

## Redeeming Captives

*Shabbat Sh'mot 5783*

January 13, 2023

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Last month, basketball great Brittney Griner was released from prison in Russia after President Joe Biden authorized a prisoner swap. The United States freed Griner, a basketball player who had been arrested for possession of hashish oil used in vape cartridges. In return, Russia received Victor Bout, described by the *New York Times* as “a Russian arms dealer known as the Merchant of Death, who had been serving a 25-year prison sentence for conspiring to sell weapons to people who said they planned to kill Americans.”<sup>i</sup>

Initially, I naively imagined that Griner’s release was cause for universal celebration, at least in this country. To be sure, Griner was foolish to bring drugs to Russia, but her crime would not be a serious one anywhere in the U.S. and would be legal in several states. She was held hostage by Vladimir Putin as part of his assault on Ukraine—and by extension, the entire free world. Yes, the price of Griner’s release was high—but clearly, I thought, the responsibility of the U.S.

Griner’s release, though, was met with partisan rancor—and then, of course, that reaction was matched by acrimony from the other side. Some argued that the price was too high, that the United States had given up a dangerous criminal who could cause harm to American citizens or those of our allies. This claim is entirely reasonable. The point is legitimately debatable, and I will address it tonight. Others, though, said that Griner, having knelt during the playing of our national anthem, was not worthy of American efforts on her behalf. They further argued that the case of Paul Whelan, a former U.S. Marine, is more compelling—that he, not Griner, should have been the President’s priority. Responses from the left noted that, though Whelan had been arrested in Moscow in 2018, the Whelan family insists that President Trump made no serious attempt to obtain his release.<sup>ii</sup> Some also suggested that Whelan is unworthy of U.S. efforts on his behalf, given that, as Reuters reports, Whelan’s separation from the Marines was the result of “a bad-conduct discharge for larceny and other lesser offences, after being found to have tried to steal \$10,000.”<sup>iii</sup> Be that as it may, the *New York Times* continued to report, “The Biden administration considers Mr. Whelan tantamount to a political hostage”<sup>iv</sup> and continues to seek his release.

At a Shabbat service soon after Griner’s release, I offered brief remarks celebrating her freedom. I mentioned that *pidyon sh’vuyim*, redeeming captives, is a highly prized *mitzvah* in Judaism, a religious obligation. I rejected any argument that either Ms. Griner or Mr. Whelan was unworthy of redemption. Both are

American citizens—and more important, human beings. Whatever the ostensible reasons for their detention, Griner was, and Whelan is, a political prisoner, a hostage, of an evil state actor, Russian strongman Vladimir Putin. Our Jewish tradition would call for great efforts, even sacrificial ones, to be made for their release. I promised a more thorough review of the *mitzvah* of redeeming captives at a later date. I can think of no better occasion than the Shabbat when we begin reading the Book of Exodus, including God’s instruction to Moses: “I will send you to Pharaoh, and you shall free My people, the Israelites, from Egypt.”<sup>v</sup>

The *mitzvah* of freeing captives originates in the Torah. Long before any commandment is articulated, Lot, Abraham’s nephew, is taken prisoner by a band of kings at war in Canaan. Abraham goes to great lengths, leading numerous soldiers a great distance in a successful effort to free Lot and others who had been taken hostage with him.<sup>vi</sup>

Maimonides articulates the *mitzvah*: “The redemption of captives takes priority over providing food and clothing to the poor. Indeed, there is no greater *mitzvah* than the redemption of captives.”<sup>vii</sup> Three centuries later, the *Shulchan Aruch* repeats Maimonides’ words, then adds: “If one has designated money for any other *mitzvah*, they may redirect it to redeeming captives. Every moment that one delays redeeming captives, where it is possible to do it sooner, it is as if one is spilling blood.”<sup>viii</sup>

Those strong words notwithstanding, our tradition appreciates the risks involved in redeeming captives. The Mishnah, our first code of Jewish law after the Torah, warns against redeeming captives for more than they are worth.<sup>ix</sup> The Talmud explains that paying excessive ransom may embolden the criminals to take even more hostages, which is logical.<sup>x</sup> Indeed, the great Rabbi Meir of Rothenburg refused to permit his community to pay the exorbitant ransom demanded by King Rudolph I of Germany, who took him hostage. Rabbi Meir’s students wanted to pay for his release. They cited a Talmudic passage that compares redeeming captives to saving a life, which takes precedence over all other commandments, and they noted another rabbinic text<sup>xi</sup> to support paying even excessive ransom for a great scholar. Rabbi Meir persisted in refusing, though, and he died in captivity.<sup>xii</sup>

Israel famously doesn’t negotiate with terrorists—except, of course, when it does. Contemporary rabbinic scholars continue to debate the matter. In 1983, Rabbi Avraham Yitzchak HaLevi Kilav ruled that Israel must never free a terrorist, even to secure the release of an Israeli captive. The risk, he argued, is too great: Terrorists will kill again, so releasing even one leads to the spilling of blood.<sup>xiii</sup> By contrast, Rabbi Yuval Sherlow argued that soldiers’ motivation to fight is diminished if they do not believe that the government will “do everything it can to

free them—including a willingness to release murderers in exchange for their freedom.”<sup>xiv</sup> For Sherlow, then, **not** trading terrorists for hostages is the unacceptable danger.

The matter has not been theoretical for Israel. Many of us recall the case of Gilad Shalit, taken prisoner by Hamas terrorists in Gaza in 2006. He was freed in 2011, when Prime Minister Benjamin Netanyahu agreed to the release of “1,027 prisoners belonging to Hamas and other terror organizations.”<sup>xv</sup> CNN reported that Israelis overwhelmingly favored the prisoner exchange to free Shalit, even though the terrorists released included despicable murderers.<sup>xvi</sup>

Ultimately, President Biden’s calculation in agreeing to free a dangerous criminal to free Brittney Griner was similar to Prime Minister Netanyahu’s decision to trade over a thousand terrorists to liberate Gilad Shalit. No better deal was available. The public outcry for the prisoner’s release was tremendous. Americans, like Israelis, value the lives and the freedom of our fellow citizens. Notably, Paul Whelan’s family endorsed the arrangement, even as their sadness multiplied at their loved one’s continued dangerous detention.<sup>xvii</sup> Brittney Griner has urged us all to call on our government to continue to work diligently for Paul Whelan’s release.<sup>xviii</sup>

When God calls upon Moses to free our people from Egyptian bondage, God does not ask whether every single Israelite is righteous, a question that no American should have asked about either Ms. Greiner or Mr. Whelan. God does not dither about the price—though admittedly, the rest of us cannot mete out plagues upon Putin or Hamas like God does against Egypt. The Holy One does set a precedent: We are obliged to seek the freedom of those taken captive by tyrants. Our tradition acknowledges that this obligation is not simple, and that fulfilling it often comes at a high price, sometimes unacceptably high. The presumption, though, remains: freeing captives is among our highest obligations as Jews, as Americans, and as human beings. Let us join Brittney Griner in seeking the freedom of Paul Whelan and every endangered prisoner of tyranny, whoever and wherever they may be.

Amen.

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<sup>iii</sup> Tania Ganguli, Jonathan Abrams, and Emma Bubola, “What We Know About Brittney Griner’s Release from Russia,” *The New York Times*, December 17, 2022, [What We Know About Brittney Griner’s Case in Russia - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/12/17/us/politics/brittney-griner-release.html).

<sup>ii</sup> Peg McNichol, “Paul Whelan’s brother responds to Trump’s comments,” *Stars and Stripes*, December 11, 2022, [Paul Whelan’s brother responds to Trump comments | Stars and Stripes](https://www.starsandstripes.com/news/paul-whelan-brother-responds-to-trump-comments/).

<sup>iii</sup> [Factbox: FACTBOX Paul Whelan, ex-U.S. Marine jailed in Russia on spying charges | Reuters](https://www.reuters.com/factbox/factbox-paul-whelan-ex-u-s-marine-jailed-russia-spying-charges-2022-12-17/).

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- <sup>iv</sup> Matthew Mpoke Bigg and Valerie Hopkins, “Griner’s release puts a spotlight on Paul Whelan, another American imprisoned in Russia,” *The New York Times*, December 8, 2022, [Brittney Griner’s Release Puts a Spotlight on Paul Whelan - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/12/08/world/europe/brittney-griner-release-put-spotlight-paul-whelan.html).
- <sup>v</sup> Exodus 3:10.
- <sup>vi</sup> Genesis 14:10-16.
- <sup>vii</sup> Rambam, *Mishnah Torah*, Gifts to the Poor 8:10.
- <sup>viii</sup> *Shulchan Aruch*, *Yoreh De’ah* 252:1,3.
- <sup>ix</sup> M. Gittin 4:6.
- <sup>x</sup> T.B. Gittin 45a.
- <sup>xi</sup> Tosafot.
- <sup>xii</sup> [The mitzvah of פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives \(sefaria.org\)](https://www.sefaria.org/The_mitzvah_of_פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives)
- <sup>xiii</sup> Rabbi Avraham Yitzchak HaLevi Kilav, *Techumim* 4 (1983), [The mitzvah of פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives \(sefaria.org\)](https://www.sefaria.org/The_mitzvah_of_פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives).
- <sup>xiv</sup> R’ Yuval Sherlow, *Jewish Ethics* (25): Redeeming Captives, [The mitzvah of פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives \(sefaria.org\)](https://www.sefaria.org/The_mitzvah_of_פְּדִיּוֹן שְׁבוּיִים: Redeeming Captives).
- <sup>xv</sup> Sarah Levi, “On this day: Gilad Shalit Released from Hamas captives,” *The Jerusalem Post*, October 18, 2018, [On this day: Gilad Shalit Released from Hamas captives - Israel News - The Jerusalem Post \(jpost.com\)](https://www.jpost.com/On-this-day-Gilad-Shalit-Released-from-Hamas-captives-1488413).
- <sup>xvi</sup> Peter Wilkinson, “Why Israelis believe one soldier is worth 1,000 Palestinian prisoners,” *CNN*, October 18, 2011, [Why Israelis believe one soldier is worth 1,000 Palestinian prisoners | CNN](https://www.cnn.com/2011/10/18/analysis/israelis-believe-one-soldier-is-worth-1000-palestinian-prisoners/).
- <sup>xvii</sup> Dan Lyons, “Paul Whelan’s Family Issues Statement After Brittney Griner’s Release,” *Sports Illustrated*, December 8, 2022, [Paul Whelan’s Family Issues Statement After Brittney Griner’s Release - Sports Illustrated](https://www.si.com/sports/2022/12/08/paul-whelan-family-issues-statement-after-brittney-griner-release).
- <sup>xviii</sup> “Brittney Griner asks supporters to advocate for Paul Whelan,” *The Associated Press*, December 22, 2022, [Brittney Griner asks supporters to advocate for Paul Whelan | AP News](https://www.apnews.com/Brittney-Griner-asks-supporters-to-advocate-for-Paul-Whelan-62713e69-7a01-4a10-8450-671a87434985).