The Gaza war and the fall of Jerusalem: When Israel abandons morals for legalism

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There is a stark difference between the war zones of Lebanon and Gaza: in Lebanon, civilians can flee when fighting erupts. In Gaza, they are trapped. Hamas identified this and turned it into its greatest strength: civilians became its doomsday weapon.

Recognizing the IDF's core advantage – long-range precision firepower – Hamas devised three tactics to neutralize it: using tunnels for maneuver and combat, turning civilians into human shields, and controlling humanitarian aid to feed its logistics and dictate the war's duration.

Despite massive damage, Hamas has so far prevented Israel from achieving its two central war objectives: returning the hostages and dismantling it as a governing and military power. At the same time, through false claims of famine and mass civilian deaths, Hamas generated a collapse in Israel's international legitimacy and unleashed an unprecedented wave of antisemitism.

The use of civilians

The IDF appears not to have anticipated Hamas's use of civilians as a strategic weapon – neither before the war nor at its outset. Only after the new IDF chief of staff took command was a clear concept developed in Operation Gideon's Chariots: severing Hamas from Gaza's civilian population.

The proposed method: redirecting humanitarian aid to safe, organized distribution zones and transferring civilians to them, rather than allowing Hamas to control the aid. This would have enabled encirclement, starvation, and defeat of Hamas, while providing protection to civilians.

According to media reports, this effort was blocked after three reserve officers claimed the civilian transfer violated international law. If true, this reflects a grave misunderstanding. The Fourth Geneva Convention prohibits forced

deportation but explicitly permits – and even mandates – temporary evacuation for life-saving purposes. Voluntary, protected relocation is not a war crime. It is a legal and moral duty.

Jerusalem's historical parallels

If this legal argument blocked the IDF from neutralizing Hamas's human shield, it reflects a tragic failure: rigid obedience to the law without understanding its purpose. The result may be failure to defeat Hamas – just as rigid legalism once led to Jerusalem's destruction.

The Talmud recounts how Rabbi Zechariah ben Avkolas refused a Roman sacrifice due to a minor legal flaw. The refusal sparked rebellion and led to catastrophe. Rabbi Yohanan lamented: "His scrupulousness destroyed our Temple, burned our sanctuary, and exiled us from our land." Excessive legalism, detached from moral responsibility, proved ruinous.

Israel could have presented the world with a moral and strategic precedent: Britain's World War II Operation Pied Piper, which evacuated 3.5 million civilians, including 1.5 million children, from cities like London to safe zones. Churchill didn't wait for mass death – he acted preemptively. His aim: protect lives and enable effective warfare.

Gazan civilians, held hostage by Hamas and used as shields, deserve similar protection. Like the Israeli hostages, they too are captives.

As the proposed "Witkoff Deal" is hopefully soon agreed upon, Israel may gain the hostages' return – at the cost of abandoning its second war goal. But if the deal fails, combat will resume under worsening conditions. Then, like Churchill – not Rabbi Zechariah ben Avkolas – Israel must act: evacuate civilians, reclaim battlefield initiative, and fulfill its moral and strategic duty. The choice will be clear: defeat Hamas – or watch Israel undo itself.

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