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# Reconceptualizing Spoiling in Peace Processes

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“Change is the only constant”

(Heraclitus, Greek philosopher, c.535 - 475 BC)

# Abstract

Ending conflict and generating peace is an undertaking challenged by many threats. This essay deals with one of those, spoiling, i.e. actions that aim to destroy peace processes. The spoiling concept is a young phenomenon in political science. The author argues that the concept nonetheless carries a number of flaws. Those are the concept's definitional vagueness, normative underpinnings, and under-emphasis of the "structure and agency"-relationship. Thus, a reconceptualization is proposed.

The reconceptualization is undertaken with focus on the denotative definition, i.e. the boundaries- and membership definition, by engaging a behaviour-based model for assessing acceptable and unacceptable behaviour in the spoiling realm. Special emphasis is accorded to the "structure and agency"-relationship. The model is applied to a case study of Hamas.

The essay concludes by defining acceptable behaviour as behaviour that does not question peace as the goal, but aims at altering the nature of the peace. Unacceptable behaviour is defined as behaviour that aims at obstructing peace, no matter its nature. The border between acceptable and unacceptable behaviour is set to where civilians are targeted as the only mean to alter an asymmetric peace process. Such a situation should, argues the author, be reminiscent for scrutinizing of the peace process.

*Key words:* Hamas, peace process, reconceptualization, spoiling, structure and agency

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# 1 Introduction

“The Palestinian Authority is ruled by Hamas, an organisation committed to vehement anti-Semitism, the glorification of terror and the total destruction of Israel.”  
(Ehud Olmert, Israeli Prime minister, 2006)

“You know that the American administration gives itself the right to classify people just the way they like. But how can respectable states in Europe, like Britain, Germany or France, be influenced by this propaganda. Should they not search for the truth themselves? Should they not form their views on the basis of reason instead of rumours and hearsay?”  
(Khaled Mesha'al, one of the leaders of Hamas, 2006)

Hamas, acronym for The Islamic Resistance Movement (Harakat al-Muqawamah al-Islamiyya), is listed a terrorist organization by the United States, Israel and the European Union. Hamas has as its aim to liberate the historic Palestine and has killed hundreds of Israeli civilians in its attacks in order to spoil the Israeli-Palestinian peace process (Malka 2005:38).

For large parts of the Palestinian people Hamas stands for its Dawa activities as well: a social organization running schools, medical clinics and other infrastructural institutions, and a charity organisation helping, indulging and spoiling the war-tired population (Tamimi 2007). Hamas is also the largest representative of the Palestinian Authority (PA) since January 2006.

Note the use of the homonym *spoiling* (here somewhat incisive). According to the lexicon it can mean either to impair, ruin or make something useless, or to pamper and indulge someone (Chambers Reference Online). The dichotomized meaning of the term has however not been raised, and is not the problem in the academic literature on peace processes where spoiling has emerged as a phenomenon threatening peace. Spoilers and spoiling can be defined as “groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives.” (Newman and Richmond 2006b:1 and 2006:102). This paper focuses on the reformation of the spoiling concept in the area of acceptable versus unacceptable behaviour with help from the empirics of Hamas.

## 1.1 Purpose and Disposition

This study draws the attention to actors who parties and mediators in peace processes doubt peace is possible without, or feasible with. The available theorization concerning such actors is gathered under the umbrella terms *spoiling* and *spoiler*. I find the normative connotations that the terms embody as well as

the definitional vagueness in the concept problematic, and thereby mean to critically assess the theorization and reform the concept of spoiling.

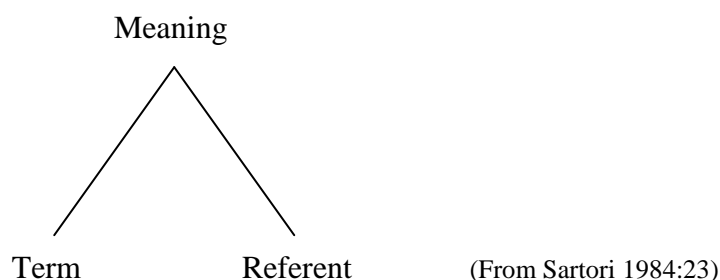
This chapter continues with a methodological discussion on how a concept is built and reformed. This is followed by an issue that is of great importance for the reconceptualization that will be undertaken, namely the relationship between structure and agency. Then the use of a case study to facilitate reconceptualization is discussed. The next chapter covers the concept and the present theorization of spoiling, my concerns towards it and initiates the pending reconceptualization. Following this chapter the focus will turn to Hamas, a typical yet unique spoiler. This case study will be of assistance in the papers main endeavour, i.e. the reconceptualization of spoiling, which will be presented in the final chapter.

## 1.2 Reconceptualization

“ It is in this matter of clearly defined concepts that social science research is not infrequently defective. ” (Merton 1958:114 quoted in Sartori 1984:15)

In reconceptualization lie two components: deconstruction of the concept (in the sense of describing it and examining its parts and their relations) and forming the “new” concept. The following discussion on reconceptualization is derived from Giovanni Sartori’s ambitious methodology on how to systematically analyse social science concepts (1984) and adapted to suit the actuality of this paper. Let us start with what a *concept* is.

A concept is a *unit of thinking*, and some words are carriers of complex concepts (for example ethnicity, development, power and consensus) (Sartori 1984:17). Sartori’s semantic angle, as in the picture below, shows how the knowing and the known and thereby also the concept can be broken down. The angle consists of the *term* (word) to the left, *meaning* on the top, and *referent* (object, phenomena) to the right.

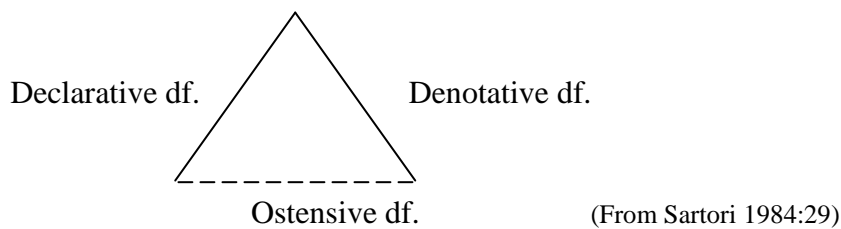


In this angle the left side addresses the terminological problem (“how do meanings relate to words?”) and the right side addresses the denotational problem (“how do meanings relate to referents?”) (Sartori 1984:23, 27).

The first step in the methodological act of a reconceptualization is to deconstruct, i.e. present and examine the available concept. The overarching questions in this endeavour are: What is the *meaning* of the concept? What is the

*referent* of the concept? (Sartori 1984:28). Answering those questions can be done by collecting a representative set of definitions; extracting the characteristics; and organize those characteristics by describing the similarities and differences in how the concept is understood (Sartori 1984:41).

When I first started studying “spoiling” as a theory and concept my initial thought was that this concept needs a more precise definition. Sartori also states that one way of curing conceptual faults is by defining (1984:28ff). But I found that *definition* is multifaceted, and a simple definition would not be a sufficient cure to the specific problems of the spoiling concept. The concept in its theorization has, in Sartori’s terminology, a declarative and an ostensive definition. Declarative is equivalent to a statement and an almost lexical definition, and ostensive is equivalent to giving examples of things to which the defined word properly applies. To be more specific the definition of spoiling in the introduction is a declarative definition and exemplifying spoilers by splinter groups, guerrilla groups, terrorist organizations and warlords is an ostensive definition. The shortcoming of the ostensive definition as a definition is the reason for the open triangle and the dotted line in the figure below (1984:32). The fact that spoiling is merely defined by these lexical and exemplificational shortcuts is insufficient since the concept is not properly defined the denotative way.



The denotative definition is how the meaning relates to the referent: “With respect to the referent, the basic question is, which objects or entities are included and which are excluded?” (Sartori 1984:42) This means the designation of boundaries of the concept i.e. its membership inclusion and the boundary, of for instance when a hill, definition-wise becomes a mountain. In the spoiling concept all these problems are present which will be discussed in the following chapter.

This is done as a first step to provide an understanding of the spoiling concept, as a concept that is in need of a complete reconceptualization with ultimately even a different term. In the call for this I follow the position which reconceptualizations tend to take departure from: a normative concern of a different highest value than the original conceptualization. Ralph Pettman for example regards human security far higher than state security and this is the ground for his reconceptualization of strategic studies (2005). The higher value in the reconceptualization that follows in this paper is the value of not assigning negative labels on anyone’s behaviour without a prior correct definition of the label. The definition of the label is here tightly connected to the situation and its impact on the labelling is crucial.

To conclude, this section has provided a method of how to deal with concepts and how to specify possible concerns toward those. The next section will turn to

discuss one of the main elements of the pending reconceptualization, that of the relationship between structure and agency. This issue is one that has surfaced both while examining the spoiling concept and in the empirical study of Hamas.

### 1.3 Structure and Agency

The “structure-agency”-question is an important theoretical issue in the social sciences:

“Fundamentally, the debate concerns the issue of to what extent we as actors have the ability to shape our destiny as against the extent to which our lives are structured in ways out of our control; the degree to which our fate is determined by external forces. Agency refers to individual or group abilities (internal or otherwise) to affect their environment. Structure usually refers to context; to material conditions which define the range of actions available to actors.” (McAnulla 2002:271)

My pre-understanding, and also conclusion, concerning structure and agency is that when doing political science research it is an issue that has to be acknowledged and the study of only one side of the dichotomy will inevitably mean the loss of important dimensions. I thereby take a dialectic approach to structure and agency together with numerous scholars (Giddens, Jessop, Archer and Hay according to McAnulla 2002:278), thus considering both parts of the dichotomy important and interrelated. For the purpose of this study Margaret Archer’s spiral circular time-model of the interplay between structure and agency is employed, since I find it a relevant analytical tool and it correlates to my ontological understanding that structure is not deterministic.

Archer argues that structure and agency are “like two distinct strands which intertwine with one another” and the best way of understanding the dialectic relationship between them is to examine their interplay over time (McAnulla 2002:285). She also suggests that the interplay is cyclic over time: starting with an assessment of the structure by the agency, the agency is in turn being influenced by the structure and at the same time possibly tries to alter it in line with its preferences, and finally the structure changes a bit and everything starts over again within this new frame. She calls the stages structural conditioning, social interaction and structural elaboration (McAnulla 2002:286f). Archer puts culture or the ideational concerns as a notion that affects agency in much the same way as structure with the only difference that culture and the ideational concerns are not material (McAnulla 2002:288ff). Consequently there is a dialectic relationship between structure and agency as well as culture and agency (McAnulla 2002:290). The problem that is still present in Archer’s discussion is how culture and structure are related over time although she states that agency and culture co-determine structural change (Elder-Vass 2007:26). It could be argued that the differentiation between structure and culture is more for analytic purposes than empirically recognisable by the agency. Possibly culture is more difficult and



slow to change than the material structure. Culture, as such is a diverse concept that will not be lingered on to any further extent than to conclude that culture can be present both in social institutions and in groups of people in different parts of the world and that every individual has multiple cultures (Avruch 1998). In this study and the reconceptualization that follows there will be no implicit differentiation between culture and structure. This standpoint concerning structure and culture is taken with consideration to phenomena such as the “glass ceiling” (McAnulla 2002:275) that certain groups of people, for example women, may encounter when applying for high-level positions and gets rejected; a structure, in the example on women, a patriarchal structure, that is not material. The standpoint is found compatible with Archer’s analytical tools although it does not follow her distinction between culture and structure. Archer underlines the fact that the division between structure and agency is used as an analytical point of view and not as a philosophical (Archer 2000:465), which strengthens the above standpoint.

Dave Elder-Vass draws on Archer’s work and advances it in that “even though we can sometimes explain how social structures work in terms of individuals and the relations between them, this does not entail that social structures can be eliminated from the explanation of social behaviour” (Elder-Vass 2007:40). This notion is important for my work since negotiations and conflict as structure can fall short on the criticism that conflict is better described as chaos and that negotiation is made up of different people’s qualities and preferences. King for example argues that structure is merely “other people” (King 1999:208).

In the reconceptualization of spoiling the issue of structure and agency will stand as both analytical help and as prerequisite that spoiling cannot be understood without paying attention to both. The distinction and relation will be present both in the presentation of the current spoiling concept and in the analysis of the case of Hamas that will facilitate the reconceptualization. In the case study Hamas’ characteristics are issues of agency and the Israeli-Palestinian conflict is an example of structure. We shall now turn to discuss the case study as a help in reconceptualization.

## 1.4 The Case Study

It is generally argued that it is not possible to generalize from a case study because of the difficulty of “distinguishing what is unique to the case and what is common to the class of events as a whole” (Lebow 1981:6) which is true if you by generalization imply regularity and empirical, statistical generalizations (Bjereld et al. 2002:77). But one of the benefits with case studies is the ability to help in development of theories. Hence *theoretical* generalizations can be made with the help of a case study, comparative elements, and the ladder of abstraction

according to Bjereld et al. (2002:80).<sup>1</sup> By theoretical generalizations it is meant that the causality is possible to explain and not simply the fact that there is a connection. Since the case study is applied in this paper as a facilitator in the reconceptualization of a concept, it serves as an illustration of issues that should be considered, and connects the theoretical elements.

Anyone studying anything connected to the Israeli-Palestinian conflict needs to be aware of the possible bias in the literature. The fact that the case study in this paper builds on numerous sources facilitate a degree of balance between pro- and anti-Hamas scholars, although most studies applied aim at a certain extent of objectivity. I am using mainly secondary literature. Firstly because of the difficulty to obtain Hamas' publications when not geographically in their territory, and secondly because of the benefits of some of the comprehensive studies that have used triangulation between Hamas' own texts, interviews and other field studies in their quest for understanding. Most of the authors of the studies on Hamas have spent long periods of field studies either in the Gaza Strip or on the Westbank which facilitate a deeper understanding of the dynamics of the organization, but which also gives the risk of affection toward it.

Hamas has been chosen for the purpose of this study because its behaviour has ever so often been a clear case of spoiling, even in its own eyes (Malka 2005:42), but also because of the unique seat, in its history, it now possesses as the largest representative in the democratically elected Palestinian Authorities (PA). This new position and the road to it, in all probability necessitated and necessitate a careful revision of its stance and behaviour in the realm of the negotiations. What makes Hamas unique is that it is "an *Arab* Islamist party that has actually achieved an election victory and taken the control over a government in the otherwise mainly authoritarian Arab world (Schulz 2006:3).

The predicament with this case study is twofold: First, the difficulty of comprehending the difference between the statements and the actions. This has been dealt with by also looking at the de facto actions that has been taking place. Second, the conflict in which Hamas' behaviour is situated; the Israeli-Palestinian conflict is entangled with many actors that from time to time spoil the negotiations. It is also necessary to keep apart the different things that Hamas can be a case of; terrorist organisation, extremist organisation, or Islamist organisation, to mention some.

The main components of this paper have now been discussed. Before turning to the theoretical analysis some ontological and epistemological considerations will be raised.

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<sup>1</sup> Also Lennart Lundquist states that under certain circumstances generalizations can be made from case studies (1993:105)

## 1.5 On Knowledge

This study takes its stance in my understanding of language<sup>2</sup> as sometimes standing between us humans and our perception of “reality”. Thus, I have difficulties accepting such a value-laden term as spoiling as a prerequisite to analysis. This goes against most my thoughts about science and for what it stands.

The paper aims at openly presenting the choices and predicaments approached in the research. The reason for this aim is that, as Lennart Lundquist also notes, the researcher cannot stand outside his or her empirical understanding of what is important and what is not when developing theory (1993:85). The research question, the theory, methodology and material, all are results of choices, and these choices impact the result of the study. Hence, the notion of inter-subjectivity has been a guiding star throughout this paper. With this ontological discussion in mind the spoiling concept can be revisited, which is the purpose of the following chapter.

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<sup>2</sup> “Language” in a broad sense, for further discussion see for example Neumann 2003:22.

## 2 Spoiling in Peace Processes

“Many cease-fires and peace agreements in civil wars are initially unsuccessful and give way to renewed, and often escalated, violence. Progress is often incremental, in some cases spanning decades. Many peace processes become interminably protracted: lengthy and circular negotiations in which concessions are rare, and even if fragile agreements are reached they stumble at the implementation phase. Given the huge material and human costs of a failed peace process, the consolidation of peace processes and dealing with threats to implementation are crucial areas of scholarship and policy analysis.” (Newman and Richmond 2006b:1)

This paper is focusing on one of the threats to implementation and to reaching an agreement; namely spoiling. In this chapter I will introduce the reader to the spoiler theory<sup>3</sup> (section 2.1). The examination will be conducted by giving some of the definitions of spoiling; extracting components of significant relevance; and problematizing those characteristics by describing the similarities and differences in how the concept is understood (i.e. the line of conduct from section 1.2). The second part of the chapter (section 2.2) initiates a reconceptualization of the spoiling and spoiler concept, and presents the tools and positions that will be of guidance in the case study and the final reconceptualization.

### 2.1 Spoiling in Theory – the Present Concept

*Spoiling* and *spoiler* as a scientific concept was first coined and ‘theory formed’ by Stephen John Stedman in 1997. The profits of Stedman’s theory were drawing the attention to one of the phenomena that has the potential to destroy a peace agreement and his acknowledgement of the influence of patrons of spoilers and international external actors as custodians, overseers to peace implementation. In his initial theorization he defines spoilers as “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.” (Stedman 1997:5) In the definition lies the statement that spoiling exists only when there is a peace process to undermine, thus “[p]eace processes create spoilers” (Stedman 1997:7). Looking back at the definition<sup>4</sup> put forward in the introduction you will recall that Edward

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<sup>3</sup> By theory the available theorizations by various academics, sometimes contrasting is aimed at.

<sup>4</sup> Spoilers and spoiling are “groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives.” (Newman and Richmond 2006b:1 and 2006:102)

Newman and Oliver Richmond do not specify the means or the motives of the actions. They propose a broader definition in order to encompass actors that have not traditionally been considered spoilers, for example states, diasporas, multinational corporations and others (2006b:4). Groups that have traditionally been perceived as spoilers are splinter groups, guerrilla groups, terrorist organizations and warlords but also governments and leading individuals (see e.g. Stedman 1997).

Newman and Richmond further stress the point that *spoilers* and *spoiling* embody normative judgements that can impose a considerable amount of power to third-party custodians of a peace process. “The former term indicates incorrigible actors unable to support a peace process. The second [---] implies a tendency for any actor to consider spoiling at certain stages of a process for political reasons, as a strategy rather than as a behavioural pattern” (2006b:17). Nathalie Tocci diverges from the notion of labelling anyone a spoiler and finds the use of the term inappropriate since it incorrectly indicates a stable characteristic of a political actor (2006:271).

This criticism is relevant to Stedman’s originally developed theory: in it the classification of different types of spoilers was crucial for managing them by third parties. Another element of this part of his theory, namely the grounds for managing spoilers, has been criticized and alternative routes have been established. Kelly M. Greenhill and Solomon Major suggest that the causality runs the opposite direction and that “the type of spoiler does not determine the kinds of outcomes that are possible; instead, the kinds of outcomes that are possible determine the type of spoiler that may emerge at any given time” (2007:8). Tocci has observed this in how the changing context on Cyprus has frequently transformed spoiling positions (2006:272). Also Newman and Richmond raise the question of to which extent the context and environment effect spoiling and propose further investigations (2006:7). Karin Aggestam concludes that spoiling should be seen as action based on situational rationality since the motives and intentions for spoiling vary greatly (2006:35).

The term *spoiling* is problematic. If someone spoils something, the general understanding of such a scenario is that the one responsible for the destruction is the perpetrator while the one who gets something ruined is the victim. Transferred to the spoiling scenario this would mean that the actor that spoils is illegitimate and the peace process subjected to the spoiling is legitimate, hence the term is value-laden. According to Newman and Richmond spoiling as a concept can be subjective, in the sense that it alludes to value statements about the peace process and the post-conflict society which it aims to establish (2006b:5). The normative underpinning in combination with the subjectivity of the concept, alias definition vagueness, is challenging. For example Greenhill and Major state that Stedman’s model underdefines the distinction between spoiling and genuine hard bargaining and that this flaw diminishes the usefulness of the theory as a tool for identifying and recognizing spoiling and guide custodian actions (2007:10); Newman and Richmond declare: “Greater consideration should be given to the difference between ‘politics’ in a peace process and ‘spoiling’, and therefore what type of

behaviour is unacceptable” (2006:108). How have scholars dealt with this conceptual vagueness?

### 2.1.1 Dealing with the Definitional Vagueness

I will now turn to addressing the conclusions by previous studies on how to deal with the ambiguity of the concept. Newman and Richmond call for an *operational* understanding of the difference between politics in a peace process and spoiling because “one side’s ‘reasonable demands’ may be nothing more than spoiling from the other side’s perspective” (2006:103). Various researchers suggest that the division between spoiling and “normal politics” in empirical cases has been a “question of degree rather than one of clear-cut categories” (Tocci 2006:262, Zahar 2003 and also Aggestam 2006:36). Newman and Richmond argue that our approach to spoiling and spoilers is linked to normative considerations of conflicts and peace processes. They particularly claim that we cannot take for granted that all peace processes are impartial or fair to all different parties. “Thus, the act of labelling a particular group as a ‘spoiler’ may reflect a political agenda which is an extension of the conflict itself, or the interests of third parties” (Newman and Richmond 2006b:3).

What unites the scholars writing on spoiling is the acceptance of the term even if considerations of its normative connotations as well as the borders of the concept have been raised. An example is Jeroen Gunning who uses the term descriptively rather than normatively (2004). Most of the more recent scholars furthermore acknowledge the interconnection between spoiling and its context, the peace process, i.e. agency *and* structure. As spoiling is first and foremost identified and defined on the basis of its position towards a peace agreement the peace process is a logical starting point. (Stepanova 2006:79)

### 2.1.2 Peace Processes in the Spoiling Theory

“The nature of the peace process – and the nature of the peace to be implemented – is critically important to its chances of success” (Newman and Richmond 2006b:15). Some evidence also point to that special structural variables give rise to certain types of spoiling behaviour (Newman 2006:135). Structures that are especially prone to breed spoiling are asymmetrical, intractable conflicts. Intractable conflict has been defined as a long term, zero-sum conflict, devastating in human and material terms. The prolongation of the conflict makes the people and the social order accustomed to this “abnormal, violent, and insecure environment” to an extent in which it becomes “normalized” (Aggestam 2006:24). The context in the case study that follows is that of an intractable and asymmetric conflict.

Then there is also the nature of the peace *process* and the nature of the peace that parties aim at agreeing on and implementing. At present the peace *à la mode* for international custodians is that of *liberal peace*, where settlements include

constitutional agreements, democratisation, human rights protection, the rule of law, justice, economic development, and the free and globalized market (Newman and Richmond 2006:104, 2006b:2). The parties allowed in negotiation are the ones who have bearing on which type of peace agreement that will be undertaken and on which type of society that will be created post-conflict. Pettman (2005:141) argues in his reconceptualization of strategic studies that global and human securities are concepts formed in the Christian western tradition. Also liberal peace is not such a universal value as one might assume and it is problematic in the context of spoiling. For this reason labelling disputants trying to challenge a liberal peace as spoilers is a normative statement because “[b]y labelling as spoilers every group which does not conform to such a peace process, we may be making a value judgement about the nature of that society and trying to apply ‘universal’ values. Thus the concept of ‘spoiling’ can be subjective, and alludes to broader normative debates about the ‘best’ way to organize (post-conflict) societies.” (Newman and Richmond 2006b:5). Not only is liberal peace not a universal value but it is also not necessarily suitable in conflicted or divided societies (Newman and Richmond 2006:104f).

The importance of considering also the structure in which the spoiling behaviour takes place has now been raised. Next follows a presentation of the framework for initiating the reconceptualization, and the tools for guiding the case study.

## 2.2 Initiating a Reconceptualization

Reconceptualizing a concept found to be a conceptual morass even after the presentation and examination of it requires a strategy. But first let us summarize the flaws of the concept.

The *term* is unfortunate because of its negative normative connotations and value judgment of the actors versus the proposed peace. The *meaning*, or rather the relation between the meaning and the term, i.e. the declarative definition, does not sufficiently cover the dynamics of the peace process in relation to spoiling. For example Aggestam’s declarative definition of spoiling: “action taken to undermine a peace process in general and negotiations in particular” (2006:23) does not highlight the peace process’ part in spoiling. The *referent* is utterly ill-defined and hence the denotative definition is inadequate in the sense that the boundaries of the concept have not been established. Remember Newman’s and Richmond’s call: “Greater consideration should be given to the difference between ‘politics’ in a peace process and ‘spoiling’, and therefore what type of behaviour is unacceptable” (2006:108, also in section 2.1).

Let us now turn to initiating the reconceptualization which is aimed at answering Newman’s and Richmond’s just mentioned plea for definition of unacceptable behaviour. A full reconceptualization following Sartori’s rules will not be conducted, but will be limited to one of his components namely the denotative definition component. This strategy is chosen because defining

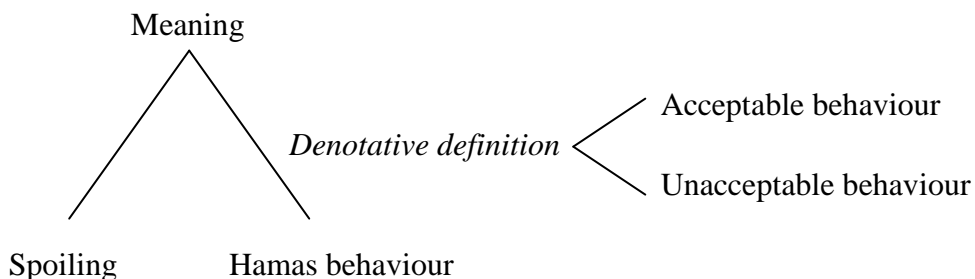
spoiling is a rather meaningless endeavour if you do not know whether that behaviour is acceptable or not. One problem with the term is that you are led to believe that all behaviour falling under the term spoiling is illegitimate and unacceptable. But the way the concept is formed, spoiling behaviour could be acceptable. This is a part of the concepts vagueness and will be dealt with in the reconceptualization. In order to actually perform this reconceptualization a model to apply on the case study is needed.

Different models have been put forward in the search for understanding of spoiling. For example Stepanova (2006:90) and Greenhill and Major (2007:8) propose a capacity-based model, and Aggestam (2006) proposes an intent-based model. Zahar argues that all of the elements intent, capability and opportunity, and their interaction, are crucial for understanding spoiling (2003:114). Which model to follow depends on the issue at hand: if you want to know pre-spoiling which actors might spoil the peace process the capacity-based model is preferable, but if you are discussing the difference between spoiling as a tactic and spoiling as a strategy, or intentional versus consequential spoiling, the intent-based model is preferable.

Since my issue at hand is none of the above, a different model will have to be employed. The model prepared for this study could be labelled as a behaviour-based model, with strong emphasis on the relationship between structure and agency. The goal approached with the help of this model is the above stated, an establishment of a denotative definition of what is acceptable behaviour and what is not in the realm of “spoiling”.

Worth noting is that the concept has been limited to that of spoiling, and spoilers have been excluded. This statement follows Tocci’s argumentation above (2006:271) and Stepanova’s who opposes the labelling of groups as “terrorist organization” rather than as “groups involved in terrorist activities” because of the static characteristic that implies and the inflexible response it gives rise to in relation to those actors (2006:89).

When the case study is inserted into Sartori’s semantic angle it looks like the picture below. Hamas behaviour is the referent in the spoiling concept, and spoiling is the term. As the picture also shows, the specifics of acceptable and unacceptable behaviour are components in the denotative definition in the initiated reconceptualization of spoiling.



In order to fully account for the impact of a peace process on spoiling behaviour the following chapter takes its analytical stance in the two entities of structure and agency and the relationship between them.



### 3 Hamas - Performing a Balancing Act

Hamas was created as an offspring of the Muslim Brotherhood in the wake of the first Intifada<sup>5</sup> in 1987, growing into the biggest militant actor in Palestine. The organization met a crisis in 1993 with the signing of the Declaration of Principles (DOP, also known as the Oslo Accords) which threatened Hamas' existence. They opposed the agreement and saw it end with the Al-Aqsa Intifada in 2000. Hamas was an active part in this uprising and after the end of the Intifada in 2004/5 they were the first Arab Islamist party to win majority<sup>6</sup> in the democratic government elections in January 2006.

Hamas is treated in this analysis as a unit and there is no differentiation between which part of Hamas is performing the activities. In practice the division between Hamas' internal, more pragmatic and flexible, and external, more radical and uncompromising leaderships is disputed. There is also the question of which leadership Hamas' armed wing, the Martyr Izz-al-Din al-Qassam Brigades, respond to and to what extent (International Crisis Group 2007:24f, Biocom 2004). Furthermore the discussion is time-wise set in mainly three different stages and is somewhat chronologically organized. It starts with the Oslo years, then the Al-Aqsa Intifada, and finally the years before and after Hamas is being elected.

This analysis of Hamas is arranged in one section for agency and structure respectively, with a third section where the relationship between the two is addressed. The agency section covers Hamas' intent, violent behaviour, and political behaviour; and the structure section covers the nature of the peace that is negotiated, and the nature of the process in which peace is negotiated. The distinction between political and violent behaviour should be seen as an analytical one, since the violence is political and since many of Hamas' political relations are coupled with violence. The third section discusses Hamas behaviour in its context. A final section is added where the findings are more closely connected to the discussion on acceptability.

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<sup>5</sup> Popular uprising, used mainly for the uprising of the Palestinian population. The first Intifada in 1987 has been portrayed by young men throwing stones and the second, the Al-Aqsa Intifada, in 2000 was ignited by Ariel Sharon's visit to the Al-Haram Al-Sharif, Islam's third holiest place.

<sup>6</sup> Hamas got 74 seats, 46%, compared to Fatah's 45 in the January 2006 elections (Schulz 2006b).

## 3.1 Agency

The fact that agency is important in the spoiling concept is indisputable. One's behaviour is a choice, although it can be distorted by the structure. The analysis of Hamas as agency covers its intent and the different expressions its behaviour has taken.

### 3.1.1 Intent

In order to understand behaviour the intentions behind it have to be accounted for. Albeit Aggestam (2006:36) and MacGinty (2006:169) raise the difference between intentional and consequential spoiling this analysis makes no differentiation since both are encompassed in the definition of acceptability.

In chapter two, article nine of Hamas Charter from 1988, it is stated: "As for the objectives: fighting evil, crushing it, and vanquishing it so that truth may prevail; homeland will revert [to their rightful owners]; and calls for prayer will be heard from their mosques, proclaiming the institution of the Islamic state. Thus, people and things will return, each to their right place" (cited in Mishal and Sela 2006:181). This and other sections of the Charter could and has been understood as, that the destruction of Israel is the goal of Hamas. Hamas' ultimate proclaimed goal is the liberation of all of Palestine, and the establishment of an Islamic state in the liberated lands, which does not say what is meant to happen to Israel (Hroub 2006:39). This goal led to Hamas' initial rejection of any negotiated agreement with Israel, "Hamas' logic came down to the idea that wherever a military occupation exists, a military resistance should be expected" (Hroub 2006:44).

The Oslo Agreement between Israel and The Palestinian Authority (PA) meant a legitimacy and existential crisis for Hamas. They based their popular support on being an Islamic opposition to Fatah and this support diminished in the reality of a vivid peace process. Hamas leadership condemned the DOP, called it a "shameful agreement" (Mishal and Sela 2006:102), and rendered it a betrayal of fundamental Palestinian rights (Tamimi 2007:190).

Still in 2006 one of Hamas' political leaders, Khaled Mesha'al stated that Hamas will never recognize Israel, questioning why Hamas should recognize the one who occupies its land when Hamas is the victim. But he also said that Hamas is open to a Palestinian state "within the borders of 1967 that includes the West of Jerusalem and the Westbank" in combination with a long term truce with Israel. This would not imply recognition of Israel but accepting the status of Israel. Because "by withholding a formal recognition we just don't want to give Israel the legitimacy for having taken our land in the first place." (Interviewed by Rupp 2006) Other leaders of Hamas have stated: "On recognition, our position is this:

we are prepared to deal with Israel on day-to-day matters. We are prepared to have President Abbas<sup>7</sup> negotiate a peace agreement with Israel. And we are prepared to have any agreement submitted to a national referendum. *No more, no less.*” (International Crisis Group 2007:30, my italics) Thus, for Hamas recognizing Israel is a matter of negotiation not a prerequisite to it (Hroub 2006:40).

Hamas seems to implicitly and reluctantly be accepting a two-state deal, the religious and total nationalist goals seem to have a lower priority (Hroub 2006: 21f). Interviews with Hamas leaders by The International Crisis Group confirm that Hamas has accepted the formula of a two-state settlement (2007:30). This decision was probably partly born in the growing popular support for such an idea.

Hamas also encompass many other goals, such as concerns for social justice, accountability of the leadership, and democratic participation (Gunning 2004:241). Arguably Hamas will be even more pragmatic now after the election in which its support was basically built on their social-welfare institutions. Hence I do not agree with Zahar that Hamas comprehend the situation in a way that peace with Israel would mean political suicide (2003:118).

The intentions accounted for above result, when the capacity and opportunity to do so is present, in actions and behaviour. Simply a “bad intent” does not make a spoiler, and behaviour of an actor with “bad intentions” is not necessarily unacceptable. The actions and behaviour as such must be examined.

### 3.1.2 Violent Behaviour

Hamas has conducted most of its spoiling by violent behaviour. Their first suicide attack was performed in 1993, April 16 and was Hamas 19<sup>th</sup> known violent attack since 1989. In the wake of Oslo, Hamas leadership decided to continue the strategy of armed struggle against the parties to the agreement, that is Israel and the PA (Mishal and Sela 2006:102).

Sheikh Ahmad Yassin, the founder of Hamas, explains this as follows: “Our main battle has always been against Israeli soldiers and settlers. The attacks inside Israel are operations we carry out in response to Israel’s crimes against our people. They are not the strategy of our movement. Our strategy is to defend ourselves against an occupying army and settlers and settlements.” (International Crisis Group 2004:16) And one of the student leaders says: “these attacks carry a message: you kill us, so we kill you” (ibid.). Thus, Hamas claims that their suicide attacks have been reciprocal actions in response to Israeli killings of Palestinian civilians (Hroub 2006:52). At times attacks have also been carried out in response to Israel’s assassinations of Hamas leaders (Tamimi 2007:195). The quasi-apologetic approach has been a way of legitimizing Hamas’ armed struggle against Israel (Mishal and Shela 2006:66).

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<sup>7</sup> Mahmoud Abbas (Abu Mazen) is also the leader of Fatah.

Violence seems to be somewhat argued about, for instance in the wake of the Oslo accords Musa Abu Marzuq, head of Hamas' political bureau at the time, said that: "the military activity is a permanent strategy that will not change. The modus operandi, tactics, means, and timing are based on their benefit. They will change from time to time in order to cause the heaviest damage on to the occupation." (Mishal and Sela 2006:67) While Mahmud Al-Zahhar, one of the senior leaders, said "[w]e must calculate the benefit and cost of continued armed operations. If we can fulfil our goals without violence, we will do so. Violence is a means, not a goal." (Mishal and Sela 2006:71) And indeed, "[s]ecurity is the one 'commodity' Israel craves which the Palestinians can withhold from it, thus providing a much needed bargaining tool" (Gunning 2004:243).

When Hamas' violent behaviour is examined a violent behaviour mainly directed at the Israeli civilians is found. As well as violence aimed at the other Palestinian fractions, such as the recent clashes between Fatah and Hamas. The strategy of targeting civilians is one reason for Hamas being, as stated in the introduction, labelled a terrorist organization by Israel, The United States and the European Union. Stepanova defines terrorism as criminal actions with political end goals, the violence is aimed at civilian populations and objects<sup>8</sup> although they are usually not the end-recipient of the message. But, in order for violence to fulfil these two criteria and become terrorism, it has to be situated in an asymmetrical setting, "terrorism is used as a weapon of the weak against the strong, a weapon of the weaker side in an asymmetrical confrontation" (Stepanova 2006:86). And, although spoiling and terrorism is not the same thing, terrorism can be used as a strategy of spoiling. The aspiration to establish what is acceptable behaviour is not so easily conducted, when one considers the above statement of asymmetry and available options.

What has been made clear so far is thus that shutting out an actor employing spoiling or terrorism is not preferable. Thus, neither is Yoav Biran's, director general of the Israeli Foreign Ministry, standpoint which he stated in 2003: "There is only one Hamas, and it is a terrorist organization. Its social fund is a mechanism to transfer money to terrorist activity" (cited by Gunning 2004:234). Hamas' targeting of civilians will be more thoroughly discussed in the conclusion of this chapter and in the final chapter of this paper. For now Hamas political behaviour will be studied.

### 3.1.3 Political Behaviour

When it comes to Hamas' social work it is wrong both to argue that this is simply a public relations ploy and to argue that it is unconnected to the violent parts of the movement (Iannaccone and Berman 2006:119). Because, the paradox of

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<sup>8</sup> Violence targeting governmental military and security forces is labelled guerrilla warfare (Stepanova 2006:85).

supporting both an armed and a political fight against the occupation<sup>9</sup> is not a paradox in the eyes of the Palestinian public or Hamas. Instead it is in line with the right, according to international law, to resist occupation with all available means (Schultz 2006b).

Before Hamas started to participate in municipal elections in 2004 it practically rejected everything created under the Oslo framework, in itself a spoiling position. When they participated in the elections, and especially in the January 2006 elections to the Palestinian Authority, they granted de facto legitimacy to the political system created in the Oslo process (Malka 2005:43) simultaneously performing violent attacks against Israel. This follows Mesha'al's logic of "negotiation without resistance leads to surrender but negotiation with resistance leads to real peace" (cited by Malka 2005:44). Hence, spoiling can be a bargaining tool.

Hamas relationship to the Palestine Liberation Organization (PLO) and its main representative Fatah is of importance in Hamas stance toward any peace process and to Hamas' political activities. Hamas has rejected PLO as 'the sole legitimate representative of the Palestinian people' (Tamimi 2007:187, Hroub 2006:86) and will probably keep doing so until and if Hamas joins the PLO. If they choose to stay out of PLO they take on the role of the Islamic national representative of the Palestinian population. If they choose to join, PLO's position will be strengthened as the sole legitimate representative of the Palestinian people (Schulz 2006b). The fractional fighting between Hamas and Fatah that is present today has been on and off since at least 1994 (ibid.:87).

The relationship with the PA was similar to that with PLO between 1994 and the outbreak of the al-Aqsa Intifada in September 2000. Hamas tried, also in this relationship, to navigate between being a military resistance movement with its strategy of subtle cooperation with the PA. In October 2000 Hamas sent an official representative to a meeting with all the fractions within the PLO, discussing the situation of the intifada. This was the first meeting of the PA that Hamas did not boycott (Tamimi 2007:199). Later substantial policy recognition was granted Hamas at a Cairo meeting in March 2005. The meeting was initiated by Egypt and included the different Palestinian fractions. Both Egypt and the PA recognised the legitimacy of resistance and the necessity of reform of the PLO (Tamimi 2007:212).

So what about the present situation where Hamas, with its program of change and reform, is being the largest part of a democratically elected government? Arguably the dilemma of balancing violent attacks with political cooperation is more present than ever, and post-election Hamas will probably be different from the previous (Hroub 2006:68). "The shift from an opposition to a government position [---] is bound to aggravate intra- and interorganizational contradictions as well as intergenerational rifts that are already rife in the Palestinian area." (Mishal and Shela 2006:xvii)

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<sup>9</sup> The occupation of the land occupied in the war of 1967.

In section 3.1.1 on intent the notion of a hudna was raised. Hamas has offered a long-term and renewable hudna with Israel since Sheikh Ahmad Yasin did so in 1993 (Hroub 2006:56). The objectives they want fulfilled in return are release of Palestinian detainees, the land within the 1967 borders, and no settlements. When asked what will happen the day the truce expires they say that that “will be up to future generations. By then, they will have learned to live under different, more normal conditions. Who knows what they will decide” (International Crisis Group 2007:30). It can be argued that the possibility or willingness to make concessions is a key in the definition of spoiling. And, worth noting is that for Hamas to accept the idea of a two-state settlement is a concession, the land of the Westbank and Gaza strip is 20% of the historic Palestine (Schulz 2006b). Hamas state that the reason for not being able to accept anything further than this, as for example a two-state *solution*, rather than a *settlement*, is the risk of hard-liners splitting from the movement. They do not want this and argue that the West should not want this either (International Crisis Group 2007:30).

To conclude this section on agency: Hamas has reformulated its goals and are at present accepting a two-state settlement within the 1967 borders and Hamas is prepared for a long-term and renewable truce. Hamas is not willing to give up the right to violent resistance since it views it as its only bargaining tool. The fractional fighting between Hamas and Fatah continues in 2007 at the same time as negotiations between the two. The structure in which Hamas behaviour is situated will now be examined.

## 3.2 Structure

The structure of the peace process is crucial to the success of the same and must be addressed if we agree that spoiling may “arise from genuine concerns, and necessitate concrete reforms to both the content of the peace that is on offer and the process by which it is negotiated” (Gunning 2004:255). Also, according to Newman and Richmond “[g]roups which seek to ‘spoil’ efforts to resolve conflict often do so because they see the peace process as undermining their rights, privileges, or access to resources, whether physical, strategic, or political. (2006:108).

The following analysis of the structure in which Hamas is situated is divided into the nature of the peace to be implemented and the process in which it is negotiated.

### 3.2.1 Nature of the Peace to be Implemented

It has been stated many times by now that the substance of the peace is important. Gunning states that Hamas might have been willing to settle for peace under different circumstances during the Oslo process but “the peace that [was] on offer

[was] not a genuine peace but an attempt at consolidating Israeli control of the territories by other means” according to Hamas (2004:242f).

If we again take stance in the fact that liberal peace is what custodians want to achieve in Israel-Palestine, it is necessary to examine whether this is the reason for Hamas occasional rejection of peace. According to Michael Schulz some scholars argue that Hamas as an Islamic movement would oppose a liberal peace since Islam is inherently incompatible with democracy. Others argue the opposite, based on the democratic structures Islamic organizations have on grass root level (2006:3). The former argument is supported by this statement of a Hamas leader: “First of all, we have our private self-control, consultations or *shura*, which is totally different from what is called democracy. Democracy in the sense of Europe concept has no actual justice” (15 October 1997, Schulz 2006:9). In its history Hamas rejected peace with Israel no matter the substance of that peace but in its development this has changed. Hamas now plays the democratic card, more specifically the uncorrupted card in its opposition toward Fatah. This is also done because democratic accountability and fairness are especially attractive for Hamas supporters; middle and lower middle class with relatively high levels of education. (Gunning 2004: 244). Already in 1997 another Hamas leader stated: “democracy is inside Islam, there is no conflict between Islam and the democracy” (14 October 1997, Schulz 2006:3). Apparently there has to be some kind of arguments about both democracy and violence (which was addressed in section 3.1.2) among the members and leaders of Hamas. But in the light of the legitimacy Hamas has recently (January 2006) gained, through the government elections, it is doubted that Hamas will refute democracy, the opposite is more likely.

The substance of the peace process, i.e. the nature of the peace is crucial to Hamas’ acceptance thereof. The first aim of a peace has to be, for Hamas, a Palestinian state within the borders of 1967 including the West of Jerusalem. Prime Minister Ismail Haniya has said: "If Israel withdraws to the 1967 borders, peace will prevail and we will implement a cease-fire [hudna] for many years." (Chernus 2006). For Palestinians in general the nature of the peace seems more important than the nature of the process (Whitbeck 1999).

### 3.2.2 Nature of the Process

The importance of the nature of the process must not be underestimated when dealing with spoiling. Bruce Patton argues that it is important to treat process issues systematically (Patton et al 2005:222) and Brian Mandell and Eric Bergen state the importance of the architecture of the peace process (ibid.:225). One of the reasons for this is that “[t]here is a danger that the protracted conflict gives way to the protracted peace process in which the original causes of the conflict persist and are joined by new grievances sparked by the peace process” (Darby and Mac Ginty 2003:3).

Criticism toward peace processes may be that they fail to address the underlying causes of conflict. For example the process can be a tool to prevent a

counter-elite from getting power. Attacks on the peace process can therefore be seen as attacks partly toward this elite arrangement. (Gunning 2004:243).

During the Oslo years there was, according to Musa Abu Marzuq a consensus among the United States, Israel, Jordan and the PLO and a widespread international support for the peace agreement. On top of this there was consent in the view that Hamas was the most serious threat to the peace process (reference by Mishal and Sela 2006:104 from Al-Risala, Hamas internal organ 1994). This understanding of the situation may thereby be a cause for spoiling. During this time Hamas only had a minuscule support among the Palestinians; and only about 30 percent opposed the peace process in its early years (Mishal and Sela 2006:100, 105).

“Hamas claims that by refusing ill-designed peace processes it upholds Palestinian rights and remains their defender.” (Hroub 2006:62) During the Oslo peace process, Whitbeck argues, the Israelis focused on the process and the Palestinians on the peace. Those Palestinians who supported the peace process viewed it as a road, with bumps and turns, leading to the destination of a fair sustainable peace and better life-quality for the populations on both sides. In Whitbeck’s arguing, the Israelis supporting the same peace process tended to view it as a way of handling problems such as the Intifada, and the Palestinian violence, and still gaining American financial and diplomatic support (Whitbeck 1999).

To conclude, the structure in which Hamas is situated is that of an intractable, asymmetrical conflict. The relationship between Hamas’ behaviour and the Israeli-Palestinian peace process will now be discussed.

### 3.3 Structure and Agency – the Relationship

Some of Hamas’ behaviour has been lifted and discussed as well as some of the characteristics of the peace process. It is thus first in the fusion of the two that a higher level of understanding can be reached.

Hamas has shown notable flexibility during its lifespan. This behavioural flexibility has not meant the loss of its ideological credibility (Mishal and Sela 2006:109). I would argue that the flexibility is really reflexivity, reflexivity toward the structure of the organization’s surroundings, i.e. the conflict and the peace process and maybe more importantly the public opinion amongst the Palestinians. Because, which Hamas understands, a pragmatic, flexible political culture appeals to a wider constituency. Hence, flexibility was created out of necessity, and Islamic dogmas were modelled to be able to fit a more pragmatic approach to the realities on the ground, starting in 1993 (Mishal and Shela 2006:47).



During the early Oslo years Hamas had a dilemma to tackle. Successfully spoiling<sup>10</sup> the Oslo peace process, running the risk of aggravating the Palestinians' social and economic difficulties and presumably be made the scapegoat for that by the population; or cooperate with the PLO and jeopardize their leverage against it and Israel (Mishal and Sela 2006:103). During those years the support for Hamas was minimal (Mishal and Sela 2006:100,105), while support for the Oslo agreement was never below 60 percent between the signing of the DOP and a year into the Al-Aqsa Intifada, with the exception of 1994 (Shikaki 2002). But, support for Hamas, which had managed to remain viable, rose drastically after the Al-Aqsa Intifada.

After the Al-Aqsa Intifada, Hamas, as a movement, has come to terms with the political realities of the Oslo process. From being an organization spoiling from the outside during the Oslo years (Malka 2005:42) it decided to join the political system set up during those years. Schulz sums up the development and the current Hamas: "Hamas is carefully listening to Palestinian public opinion, and has taken major shifts in certain positions, not least concerning the relations with Israel." (2006:19) It is quite apparent in the discussion that the cyclic spiral model of structural change that Archer proposes is useful for understanding Hamas in its context. On the other hand the complexity of the structure reformation is vast in a conflict such as the Israeli-Palestinian. There are numerous agencies trying to shape and relate to the structure.

The structure, in the sense of the labelling by Israel, Europe and The United States of Hamas as a terrorist organization is constraining, not only for the organization but for the Palestinian public as well. About three-quarters of the population lives on less than US\$2 per day, below the United Nations poverty line, partly because of the sanctions put on the PA since the 2006 election (Schulz 2007).

To conclude, Hamas has possessed and still possesses the ability to spoil both negotiations and agreements (International Crisis Group 2004:31). Arguably they need to be included following Darby's reasoning of sufficient inclusion (Darby 2001, reference from Aggestam 2006:35) in order to reach a lasting agreement and sustainable peace. And, as Gunning argues: "Though [Hamas'] stance may include an opposition to peace as fundamentally threatening to Hamas's interest, it do not necessarily do so. A change in any of the constituent elements of the peace process – the content of the peace deal, the readiness of the Israeli government not to act as a spoiler, the willpower of the custodian – might cause Hamas to rethink its position" (2004:243).

Conclusions with relevance to the denotative definition of spoiling, and the definition of acceptable and unacceptable behaviour from the discussion in this chapter will now be put forward.

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<sup>10</sup> Although Hamas' spoiling did not necessarily have much or indeed anything to do with the failure.

### 3.4 The Hamas Case Wrapped Up

The acceptability of some of Hamas' most apparent behaviour will be discussed in relation to the peace process and conflict.

The aim to *liberate one's land from occupation* might be acceptable. Hamas wants just this and are offering Israel a long term, renewable truce in return. For Hamas this offer is a concession, since the end of occupation would mean only the land occupied in the war 1967, about 20% of the historic Palestine (Schulz 2006b). The willingness to make concessions should render some kind of recognition.

Then, is it acceptable *not to recognize one's opponent*? Hamas considers recognition of Israel a matter of negotiation and not a prerequisite to it (Hroub 2006:40). But Hamas is prepared to deal with Israel "on day-to-day matters", and to have a peace agreement negotiated that will be succumbed to a national referendum (International Crisis Group 2007:30). The acceptability of this point is a matter of contemporary quarrel, since it is a prerequisite for lifting the sanctions on the PA (Tamimi 2007:203).

Does occupation of one's land grant acceptability to any actions undertaken to end that occupation? Hamas sees resistance, by all means, against occupation as their right. So then, are *attacks on civilians* acceptable? This is of course the most difficult question or the easiest if you like. In one sense targeting civilians is never acceptable. But, if Hamas are responding to civilian casualties on its own side, is it acceptable? Accepting civilian casualties arguably leads to a spiral of violence, which is devastating. Let us return to the crucial question of targeting civilians on a later stage, and for now focus on the peace process.

How come the *structure of the peace process* is such that violence targeting civilians seems like a good option for one part? The structure of the Israeli-Palestinian conflict and various peace processes is beset with spoiling components. It has for example been argued that the United States as a patron to Israel renders it the opportunity to aspire for more far fetched goals than it otherwise would have been able to (Newman and Richmond 2006b:7). This asymmetry explains Khaled Mesha'al's statement, discussed in section 3.1.3, on how only negotiations *with* resistance can lead to a real peace (Malka 2005:44). I understand Mesha'al reasoning as, that a peace that is not taking both Israel's and the Palestinian's wishes into consideration will attract violence by hard-liners who might split from Hamas, pushing the situation back into conflict (International Crisis Group 2007:30).

Hence, Hamas claims they refuse ill-designed peace processes in order to protect the population's rights and will probably be willing to settle for "genuine peace"<sup>11</sup>. A peace in which the content has changed into one accounting for the

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<sup>11</sup> Expression from Gunning 2004:242.

demands on both sides, a process where other parties do not spoil and where the determination of custodians is strong (Gunning 2004:243).

It should also be noted that Hamas does not account a peace that embodies democracy as ill-designed. Is spoiling more acceptable when it is *not refuting liberal peace*? There is no reason for such spoiling to be either more or less acceptable, but the common value of democracy might be a point of departure that has the capacity to facilitate negotiations. But respect for democracy goes badly with targeting civilians.

So, let us return to the issue of targeting civilians. As we have seen, Hamas seems to find this line of conduct beneficiary to its cause. What if *targeting civilians is your only bargaining tool*? That security is the one thing Palestinians can withhold from Israel has been stated in section 3.1.2 (Gunning 2004:243). This means that inflicting fear in the Israeli society and among the civilians is the one method of gaining leverage that Hamas feel they have access to. Surely the discussion on targeting civilians leads to a dead end. What could be learned from it is that when a peace process is so asymmetric that the only bargaining tool one side has is attacking civilians, the peace process ought to be scrutinized.

Hence, the conclusion of this discussion is that there is a point when the actual behaviour of a party in a conflict might be unacceptable, but it is, at least in the understanding of that actor, the only available behaviour in order to shed light on the faults in the peace process or the peace to be implemented. Hence, the reasons for that actor's behaviour should be accounted for in the peace process. A more theoretical discussion on acceptable and unacceptable behaviour in the denotative domain of spoiling will be addressed in the following final chapter of this paper.

## 4 Reconceptualizing Spoiling

Before we turn to the final steps in the reconceptualization the contribution of this study so far and the stages that have led up to the awaiting definition shall be addressed.

First, the criticism of the spoiling/spoiler concept and the notion that it needs reconceptualization has been lifted, and the label “spoiler” has been eradicated; Second, an initial step in conducting a reconceptualization has been taken, aiming at both circumventing and attending to the normative underpinnings and definitional flaws. This has been done by limiting the reconceptualization to the denotative definition (boundaries- and membership definition) and by introducing a behaviour-based model; Third, this model has been situated in the relationship between structure and agency, a realm that has been extracted from the original concept and given increased attention; Fourth, the acceptability of behaviour has been spotlighted in the case study of Hamas. What remains, fifth and final, is to present the reconceptualization of spoiling by its denotative definition of acceptable and unacceptable behaviour.

### 4.1 Acceptable and Unacceptable Behaviour - Implications for the Concept

In the denotative definition of the old spoiling concept both acceptable and unacceptable behaviour is included. This had not been a problem if the *term* spoiling had not implied that all included behaviour is unacceptable. The old concept does not, as stated in section 2.2, establish the boundaries of the concept well enough. And, it does not account in a satisfactory way for the structure’s impact on the definition of acceptable and unacceptable behaviour.

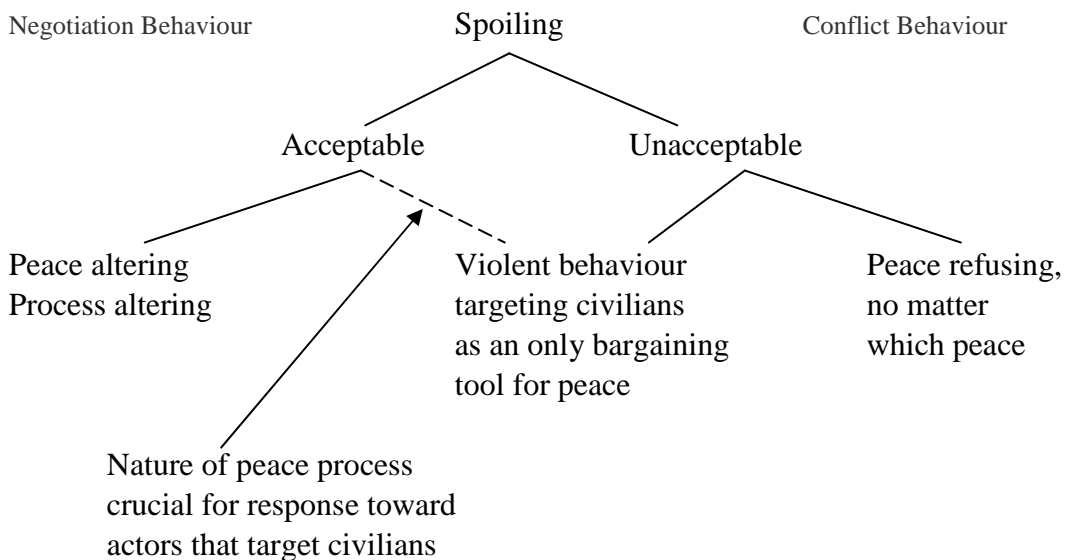
The reconceptualization of spoiling presented here is designed to capture the importance of the relationship between the peace to be implemented and the nature of the process in which it is negotiated on the one hand, and the presence of spoiling bringing down the peace process on the other. Hence, to nuance the way we think about peace as something undeniably good and those opposing it as the opposite we must focus on the denotative definition in the concept. By defining acceptable and unacceptable behaviour the reconceptualization better defines which behaviour and actions are included in the concept and which implications this inclusion raises for the concept as such.

It might be necessary to recall that the definition of the behaviour is situated in the spoiling concept which means that the behaviour is acceptable or unacceptable in relation to the peace process. Hence, the legality of the actions is not the main

interest of the definition. Nevertheless legality is mentioned in the definition of acceptable and unacceptable behavior that is put forward in the following. Also the implications of the definition for the spoiling concept and for the assessment of actor behaviour and peace processes are discussed.

In the denotative definition of spoiling, in its reconceptualized form, acceptable and unacceptable behaviour are still included. This is a necessity since the reconceptualization is no more than one part of a full reconceptualization by Sartori's Methodology (1984). The definition is presented in the picture below.

Acceptable behaviour is such behaviour that does not call into question the peace as such, but aims at altering the peace or the process (by legal means). This behaviour borders on negotiation behaviour. Unacceptable behaviour is for instance such behaviour that refutes peace, no matter the nature of that peace, the behaviour borders on conflict behaviour. Unacceptable behaviour is also criminal acts and violence aimed at civilians. This behaviour is unacceptable because of the nature of the act, the indiscriminate violence and killing. But, and this is the key, if the nature of the peace process or the peace processed on, is unacceptable in the sense that it fulfils basic needs of one party while negating basic needs of other parties (Tocci 2006:263), the question of acceptability is more complex. Such as in the case of Hamas, who consider indiscriminate violence as the only vital bargaining tool against a much stronger counterpart in an asymmetrical conflict and peace process. The actions, as such, are still unacceptable but this does not mean that the actor should be totally shut out. Rather their concerns can form a basis for a restructuring of the peace process.



Earlier attempts to define acceptable behaviour have been made. For example Newman and Richmond speculated in whether behaviour that does not call peace as such into question may be considered acceptable. They might also agree that behaviour meant to shape and alter a peace process but not to take it down is acceptable (2006:108f). Nathalie Tocci draws on her empirical findings from Cyprus and states that positions which are aimed at fulfilling basic needs of one

party while negating basic needs of other parties are spoiling, i.e. unacceptable. In other words: the denial of the mutual fulfilment of the principal parties' basic needs is unacceptable (2006:263,270). Her definitions are crucial also for the reconceptualization undertaken here. Tocci's definition does however not cover the crucial point presented in the above on how the line between unacceptable and acceptable behaviour in a sense is dependent on the nature of the peace process.

The acceptability definitions are important in knowing how to assess actors in and outside peace processes. To be able to articulate what is acceptable behaviour and what is not to the actors in a peace process is central for the continuation of the peace process.

There is a significant distinction in how to regard actors who spoil. The ones, who behave in a peace altering, or process altering, way may be included with successful results for the sustainability of the peace. Those actors, on the other hand, who behave in an unacceptable way, but do so because it seems the only option for altering peace, which they regard as the goal, should probably not be included. But it is crucial in such a situation to scrutinize the peace and the process. The peace and the process are possibly unacceptable to other than the actors behaving unacceptable.

A concrete example of this dilemma is how different the stance has been toward Fatah and Hamas by the United States, Israel, and the European Union. Neither Fatah nor Hamas have given up the right to use violence against the occupation power but the reaction toward the two different organizations could not be more diverse (Schulz 2006).

What can be concluded from the acceptability discussion is that crack downs by Israeli military and PA forces on Hamas' social institutions should be avoided. The crack downs are not only a violation of humanitarian values but breeds further aggravation in the conflict, the crack downs do not account for the basic needs of one of the parts in the process.

## 4.2 Concluding Remarks

Sartori argues that a “[c]oncept reconstruction is a highly needed therapy for the current state of chaos of most social sciences” (1984:50<sup>12</sup>). The contribution of this study represents a step in the reconceptualization of spoiling but a full-fledged reconceptualization is still needed with actual considerations to all components of the concept. The denotative definition put forward in this study might look different in a total reconceptualization. One reason for putting it forward is to demonstrate the need of a full reconceptualization. The aim of such a reconceptualization should be to come to terms with the vagueness and relativity in order to be able to find a solid theorization of the type of behaviour and aims

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<sup>12</sup> The chaos is arguably still present although he made the statement in the middle of the 80's.

that the concept covers. An alternative term for the concept might for example be required. Even after a full reconceptualization the empirical problems of how to make up a fair and sustainable peace remain.

The benefits of this study's reconceptualization are: First, the eradication of the "spoiler" label, putting emphasis on behaviour instead. Second, highlighting the relationship between spoiling and the peace process in which it is situated. Third, attempting to define the membership and borders of the present concept by focusing on the definition of acceptable and unacceptable behaviour. The fourth and most crucial contribution of this study is finding the point where acceptable and unacceptable behaviour borders each other as well as finding that it is the nature of the peace process that defines how the actors ought to be addressed.

Hopefully this paper has raised the awareness of the necessity of careful design of peace processes. How Hamas chooses to respond to a possible vitalization of the peace process in the Israeli-Palestinian conflict remains to be seen.

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