

Redeeming hostages: What does Judaism really say?

There is a striking difference between Talmudic and Biblical responses to the painful dilemma of freeing captives

FEB 16, 2024 SAM LEHMAN-WILZIG (PROF. SAM: ACADEMIC PUNDIT)



Abram Rescues Lot, the Women, and Goods, from 'Figures de la Bible', Gerard Hoet (1648–1733) and others, published by P. de Hondt in The Hague in 1728 (PD via Wikimedia)

Israel's hostage dilemma is one of the hardest the country has ever faced. Among the calls to free them "at any price" is the claim that "*pidyon shvuyim*" (ransoming hostages) is the highest Jewish value. A closer look at this issue in the Jewish tradition shows a far more nuanced approach.

First, the Bible itself has no specific commandment regarding payment to gain the release of hostages – this despite the fact that the Torah has several other commandments regarding the conduct of war (even not to unnecessarily cut down trees!). In fact, the three “examples” of hostage-taking do show a clear pattern: *fight the hostage takers until release is achieved*. In [Genesis 14:12-16](#), Abraham endangered himself by going to war against the “Four Kings” who had captured his cousin Lot, and succeeded to free Lot from captivity. Then in [Numbers 21:1-3](#), the Canaanite king of Arad captured a number of Israelites; the latter’s response was to completely destroy those cities. Interestingly, the Bible there does not mention whether the captured Israelites were freed or died in the battle. Third, in Samuel I, chap. 30, the Amalekites invaded Zyklog, the city where David resided at the time, and captured the women (among others), including David’s two wives. The result: David took his small army and killed almost all the Amalekites, successfully saving the women.

In short, the Bible’s narrative indirectly suggests that the way to bring back hostages is not payment but rather destruction of the enemy.

However, several of the most distinguished, medieval Jewish law commentators took a somewhat different tack. Perhaps the greatest of all, Maimonides (the RAMBAM), argued in his *Mishne Torah* (Book of *Zera’im*, Laws of charity for the poor, 8: 10) that ransoming Jewish lives takes precedence even over alms for the poor in one’s community. A few centuries later, the authoritative book of commandments, the *Shulkhan Arukh* (Rabbi Yosef Karo), stated unequivocally: “Every moment that one delays in ransoming Jewish captives... is equivalent to spilling blood” (*Yoreh Day’ah*, 252: 3).

What’s the difference between the Bible’s military approach to saving war hostages, and the rabbinical commentators’ dictum of paying to redeem them? One could argue (probably correctly) that it’s a function of power. When the Israelites had armies, brute force was called for as the ideal; when powerless, other means are necessary (Maimonides grew up in Muslim Cordoba, Spain, but had to escape to Egypt in order to avoid forced conversion).

Which still leaves open the critical question of “price.” Put simply, is there a limit on what Jews must pay to redeem their own kind from captivity? Here too the picture is somewhat ambiguous.

A personal note: my grandmother’s maiden family name was Rothenburg, and she claimed direct descent from the 13th century (yes: THIRTEENTH century!) rabbinical leader of Ashkenaz (today’s Germany and surroundings): the MAHARAM of Rothenburg. He was kidnapped for ransom by Gentiles, a relatively common practice back then. In captivity, the MAHARAM issued a command to his community not to ransom him because the demanded price was too high. He felt that if the price was paid, it would only encourage further kidnappings. The result: *he died in captivity seven years later*, refusing to allow his community to spend a fortune on him.

Was this a one-off case? Not really. The MAHARAM was echoing Maimonides’ earlier caveat to his own dictum (cited above, a mere two subsections later): “One does not ransom [Jewish] captives more than they are worth... so that our enemies shouldn’t constantly try to capture them.” Then he goes even further: “One should not try to free them by force, lest the enemy make the captivity conditions even worse for the captives”!

In fact, Maimonides’ caveat was taken straight from the *Mishneh* (Tractate *Gittin*, chap. 4, law 6). But like so many other issues in the Talmud, while examples are brought illustrating this, others are shown to have abrogated it i.e., heavy ransoms were paid.

Looking at the present situation of numerous Israelis held hostage in Gaza, it is clear that the Jewish tradition supports both sides of the argument. Those demanding the release of the hostages at all costs can rely on the occasional Talmudic example and the specific strictures of other later commentators. Conversely, those not willing to pay an exorbitant price – not necessarily monetary, but rather in released terrorists and ending the war before Hamas is completely eliminated – can rely on the Bible’s case studies, several Talmudic and other commentators, and the amazing self-sacrifice of the MAHARAM of Rothenburg.

As I said at the start, the dilemma facing Israel's leadership is a devilish one. That's not only because of the several moral facets to the issue, but also because the Jewish tradition (and *halakha*) does not offer a straightforward answer as to what to do in such cases. Is one great rabbi refusing to be ransomed enough to constitute a precedent for how (not) to ransom well over a hundred Jewish lives – especially if releasing many terrorists from Israeli incarceration could be considered a future price too high? Is the Bible's military approach more relevant to this situation than the Talmud's and later commentators' monetary solutions? No clear-cut answer can be derived from the Jewish past – despite claims that hostage redemption is a Jewish value “above all else.”

ABOUT THE AUTHOR

Prof. Sam Lehman-Wilzig (PhD in Government, 1976; Harvard U) taught at Bar-Ilan University (1977-2017), serving as: Head of the Journalism Division (1991-1996); Political Studies Department Chairman (2004-2007); and School of Communication Chairman (2014-2016). He was also Chair of the Israel Political Science Association (1997-1999). He has published four books and 69 scholarly articles on Israeli Politics; New Media & Journalism; Political Communication; the Jewish Political Tradition; the Information Society. His new book (in Hebrew, with Tali Friedman): RELIGIOUS ZIONISTS RABBIS' FREEDOM OF SPEECH: Between Halakha, Israeli Law, and Communications in Israel's Democracy (Niv Publishing, 2024). For more information about Prof. Lehman-Wilzig's publications (academic and popular), see: www.ProfSLW.com