

## Operation Al-Aqsa: Middle East Scholars Weigh in on Gaza – Israel Conflict



On October 7, 2023,  [Hamas](#) and Palestinian militants carried out an extensive storming and strike against Israel from the Gaza Strip. This offensive saw the Palestinians penetrate Israeli barriers as they entered local settlements within the country and ultimately reached Israel’s territory and military installments. Hamas’s gruesome attack was the first form of direct militarized conflict in the region since the  [Arab Israeli War of 1948](#). Hamas launched an air and ground assault on Israel in the form of rockets and vehicle raids aimed against civilians.

Professor of Middle East History  [Lawrence Davidson](#) has indicated that Zionists have betrayed the memories and historical lessons of antisemitism. “For 75 years they have inched their way into the persona of their enemies. It is the tragedy of Judaism in our time.” Journalist and policy analyst  [Mariam Barghouti](#) recently stated, “I know so many Palestinian journalists, me included, that gave up on reporting and working with news agencies because of how censored we were. The editors were so afraid that a Palestinian reporting the violence would threaten their positions. They constantly abandoned us.”

In this interview, international relation scholars  [Richard Falk](#) and  [Stephen Zunes](#) comment on: the politics of Hamas, the role of the press, how international law is applied in the region, human rights for civilians, the nature of terrorism, and the prospects of a Third Intifada. They explain the significance of these events that mark the first time a formal Israeli war declaration was issued since the  [Yom Kippur War \(1973\)](#).

**Daniel Falcone:** What is  [Hamas](#) and how has the group evolved and changed both tactically and politically in recent years?

**Richard Falk:** After the [1967 War](#), Gaza was occupied by Israel, and settlements were established. Hamas, established in 1987, was a militant Islamic organization that was regarded as a Gaza branch of the [Muslim Brotherhood in Egypt](#). Israel is alleged to have originally encouraged the emergence of Hamas as a counterweight to the PLO as led by Yasir Arafat and was treated at the time as the center of primary opposition to the completion of the Zionist Project. As many as 76% of the Gazan population, now estimated at over 2 million are 1948 and 1967 refugees and their descendants. Over the many years of occupation Gaza has been for Israel the most difficult to subdue and the least related to the fulfillment of the [Zionist Project](#), which looks to incorporate the whole of the 'promised land' to the Jewish people.

Hamas seems to have evolved over the years during a series of developments. Until 2006 Hamas was seen as a Palestinian radical and religious alternative to the more diplomatically inclined and secular oriented [PLO](#). Hamas in its original [charter](#) clearly rejected the legitimacy of Israel and was committed to the liberation of Palestine by armed struggle. It denounced Israel and Zionism, and engaged in violent tactics, and was treated as a terrorist organization by Israel. Hamas was excluded from the secret diplomacy that resulted in the [Oslo Framework in 1993](#), the recognition of Palestine as a party to negotiations, and the establishment of the [Palestine Authority](#) in Ramallah to represent the Palestinian people with the presumed objective of a Palestinian state.

In 2005, during the period when [Ariel Sharon](#) was the Prime Minister of Israel, a disengagement process was implemented, which resulted in the withdrawal to the Israeli borders with Gaza and the dismantling of the ten or so Israeli settlements withdrawn, returning the settlers to Israel. At the time, Israel insisted that its withdrawal from Gaza ended its responsibilities under International Humanitarian Law, and specifically its duties to comply with the [4th Geneva Convention on Belligerent Occupation](#). The UN Human Rights Council and most international law experts didn't agree, arguing that Israel remained the Occupying Power, with Israel's armed forces simply redeployed at the borders, entry & exits to and from Gaza controlled by Israel, as well as active military control of Gazan air space and coastal waters.

In 2006 Gaza administrative elections Hamas was urged by Washington to take part as a way of seeking a political solution by an acceptance of a strategic shift from armed struggle to diplomacy, and in the process gaining the right to represent the people of Gaza in international venues. Unexpectedly, Hamas prevailed in these elections, and later in an internal struggle prevailed over [Fatah](#), the PLO political grouping, gaining undisputed authority to administer [Gaza](#). These developments provoked angry reactions in Israel, supported by the US, with the resolve to continuing treating Hamas as '[terrorist organization](#)' and as such, lacking in political legitimacy. In 2007 Israel imposed a comprehensive land and sea blockade that is still in effect, with an intended crippling effect on the Gaza economy.

Hamas remained the governing authority in Gaza, was locked in a bitter struggle with the Palestinian authority to obtain shipments of necessities, including for hospitals and medical usage. In this period, Hamas made several efforts, including by an appeal to Washington through private channels, to establish a long-term ceasefire. Israel showed no interest in such a de-escalation of tensions and violence and continued to make life miserable for Gazans trapped within its confining boundaries. Hamas and other liberation groups, including [Islamic Jihad](#) retaliated to Israeli provocations with [rocket attacks](#) that inflicted little damage, but kept tensions high. Israel on its side periodically mounted major military operations in [2008-09, 2012, and 2014](#) that caused heavy damage by way of casualties and the demolition of housing. The devastation had prolonged effects due to Israel's refusal

to allow the import of many building materials, contending that such materials had dual-use capabilities that included military applications.

The  [Hamas](#)  complex  [surprise attack](#)  on October 7th that struck targets and occupied 22 village communities in Israel producing at least 1000 Israeli deaths, 130 civilian and military hostages including several high-ranking IDF generals. So far, the attack is being celebrated by Palestinians and their supporters as resistance heroism, not only in  [Occupied Palestine](#) , but in neighboring countries. In contrast, the U.S. and leading European governments have audaciously condemned the Hamas attack as ‘unprovoked’ aggression.’ These Western reactions also affirmed Israel’s supposed unrestricted right of  [self-defense](#)  that includes an apparent toleration for deliberately attacking civilian targets and exacting vengeance.

Leading  [NATO](#)  governments have stuck to their standard political discourse that regards Hamas as a terrorist organization coupled with unqualified acceptance of Israel’s claimed recourse to war as  [legally justified counterterrorism](#) , overlooking altogether Israel’s recourse to state terrorism. This outpouring of support for Israel is much more than an expression of humanitarian sympathies for Israeli civilian victims of the Hamas attack. It amounts to an uncritical embrace of  [Netanyahu](#) ’s avowal of a disproportionate, vengeful, and punitive recourse to war. Such legal partisanship amounts to the most stunning recent display of legal and moral double standards, amounting to a stark demonstration of the extent to which international law, as it pertains to Israel’s behavior, is a crude policy instrument of geopolitics evident whenever the norms of law clash with strategic goals of sovereign states. This amounts a frontal assault on the war prevention core mission of the  [UN Charter](#) .

**Stephen Zunes:** Hamas grew out of conservative Islamic groups, some affiliated with Egypt’s Muslim Brotherhood back when Egypt controlled the  [Gaza Strip](#)  between 1948-67. Israel initially encouraged them following their seizure of the territory as a counterweight to the much stronger secular nationalist Palestine Liberation Organization. They have since evolved into a fanatically anti-Israel and anti-Jewish organization. During the 1990s, after the secular Palestinian groups denounced the armed struggle, they begin engaging in suicide bombing and other terrorist attacks inside Israel. Hamas did well in Palestinian parliamentary  [elections in 2002](#)  and formed a coalition government with secular nationalist Fatah.

When, at the encouragement of the  [Bush administration](#) , Fatah attempted to force Hamas out of government, Hamas forcibly seized power in the  [Gaza Strip in 2007](#)  and banned any political opposition. The Israelis, with Egyptian support, imposed a blockade on the crowded urban enclave. There have been periodic outbreaks of fighting subsequently, with Hamas lobbying rockets into civilian-populated areas in Israel which killed dozens of civilians and Israel engaging in major bombing, shelling, and ground operations which killed many hundreds of Palestinian civilians. The United States has condemned the former but largely defended the latter. I write about the U.S. role in making possible the emergence of Hamas in this  [article](#) .

**Daniel Falcone:** What were the main causes of the Hamas attack that may have been left out by the mainstream corporate press?

**Richard Falk:** As with Ukraine, the mainstream media in the West reports on the Hamas attack without any inquiry into the context of severe, lethal, and repeated Israeli provocations since the Netanyahu coalition government took over at the beginning of 2023. At most, there have been a few superficial acknowledgements that Hamas was reacting to a string of violations of the sanctity of the  [Al-Aqsa Mosque](#)  that have given Jews unacceptable access and denied Muslim Palestinians unmolested freedom to enter the Mosque for customary religious worship. In addition, some explanations of the Hamas attack have emphasized alleged prisoner abuse in Israeli jails, with reports of Palestinian political prisoners staging protests by embarking on hunger strikes.

What is missing in the public response by these governments proclaiming support for Israel, except in selective online progressive platforms, is a full-fledged account of the overall oppressive Israeli administration of the Palestinian territories (that is, East Jerusalem, West Bank, and Gaza) occupied since the 1967 War, patterns of occupation increasingly viewed as unlawful in the judgment of several legal experts reporting to the [UN Human Rights Council](#). Since January settler violence in the [West Bank](#) has increased in its ferocity and frequency, shockingly aided by the passive complicity of Israeli security forces and the dismaying backing of ministers serving in the Netanyahu coalition government. The Geneva Conventions impose a duty to protect civilians subject to belligerent occupation, and the intentional failure to do so qualifies as a [Crime Against Humanity](#), and an instance of what amounts to collective punishment.

Beyond these provocations, are several related developments. Of provocative salience is the [normalization diplomacy](#) avidly pursued in concert with [Saudi Arabia](#), giving scant reference to confirming the validity of Palestinian rights of self-determination. As a result, normalization is viewed by Palestinians as the final phase of their erasure by Israel, which is at the top of the Netanyahu policy agenda although somewhat occluded for several months by the '[democratization](#)' battle that pitted antagonistic Zionist orientations against each other.

A culminating move was made by Netanyahu in his triumphal speech at the General Assembly celebrated this new harmony in the Middle East when he [dramatically displayed a map](#) of the region from the UN podium that deleted Palestine. This was widely interpreted as Israel's conclusive dismissal of the two-state UN consensus that had nominally included even the U.S. and the [EU](#). It is noteworthy that this defiant Israeli gesture hardly elicited a whimper of protest from these ever staunch long-term supporters of Israel.

Somewhat further in the background of governmental awareness is the civil society consensus that Israel has become an [apartheid regime](#) in relation to the Palestinian people, including the several million refugees living in neighboring countries. Despite apartheid being designated as a crime against humanity in the [Rome Statute](#) governing the [International Criminal Court](#), Israel has not been censured or its denial of basic rights acknowledged.

Another factor that explains Palestinian political desperation is the failure of the Palestinian Authority in Ramallah to claim and act upon rights of resistance in pursuit of [Palestinian self-determination](#). The PA has collaborated with Israeli security forces in suppressing and punishing Palestinian resistance activism, is completely dependent on Israel through control of financial flows as linked to trade and economic assistance, and projects an alienating image of acquiescence.

Taking account of this political context makes it reasonable to conclude that only Hamas and kindred allied radical Palestinian groups that kept the flames of resistance burning and hopes for liberation sustained, with their fighters being denied combatant rights by being labeled as 'terrorists,' and paid a huge price over the years in the form of brutal Israeli military operations, a punitive blockade, and economic impoverishment. Israel responded with disproportionate force, given formal blessings in Israel's [Dahiya Doctrine](#), and by top foreign policy advisors who described Israel's security policies in Gaza as designed to keep Gazans on '[a starvation diet](#)' and depicted military operations as '[mowing the lawn](#),' which meant cutting down acts and actors of resistance.

For all its administrative failures, it was only Hamas that had the organizational vitality, leadership qualities, military and para-military capabilities, steadfastness, and motivation to plan and execute such a complex and multi-faceted mission against one of the most [advanced national security systems](#) in the world. This Hamas day of reckoning on October 7th, code named significantly as '[Al-Aqsa Flood Day](#)' will be long remembered in the annals of resistance politics and given the imbalance of forces will probably be viewed in retrospect by Israeli

faithful friends as a reenactment of [9/11](#) or [Pearl Harbor](#) and by supporters of the Palestinian struggle as an inspiring suicide mission.

It is of course regrettable, and admittedly criminal, for the Hamas attacks to have included Israeli civilian targets, such as a [music festival where 250 Israelis](#) were murdered, and dozens held as hostage. Given the decades of oppression in Gaza, this breach, and other discrediting forms of violence against hostages, are understandable reactions of desperation and frustration on the part of the Palestinians. The widespread Palestinian acclaim for the Hamas campaign, including by [Hamas critics](#), is confirmatory. In one respect, the moral limits of law are tragically exposed by these events. In another respect, the wrongfulness of attacking innocent persons needs to be effectively addressed, underlying provocations avoided. This is far preferable to [Israel](#)'s penchant for excessive retaliation that should be treated as 'state terror,' and not 'self-defense.'

**Stephen Zunes:** The Hamas attacks, like their rise in power initially, are a direct consequence of the Israeli government's refusal to allow for the emergence of a viable Palestinian state alongside Israel. Perhaps the message Hamas was trying to send is that Israel can't pretend to go on as a normal functioning society as long as Palestinians continue to be oppressed and denied their right to [self-determination](#). Things have worsened since the emergence of the far right coalition in Israel late last year: The escalating violence by Israeli occupation forces and rightwing Israeli settlers in the [West Bank](#) against Palestinian civilians, the increasing confiscation of land, the destruction of Palestinian homes and cropland, the further colonization of the West Bank by Israeli settlers, the violation of Muslim holy places and the failure of the Palestine Authority or the international community to stop them have led to growing anger among Palestinians and the desire to lash out.

Indeed, the Palestine Authority is increasingly seen as collaborators with the Israeli occupation. Hamas attacks on civilian targets in Israel, like any attacks against civilians by anyone, are completely unjustified. The Biden administration is totally wrong, however, to say they are "[unprovoked](#)." Israel has been killing many scores of Palestinian civilians, including children, in recent months and Hamas has been warning it would retaliate if they continued.

There was also the opportunity: The Gaza Division of the [Israeli Defense Forces](#) that was supposed to secure that border area from Hamas attacks were instead sent to the West Bank to support an illegal settlement in Hawara. In total, at the time of this weekend's attacks, 22 Israeli battalions were stationed in the occupied Palestinian territories rather than protecting Israelis inside Israel. Netanyahu was more concerned about enforcing apartheid in the West Bank than defending his country.

**Daniel Falcone:** Are there other examples historically or regional analogs that help illustrate this type of crisis/dispute? And how do Palestinians view the Hamas organization?

**Richard Falk:** The interaction of oppressive governance of minorities or of distinct peoples seeking self-determination by way of secession or separate statehood and their resistance is viewed through contradicting political lens. For the controlling state, resistance is criminalized as 'terrorism,' while for the resisting communities, resisters are viewed as freedom or liberation fighters enjoying certain legal entitlements to pursue their political goals. The subjugated peoples of [Western Sahara](#) and [Kashmir](#) are among a large number of examples of entrapped peoples, often the side effects of defective decolonizing processes.

A less stressed instance is that of [Catalonia in relation to Spain](#), but still exhibiting the legal/moral/political ambiguities of states in relation to a minority people seeking autonomy or separate statehood, and the lawfare denials by the Spanish state seeking to maintain its territorial sovereignty. There are numerous instances of borderline cases arising especially in settler colonial contexts of the sort that underlies the Palestinian/Israeli

struggle for land and rights in which the terrorist/resister discourse serves to highlight cleavages based on race, religion, and power.

It is hard to generalize about the Palestinian views of Hamas and the Palestinian Authority, the two main candidates to represent the Palestinian people. Considering recent developments, the split between the secularist identity of Fatah and the religious identity of Hamas, is temporarily blurred, although of singular importance earlier. It is not only the events of October 7th but a growing demand for Palestinian unity in view of Israel's efforts to deny Palestinian self-determination rights. This comes with the recognition that Palestinian splits, often openly encouraged by Israel's '[divide and rule](#)' governance strategies have weakened the movement for Palestinian self-determination as has the imprisonment or assassination of the most promising leaders.

**Stephen Zunes:** Extremist Islamist groups have tended to emerge in areas where there has been extensive political repression and/or social dislocation. We've seen that in Iran under the Shah, Iraq under the U.S. occupation, Syria under Assad, Egypt under [Mubarak](#), Lebanon from the civil war and Israeli occupation, etc. The Gaza Strip is largely composed of Palestinian refugees and their descendants forced out of Israel in 1947-49. They suffered under 38 years of direct Israeli occupation and [16 years of blockade](#), which has radicalized the population further.

Hamas only had a small minority of support among the Palestinian population until hopes for a peace settlement based on the Oslo Agreement began to fade in the late 1990s and disappointment at the corruption and ineptitude of the Palestine Authority began to grow. They received [44% of the popular vote in parliamentary](#) elections 20 years ago, but there have been no elections in Hamas-controlled Gaza Strip or the PA-controlled areas of the West Bank subsequently. My guess is that their support overall has waned due to their oppressive rule in the [Gaza Strip](#), though Israel's attacks on civilian population centers in response to Hamas attacks has likely strengthened their support.

**Daniel Falcone:** Journalist [Idrees Ahmed](#), a solid and reliable reporter, recently stated that "any attacks on civilians is a crime, whether by Hamas or Israel. Hamas (and its funders in Tehran) are hijacking Palestinians' real grievances with the occupation, blockade, and unceasing violence & humiliation. But they will only succeed in bringing on even more pain on Gazans." Can you discuss human rights for Israeli civilians?

**Richard Falk:** I am not familiar with the writing of Idrees Ahmed, but the argument he advances is often made, and reduces to a recipe for Palestinian acquiescence as it is superficially true that resistance of any kind will bring great suffering to innocent Palestinians. A parallel argument could be made that Israel should refrain from repression because it will stimulate Palestinian resistance. Given the limited military capabilities available to Palestinians in the exercise of their rights of resistance, it is to be expected that Israeli civilians would be likely victims of resistance violence.

It is true that attacks on civilians are crimes whether by the state or its violent opponent. It is, however, inflammatory to speak of the 'hijacking' of Palestinian grievances when existing procedures, whether by engaged governments or the UN, have proved futile or worse over a period that now exceeds 75 years. From the perspective of international law, given the settler [colonial reality](#) underlying Palestinian grievances, the Palestinians by now enjoy a limited right of resistance that legitimates violent acts so long as they respect the principle of civilian innocence, and that to view such resistance as 'terrorism' is a regressive form of lawfare. Given Israeli reliance on many varieties of [collective punishment](#) of Palestinian civilians in Gaza, and elsewhere in Occupied Palestine, it is questionable whether a focus on civilian casualties inflicted by Palestinian resistance groups is appropriate.

It seems irrelevant to refer to the human rights of Israeli civilians from an international law perspective. Violations of international criminal law are matters of governmental responsibility, and in theory, accountability. In practice, the state terrorism of governments is not subject to legal scrutiny, although it is technically accountable within the framework of the [International Criminal Court](#) or any judicial tribunal with appropriate jurisdictional authority. As explained above, moral, and political consideration more than law are generally decisive in these kinds of settings.

**Stephen Zunes:** Hamas once again has failed to recognize that killing civilians is not just morally reprehensible but politically counter-productive. They aren't like Israel and Saudi Arabia, which can kill thousands of civilians with impunity and still receive massive military and diplomatic support from the United States.

This will only harden U.S. and other Western support for Israel and make it easier for supporters of [Netanyahu](#) to depict the Palestinians as supporters of atrocities against Jews and deny them their right to self-determination. It will better enable Netanyahu to consolidate his efforts to achieve dictatorial power through control of the judiciary; we're not going to see massive [demonstrations on the streets](#) of Tel Aviv like we've been seeing weekly for most of this year for the foreseeable future.

Terrorism is obviously wrong regardless of the ideological orientation of those killed, but one of the tragic ironies of the Hamas terrorist attacks is that most of the victims have been kibbutzniks and ravers, who tend to be leftwing opponents of Netanyahu and the occupation. I have friends in [Kibbutz Kissufim](#) and [Kibbutz Kerem Shalom](#) located just to the south of the Gaza Strip. They are progressives who have fought for decades against the occupation of the West Bank and the siege of Gaza. Both kibbutzim were seized by Hamas last weekend. Haven't heard from any of them. I don't know if they have been kidnapped, killed, or are in hiding. It's not looking good. They have been steadfast allies to the Palestinian struggle. They don't deserve this. Neither Israeli citizens nor residents of the Gaza Strip and other Palestinian territories deserve to suffer due to the crimes of their political and military leadership.

**Daniel Falcone:** Do you envision a [Third Intifada](#)? Why or why not?

**Richard Falk:** A third intifada would at this point be less of a surprise than the October 7th Hamas attack. It would also give the current governing style and post-attack atmosphere lead to a repressive response harsher than the first two intifadas.

The expected overall rationale for a Third Intifada would be in response to the national and international failures to address Palestinian, and the show of solidarity exhibited by

Palestinians throughout the world and as a non-Hamas sequel to the resistance exhibited on October 7th. It would also underscore an innovative Palestinian politics of presence epitomized by the word "[we are still here!](#)"

It is possible that a [Third Intifada](#) might be launched in the West Bank at any time soon as an expression of solidarity with the Hamas attack launched from Gaza or in protest the Israeli response to Hamas. It would be an expression of an emergent Palestinian unity, an end to factionalism, and a sign of a spreading commitment to a more militant politics of liberation. It could also be motivated by the feeling that Hamas should be regarded as the only Palestinian opposition group prepared to pay the high costs of actively challenging Israel's policies, practices, and structures.

The reasons for refraining from a [Third Intifada](#) at this time include inhibitions arising from an anticipated harsh Israeli pushback in relation to repressive violence, undertaken by Israel in response making civilian life extremely precarious in light of the Israel's Defense Minister, [Yoav Gallant's formal announcement](#) on October 9th of a 'seige' of Gaza stopping all transmission of food, electricity, and fuel, which when executed will be a

genocidal instance of aggravated collective punishment.. It would be unrealistic to believe that a new intifada would have any immediate prospect of improving daily life or enhance longer term prospects for a just peace. Hence, it may not seem worth the costs of launching a Third Intifada, although it could have a major positive symbolic impact on global solidarity initiatives.

**Stephen Zunes:** Neither nonviolent civil resistance nor urban guerrilla warfare can work well when the occupier doesn't control population centers directly yet can effectively surround them and prevent freedom of movement. Another problem is that, unlike the anti-apartheid struggle in [South Africa](#), in which the white minority was dependent on black labor, the Palestinians have little such leverage. There may be periodic attacks by guerrilla cells against settlers and other small-scale operations, but it's hard to envision a major uprising like the first two [intifadas](#). Of course, I didn't predict an attack on the magnitude of what Hamas just did either.

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