

Middle East Seminar

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Will it be Hamas that Makes Peace with Israel?

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I'm sure my opening question will get, to begin with, an immediate negative answer both from Israeli listeners, who will hardly believe this, and from Hamas itself, which does not picture itself so. But having studied what I could of Hamas, its antecedents and its behavior, and having had a lengthy meeting in August with Khalid Mish'al and four of his political bureau in Damascus, I will nonetheless argue the possibility and the hope.

The victory of Hamas in the January 25th election this year surprised most of us, including Hamas itself. Their share of the Palestinian vote was only some 40%, but they had organized better and better understood the logistics of the voting. Expecting to do well enough only to be a strong opposition voice in the Palestinian Assembly, they suddenly found themselves saddled with responsibilities they had not believed they would face.

I had, for much of the previous year, been urging my friend, Rev. Jesse Jackson, with whom I had been to the region before, in July 2002, that we needed to make another visit. On my own, I had dealt closely with Israeli, Palestinian and American leadership over many years, working to promote the peace. Jesse asked me, the day after the election, for an assessment, and I sent him one the following day, January 27th. From that time I insisted that, when we made our trip, we should begin in Damascus with Khalid Mish'al.

The January Election

The clearest thing about the election was that the Palestinians had made a real choice, and did it under conditions of occupation that were a terrible hindrance to them.

That was reason to rejoice and to honor them. Next most obvious was that the election of Hamas was not about the Hamas issues of rejection of Israel, but about corruption in the Fatah regime. Now, having the prospect of a Hamas government, there might be things we had all won in the search for peace and reconciliation between these peoples.

American concern was generally restricted to how this affected Israel, very little about the Palestinians. We needed to have in our minds the way it affected both.

What is Hamas?

Hamas is the Palestinian branch of the Egyptian Muslim Brotherhood, which started off quite non-violently in Egypt itself in 1928 as a spiritual movement aiming to protect Egyptian Muslim life from corruption by Western influences. The Palestinian branch is still concerned with corruption by the West, and saw Israel both as colonialist encroachment on Arab/Muslim land and as instrument of that corruption. Both Fatah and Islamic Jihad were offshoots of the Palestinian Muslim Brotherhood, Fatah taking a secular direction as armed resisters against colonization, Islamic Jihad into religiously motivated violent resistance years before the more responsible leadership of the movement believed it was called for. On religious premises, the movement refrained from violence until the end of 1987. It was the spectacle of the violent Israeli response to the stone-throwing of the 1987 intifada that finally brought the Muslim Brotherhood, now adopting the name Hamas, the initials standing for "Islamic Resistance Movement," to make a violent response.

Why? I've had experience of many groups that have drawn the conclusion that they have no other option than violence, from IRA to UVF to Frelimo to ZANU and ZAPU. Surely we hear it quite regularly from the Israelis themselves. For my own part, I'm never inclined to believe it is so, that there is no other choice but this, and am always committed to finding non-violent alternatives, but I have often had to recognize the honesty with which various groups have drawn that conclusion. Now, however, Hamas, having won the election, had other options.

Most of what Hamas is hearing now, from the U.S. government, from Israelis of all stripes, from the Europeans, even from Arab countries, is in the form of “You must...!” or “You must not...!” Since an inter-religious group of us, with Rev. Jackson, were planning to address them directly, I felt we could appeal to them, speaking positively and respectfully, on the basis of their religious values. Violence is not of their essence, and it has not always been their way. They adopted it when they thought, perhaps mistakenly, that it could make a real difference for justice. But now they are responsible for government.

My best single source for Hamas was the book *Hamas, Political Thought and Practice*, by Khaled Hroub, published in 2000 by the Institute of Palestine Studies. Hroub points out that Hamas regarded its attacks on Israeli civilians as always contrary to its own best principles. Their attacks came initially as impetuous response to the Hebron attack in February 1994 by Baruch Goldstein. Hamas then pulled back from such things, with occasional revenge attacks in response to particular attacks by the Israelis, but were basically responsive to Arafat’s efforts to keep them from it.

In early 1996 a Hamas military leader, Yahya Ayyash, who had actually been responsible for a long-term cease-fire on the part of Hamas, was murdered by the Shin Bet (clearly with the approval of Acting Prime Minister Shimon Peres), for tawdry motives (simply to show Shin Bet as capable of some kind of action after they had failed to protect Yitzhak Rabin from assassination). Hamas then set off a series of suicide bombs in revenge which were a principle reason that Shimon Peres lost the election that year to Netanyahu.

That was the pattern: Hamas attacking, often in outrageous ways, but basically in response to Israeli attacks that were just as outrageous. Twice after the start of the Al-Aqsa Intifada, in November 2001 and July 2002, they entered into agreements with the other militant movements, at the prompting of Arafat’s Palestinian Authority, to call off all suicide bombings or attacks on civilians in Green-Line Israel, only to have them cut

off when the Sharon government launched massive attacks on Palestinians. Eventually they declared a lengthy *hudna*, or cease-fire, to which they remained faithful even though the Israelis never let up from their extra-judicial killings of suspects, often with extensive deaths of by-standers. Hamas had observed this cease-fire, well beyond its promised length, for some two years before the January election. Actually from February 2004.

Hamas and Religion

From the start, as I did my first assessment of Hamas after the election, I was interested in their religious stance. This would affect Palestinians first of all, if Hamas were inclined to set up a Sharia state. Two reassuring Op-Ed articles were published January 31st, one by Khalid Mish'al in *The Guardian*, the other by Mousa Abu Marzook in *The Washington Post*, both insistent on their religious duty as Muslims to respect and protect the freedom of the Peoples of the Book, Jews and Christians, "preserving the Holy Land for all three Abrahamic faiths...in a pluralistic environment, ...[putting] into practice faith-based principles in a setting of tolerance and unity."

Christian response came in the form of a February 1st Joint Statement of The Patriarchs and Heads of the Churches of Jerusalem, issued from the Latin Patriarchate, welcoming and congratulating the Hamas winners of the election, calling on their own people to greet them without fear, extending cooperation to them "for the public good and the national Palestinian aspirations together with the cause of justice and peace in a non violent way, whether in regard to foreign relations, the rule of law together with full religious freedom, especially in the social and educational fields." The widely influential Christian movement Sabeel issued its own statement February 4th, welcoming the Hamas electoral victors in similar terms, reaffirming its own commitment to a two-state solution and asserting that their movement "perceives a change in the stand of Hamas in this direction, though not a recognition of Israel yet. Hamas is also suggesting a very long term cease-fire (*hudna*). Their stand is to halt the armed struggle and leave the matter of ending the conflict to future generations."

When we visited Mish'al and his colleagues in Damascus, Rev. Jackson and I quizzed them particularly on this matter of religious pluralism and freedom. They assured us that they understood the precepts of their Muslim faith, which is clearly of great moment to them, in just this way, were proud of Islam's long record of providing a safe haven to Jews in their times of persecution and insistent on the Islamic principle that there must be no compulsion in religion.

Hamas and Israel

What then of Israel as a state?

One of the main demands that Israel and the West make of Hamas, as test of its own legitimacy, is that it recognize the legitimacy of Israel as a state, which they have conspicuously refused to do. Their discourse has been punctuated by references to the Arab League proposal of 2002, which promised recognition and full normal relations of peace to Israel on condition of a return of the occupied West Bank and Gaza territories to become a Palestinian state. Marwan Barghouti, Fatah member on multiple life sentences in an Israeli prison yet the one Palestinian most likely to prove himself a Nelson Mandela figure of reconciliation, brought about acceptance of that Arab offer by his fellow prisoners, whether Hamas or Fatah or the other movements represented in the prison. Hamas has found it difficult either to accept or reject the prison agreement, nosing about it, sometimes endorsing, sometimes pulling back from it as premature. We've heard Mr. Haniyeh saying Hamas would never recognize Israel, would never..., would never.... We hear a lot of such "nevers" from our own political leaders and know enough not to take them too literally.

Rev. Jackson and I approached this from the other direction: what were their intentions with regard to the state of Israel? Did they mean its destruction? Their response was that they sought only a Palestinian state "on the 1967 borders." It surprised me, in fact, that they did not intone "with Jerusalem as its capital," as Arafat so consistently did, but I took it that was implied. We asked, had they any intention of

destroying the state of Israel. Most insistently they answered that they had no such intention. Rev. Jackson recalled for them how he had heard just such statements from Arafat when he first met him in 1978, and had urged on him that, in such case, it would be to his advantage that none of the rhetoric of the PLO give any such suggestion. (By the time I started talking to Arafat in 1985 this was already well established.) So Jackson urged the same thing on Mish'al and Hamas.

We asked: why then, if they wanted only a 1967-borders state and had no intent to destroy Israel, would they not accord it the formal recognition that was demanded? Their answer: it was not time for that.

This is, of course, too easy, and has to be further explored. I have been exploring it, through their own writings and statements. Rev. Jackson and I were all over this subject with them when we met them in August. I wrote myself to Mish'al, explaining my own understanding of their position, as recently as last month, October 13th, and had already discussed this in writing to him on May 5th. My understanding of it comes in three parts.

First, there is the asymmetry between what the PLO recognized of Israel and what Israel recognized of the Palestinians in the Oslo Accord. The PLO recognized the legitimacy of Israel as a state. It was not for the first time, since the PLO had already done that at the 1988 PNC in Algiers, and Arafat had done it again in his address to the UN General Assembly in Geneva later that year, but it was repeated in the Oslo Accord. The Israelis recognized the PLO as the sole legitimate representative of the Palestinian people. That was the 1974 Rabat formula of the Arab League. I was very glad to see this accord, as it marked the first time that both peoples recognized one another's legitimacy as peoples. This mutual recognition could not be revoked, even when Netanyahu devoted himself for his three years as Prime Minister to retracting that recognition but was unable to do so. The Al-Aksa intifada put the recognition in danger from both sides, but still did not destroy it.

Yet the Oslo recognition was not symmetrical. The Israelis did not recognize the entitlement of the Palestinian people to a state. Recognizing the PLO as their sole legitimate representative implies, but only implies, that they are a people entitled to a legitimate representation, but it does not parallel the recognition that the PLO gave to Israel. Hence, as I understand, Hamas refuses to recognize that legitimacy of Israel as a state without the symmetrical recognition of Palestinians as entitled to a state.

Second, there is the question: if I recognize the legitimacy of Israel as a state, where is it? The question of borders is still radically undetermined. Does recognizing the legitimacy of Israel as a state mean recognizing that it has the right to annex whatever it chooses of the West Bank? Or the Golan Heights? Or some part of Lebanon? For myself, Israel is very dear to me, as are the Palestinians. I accept Israel, but I cannot answer that question: where is it? I know where I believe it should be, but not where Israel means to be or where it believes itself to be. So it is very cavalier of me to say I recognize its legitimacy as a state without being able to answer that question. I can only hope they will tell us some time, and I understand that, for Hamas, that is not good enough. What is it they are asked to recognize?

The third element I do not know how to deal with properly, as it is a religious question that remains obscure to me.

I can admire, in fact, the importance that religious faith has Hamas. I have learned that Hamas is not a movement of religious fanatics, that it does not intend to impose religion or its own faith on others, respects, as part of its Muslim responsibility, the faith and freedom of the other peoples of the book, Jews and Christians, and intends to have a society in which these remain free.

I understand that, in the view of some Muslims, it is not permissible to allow any part of the land of Islam to be relinquished, to be separated from the territorial land of Islam. I do not know the standing or importance of this belief, or how widely it is held.

Pope Benedict XVI, when he made his unfortunate speech in Regensburg, quoted, without contradicting it, a 14th-century Byzantine Emperor who spoke of Islam as believing in conversion by the sword. The Pope knew enough to quote, just before that, the Koranic verse that “there is no compulsion in religion.” What he meant by his citation of the Emperor Paleologus is hard to discern. But in the discussion that followed, I heard many scholars distinguish between conversion by compulsion (the sword) and the political (geo-political) acquisition of territory, the lands conquered in the first epoch of Islam. I don’t know how any imperative of preserving territory would apply to Spain, or to India. But it is Palestine that is in question.

We Christians had, for a long time, a territorial understanding of what was called Christendom, an area of territory – it was basically Western Europe, Eastern Europe too though they weren’t good friends – that was Christian in the sense that anyone who lived there should be Christian or would be punished. The Crusades, the Inquisition were based on that premise.

Such an understanding never arose before the time of Constantine who, when he first declared Christianity a legal religion in the Roman Empire, declared himself in favor of religious liberty, but soon fell back, along with his successors, to the idea that, for the sake of the unity of the Empire, there had to be uniformity of religious faith. This was not, it should be noted, an imperative of Christian faith, but only of the uniformity of authority in the Empire, a political imperative. Those who did not conform were persecuted, eventually fire rather than sword as a persuader, and all territory that did not belong to this Empire of Christians was seen as enemy territory.

That territorial understanding of Christendom obtained throughout our Middle Ages. With the age of world exploration, it had to break down. Spain attempted to make the Americas parts of Christendom, territorially Christian, but the Portuguese Empire established its colonies only along the fringes of Africa and Asia, with the result that they could not be seen as Christendom. Still, as late as the great Edinburgh Conference of 1910, which marked the launching of Protestant mission activity for the next century,

people thought in terms of Christian territory (Western Europe, North America and Australia: those at the conference were in doubt whether South America was really Christian, since it was Catholic), and aspired to make more of the world, the continents of Africa and Asia, parts of Christendom as well. By now, the territorial concept of Christianity has faded away before us, and we have had to come to a better, more mature understanding of Christian faith, to realize that of its essence it requires freedom of conscience and religious liberty as its very foundation, and that therefore the concept of compulsory Christianity in a territory is directly contrary to Christian faith itself.

And so, here is my question. Where is Islam on this matter? Is this territorial imperative – if indeed it really exists at all – seen as a religious or faith imperative, or is it only political? Is this a reason why a state of Israel, which everyone knows is there to stay, alongside – we hope – a Palestinian state in the 1967 borders, can be met only with a *hudna*, however long or even permanent, and not with a recognition of its legitimacy? Or is this a question that is at least open to discussion in Islam, in genuine, faithful Islam? I'm having that conversation now with Hamas.

Hamas and Fatah

The other demand made on Hamas, as condition for the lifting of the economic boycott that has put the whole resident Palestinian population to such extreme want, is that it recognize all previous agreements made by the PLO or Palestinian Authority. Hamas holds back on this, and we need to be sure whether that means, as Israelis always suspect, rejection of Israel or not.

The question depends largely on Hamas's refusal to recognize the legitimacy of the Israeli state – recognize it at this time, as we just discussed. The Hamas view is that Arafat and the PLO settled for too little in the Oslo Accord, not getting an Israeli recognition of the Palestinians' entitlement to a state. In addition, they see the series of PLO/PA agreements as tainted by the consistent failure of Israel to live up to its side of

these same agreements, which makes them all at least suspect in Hamas eyes. They are, of course, suspect in Fatah eyes too, for the same reason.

Most central, though, is the fact that Hamas is not a part of the PLO, and hence does not feel bound by its agreements. The Oslo Accord, of which the Palestinian Authority is a result, was signed by Israel with the PLO itself as partner, and contained Israel's recognition of the PLO, in the words of Rabat, 1974, as "the sole legitimate representative of the Palestinian people." There remains an ambiguity about Hamas's relation to PA and PLO. The movement has a Prime Minister and other officers of the Palestinian Authority, which as such is signatory of many of those agreements, and Mish'al himself, in his January 31st *Guardian* Op-Ed, names, as medium-term objective of Hamas, "to reform the PLO in order to revive its role as a true representative of all the Palestinian people, without exception or discrimination." Yet for now they are separate, at least from the PLO.

The PLO itself has always been a multi-party system, but one in which the Fatah faction has been so dominant that it has functioned practically as a single-party system. Hamas, being outside it, was careful over many years not to undermine the authority of Arafat or the PLO. But now, after the January election, it can no longer be said that the PLO is "sole legitimate representative of the Palestinian people." The people having chosen freely, they are now a two-party system in which Hamas and Fatah, or if you will, Hamas and PLO, both have legitimacy. I often hear people ask that Hamas be taken into the PLO, but so far that is not their choice.

The advantageous position for both, in the light of the crisis confronting the entire people, would be to combine their efforts without either losing its distinctive character. Occupation, and the threat of a unilateral pre-emption of the future by Israel, is the common danger to both. The Palestinians could oppose it together, whether, like Fatah, they already acknowledge the legitimacy of Israel or whether, like Hamas, they make that contingent on lawful behavior by Israel. They could still oppose one another in another election without either having to have failed of this common purpose.

Resistance

So what is to be sought or expected of Hamas now? Neither Hamas nor Fatah really has the option of no longer resisting occupation. To fail of that would totally discredit them as Palestinian leadership. Their people has lived under military occupation for nearly forty years and they are truly required to resist. For their leadership not to resist would be betrayal.

What I look for, and have argued to them throughout my own correspondence and that meeting in Damascus, is principled non-violence. No violent resistance will be of any use to them. It will only provide the rationale for massive Israeli reprisal, and given the tenor of Western world opinion, the opinion of the powerful parts of the world, any violence on their part will be held against them, and violence against them will be excused.

I used to argue to Arafat, from the time the 1987 intifada folded up, that he needed the mobilized resistance of his people, and that it had to be rigorously non-violent to succeed. Arafat tried to negotiate with Israel as a one-man show, and I used to argue it to Rabin and subsequent Israeli Prime Ministers that Arafat need this mobilized people even to be serious for them as a negotiating partner, since he had no power given him by the Arab states, none from Europe, and only opposition from the United States. He proved unable to control the violence of the various Palestinian militant groups. I argued constantly that he would only be able to do this when his people were conscious that they had a successful campaign of non-violent resistance, so that any act of violence was sabotage to their own cause.

To Hamas, I've argued that they have a mandate to provide honest government to the Palestinians. They will provide no government at all if they continue with bombings of busses and Pizza parlors, because the Israelis will then be able simply to sweep them away. But that with a mobilized campaign of principled non-violence, total non-

cooperation with occupation – something that they could only do in cooperation with Fatah – they would seize the moral high ground, in a way visible to Israelis themselves as well as to the rest of the world, and would succeed.

Back to the Question

So what can we expect of Hamas? To a great extent that depends on ourselves, whether we approach them simply as enemies to be destroyed, or as those with whom we seek a relation of peace. From my own contacts, I find them, for all the turmoil and contradictions that appear among them, reasonable people seeking openings for the good life of their own community, within bounds that are not a derogation from Israel, and in the expectation that they will be able to make peace, in freedom, with their occupiers. The November 1st Op-Ed in the *New York Times* by Ahmed Yousef, senior adviser to Prime Minister Haniyeh, is new evidence of that. Khalid Mish'al himself, with whom I've now had the opportunity to speak at length, and who is most central to the leadership, impresses me as committed to finding his way to these goals. He gives the distinct impression of great stability in his actions, and of humanity in his responses to people and their suffering. I have not believed the stories we find so commonly in our press and media, that Mish'al is the hard-line rival to Prime Minister Haniyeh and others who should be counted as moderates.

It is very difficult for Hamas, with its totally separated centers in Gaza, in the West Bank, in Damascus and Amman, and now with so many of its elected officers in Israeli prisons, to communicate and keep everyone on the same page, but they are united in their purpose all the same, not undercutting one another.

We have become accustomed of late, as a fundamental characteristic of American policy, to tell others, whom we regard most often as inferiors, that if they do not accept what we want, we will punish or destroy them. In Hamas, I believe, we are meeting people with whom we, and especially Israel, should see hope of genuine reconciliation.