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Peace in Gaza: A Response to Cassam

<https://doi.org/10.1515/auk-2026-3010>

Abstract: This article responds to Quassim Cassam’s arguments for the claim that the only viable strategy for Israel in its conflict with Hamas is to continue the war begun in October 2023 until Hamas is “crushed.” It critically examines his reasons for claiming that Hamas fails to satisfy the five conditions he states for potentially successful peace negotiations. While it may be true that Hamas fails to satisfy the conditions, it is also true that Israel fails even more egregiously to satisfy them. And even if the satisfaction of the conditions by both sides were necessary for successful negotiations, which is not the case, peace negotiations are not the best alternative to continued war. The best strategy for achieving a lasting peace is for both parties to address what Cassam calls the “root causes” of the conflict. Israel could successfully do this entirely unilaterally. And the Palestinians could also act unilaterally in a way that would be the best they could do to eliminate the fundamental source of the conflict.

Keywords: October 7; Gaza war 2023; Hamas; genocide; Palestinian state; Israeli occupation

1 Introduction

In “Peace in Gaza?”, Quassim Cassam develops a case for continued war by Israel against Hamas by arguing against each of seven other alternative counterterrorist strategies identified by the political scientist Daniel Byman. Cassam summarizes Byman’s list of eight options, which it is reasonable to suppose is exhaustive, as follows:

- (1) crushing terrorist groups directly by massive force;
- (2) targeting terrorist leaders for death and arrest;
- (3) relying on allies to strike terrorist groups;
- (4) containing the terrorist group

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to limit its effectiveness and encourage internal divisions; (5) improving defences against terrorism; (6) delegitimizing the group's cause; (7) conciliating terrorists [which includes "negotiating with terrorists"]; (8) going after root causes. (2026, 159).

In Section 7 of his article, Cassam briefly states his reasons for rejecting most of these options:

strategy (2) – killing terrorist leaders – is ineffective because those who are killed are quickly replaced by others who are just as fanatical. Strategy (3) – relying on allies to strike the terrorists – is irrelevant in the present context. Numbers (4) and (5) – containment and defensive measures – have already been tried and failed catastrophically on 7 October... Strategy (6) – delegitimizing Hamas's cause – has not worked because of Hamas's skill in deflecting attention away from the fact that its objective is not just a Palestinian state but also the annihilation of the state of Israel. Going after root causes – Byman's number (8) – sounds promising but much depends on what the root causes are in the present case. From Hamas's perspective, the root cause of its conflict with Israel is the latter's existence, and 'going after root causes' is what it thought it was doing on 7 October. Whatever concessions Israel makes, Hamas will not be satisfied as long as Israel exists. (2026, 171).

At this point Cassam does not mention strategy (7), as virtually all of the preceding material in his article has been devoted to showing that the strategy of negotiating a peace agreement with Hamas is not a possibility for Israel.

I agree that strategies (2) and (3) are largely irrelevant in this case. I will briefly argue, however, that strategies (4) and (5), though not permanent solutions, would have been, and still could be, instrumentally essential to achieving a permanent peace. I will also argue that strategy (6) would be achieved as a side effect or byproduct of pursuing strategy (8), which I will discuss at some length. But before discussing (8), I will first explain why Cassam's reasons for dismissing strategies (4), (5), and (6) are inadequate, and then challenge the many reasons that he states for thinking that (7) is not a viable strategy in the case of the war between Israel and Hamas.

2 Defensive Measures and Delegitimation

After claiming that defensive measures "failed catastrophically" on October 7, Cassam concedes that it "might be argued that this only goes to show that Israel made a mess of containment and defence and that it should deal with Hamas in future by more effectively containing and defending against the threat. However, there is a limit to what Israel can do to protect its borders against a determined enemy" (2026, 171). He also claims that the "inadequacy of Israel's defences on October 7 was due in large part to its mistaken assumption that once Hamas came to power, it would be too preoccupied with running Gaza to pose a serious threat to Israel" (2026, 165).

While it is of course true that there is a limit to what Israel could do to protect its borders from a determined enemy with a large, well-armed, professional military, it is not true that Israel was or is incapable of preventing its border with Gaza from being penetrated by Hamas. Those who breached the barrier separating Israel from Gaza on October 7 were uncoordinated, unsupervised, poorly-armed individuals whose murderous rampage was conducted largely on foot, without any military vehicles. If Israel had had combat-ready IDF forces stationed at close intervals along the 37-mile long border, the massacres of October 7 could have been almost entirely prevented.

This is implicitly conceded by Cassam in his claim that the failure to prevent the massacres was a result of the assumption that Hamas was too busy governing Gaza to organize and conduct anything more than the usual small-scale attacks. Netanyahu and his cabinet did indeed assume that by enabling Hamas to remain in control of Gaza, they could avoid negotiations about the establishment of a Palestinian state while indefinitely maintaining the status quo in which there would be periodic small attacks by Hamas that would kill and injure a few Israelis, to which Israel would then retaliate with brief invasions of Gaza that would kill a great many Palestinians. The complacency and naïveté of Israel's leaders led them to assume that this strategy could be maintained even in the absence of sufficient forces to defend the border from an incursion by more than a few militants. Thus, IDF forces were unable for many hours to reach the area of the massacres and contain them, as the government had left the border with Gaza largely unprotected in order to deploy forces instead in the West Bank to help the settlers there. Hamas was able to succeed in killing a large number of innocent Israeli civilians only because of the culpable negligence and incompetence of the Israeli government.

The same defensive measures that could have minimized the threat from Hamas on and after October 7 – namely, the continuous stationing of sufficient combat-ready forces along the Israeli side of the border with Gaza and the strengthening of the Iron Dome missile defense system – remain essential to prevent harm to Israeli civilians until the ‘root causes’ of the conflict between Israel and Hamas are adequately addressed.

Cassam claims both that Hamas believes that the root cause is the existence of Israel, and that its primary objective or ‘cause’ is ‘the annihilation of Israel.’ Yet, he writes, this cause has not been delegitimized because Hamas has been too skillful in concealing it. He does not, however, provide any evidence for this claim – for example, any instances of the deflection of attention from it – and in fact quotes various public affirmations by Hamas, including one from 2019, that this is indeed its aim. One might have thought that if Hamas wanted to divert attention away from its commitment to this aim, it would not continue to announce its commitment to it.

Even though Hamas continues to state that its aim is to eliminate the state of Israel, it is essential to realize that official statements by Hamas do not represent the views of ordinary Palestinians, either in Gaza or in the West Bank. As I noted in a 2024 article from which Cassam quotes, polling done in Gaza through October 6, 2023 revealed that, “[u]nlike Hamas, whose goal is to destroy the Israeli state, the majority of survey respondents favored a two-state solution with an independent Palestine and Israel existing side by side” (Jamal and Robbins 2023). If there were a genuine prospect of achieving such a solution, the vast majority of Palestinians would be desperately eager to achieve it, and the stated aim of Hamas, which most Palestinians know is pure fantasy in any case, would cease to be even a dream. To this extent, Hamas’s ‘cause’ of eliminating the state of Israel has already long ago been delegitimized.

It is, moreover, highly improbable that many members of Hamas are actually sufficiently delusional to suppose that there is any possibility of their being able to eliminate the state of Israel. Israel has the most powerful conventional military in the region, has nuclear weapons, and is supported by the US; and members of Hamas know this. Again, if a two-state solution were really on offer, can one reasonably suppose that the rank and file of Hamas militants, many or most of whom are young men who were not born when the Hamas Covenant was written and who have, or potentially have, wives and children, would choose instead to pursue a manifestly unachievable goal by murdering people who would no longer oppress them – particularly when this would foreseeably be likely to result in their soon being killed, maimed, or imprisoned? Would they really prefer such a life to one of peace and prosperity for themselves and their families? If not, then Hamas’s appalling official creed is not really the obstacle that Cassam supposes it to be. Even if some members of Hamas believe that the root cause of the conflict is the existence of the state of Israel, they could be – and I think clearly are – wrong about this. It is thus a mistake to reject Byman’s strategy (8), as Cassam does, on the basis of what some members of Hamas erroneously believe.

3 The Five Conditions for Ending a War by a Peace Agreement

As I noted, Cassam’s reasons for rejecting strategies (2) – (6) and (8) are stated quite briefly. The bulk of his article is devoted to arguments for rejecting strategy (7) – that is, the strategy of negotiating a viable and lasting peace treaty. He states “five normal pre-requisites for ending a war by a formal agreement” and argues that Hamas satisfies none of them. Of the five conditions for successful negotiations, the first

is that each side be an *interlocuteur valable*. According to Cassam, to be an *interlocuteur valable*, a party to negotiations must be authorized to negotiate, be willing to negotiate, and not be morally beyond the pale. He concedes that it is hard to deny that Hamas has the authority to negotiate, which is just as well, since among Gazans only members of Hamas have the wherewithal, or means, to attack Israelis; hence, only they can coherently agree not to attack Israelis. He denies, however, that Hamas is willing to negotiate – though it is in fact participating in negotiations in Cairo as I am writing.¹ To the extent that it is unwilling to negotiate, it is doubtful that this is because its members genuinely believe that peace can never be possible with a state that must, no matter what, be destroyed.

The point on which Cassam most firmly insists is that Hamas has disqualified itself as an *interlocuteur valable* by acting in various ways that “place it beyond the pale of dialogue and negotiation” (2026, 162). First, Hamas is a *terrorist* organization and Cassam contends that a terrorist organization, even if it “enjoys significant political support,” is disqualified as an *interlocuteur valable* by virtue of engaging in terrorism. Second, Hamas is worse than terrorist: it is “horrorist,” which means that it is guilty of “rape, mutilation, and other ‘ontological crimes’ that dehumanize and sully the victim’s body” (2026, 162).

To understand which agents are terrorists we must first understand what terrorism is. Although Cassam has written extensively on terrorism, the definition he states is defective. It is that “‘terrorism’ is serious violence against a person or serious damage to property that is: (1) designed to influence the government or intimidate a section of the public and (2) has the purpose of advancing a political, religious, racial, or ideological cause” (2026, 159). One obvious problem here is that, although Cassam says explicitly that “not all warfare is terrorism,” this definition implies otherwise, or at least that nearly all warfare is terrorism. Acts of war are uses of serious violence against persons or property designed to influence the leaders of the adversary to surrender, thereby enabling the belligerent that engages in this violence to advance a “political, religious, racial, or ideological cause.” The military defeat of the enemy is intended to coerce the enemy government to surrender, or negotiate a peace treaty. The political cause might be, for example, the preservation of the belligerent state’s sovereignty when it has been threatened by an aggressor. So even defensive warfare directed against combatants engaged in aggression can be terrorism according to Cassam’s definition. But just warfare and terrorism are quite distinct, morally and legally.

The reason why Cassam’s definition implies that most warfare is terrorism is that it omits two essential features of terrorism as it is understood in just war theory

1 “The State of Israel,” *Haaretz*, April 25, 2026. <https://us18.campaign-archive.com/?e=45527c23de&u=d3bceadb340d6af4daf1de00d&id=7f50d8c1da>.

and international law. These are (1) that the intended victims of terrorist violence must be morally innocent and unthreatening, and (2) that harming them is intended as a means of coercing other people who are in some way specially related to them to act in ways the terrorist desires. The harming is coercive because it implicitly or explicitly threatens further harm to innocent people unless the terrorist's "political, religious, racial, or ideological" demands are met.

Terrorism is a matter of means, not ends. Terrorists can have a just cause – an aim that would justify the use of necessary, discriminate, and proportionate military violence. But terrorism is by definition not discriminate and, although it might be necessary in the sense of being the only possible means of trying to achieve a just cause, it is almost never proportionate.

According to this familiar moral and legal understanding of terrorism, Hamas clearly engages in terrorism. If this puts Hamas beyond the pale, one would expect Cassam to consider whether Israel engages in terrorism as well. But he writes that "the pertinent question about Israel's war against Hamas is not whether it amounted to state terrorism but whether it violated international humanitarian law" (2026, 160). But why is the first question not pertinent? Certainly, the war as a whole was not terrorism, but it included many instances of terrorism. Israel repeatedly deprived all Gazans of electricity, clean water, food, medicine, and other humanitarian aid. Israeli snipers often shot unarmed children in the head or chest. Israeli soldiers on various occasions fired indiscriminately into crowds of malnourished or starving Gazan civilians queuing for food at aid stations organized by charities. On at least one occasion they took unarmed and unresisting Palestinian paramedics from on-duty ambulances and summarily executed them. Israeli forces repeatedly bombed and assaulted hospitals and other medical facilities in Gaza, killing many patients and doctors and rendering almost all of these facilities wholly incapable of treating patients. Israel consistently refused to allow children and others to leave Gaza for life-saving treatments available only elsewhere, thereby condemning them to death.²

It would be naïve to suppose that acts of these and related types were not intended by any members of the Israeli government and military to terrorize the civilian population of Gaza as a means of intimidating and deterring Hamas, or of deterring civilians from supporting Hamas. And the terrorizing of civilians by intentionally directing violence against them continues at present in the West Bank, though not as a means of coercing Hamas, but as a means of forcing ordinary people to flee their homes and villages so that Israeli settlements can be established there. Yet despite these many and varied acts of terrorism by Israeli soldiers (or settlers

² This list of Israeli acts draws on more detailed material in McMahan 2025a. That article contains citations to documents that provide evidence for my claims here.

under the protection of soldiers), Cassam does not conclude that Israel is morally beyond the pale and is thus an *interlocuteur non valable* that cannot be negotiated with.

Just as Cassam denies that whether Israel has engaged in terrorism is a pertinent question, so he denies that whether Israel has engaged in what he calls “horrorism” is a relevant issue. Thus, he writes that “The issue with Israel is not whether it raped Hamas terrorists but whether its wartime conduct breached the laws of armed conflict” (2026, 163). But if acts of “rape, mutilation,” and other forms of horrorism are sufficient to put Hamas beyond the pale and make it an *interlocuteur non valable*, it must matter to Israel’s status whether its agents have committed such acts against Palestinians. We should, therefore, consider this matter, even though Cassam says it is not an issue.

Cassam quotes a UN report that says that “several” of the bodies of innocent Israelis who were murdered on October 7 were found to be naked or partially naked, and that “there are reasonable grounds to believe that multiple incidents of sexual violence” occurred before the victims were killed at the Nova music festival on that day (Cassam 2026, 162). Although Cassam refers to these acts of sexual violence as “tactics,” it is significant that such acts accompanied the killings of only a tiny minority of the “over 800 civilians who were murdered” – to quote the figure given by the Israeli Ministry of Foreign Affairs.³ It is therefore far more likely that the acts cited in the UN report were opportunistic acts of personal indulgence by individual members of Hamas rather than implementations of a policy that Hamas had adopted. By contrast, a UN Independent International Commission of Inquiry on the Occupied Palestinian Territory issued a report in June 2024 that “found that specific forms of sexual and gender-based violence constitute part of Israeli Security Forces’ operating procedures. It [the report] made the finding due to the frequency, prevalence and severity of the violations.”⁴ Shortly afterward, during a Knesset committee hearing about the gang rape of a Palestinian prisoner that was filmed by a surveillance camera at the Sde Teiman military base, a Likud representative, Hanoch Milwidsky, “was asked . . . whether it was legitimate, ‘to insert a stick into a person’s rectum?’ ‘Yes!’ he shouted in reply to his fellow parliamentarian. ‘If he is a Nukhba [Hamas militant], everything is legitimate to do! Everything!’”⁵

3 <https://www.gov.il/en/pages/swords-of-iron-civilian-casualties>.

4 “Israeli authorities, Palestinian armed groups are responsible for war crimes, other grave violations of international law, UN Inquiry finds,” UN Human Rights, Office of the High Commissioner, 12 June 2024, <https://www.ohchr.org/en/press-releases/2024/06/israeli-authorities-palestinian-armed-groups-are-responsible-war-crimes>.

5 “Israeli lawmaker defends alleged rape of Hamas prisoner as far-right protesters rage over IDF troops’ detention,” CBS News, July 30, 2024. <https://www.cbsnews.com/news/israel-hamas-war-idf-palestinian-prisoner-alleged-rape-sde-teinman-abuse-protest/>.

In March 2026, all charges against the soldiers who participated in the rape were dropped.⁶ Finally, in one further report from March 2025 that was commissioned by the UN Human Rights Council, the authors conclude, according to the BBC, that “specific forms of sexual and gender-based violence . . . including rape and violence to the genitals were ‘committed either under explicit orders or with implicit encouragement by Israel’s top civilian and military leadership.’”⁷ These and many other reports by the UN and by various human rights organizations, including the Israeli group B’Tselem, make it difficult to avoid the conclusion that Israeli forces have engaged in far more extensive, and officially sanctioned, acts of “horrorism” than members of Hamas have.⁸

It is curious that in his section on “*Interlocuteur Valable*,” Cassam says that the relevant question is not whether Israel engaged in terrorism or whether “it raped Hamas terrorists,” but whether it “violated international humanitarian law” or “breached the law of armed conflict” (which are two ways of saying the same thing). The answer is that there is a clear consensus among theorists of international law that Israeli forces have committed both war crimes and crimes against humanity. This consensus is reflected in the International Criminal Court’s having issued arrest warrants for Netanyahu and his former Defense Minister, Yoav Gallant, in November 2024. Assuming that the consensus is correct, does this entail that Israel is “beyond the pale of dialogue and negotiation”? All that Cassam says about this matter is that “[u]nlike Hamas, Israel regards itself as bound by international humanitarian law, even if it is at odds with international opinion about how it applies to specific cases” (2026, 172). But he provides no evidence for this claim nor any discussion of how to analyze the attribution of such a belief to a collective entity constituted by millions of people with conflicting beliefs. (To take a comparable example, does the US regard itself as bound by international law? Its representatives have in the past signed innumerable international legal treaties and documents, but its current president has announced that “I don’t need international law” and has been regularly violating it. How is the way in which the US regards itself to be ascertained?)

⁶ “Israeli military drops charges against soldiers accused of Gaza detainee abuse,” *The Guardian*, 12 March 2026. <https://www.theguardian.com/world/2026/mar/12/israeli-military-top-lawyer-drops-charges-soldiers-palestinian-detainee-abuse-gaza>.

⁷ “UN experts accuse Israel of sexual violence and ‘genocidal acts’ in Gaza,” BBC News, 13 March 2025. <https://www.bbc.co.uk/news/articles/clyr154314vo>.

⁸ For harrowing details, see Nicholas Kristof, “The Silence That Meets the Rape of Palestinians,” *New York Times*, May 11, 2026. <https://www.nytimes.com/2026/05/11/opinion/israel-palestinians-sexual-violence.html>.

Cassam mentions Hamas's use of torture only once, and not in the section devoted to showing that Hamas is an *interlocuteur non valable*. But one might reasonably think that the torture of detainees would be another element of horrorism. And the evidence is extensive and unequivocal that Israeli forces have tortured many detainees at the Sde Teiman base and other prison facilities. But I will let Israeli human rights activists tell that story.⁹

There are various other charges that Cassam makes against Hamas that in fact apply to Israel as well. He writes of Hamas, for example, that it “remains committed to armed struggle and has yet to question the utility of violence” (2026, 5). He also repeats the familiar claim that Hamas uses the civilian population of Gaza as human shields. That is speculative; but it is documented that Israeli soldiers have used Gazan civilians as shields.¹⁰

There is, moreover, one particularly heinous crime of which Israel, but not Hamas, appears to be guilty: genocide. Since October 7, more than 73,000 Gazans have been killed. It is estimated that Israeli forces have killed or injured over 10 % of the pre-war population, the vast majority of whom (possibly, as Cassam concedes, as many as 80 %) have been civilians, mostly children, women, and the elderly. Various authoritative institutions – including the UN Human Rights Council, the International Association of Genocide Scholars, Human Rights Watch, Amnesty International, Physicians for Human Rights – Israel, and B'Tselem – as well as eminent individual Jewish scholars of genocide such as Omer Bartov and Aryeh Neier, have concluded that Israel's war in Gaza has been genocidal in character (Neier 2024; Bartov 2025a, 2025b). I assume that Cassam rejects this claim; for, as we have seen, he claims that Israel regards itself as bound to abide by international law.

Whether Israel is guilty of genocide is a matter about which certainty is impossible, and this would be true even if there were an authoritative legal ruling on the matter. The definition of genocide in international law – “acts committed with intent to destroy, in whole or in part, a national, racial or religious group, as such” –

9 “Welcome to Hell: The Israeli Prison System as a Network of Torture Camps,” B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. https://www.btselem.org/publications/202408_welcome_to_hell.

10 On whether Hamas uses human shields, see the Supplementary Material to (McMahan 2025). On the use of human shields by the IDF, see “Haaretz Investigation: Israeli Army Uses Palestinian Civilians to Inspect Potentially Booby-trapped Tunnels in Gaza,” *Haaretz*, August 13, 2024. <https://www.haaretz.com/israel-news/2024-08-13/ty-article-magazine/premium/idf-uses-gazan-civilians-as-human-shields-to-inspect-potentially-booby-trapped-tunnels/00000191-4c84-d7fd-a7f5-7db6b99e0000>.

makes ineliminable reference to intention.¹¹ But whose intention? Individuals have intentions, which are mental states. But collectives, such as states and governments, do not have minds and thus do not have mental states. If, therefore, Israel, or the government of Israel, has a certain intention, that must be reducible in some way to what certain individuals intend, presumably individuals with considerable power to determine how other Israelis will act. But there is very rarely unanimity of intention among such individuals. Suppose that some members of the Israeli government and military have acted in various ways “with the intent to destroy, in whole or in part,” the Palestinians of Gaza, while others have acted in the same ways but without any such intention, and that the effect of their combined acts has been to destroy, in part, the Palestinians of Gaza. Is whether there has been genocide just a matter of the proportion of the members of the government and military who have acted with the genocidal intention?¹²

Because the members of collectives seldom act together with precisely the same intention, there is normally some unavoidable indeterminacy in attributions of collective intention – and also in the attribution of other mental states to collectives, such as Cassam’s claim that “Israel regards itself as bound. . . .”¹³ Whereas in law it may be true that a state must be either guilty of genocide or not guilty of genocide, in morality the wrongness of what the agents of states have done can be a matter of degree. Whether or not it is determinately true that Israel has engaged in genocide, the mere fact that so many authoritative bodies and individuals have asserted that it has done so clearly indicates that what it has done is at least close enough to being indisputable genocide to be morally horrendous.

No doubt most Hamas militants would conduct a genocidal war against Israel if they could; but that does nothing to excuse or mitigate the Israeli action. The challenge for Cassam is to explain how Israel can remain within the pale, as he assumes it does, when its leaders have engaged either in genocide or in mass killing and destruction that is very close to being genocidal.

11 UN Convention on the Prevention and Punishment of the Crime of Genocide, Article II. The full definition is: “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>.

12 For further discussion, see Kamm 2025.

13 Sometimes claims about collective mental states or collective action collapse into absurdity, as when Cassam writes that “the issue with Israel is not whether it raped Hamas terrorists. . . .” (2026, 163) It would be quite a feat for a state to rape people.

Thus far I have considered only the first of Cassam's five conditions that parties negotiating a peace agreement must satisfy: the *interlocuteur valable* condition. The other four are mutual recognition, mutual trust, compromise, and third-party enforcement. These can be addressed more briefly.

Cassam correctly notes that Hamas does not recognize Israel's right to exist. Nor does Israel recognize Hamas's right to exist. Cassam also writes that "It is arguable that Israel's current political leadership is determined to obstruct the creation of a Palestinian state alongside Israel" (2026, 164). But this is not merely arguable. It is a fact. At a government meeting in November 2025, Netanyahu stated that "our opposition to a Palestinian state on any territory west of the Jordan River remains firm and unchanged. I have been pushing back against these attempts for decades."¹⁴ Both parties thus fail to satisfy the mutual recognition condition, making it highly unlikely that negotiations could achieve peace, according to Cassam. What he does not note is that one of the Israeli government's aims in fighting the war against Hamas rather than pursuing one of Byman's other counterterrorist strategies is to prevent the possibility of the establishment of a Palestinian state – a point to which I will return.

When I return to this point, I will also explain why discussion of Cassam's arguments concerning his remaining three conditions that peace negotiations must satisfy is unnecessary here. I can anticipate my later claims by saying that, even if trust is unmerited by both parties at present, both would become trustworthy if the best strategy for resolving the conflict were followed, that what that strategy demands is not so much compromise as the fulfillment of longstanding moral requirements, and that the best solution would be readily enforceable by third parties. My basic claim, however, will be that Cassam's objections to strategy (7), though relevant, are not decisive. That is because the morally best strategy is not (7) but (8).

4 The Basic Moral Asymmetry

Having rejected Byman's strategies (2) through (6) and (8), and having argued at length that Hamas satisfies none of the five conditions that it would have to satisfy for strategy (7) to be feasible, Cassam concludes that the only viable strategy is (1) – that is, "crushing [Hamas] directly with massive force." (2026, 159) Even if Hamas offered to negotiate, Cassam's view is that Israel should continue to apply massive force in Gaza, inevitably killing and injuring more children and other civilians and destroying much of what little remains of the physical infrastructure of the

¹⁴ "Israel's opposition to a Palestinian state remains 'firm and unchanged,' Netanyahu tells cabinet," *The Jerusalem Post*, November 16, 2025.

territory. Israel would achieve its just cause of preventing further terrorist attacks by Hamas; but not only would the Palestinians remain stateless, but Gaza would be largely uninhabitable, and Israeli settlers would before long constitute the majority of the population of the West Bank.

Cassam concedes that after Hamas as it is at present is “crushed,” “a successor organization with the same name might not be beyond the pale, but only on the strict condition that it is committed to peace and that there is a proper accounting for the atrocities of 7 October 2023” (2026, 175). As in all other matters, however, Cassam assumes that there is a fundamental moral asymmetry between Hamas and Israel; for there is no mention of any requirement of proper accounting for decades of occupation of Palestinian lands by Israel, or for the war crimes and crimes against humanity that the UN and most impartial legal theorists claim that Israel has committed during the war following October 7.

This brings us to the real moral asymmetry between Hamas and Israel. It is not that Hamas is terrorist but Israel is not, or that Hamas is horrorist but Israel is not, or that Hamas tortures noncombatant detainees but Israel does not. Everything horrendous that Hamas has done, Israel has also done, usually to a much greater extent. The basic asymmetry is in what Israelis have done but Palestinians have not – namely, held another people in utter subjugation for decades in their own ancestral land, using the military to enforce an illegal occupation and blockade, invading people’s homes in the night, bulldozing their homes, expelling them from their land, and in many other ways intimidating and humiliating them in order to enforce their submission. *This* is the “root cause” of the conflict.

If any national group – Israeli Jews, for example – were threatened with being reduced through the exercise of military force by another people to having to live in conditions similar to those in which the Palestinians have been forced to live – conditions involving occupation, blockade, intentional impoverishment, and general domination and oppression – that national group would obviously have a just cause for defensive war to prevent the threat from being realized.¹⁵ For the same reasons, the Palestinians have for decades had a just cause for a war of national liberation, though Israel, through the control it has exercised over their lives, has prevented them from being able to pursue this just cause by military means that would satisfy the requirements of a just war.

It is revealing that when Cassam introduces the concept of an *interlocuteur valable*, he illustrates its meaning by referring to its use in complaints by the French about their inability to find “a legitimate representative of the Muslim population of Algeria with whom it might be possible to negotiate a peace agreement” to end the

¹⁵ Evidence for the claim of intentional impoverishment can be found in Roy 2023.

Algerian war of independence (2026, 4). Their problem arose from the fact that the national liberationist fighters there did not seek a compromise that would allow the French to continue to have power over them; rather, they demanded that the French return full control over Algeria to the Algerians. They were seeking complete release from domination by an alien colonizer. It was the unjust colonial rule that was the “root cause” of that conflict.

Ever since the time of that war, the Palestinians have likewise sought complete release from domination by a state that is not so much a colonizer as a conqueror and occupier that now openly aspires to annex the lands on which they and their ancestors have lived. A peace treaty with the Netanyahu government of the sort that Cassam says Hamas is disqualified from negotiating – a treaty with “compromises” that would continue to prevent the Palestinians from being able to exercise their full right to national self-determination – cannot be the basis of a permanent peace. A permanent resolution of the conflict between Israel and the Palestinians must address the basic injustice that is the source or root cause of the conflict.

To eliminate the source of the conflict would not require negotiating a peace treaty with Hamas or any other Palestinian entity. The state of Israel could, at any point after October 7, have avoided, or ended, the unjust war it has conducted in Gaza by strengthening its defenses along the border and simultaneously taking action unilaterally to enable the Palestinians to have their own sovereign state in the West Bank and Gaza – a state that Israel could insist would not be governed by Hamas and would be prevented by international peacekeeping forces from threatening Israel.¹⁶ Indeed, Israel could have avoided decades of conflict and turmoil by doing this long ago. If it were now unilaterally to facilitate the establishment of a Palestinian state, that would, no doubt, make it seem to some that it was capitulating to terrorists. But it would not be doing that. It would be finally fulfilling a moral requirement, or duty of justice, that it has been systematically violating for decades. This would be the uniquely moral way of resolving the conflict between Israel and the Palestinians.

The obvious question is: What about Hamas, which has opposed a two-state solution? Would it not attempt to sabotage such an Israeli initiative? As the polling I cited earlier indicated, most Palestinians, at least before Israel began the systematic destruction of Gaza after October 7, supported a two-state solution and had little or no trust in Hamas. The great majority of Palestinians in Gaza have not shared its fanatical and delusional ideology. And it seems unlikely that Hamas could indefinitely survive opposition of the majority of Palestinians – opposition that is now increasing. According to the *Jerusalem Post*, a pro-government Israeli newspaper,

¹⁶ For arguments that Israel’s war has been unjust, see McMahan 2024.

a poll taken in early May 2026 found that “the majority of the Gazan public supports the push for the terrorist organization [Hamas] to give up its weapons, seeing disarmament as a ‘way out’ of long-term turmoil and violence.”¹⁷

If sincerely offered the immediate option of the establishment of an autonomous Palestinian state in the West Bank and Gaza, most Palestinians would seize the opportunity with the greatest possible enthusiasm. Hamas would, I believe, quickly fade into irrelevance. Indeed, as I noted earlier, if given the choice between, on the one hand, collective self-determination, safety, and prosperity for themselves and their families and children and, on the other hand, perpetual engagement in the murder of innocents and self-immolation in pursuit of the obviously unattainable goal of destroying the state of Israel, most young Hamas militants would themselves very likely abandon terrorism and opt for peace. Hamas, like the PLO before it, is a creation of Israeli oppression (just as much of the support for the Netanyahu government is the product of Palestinian terrorism). In the absence of that oppression, Hamas would, I believe, simply fade away, thereby achieving the aim of Byman’s strategy (6).

If Israel’s granting the Palestinians’ right to their own sovereign state would indeed induce most or all members of Hamas to abandon terrorism and to cooperate with other Palestinians in creating the institutions of their state and contributing to their efforts to make it prosper, both current belligerents’ just causes would be achieved. The Palestinians would be liberated from their oppression by Israel, and Israel would no longer be subjected to terrorist attacks by Hamas. There would, in short, be no compromise, as both sides would have all they are entitled to from the other. And there would be no sacrifices on either side that would be morally optional, as both would simply be doing what they have all along been morally required to do.

If, moreover, Israel were to act unilaterally in enabling the Palestinians to establish a state, this would do much to create good will and trust between the two nations, making it entirely feasible for them to agree to security guarantees for both – which is Cassam’s fifth condition for a peace agreement. Cassam is skeptical of the UN, claiming, without citing the evidence, that its “record in the region does not inspire much confidence.” (14) But I assume that, if the Palestinians could have their own state, both the Israelis and the Palestinians would welcome the presence of UN peacekeeping forces on both sides of the borders between the two states for deterrent purposes, and that the UN would readily agree to such an arrangement. This would help to ensure that Israel would not be risking – but, as I believe, would be enhancing – its security by accepting the establishment of a Palestinian state.

¹⁷ “Gazan public opinion turning against Hamas as support for disarmament grows – report,” *The Jerusalem Post*, May 9, 2026. <https://www.jpost.com/middle-east/article-895619>.

For Israel to take the initiative and unilaterally enable the Palestinians to establish their own state would be the morally ideal resolution of the conflict between Israel and the Palestinians. But only Israel could do this, and the probability that it will do so is, of course, negligible. There is, however, a strategy that the Palestinians could unilaterally adopt that would be morally the best they could do – and prudentially optimal as well. This is to repudiate terrorism and violence in general and organize themselves to engage in active nonviolent resistance only. As I have argued elsewhere, I believe that Gandhian strategies of nonviolent action could be effective in convincing Israelis to recognize and respect the humanity of the Palestinian people and to be willing to coexist peacefully with them in separate states.¹⁸ There is, moreover, some evidence that those in Israel who are determined to prevent the establishment of a Palestinian state are aware of this. One Palestinian, Mubarak Awad, who was born in Jerusalem but went to the US for his undergraduate degree and PhD, returned to Jerusalem in 1983 and there established the Palestinian Centre for the Study of Nonviolence. He translated writings by Gandhi and Martin Luther King into Arabic and organized various wholly nonviolent forms of resistance during the first *intifada*. In 1988, Prime Minister Shamir had him arrested and expelled from the country – indicating, I think, that Shamir knew where the most serious threat to Israel’s continued ability to dominate the Palestinians and suppress their aspiration to achieve statehood came from.

Just as the probability is negligible that Israel will grant the Palestinians their rights, so the probability is almost as low that Palestinians will abandon terrorism and instead appeal to the consciences of their oppressors by restricting themselves to nonviolent forms of resistance. The latter probability may be particularly low now, when many Palestinians must be experiencing an overmastering desire for revenge for all that Israeli forces have done to them, their families, their homes, and their communities. Still, for them to continue to try to kill and injure ordinary Israelis would be a terrible moral and prudential mistake; just as it would be a terrible moral and prudential mistake for Israelis to follow Cassam’s recommended strategy of continuing to exercise “massive force” to “crush” the remains of Hamas, thereby making inevitable further mass killing and maiming of Palestinian children and adults and the destruction of the conditions of their common life – all for the sake of enabling Israel to continue to avoid fulfilling its duty of justice to grant the Palestinians their freedom.

18 For brief discussions of this possibility, see McMahan 2024, 388, and McMahan 2025, 235.

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