



Pidyon Sh'vuyim - Redeeming Captives

Source sheet by Rabbi Jessica Dell'Era

from a "Letter from Noam and Aviva Shalit to their son, Gilad Shalit, Jun 27 2006"

We know and believe that whoever is holding you also has a family and knows what we're going through and will know to watch over you and your health. Loving you and encouraging you,

Mom and Dad

from "I Hope Someone Somewhere Is Being Kind to My Boy" by Rachel Goldberg, *New York Times* Oct 12, 2023

I want things to go back to how they were before Saturday morning. Before I saw Hersh's text messages that alerted me he was in grave danger: "I love you" and "I'm sorry." ... Before my son's phone was a black box with no answer.

But here we are, stuck in the awful present. Time is slowly ticking into the future ... If he is still alive, how much longer can he survive? His wounds are grievous. I hope someone somewhere is being kind to him, caring for him, attending to him. ... To save a life, our sages taught, is to save a world. Please help me save my son; it will save my world.

Every single person in Gaza has a mother, or had a mother at some point.

And I would say this, then, as mother to other mothers: If you see Hersh, please help him. I think about it a lot. I really think I would help your son, if he was in front of me, injured, near me.

Genesis 14:14-16

(14) And when Abram heard that his kinsman was taken captive, he led forth three hundred eighteen trained men born of his household and pursued as far as Dan. (15) He and his servants split into two camps attacking them at night, and pursuing them unto Hobah, north of Damascus. (16) And he brought back all the goods along with his kinsman Lot and his possessions, including the women and the rest of the people.

בראשית י"ד:י"ד-ט"ז

(יד) וישמע אברם כי נשבה אחיו וירק את חניכיו ילידי ביתו שמנה עשר ושלוש מאות וירדף עד דן (טו) ויחלק עליהם לילה הוא ועבדיו ויכם וירדפם עד חובה אשר משמאל לדמשק (טז) וישב את כל הרכש וגם את לוט אחיו ורכשו השיב וגם את הנשים ואת העם

Shulchan Arukh, Yoreh De'ah 252:3

Every moment that one delays unnecessarily the ransoming of a captive, it is as if he were to shed blood.

Rambam, Gifts to The Poor, 8:10

A person who ignores the redemption of captives transgresses the negative mitzvot, “You shall not harden your heart” (Deut. 15:7), “You shall not shut your hand from your needy fellow” (Deut. 15:7), “You shall not stand idly by the blood of your fellow” (Lev. 19:16), “He shall not rule harshly over him in your sight” (Lev. 25:53). He also fails in the positive mitzvot, “You shall surely open your hand unto him” (Deut 15:8) and “That your brother may live with you” (Lev. 25:36), “You shall love your neighbor as yourself”, (Lev 19:18), and “Rescue them that have been taken to die” (Proverbs 24:11), and many similar ones. There is no greater commandment than redeeming captives.

Bava Batra 8b:2-4

Rava said to Rabba bar Mari: Concerning this matter that the Sages stated, that redeeming captives is a great mitzva, from where is it derived? Rabba bar Mari said to him: As it is written: “And it shall come to pass, when they say to you: To where shall we depart? Then you shall tell them: So says the Lord: Such as are for death, to death; and such as are for the sword, to the sword; and such as are for famine, to famine; and such as are for captivity, to captivity” (Jeremiah 15:2). **And Rabbi Yohanan says:** Whichever punishment is written later in this verse is more severe than the one before it. The sword is worse than death. If you wish, say that this is learned from a verse; if you wish, say instead that it is

שולחן ערוך, יורה דעה רנ"ב:ג'

כל רגע שמאחר לפדות השבויים היכא דאפשר להקדים הוי כאילו שופך דמים:

רמב"ם הלכות מתנות עניים פ"ח המעלים עיניו מפדיון שבויים, עובר על לא תאמץ את לבבך (דברים טו, ז). ועל לא תקפוץ את ידך (דברים טו, ז). ועל לא תעמוד על דם רעך (ויקרא יט, טז). ועל לא ירדנו בפרך לעיניך (ויקרא כה, נג). ובטל מצות פתוח תפתח את ידך לו (דברים טו, ח). ומצות וחי אחיך עמך (ויקרא כה, לו). ואהבת לרעך כמוך (ויקרא יט, יח). והצל לקוחים למות (משלי כד, יא). והרבה דברים כאלו. ואין לך מצוה רבה כפדיון שבויים.

בבא בתרא ח' ב:ב' ד'

אמר ליה רבא לרבה בר מרי מנא הא מילתא דאמור רבנן דפדיון שבויים מצוה רבה היא א"ל דכתיב (ירמיהו טו, ב) והיה כי יאמרו אליך אנה נצא ואמרת אליהם כה אמר ה' אשר למות למות ואשר לחרב לחרב ואשר לרעב לרעב ואשר לשבי לשבי ואמר רבי יוחנן כל המאוחר בפסוק זה קשה מחבירו חרב קשה ממות אי בעית אימא קרא ואי בעית אימא סברא אי

derived by way of **logical reasoning**. **If you wish, say that this is derived by way of logical reasoning: This punishment, i.e., death by sword, mutilates the body, but that punishment, i.e., natural death, does not mutilate it. And if you wish, say from a verse: "Precious in the sight of the Lord is the death of His pious ones" (Psalms 116:15). Famine is worse than the sword. If you wish, say that this is derived by way of logical reasoning: This one, who dies of famine, suffers greatly before death, but that one, who dies by the sword, does not suffer. If you wish, say from a verse: "More fortunate were the victims of the sword than the victims of famine" (Lamentations 4:9). And captivity is worse than all of them, as it encompasses all of them.**

Shulchan Arukh, Yoreh De'ah 252:1-6

(1) The redeeming of captives takes precedence to sustaining the poor and clothing them. And there is no *mitzvah* as great as redeeming captives. Therefore, if one has designated money for any [other] *mitzvah*, they can redirect it to redeeming captives...

(4) We do not redeem captives for more than their worth because of *Tikkun Olam*, so that our enemies will not endanger themselves to kidnap [us]. But an individual can redeem themselves if they wish to. And for a great scholar, or even one who is not a great scholar but is a sharp student with the potential to be a great individual, we redeem them with a large amount of money.

בעית אימא סברא האי קא מינוול
והאי לא קא מינוול ואי בעית אימא
קרא (תהלים קטז, טו) יקר בעיני ה'
המותה לחסידיו רעב קשה מחרב
איבעית אימא סברא האי קא מצטער
והאי לא קא מצטער איבעית אימא
קרא (איכה ד, ט) טובים היו חללי
חרב מחללי רעב שבי [קשה מכולם]
דכולהו איתנהו ביה:

יורה דעה רנ"ב:א'-ו'

(א) פְּדִיּוֹן שְׁבוּיִים קוֹדֵם לְפִרְנָסַת
עֲנִיִּים וְלְכֹסוּתָן. וְאִין מְצֻוֶה גְדוּלָה
כְּפְדִיּוֹן שְׁבוּיִים. הַלְּכֹךְ, לְכֹל דְּבַר
מְצֻוֶה שְׁגָבוּ מְעוֹת בְּשִׁבְלֵוֹ, יְכוּלִים
לְשַׁנּוֹתוֹן לְפְדִיּוֹן שְׁבוּיִים...

(ד) אִין פּוֹדֵין הַשְּׁבוּיִים יוֹתֵר מִכְּדֵי
דְּמִיָּה, מִפְּנֵי תְּקוּן הָעוֹלָם, שְׁלֹא
יִהְיוּ הָאוֹיְבִים מוֹסְרִים עַצְמָם
עֲלֵיהֶם לְשִׁבוּתָם. אֲבָל אָדָם יְכוּל
לְפַדּוֹת אֶת עַצְמוֹ בְּכֹל מָה שְׁיִרְצֶה.
וְכֵן לְתַלְמִיד חֲכָם, אוֹ אֶפְלוֹ אִינוֹ
תַלְמִיד חֲכָם, אֲלֵא שֶׁהוּא תַלְמִיד
חָרִיף וְאֶפְשָׁר שְׂיִהְיֶה אָדָם גְּדוּל,
פּוֹדִים אוֹתוֹ בְּדָמִים מְרַבִּים.

Shulchan Arukh, Yoreh De'ah 252:6

He who sells himself to heathens, or who borrowed from them and is held by them for non-payment, should be ransomed the first time and the second time, but not if it happens a third time. But his children should be ransomed after the father's death. However, if his life is in danger, he must be ransomed immediately, no matter how many times it has happened before. (But one who is an apostate with regard to even one precept, as, for instance, if he eats meat not slaughtered according to ritual in a spirit of defiance, it is forbidden to ransom him.)

שולחן ערוך, יורה דעה רנ"ב:ו'
מי שמכר עצמו לעובד כוכבים או
שלוה מהם ושבו אותו בהלוואתו פעם
ראשונה ושניה פודים אותו ושלישית
אין פודים אותו אבל פודים את
הבנים לאחר מיתת אביהם ואם
בקשו להרגו פודין אותו מיד אפילו
אחר כמה פעמים (ושבוי שהמיר
אפי' למצוה אחת כגון אוכל נבילות
להכעיס אסור לפדותו

Rabbi Meir of Rothenburg - A Historical Test Case

Rabbi Meir of Rothenburg was considered the most outstanding Jewish sage in Europe in his generation. In 1286, at the age of seventy, he was taken captive by King Rudolph I of Germany, and held for a ransom of 20,000 marks, an astronomical sum in those days.

Almost all of the rabbis and leaders of the European Jewish communities in that generation were students of Rabbi Meir, known as Maharam. He authored thousands of halachic responsa, as well as the Tosafot commentary to the Talmudic tractate Yoma. The most famous of his students was Rabbi Asher ben Yechiel, known as Rosh, whose rulings are cited extensively in the Shulchan Aruch.

It was precisely because the Maharam was so important a figure that Rudolph hoped to extort a huge ransom from the Jewish community. Indeed, the emperor's evil scheme nearly succeeded: Maharam's students and admirers were prepared to raise the sum necessary to free their master.

Their reasoning was based on the story cited in the Talmud concerning Rabbi Joshua's rescue of the young child who became Rabbi Ishmael "at whatever price may be demanded." ... the justification being that this was a matter of saving a life. A second justification provided by Tosafot is that due to the unparalleled scholarship of this child, which Rabbi Joshua already sensed, he was permitted to pay the inflated ransom.

The students of Maharam felt similarly: although the law forbids paying more for a captive than the accustomed amount, when the captive at hand is the leading Jewish scholar of the generation, and the entire community is in need of him and his wisdom, it is permissible to pay any fee.

Maharam himself, however, rejected this rationale, as he felt that this would lead to the capture of other Torah leaders. As explained by the 16th-century halachist Rabbi Shlomo Luria, Maharam

feared that his ransom would lead to a much greater threat to the continuity of Judaism, should all the Jewish scholars be made easy bait for ransom to a point where the community would not have the money to ransom them, ultimately leaving them without any leadership at all.

Rabbi Meir died, seven years later (1293), in captivity in the fortress of Ensisheim.

The tragic saga of his imprisonment came to a close when his body was ransomed, 14 years after his death, by Alexander ben Shlomo (Susskind) Wimpfen, who was subsequently laid to rest at his side.

Shulchan Arukh, Yoreh De'ah 252:12

A father is obliged to ransom his son, if the father has the means and the son has not.

שולחן ערוך, יורה דעה רנ"ב:י"ב
האב חייב לפדות את הבן אי אית ליה
לאב ולית ליה לבן:

Shulchan Arukh, Yoreh De'ah 252:11

If a captive has property but does not wish to ransom himself, his ransom is paid against his will.

שולחן ערוך, יורה דעה רנ"ב:י"א
מי שנשבה ויש לו נכסים ואינו רוצה
לפדות עצמו פודים אותו בעל כרחו:

Gittin 45a:13-17

MISHNA: The captives are not redeemed for more than their actual monetary value, for the betterment of the world [tikun olam]; and one may not aid the captives in their attempt to escape from their captors for the betterment of the world [tikun olam], so that kidnappers will not treat their captives harshly to prevent escape. **Rabban Shimon ben Gamliel says:** For the betterment of the captives, so that kidnappers will not cruelly avenge one captive's escape upon those remaining.

GEMARA: A dilemma was raised before the Sages: With regard to this expression: **For the betterment of the world**, is it due to the financial pressure of the community? Or perhaps it is so that they will not seize and bring additional captives, as they will see that it is not worthwhile for them to take Jews captive?

גיטין מ"ה א:י"ג-י"ז

מתני' אין פודין את השבויין יתר על
כדי דמיהן מפני תיקון העולם ואין
מבריחין את השבויין מפני תיקון
העולם רשב"ג אומר מפני תקנת
השבויין:

גמי איבעיא להו האי מפני תיקון
העולם משום דוחקא דצבורא הוא או
דילמא משום דלא לגרבו ולייתו טפי

ת"ש דלוי בר דרגא פרקא לברתיה
בתליסר אלפי דינרי זהב אמר אביי
ומאן לימא לן דברצון חכמים עבד

Come and hear: Levi bar Darga redeemed his kidnapped daughter with thirteen thousand gold dinars. Abaye said: And who told us that he acted in accordance with the wishes of the Sages? Perhaps he acted against the wishes of the Sages. And one may not help the captives escape, for the betterment of the world. Rabban Shimon ben Gamliel says: For the betterment of the captives.

דילמא שלא ברצון חכמים עבד: ואין
מבריחין את השבויין מפני תיקון
העולם רשב"ג אומר מפני תקנת
שבויין:

מאי בנייהו איכא בנייהו דליכא
אלא חד:

What is the difference between the two reasons given? There is a difference between them when there is only one captive.

Rabbi Avraham Yitzchak HaLevi Kilav, Techumim 4 (1983)

Furthermore, it seems that nowadays, when terrorists declare their desire to kidnap and murder Jews and, in fact, act upon these declarations without any compassion for the victims whether men, women or children, that releasing terrorists is actual danger and is therefore forbidden. This is true even according to those who maintain that [the prohibition] is based on “the burden imposed on the community”, since the danger [here] is tangible and arises immediately upon their release. Added to this is the fact that they join the forces that battle us from their countries with long range weaponry and thus represent a threat even if they don’t actually penetrate our borders. It therefore seems that it is forbidden to release terrorists and murderers in exchange for captives, not just an exchange of many [terrorists for one [Jew]], but even one for one, because of the future danger.

R' Yuval Sherlow, Jewish Ethics (25): Redeeming Captives

The impact on the morale of the army could be significant. Once a soldier knows that [the state] will not do everything it can to free him - including a willingness to release murderers in exchange for his freedom - it will diminish his motivation to fight.

Proverbs 24:11-12

(11) If you refrained from rescuing those taken off to death, those condemned to slaughter—
(12) If you say, “We knew nothing of it,” surely the One who fathoms hearts will discern [the truth], the One who watches over your life will know it, and will pay each person as they deserve.

משלי כ"ד: י"א-י"ב

(יא) הַצֵּל לְקַחְתִּים לְמָוֹת וּמָטִים לְהָרֵג
אִם-תִּחְשְׂוּ: (יב) כִּי-תֹאמַר הֵן לֹא-יִדְעֵנוּ
זֶה הֲלֹא-תִכֵּן לְבוֹת | הוּא-יִבִּין וְנִצֵּר
וּבְפִשָׁה הוּא יִדַּע וְהִשִּׁיב לְאָדָם כְּפָעֻלוֹ:

