meet their end goal of liberation of the OPT (Klein 442-444). When pursuing a political agenda, Hamas purposefully decreased their previous anti-Israel stance in exchange for ceasefires and moved away from practicing suicide bombing to show their commitment to political participation over violence (Zweiri 677). A shift to a DRS instead of the previous IMT is due to a blockade of traditional methods of political participation as explained in "Exclusionary Policies." Hamas has shown that it adapts its strategies to whichever method suits its goals; if DRS does not prove to be advantageous to its goals, Hamas will likely change strategies again to find a more suitable plan.

DRS is Hamas' current strategy, but it is not in opposition to the IMT. Instead, the IMT should be interpreted like a seesaw. One side represents violence while the other represents political participation. The unique context of international rejection of Hamas due to concerns of

promoting or tolerating violence has caused both political participation and violence to be equally ineffective at achieving Palestinian liberation and statehood. Metaphorically, neither side of the seesaw is rising or falling significantly. Kear's analysis of the usage of both is an observation of the seesaw in this ineffective state. However, as soon as one becomes more effective, Hamas is likely to take the most advantageous path to its goal of self-governance (Kear 3). Kear contradicts himself when he recognizes Hamas' ability and history of change to pursue political participation but denies any further evolution in their use of the DRS. DRS is, therefore, a subset of the IMT. In other words, DRS is the status quo, but given Hamas' proclivity for change, it is not the final form of Hamas' strategy.

5. LEGITIMATE GOVERNANCE

5.1 What is Legitimacy?

State legitimacy can be evaluated in multiple ways, especially depending on the authors' analytical background, whether political, philosophical, or theoretical. David Beetham explains political legitimacy as an exercise of power based on established rules which are justifiable and normative, and recognition from subordinates and other authorities (Beetham 110). Some define legitimacy as a "moral authority" or a recognized right to power (Copp 4). David Copp includes subpoints of legitimacy such as the enforcement of territorial boundaries, recognition of sovereignty by other states, and punishment, obedience, and compliance from subjects. Although Copp introduces this definition at the beginning, he criticizes how the definition can be challenged as borders melt with increasing globalization. His assessment of the situation is not unique. Both Copp and Beetham use different terminology to express that recognized authority is a tenant of state legitimacy. Berti Benedetta declines to use compliance and moral authority, but she phrases it as the people's choice to recognize a system as a representation of their wants and needs. Berti's addition to the discussion is similar to the Western idea that democracy is the key factor in legitimization.

The Western perspective of state legitimacy is a discussion borne out of John Locke's political philosophy that "governments exist by the consent of the people" (Tuckness). Locke's influential work from the Enlightenment period has been bolstered and changed by accompanying philosophers like Jean-Jacques Rousseau and Thomas Hobbes among others, creating the Social Contract theory where people give up some of their rights to the government for the authority and protection of a central power. In other words, although the question of how

to define state legitimacy has complex definitions, the central role that a people in a territory must decide on their governance remains in each of these theories. Summarily, the two tenants of legitimacy, which can be found in different forms within all of these definitions, are international recognition and popular support.

5.2 Barriers to Legitimizing Hamas

The details change depending on the philosopher, but the common idea is that legitimacy relies on recognition from other states and recognition from the people. Palestine does at times struggle to meet these criteria as recognition from other states includes the right to non-interference (Copp 26). Palestine is still made up of the OPT, meaning the territory is subject to interference from Israel. This undermines Hamas' sovereignty or ability to govern Gazans.

Recognition from the populace can also be undermined. Recognition comes from multiple sources: trust in leaders, the long-established or stability of a regime, or the legality of its rule (Fabienne). The newer generation of Palestinians, 18 to 35-year-olds, have become disillusioned with Palestinian leadership; achieving liberation from Israeli occupation is no closer than it was for the previous movements for legitimacy (Richter-Devroe). Three generations since the expulsion of Palestinians from the homeland or the Nakba have created diverse political ideologies for the Palestinian diaspora (Sayegh 22-27). To generalize how Palestinians view the legitimacy of their political groups would discredit the wide range of opinions. However, there are Palestinians that both affirm and reject Hamas. The following discussion is based on the analysis that there is affirmation of Hamas' method of governance to some extent and therefore, Palestinians should be allowed to come to their own conclusions of representation.

5.3 Hamas as a Provider of Governance

Berti attests that NSAs can establish stronger governance by providing basic goods which the state does not provide (275). As established prior, Hamas is a sociopolitical organization with strong roots in providing basic goods since their ties with the Muslim Brotherhood. Hamas is already providing the necessities that a state figure would. Since there is a gap in goods and services provided to the Gazan population by the occupying Israeli forces, Hamas compensates for their shortcomings and replaces the existing legitimate state. To Gazans, Hamas becomes the state as long as it provides where others have not. By doing so, Hamas is creating a dependence on its existence for the Palestinian people (Berti 276). The people accept goods and services from an NSA that wants to govern in exchange for giving the NSA control over these goods and services and their provision. In other words, the people recognize Hamas' legitimacy in governance. Berti boils down governance provisions as an attempt to build legitimacy (276).

Hamas is also boosting its "infrastructural powers" and "level of control over citizens" to achieve political legitimacy (Berti 276). After violent encounters with the IDF, Hamas has been able to recuperate the damages for Gazans, displaying their infrastructural powers in addition to the basic services like health and education that they already provide (Kear 9). This ability to look after their own has garnered stronger support from their base in Gaza. In fact, support for Hamas increased after skirmishes with Israel when Hamas was able to show its ability to implement effective facilities for day-to-day life in Gaza (Kear 9-10). Trends show future violent interactions with Israel will probably create a greater reliance on Hamas' infrastructural power which will generate more base loyalty.

Both Berti and Kear argue that the process of becoming a provider as an NSA is a path to governance. Providing goods and services gives the NSA the right to rule and the more effective

the NSA is, the more willing the population is to legitimize the NSA's rule (Berti 276). Once the NSA has mastered this cycle of providing for its base supporters, it can negotiate with states about its sociopolitical status (Berti 276). Berti's theory holds up in light of Hamas' numerous attempts to enter the international political sphere, especially in the 2006 election. The results of the election is also a testament to Gazans' desire to be represented by Hamas as a political party. Despite the lack of international legitimacy or recognition from other states like the US, Gazans legitimize Hamas as long as Hamas continues to fulfill their basic needs.

NSAs also have an interest in governing when they are concerned with exercising their power over a people or area (Berti 275). Hamas' existence centers around the OPT and its reclamation (Kear 4). The physical land and the occupation is another incentive for NSAs to seek governance and Hamas easily falls into this category.

However, Hamas' sociopolitical background is not the only factor that allows it to become a governing NSA. Israel not only left a gap in goods and services provided to Gazans but also a lack of respected "political authority and sovereignty" in the OPT (Berti 278). Although Israel does exert a form of forceful authority over Gazans predicated on intrusive surveillance, strict conditionality, and collective punishment, there must be a line drawn between coercive authority and democratic authority to recognize Berti's emphasis on the choice of the people in legitimizing an NSA. Gazans who are able to get work permits in Israel, travel across the border, or import materials have to deal with Israel's authority, but they do not believe Israel represents them and therefore Israel has no willingly recognized authority over them. Israel's ineffective governance allows NSAs like Hamas to step in and offer a sociopolitical alternative that more closely represents its people.

Hamas fits all but one of Berti's theoretical steps of an NSA with the right to govern. It has legitimacy from its people, although not internationally, and it has a vested interest in good governance or providing sociopolitical alternatives for Gazan Palestinians. The exclusionary policies set by the US are what prevent international recognition, the last step for Hamas to become a more political player rather than relying on the other end of the seesaw, violence, to create a voice.

6. CONCLUSION

The purpose of this thesis is to point out how US policies have made political participation difficult for Hamas. In lieu of these difficulties, Hamas has turned to a DRS until either violence or political participation becomes a more viable route to liberation. If US policies became more welcoming of Hamas' attempts at democratization, the IMT suggests that Hamas would focus its efforts on state building and challenging the Occupation through legal strategies rather than violent resistance. Hamas already has popular support from its base and is only lacking international recognition to be considered legitimate. As long as the term "terrorist" is seen as monolithic and used as a tool to exclude NSAs from political participation, NSAs like Hamas will continue to find other ways to assert their voice such as violent resistance. Understanding this complexity in how the term "terrorist" covers up Hamas' sociopolitical role as a provider and attempts at becoming a legitimate actor displays a slow, yet steady trend of increasing international recognition through the rejection of the "terrorist" term which obscures the moving elements of Hamas.

7. THE FUTURE OF LEGITIMACY: LIBERATION

The Organisation of Islamic Cooperation (OIC), which consists of many Muslim-majority states, defines terrorism:

Any act or threat of violence carried out with the aim of, among other things, imperiling people's honour, occupying or seizing public or private property, or threatening the stability, territorial integrity, political unity or sovereignty of a state

which specifically excludes

peoples' struggle including armed struggle against foreign occupation, aggression, colonialism, and hegemony, aimed at liberation and self-determination. (OIC)

The OIC declined to define the Palestinian fight for liberation, such as that which Hamas carries out, as terrorism. The right to create a Palestinian state was labeled as an “inalienable right.” The OIC instead opted to accuse Israel of terrorism. Here, again, the use of the term “terrorist” discredits a group that the OIC dislikes similar to the US labeling Hamas (Hoffman).

Like the OIC, there has been a recent movement to recategorize liberation movements that use violence, as many do, which would previously have been labeled solely as “terrorists, murderers, and criminals” into “legitimate representatives of their people” (Held 176). Despite the resistance from states and state actors, violent liberation movements have been slowly accepted as an effective and legitimate means of resistance by organizations and within the academic circle. Held goes on to argue that NSAs can legitimately represent their people when, especially in a democratic polling context like for Hamas, the public chooses the group to make their collective decision.

International law has been used to argue that just the goal of self-determination should be enough for NSAs to be recognized as a form of government since often, this recognition is given after the NSA is victorious (Wilson). Therefore, whether Hamas is a terrorist organization or not rests on whether Palestine will be occupied in the future. If they are successful in driving out Israeli occupation, they are liberators, not terrorists. And if they fail, their use of violence is fruitless, confirming the terrorist designation. Terrorist organizations are measured by their future and whether or not they would pursue violence once they've achieved recognition.

If there are changes to the exclusionary policies towards Hamas, we may see a shift away from DRS as the seesaw begins to move again as it has before. If this shift tilts toward political participation, Hamas will be closer to legitimacy, forcing states to contend with liberation movements as legitimate governance.

The concept of liberation as a legitimizer instead of using public support and international recognition as the only method to legitimacy is at odds with the rest of this thesis. This thesis works within the confines of achieving legitimacy by traditional Westphalian standards of statehood. It is important to recognize that the modern states' standards are not universal. In other words, the future may see a legitimate governing Hamas which does not depend on the definition of legitimacy discussed in the "What is Legitimacy?" section. Instead, Hamas would be considered legitimate, simply because it is fighting for liberation.

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