

Release of Gilad Shalit  
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Governors and Presidents have the power to grant clemency, to give pardons and to commute prison sentences. Traditionally mercy is shown for any of a number of reasons. It could be that new evidence has come to light revealing that the imprisoned is not guilty, or perhaps there is a genuine expression of remorse. Other extenuating circumstances may be taken into consideration, such as if the incarcerated is in poor health or dying.

Clearly none of these circumstances apply to the 477 Palestinians freed by Israel on Tuesday in the first stage of an exchange with Hamas to end Gilad Shalit's five years of captivity, nor do any of these factors apply to the 550 Palestinians who will be freed in the second stage of the deal. I read that it is estimated that collectively those released were responsible for the deaths of almost 600 Israelis, most of whom were innocent civilians.

Various polls consistently said that although half of the Israeli public was concerned that the release of the Palestinian prisoners would harm Israel's security, nevertheless, between 75 – 80 % of Israelis supported exchanging Shalit for the 1027 terrorists. The polls reflect the mixed feelings, but on a deeper level, the sophistication of the Israeli public. They understand it is a risk they must take.

Prime Minister Netanyahu captured the mood of the Israeli public when Gilad Shalit, the first Israeli soldier returned alive in 26 years, who was abducted over 5 years ago was welcomed home to Israel and to his family with great joy. The Prime Minister said, "We are all united on this day in joy and pain." It is not too hard to figure out why there were such mixed feelings in Israel.

Freedom for Gilad did not come at an easy price.

Remember the photo of the guys leaning out of a window, holding their blood drenched hands up to a cheering crowd below in Ramallah, hands that had been soaked in the blood of two Israeli reservist soldiers who had taken a wrong turn and wound up in Ramallah – they were freed. Do you recall the terrible massacre at the Park Hotel in Netanyahu while families were gathered for the Passover seder? Or the suicide explosion killing and mutilating families at the Sbarro Pizzeria in Jerusalem -- People involved in these crimes, as well as those responsible for other bus bombings and suicide attacks were among the freed.

As politically incorrect as it is to say, we must call attention to the contrast between the two societies. It is evident in the thin and frail Gilad Shalit put on display on Egyptian television who was isolated, and denied any visits by his captors and the condition of the freed Palestinian prisoners. The gentle, soft spoken Shalit did not express any anger or rage. There was no cry for vengeance or call to arms. Neither he, nor his family, nor the nation that welcomed him home called for the death of others. Contrast that with the bloodcurdling statements and celebrations in Gaza and the West Bank.

Wafa al Bass, a Palestinian Arab resident of Gaza was permitted to enter Israel in 2005 to be treated at an Israeli hospital for severe burns. Her plan was to detonate a 22 pound bomb she was hiding under her clothes. The detonator failed to go off and so she did not get to fulfill her mission which was, in her own words, to murder as many children as possible at the hospital. Upon her release from prison she

urged Gazans to “take another Shalit” every year until all convicted Arab terrorists held in Israeli prisons were freed. As schoolchildren gathered at her home in northern Gaza to welcome her home, she told the youngsters, “I hope you will walk the same path we took and God willing, we will see some of you as martyrs.”

Great role model. Not much more remorse here.

Make no mistake about it. There is no comparison between the kidnapped Israeli soldier and the criminals who were freed. These are brutal people who deserve punishment and not adulation.

I recall a lengthy article in the Washington Post many years ago about the killing of a known terrorist in his home in the middle of the night. The dead man’s family was quoted as saying that they knew it was done by Israel and was not an act of revenge by other Arabs. They explained that were it an internal affair, the entire family would have been killed while they were sleeping, and not just the terrorist. Children in Palestinian territory, showed how much they deserve a state when they cheered and waved Palestinian flags and chanted: “We will give souls and blood to redeem the prisoners. We will give souls and blood for you, Palestine.”

The questions I would love to hear asked are – why are these murderers hailed in Arab society as heroes? Why are these barbaric terrorists held up as role models? When will they turn away from celebrating death and destruction? What does this tell us about Israel’s enemies? And the one I would really like to ask: how can decent civilized people support and empathize with them? That same article I referenced a moment ago quoted a leader of Hamas in a rare moment of candor admitting that whereas Israel celebrates life, they celebrate death.

Israel had to weigh tough questions of whether the release will reward the terrorists. Will it lead to more terrorist acts either by the same individuals who may revert to their former ways? Does it reward the hardliners? Will it encourage others to emulate them? Hamas and other Gaza militant groups have already vowed to seize more Israeli hostages for exchange until all 5,000 Palestinians still in Israeli prisons are released.

As one Israeli political leader wrote, “Prisoner releases only embolden terrorists by giving them the feeling that even if they are caught, their punishment will be brief. Worse, by leading terrorists to think such demands are likely to be met, they encourage precisely the terrorist blackmail they are supposed to defuse.” That was Benjamin Netanyahu writing in the 1990’s.

So why do it? How can we understand it?

You do it because Israel has a sacred social contract with its citizens: Give us your sons to defend our country, and we will do all we can to defend them and bring them back home to you.

You do it because Israel is an extended family, all are *mishpoche*. Gilad Shalit could be anyone’s son, and he became everyone’s son.

The mother of Nachshon Wachsman, an Israeli soldier captured by Hamas in 1994 and who was killed when an attempt by an elite Israeli commando team to rescue him failed wrote this week in the Jerusalem Post, “at this moment in history, God has been merciful, has listened to our prayers and said “yes” (in contrast to when our Nachshon was kidnapped, when He heard our prayers but decided the answer would be “no”). A young soldier would be released and would return to his family, and his

people. God alone rules the world via his messengers on earth. I can only give thanks to Him, and to His messengers.” She visited Gilad’s family regularly and offered them support and comfort throughout their ordeal. She expressed her joy over his release and wrote, “All the questions about negotiating with terrorists and yielding to their blackmail, the high price we paid for one soldier, the threat to our security, the weakening of our judicial system, the perceived weakness of our leaders and the biggest question of all - future policy - should be dealt with after Gilad Shalit is home.”

You do it because it is a country where its leaders are called, not even by their first names, but by their nicknames. And this is what the Prime Minister, Bibi wrote in a personal note sent to the families of terrorist attacks.

Dear Families,

I write to you with a heavy heart. I understand and know your pain. I belong to a bereaved family of the victims and fallen of terrorism. My brother was killed in the operation to rescue the Entebbe hostages.

I know that you have a heavy heart and that your wounds have been opened anew these past days; that your thoughts are not at ease. Numerous misgivings accompanied me throughout the negotiations on the agreement to return the abducted soldier Gilad Shalit. You were always in my thoughts.

The decision in the matter of the release of Gilad Shalit was among the most difficult that I have ever made. It is difficult for me for the same reasons that it is difficult for you, dear families. In the decision to return Gilad home, I was faced with the responsibility of the Prime Minister of Israel to bring home every soldier who is sent to protect our citizens.

Opposite the strong desire to return home a captive soldier, was the need to limit the heavy price that the State of Israel would have to pay upon the abduction of Gilad Shalit over five years ago.

I know that the price is very heavy for you. I understand the difficulty to countenance that the evil people who perpetrated the appalling crimes against your loved ones will not pay the full price that they deserve.

During these moments I hope that you will find solace that I and the entire nation of Israel embrace you and share your pain.

Your loved ones will forever be in my heart,

Yours in pain and deep sorrow for your loved ones,

Benjamin Netanyahu

The situation evokes for me the famous story in the Bible of the two women who come before the wise King Solomon claiming that the same child belongs to each of them. Somehow he had to decide who was right. Only in this case, unlike the Biblical one, both sides have equally compelling claims.

How do you weigh who is more just?

Israel is a country which has paid the ultimate price often, too often, and then is asked by the world and insensitive media outlets to do it again and to make even more “painful sacrifices”, as if they have not, and as if it will change the will or attitude of the other side.

I recall meeting the parents of Danny Cohen, Ezra’s commander when he served in the IDF in Hebron, who was killed in a terrible attack. Their son as described to me by Ezra was the sweetest, kindest young man. When Palestinian kids used to pelt his soldiers with rocks, he would put the kids in his jeep and try to show them the human side of the people they were trying to harm. He felt they were just kids, and he believed they shouldn’t be blamed for what they were doing. When visiting with Danny’s parents showed me pictures their son had drawn when he was 6 years old.

The dilemma is by no means a new one. Jewish sources from the Talmud and the Middle Ages offer guidance on the mitzvah of *pidyon shevuyim*, redeeming captives, which means it was a problem for our people throughout the ages. The Shulhan Aruch codifies the laws of the Talmud and says that a Torah scroll must be sold to redeem captives. Despite this unambiguous statement, we are also cautioned against acting in a way which will make it profitable for hostages to be taken, as it may encourage more. The texts are clear only in their ambiguity. The precedent of Rabbi Meir of Rothenberg of the 1200’s comes to mind. A leading rabbi of his day, he was captured and held for ransom. Not wanting to encourage more captives, he ordered his followers not to pay the ransom for his release. They did not, and he died in captivity, but his followers raised money to pay for the release of his body.

One abducted soldier for 1000 criminals convicted of terrorist acts, some of whom were responsible for mass murderers --- brings to mind the starfish story. The story is of a man who was on a beach throwing starfish that had washed up on shore back into the ocean to save them. A passerby said to him the effort was futile, for there were too many, and no way he could save them all. He asked, “What difference can it make?” While tossing another starfish back into the water, he said, “To this one, it makes a difference.”

As Jews we understand the value of one life, which our tradition says, (and which the Koran restates), “He who saves one life is as if he has saved an entire world.” In today’s Torah portion we read about the beginning of the world, and of humanity. The midrash says that the creation of Adam, reminds us that we are all descendants of one human being. It comes to teach the value of one life. Another interpretation offered by our sages is that it also teaches that since we are all descendants of the same person we should remember the oneness, unity and common bond of all of humanity.

And on this Shabbat when the family of Gilad Shalit celebrates their first Shabbat together with him in almost 5 ½ years, it is as if the words of today’s haftarah, from the prophet Isaiah have been fulfilled: “Thus said God the Lord, who created the heavens...I have held you by the hand...opening the eyes of those deprived of light, taking out of confinement those who are imprisoned, from the dungeon those who sit in darkness.”

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