# Rafiah or Negotiating with Hamas?

Kidnappings and taking captives are not a new story. It was a common practice in ancient times, so much so that the Tora legislation prohibited human trafficking no other than in the Ten Commandments. Yes! As you heard it. The eighth commandment, “Thou shalt not steal,” doesn’t mean to steal someone’s property but not to “steal people” or “not to kidnap,” which, by the way, the Tora condemns with the death penalty.

THE MITZVA OF RESCUING PRISONERS AND ITS EXCEPTIONS

The Talmud also emphasizes that a Jewish community must make all possible efforts to rescue a captive person. According to Jewish law (Maimonides, Hilchot Matanot Aniyim, 8), it is a fundamental precept to ransom captives—usually prisoners of war or refugees—(Pidyon Shevuyim), and it is considered the highest form of Tzedaka. The Gemara explains that if a Jewish community is collecting money for a synagogue, for example, and then they learn that there is a Jew kidnapped, the community must use those resources to free the captive. Furthermore, even if the money has already been invested in buying construction materials, these should be returned or resold to use that money to ransom the captive. The history of the efforts that Jews have made to rescue captives is exciting and very long. But I’ll leave those details for the future, and now I’ll refer to a caveat that the law of Pidyon Shevuyim records.

“One should not pay too much for the ransom of a captive.” One should not pay more than the “market price,” this is very difficult to understand in our time because we live in privileged historical times. Still, in the past, human trafficking, unfortunately, was typical. There were slave

markets where prices for people were standardized. And why does the law discourage paying an excessive price for a Jewish captive? Because if a community is willing to pay that price, it would be encouraging traffickers to continue kidnapping Jews!

## THE KIDNAPPED ONES FROM OCTOBER 7TH

Now that we understand this, let's look at the dilemma experienced by the State of Israel at this time. The tragedy of October 7, 2023, left a horrible toll of close to 1300 Israelis massacred and about 250 kidnapped. In November, the Israeli government was able to release more than 100 hostages by interrupting the war against Hamas for ten days and releasing low-risk Palestinian prisoners. At this moment, there are about 135 hostages left. However, this number is that of people missing since October 7 who have not been able to verify whether they were kidnapped alive or dead. Negotiations with Hamas never included a list of survivors. Neither the Red Cross nor the United Nations has demanded that Hamas provide this information. Inexplicably, Israel has not demanded this information as a condition for delivering humanitarian aid to Gaza.

Returning to the negotiations, Hamas's two conditions for releasing the Jewish hostages are: 1. Israel releases hundreds of Palestinian terrorists, many of whom have Israeli blood in their hands. 2. The complete cessation of the war and the permanent withdrawal of Israel from Gaza.

Let's analyze these two conditions one by one and see if the price demanded of Israel is within what is reasonable or excessive in terms of its consequences.

## YOU DON'T NEGOTIATE WITH TERRORISTS

The best illustration to understand the potential consequences of negotiating with terrorists is to remember what happened with Gilad Shalit, a young Israeli soldier Hamas kidnaped and

held in captivity for five years between June 2006 and October 2011. Israel released more than 1000 terrorists to get Gilad Shalit back. But once free, 50% of these terrorists have returned to terrorism and have participated in murderous terror attacks that killed scores of Israelis. The most notorious of these terrorists released by Gilad Shalit is Yahia Sinwar, the actual head of Hamas and the number one responsible for the massacre of October 7.

In other words, more than 1300 Jews so far have been directly or indirectly killed by the terrorists that Israel released in that terrible negotiation deal.

On October 17, 2011, prophetically, Purdue University professor Louis Rene Beres argued against Shalit's release. In an opinion column in the Jerusalem Post, he wrote the following:

"No modern government has the legal right to release terrorists in exchange for its kidnapped citizens, military or civilian. According to current international law, each state has the primary obligation to protect its citizens. However, it seems that tomorrow, Israeli Prime Minister Benjamin Netanyahu will exchange Palestinian terrorists for the kidnapped soldier of the IDF, Gilad Shalit. Any exchange, no matter how humane it may be for Shalit and his family, would endanger thousands of other Israelis."

Can Israel reiterate the mistakes of the past?

Hamas has repeatedly said that as soon as it can, it will repeat the massacre of October 7. How many more Israelis will die if Israel releases Hamas's dangerous terrorists?

STOP THE ATTACK ON RAFIAH (RAFAH)

The other condition that Hamas puts forward is that Israel end the war and withdraw from Gaza. This, of course, would mean a complete defeat for Israel, the meaningless death of the over

200 Israeli soldiers already killed in this conflict—without counting the thousands wounded—and would endanger Israel in front of its voracious enemies, as in the Middle East, weakness attracts terrorist attacks. Incredibly, the world is siding with Hamas and not with Israel at a very delicate moment: when Israel is about to enter the city of Rafah in the southern Gaza Strip.

Why is Rafah so important?

For those who do not know the geography of Gaza, it may be challenging to understand what Rafah means in this conflict. I will try to explain it as briefly as possible. Firstly, a quarter of Hamas terrorists are still alive in Rafiaj, including many who actively participated in the massacre of October 7. But beyond that, Rafiaj has fundamental geopolitical importance.

The Gaza Strip borders the Mediterranean Sea to the west, Israel to the north and east, and Egypt to the south. The border with Egypt is supposedly closed, but in reality, there are dozens—or hundreds—of tunnels that connect Gaza and Egypt. Through these tunnels, weapons, financial resources, and terrorists have been smuggled to and from Gaza. If Israel, theoretically, does not conquer Rafah, it could not declare victory over Hamas. If it leaves this border open, Hamas will continue to dominate Gaza, obtaining resources, money, weapons, fighters, etc., in short, it would allow Hamas to survive and eventually continue attacking Israel.

In the past, Israel attacked Gaza to defend itself against Hamas attacks and bring security to Israeli citizens. Still, it never went all the way, and the consequences were devastating. But this time, after the greatest attack on Jews since the Holocaust, I believe it has to be different. This time, Israel’s forces will enter Gaza and have already destroyed hundreds of war tunnels and are one step away from ending the terrorist organization and establishing itself

militarily in Gaza to prevent future attacks.

AMERICA, GONE WITH THE WIND

To understand the strategic importance that conquering Rafahj represents for Israel, all one has to do is pay attention to the devastating and unprecedented international pressure that Israel is suffering at this moment from all the countries in the world, and unfortunately, with the U.S. at the forefront. All the antisemitic demonstrations in U.S. universities, even if they disguise themselves as other causes, aim to pressure the U.S. to pressure Israel not to ATTACK RAFIAH. At the time I am writing this article, Antony Blinken is in Israel trying to convince Netanyahu to make more concessions to reach an agreement with Hamas. Indeed, the U.S. will offer guarantees that if it gives in to Hamas's demands, the U.S. will defend Israel. I wouldn't want to be in the shoes of the Prime Minister of Israel, and I pray that he does not give in. Why? Because those who forget history are doomed to repeat it.

Let me explain. Israel made three severe mistakes in the last 30 years: firstly, the Oslo Accords, which only brought more intifadas and death. Second, and as I just explained, releasing terrorists with blood on their hands to return Shalit. But I believe the worst mistake, the one that has cost us the most blood, was when Ariel Sharon withdrew the Israeli army from Gaza. According to Israeli journalist Amit Segal, one of the things that convinced Sharon was that President Bush told Sharon something like: "Don't worry, if anything goes wrong, the U.S. will have your back. We will not allow the Palestinians to attack Israel." What good were those promises from Israel's main ally? Absolutely nothing. Israel cannot repeat the mistake, especially with an administration that has proven to be so lenient in dealing with Hamas terrorists.

THE TORAH AND THE RESCUE OF JEWISH PRISONERS

This Tuesday morning, the last day of Pesach, I spoke in my synagogue about rescuing prisoners in the Tora, particularly in the book of Genesis, Bereshit.

When Lot was kidnapped from Sodom, Abraham gathered an army of more than 300 people, pursued and defeated those who had captured Lot, and freed him and all the prisoners of Sodom. There were no negotiations, only a military operation (Genesis 14:14-16).

When Dinah, the daughter of Jacob, was raped and then kidnapped, the sons of Jacob, Shimon, and Levi pretended negotiations to surprise the inhabitants of Shechem. Surprisingly, they attacked the city, killed all the men who resisted, forcibly rescued Dinah, and burned the city (Genesis 34). There were no negotiations with the kidnappers; they had no mercy on the terrorists or the citizens of Sodom, nor did they consider the disproportionality of their violent response. And indeed, this disproportionate reaction created a psychological terror that seized the neighboring peoples and deterred them from attempting aggression against the children of Israel.

ONE SHOULD NEVER NEGOTIATE WITH TERRORISTS, AND THE MILITARY RESPONSE MUST BE DELIBERATELY DISPROPORTIONATE SO THAT THE ENEMY UNDERSTANDS THAT IT IS NOT IN THEIR INTEREST TO MESS WITH ISRAEL.