

The Rav's Blog – Machon Shilo

The Gilad Shalit Deal – 01: Tora-Based?

Rabbi David Bar-Hayim 29-07-64 | 27-10-2011

*The release of convicted terrorists before they have served their full sentences seems like an easy and tempting way of defusing blackmail situations in which innocent people may lose their lives, but its utility is momentary at best. **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.*** Binyamin Netanyahu, *Fighting Terrorism: How Democracies Can Defeat Domestic and International Terrorists*, 1995, p.

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The recent deal concluded by the Israeli government with Hamas – an Islamo-fascist terror organisation that openly declares its purpose of bringing about Israel's demise – has served to cast in sharp relief the greatest danger facing our nation today: the **appalling lack of moral clarity, wisdom and courage which characterise those who would lead us.**

The malaise is not limited to the political arena; it permeates the Tora world as well. HaRav 'Ovadhya Yoseph, spiritual mentor of Shas, [supported the deal](#). Referring to this support, the [New York Times](#) asserted: "In an unspoken, little-noticed way, religious tradition informed a real-world decision." In fact, nothing could be further from the truth.

Hazal taught that although *pidhyon sh'vuyim* (redeeming captives) is a misswa of inestimable importance, it is nevertheless context-sensitive. "CAPTIVES SHOULD NOT BE REDEEMED FOR MORE THAN THEIR VALUE, FOR THE GOOD ORDER OF THE WORLD [so that the captors should not demand excessive ransoms and be motivated to kidnap Jews]. CAPTIVES SHOULD NOT BE HELPED TO ESCAPE, FOR THE GOOD ORDER OF THE WORLD [lest captors put their captives in chains and otherwise maltreat them]" (Mishna, Gittin 4:6, TB 45a).

It is often said that prostitution is the oldest profession in the world. This is only half true, referring, as it does, to women. One of the most time-honoured professions among the males of our species is kidnapping. "We find kidnapping widely practiced in the ancient world" ([The Encyclopedia of Kidnappings](#), Micheal Newton, p. 156). "The practice of kidnapping... has been known [since the beginnings of history. It was common as a method for procuring slaves, and it has also been employed by brigands and revolutionaries to obtain money through ransom...](#)". [Julius Caesar](#) was captured by pirates near the island of Pharmacusa, and held until a ransom of 50 talents was paid. According to Plutarch, [the pirates originally demanded 20 talents, but Caesar felt he was worth more](#). (Upon being freed he returned to the island, captured the pirates and their loot, and crucified them – a fate with

which he had threatened the incredulous pirates during his captivity. Might there be a lesson for us there?)

The case of Julius Ceasar is instructive; it explains what was meant by not redeeming “for more than their value”. In those times, kidnapping for ransom was a boom industry, and just like its sister profession till this day, there was ‘a going rate’, calculated progressively according to status, wealth etc. This, then, was the historical and sociological context of the Mishna.

Jewish communities all over the world frequently found themselves dealing with pirates or brigands demanding ransom for Jewish captives; redeeming fellow Jews was considered the highest form of [*ss'dhaga* \(charity\)](#). The knowledge that Jewish communities – due to their ingrained *rahmanuth* (see B'midhbar Raba, Naso, 8:4 and Rambam's [MT Isure Biya 19:17](#)) and solidarity with their fellow Jews – could be counted on to pay ransoms at many times the going rate would have provided a tremendous incentive to those ‘in the industry’ to redouble their efforts to take Jewish captives.

Overpaying for Jewish captives was clearly a self-defeating policy. So why did Hazal need to formulate this Halakha? Was this conclusion not self-evident? Hazal were compelled to make such a pronouncement precisely because *rahmanuth* is one of our essential traits, so much so that we often cannot help ourselves even when we should know better.

Is it possible that this Halakha will sometimes result in a Jew languishing in captivity or being put to death? Of course it is possible. In fact it is likely. **But Hazal understood what our present, unworthy leaders do not: our actions in the real world must be governed by rational deliberation based on objective realities, not feel-good soppiness.**

Was the [price tag](#) for Shalit's release – the [release of 1,027 terrorists, many of whom murdered Israeli and foreign civilians](#) including babies and children – “for more than his value”? I shall answer with a question: **Can anyone point to the conclusion of a similar deal with terrorists by any other nation?**

This dishonourable and immoral deal can only encourage our enemies to attempt similar abductions in the future. **Far from being based on religious tradition, Netanyahu's shameful deal sets at naught the wisdom, experience and explicit instruction of our Sages.**

On these grounds alone, this ignominious capitulation to naked evil must be condemned.

Some will ask: Is Rabbi 'Ovadhya Yoseph unaware of these sources?

I shall address this question, with HASHEM's help, in the coming instalment.