The death penalty isn’t revenge – it’s how terror loses its key

written by Moshe Fuzaylov | 11.06.2026

October 7, 2023, was far more than an intelligence failure or an unprecedented, murderous terrorist assault; it marked the absolute collapse of an entire worldview.

For decades, Israel operated under the illusion that it could manage its conflict with Hamas through partial deterrence, makeshift arrangements, localized military operations, and a prisoner policy anchored in the assumption that the enemy valued survival over victory.

October 7 shattered this premise, proving that Hamas never sought stability – it sought victory. Its goal was not coexistence under tension, but the total annihilation of Israel as a Jewish state.

Dismantle frameworks

The paramount lesson of that day extends beyond the obvious need to fortify borders, intelligence, or military capabilities. The deeper truth is that Israel must systematically dismantle the strategic frameworks that sustain the doctrine of armed struggle against it. Chief among these mechanisms is what can only be described as the “kidnapping economy.”

For decades, a distinct, vicious cycle took root in the Middle East: terrorist organizations abducted Israelis specifically to leverage the release of security prisoners.

Israel, bound by profound moral conviction and the foundational value of bringing its captive sons and daughters home, repeatedly acquiesced to prisoner-exchange deals that grew progressively broader.

Over time, this practice inadvertently accumulated a massive reservoir of prisoners holding immense strategic value for terrorist groups. Consequently, incarceration was no longer viewed by these organizations as the end of a terrorist’s path, but rather as a transition into a future asset, a potent bargaining chip, or even a rising leader.

Incubators for leadership

Until roughly 18 months ago, Israeli prisons did not merely incarcerate terrorists; they frequently functioned as incubators for leadership, inspiration, and radicalization, incentivizing those who viewed holy war against Israel as a religious imperative.

Hamas's leadership offers numerous examples. Sheikh Ahmed Yassin, the Marj al-Zuhur deportees (December 1992), Yahya Sinwar, and numerous others transformed imprisonment, deportation, and the struggle over detainees into core components of the movement's power-building apparatus.

Where Israel saw a penal institution meant for punishment, Hamas saw an academy for training, identity formation, organizational cohesion, and ideological mobilization.

Ideology of martyrdom

My years of counterterrorism experience in the Shin Bet (Israel Security Agency) taught me that many in the West fundamentally misread terrorist psychology. There is a persistent tendency to view terrorists as actors driven exclusively by a death wish or the ideology of istishhad (martyrdom).

This is a remarkably narrow understanding. While self-sacrifice is undeniably embedded in their value system, it is rarely the ultimate objective in the vast majority of cases. Most terrorists operate within a far broader incentive structure that offers status, belonging, glory, purpose, financial compensation for their families, and the absolute certainty of an eventual release. One phrase I heard repeatedly during interrogations was: "There is no door without a key."

As long as a terrorist believes prison is merely a temporary stopover, that their organization will fight for them, and that abducting Israelis is a guaranteed ticket back to life and the battlefield, the strategic motivation to perpetrate terror remains untouched.

The debate, therefore, should not center on whether the death penalty deters an operative who has already set out to attack. The truly critical question is whether shifting the rules of the game alters the cost-benefit calculus for the next generation.

Stockpiling terrorists

Following the Gilad Schalit deal in 2011, the State of Israel itself began to grasp the gravity of this dilemma. A public commission chaired by the late Supreme Court chief justice Meir Shamgar concluded that asymmetric prisoner-exchange deals generate a direct, powerful incentive for subsequent abductions.

The commission explicitly recommended drastically devaluing the bargaining power of terrorist organizations. Yet, in practice, despite this stark realization, Israel maintained a vast reservoir of prisoners, allowing the enemy to continuously exploit it as a strategic vulnerability. Israel essentially became the custodian of a "stockpile" of high-risk terrorists whose return to jihad remains the ultimate dream of terrorist leaders.

The Knesset's recent passage of the death penalty law for terrorists, alongside the tightening of prison conditions, represents a fundamental effort to uproot this doctrine. The objective transcends mere retribution; it aims to collapse the kidnapping economy entirely. This marks a profound conceptual shift – moving away from managing terror toward completely denying terrorism its levers of power.

This strategy deploys two complementary prongs. The first involves overhauling incarceration conditions. For years, prisons effectively served as safe spaces for terrorist organizations, academic study, internal hierarchy-building, and the cultivation of the resistance narrative. Stripping away these privileges is designed to deny terrorists that organizational sanctuary, restoring prison to its fundamental purpose: punishment and deterrence.

The second prong is the definitive elimination of any horizon of release. Enacting the death penalty for terrorists who execute ideologically motivated murder sends an unequivocal message: there is no returning to the theater of operations, no future diplomatic deal, and no "key" capable of unlocking prison doors through the abduction of Israeli citizens. Once the horizon of release vanishes, the incentive to engineer future kidnapping deals collapses.

Critics argue that such legislation risks triggering escalation, undermining Israel's international legitimacy, and inflaming motivations for further attacks. Yet, after October 7, 2023, Israel can no longer gamble its national security on the hope that the global community will understand its predicament or protect it. Thousands of Israelis were butchered, women violated, entire families erased, and hundreds taken hostage into Gaza – all while vast segments of the international community instantly pivoted from condemning the atrocity to debating the proportionality of Israel's response.

A sovereign state cannot afford to safeguard the strategic assets of entities dedicated to its annihilation. Israel has paid a catastrophic price for attempting to manage terrorism rather than defeating the doctrine of armed struggle that fuels it. The ultimate lesson of October 7 is that coexistence with organizations committed to your destruction is impossible. Israel must look beyond halting immediate plots; it must systematically dismantle the very systems of incentive, inspiration, and leverage that feed the armed struggle.

Only when terrorist groups internalize that armed struggle yields zero prisoner releases, zero glory, and zero strategic gains can we begin to dismantle the

consciousness that drives them. Israel must defeat not just the individual terrorist, but the underlying doctrine of armed struggle itself. Restricting prison conditions, combined with executing those who abduct and slaughter innocent civilians, forms a vital pincer movement designed to permanently extinguish the operational motivation of Palestinian terrorist organizations.
Published in The Jerusalem Post, June 11, 2026.

*The opinions expressed in Misgav publications are the authors' alone.