

A few summers ago, in 2014, before the fighting began in Israel and when tensions in the region were still a bubbling cauldron, I led a birthright trip. Lasting from June 16th-26th, there was one issue on the minds of nearly every Israeli I met, the kidnapping of Naftali Fraenkel, Gilad Shaer, and Eyal Yifrah, three Israeli teens who were taken on June 12th. Throughout the trip, we knew nothing of their fates, yet it was clear from the mood around Israel that their kidnapping was sincerely impacting the united Israel consciousness. Fear, doubt, and anger hung heavy in the air as a nation prayed for their collective fates.

This isn't the first time in my life I have observed this phenomenon. A few years ago, the Israeli public rallied around Gilad Shalit, a kidnapped soldier as Benjamin Netanyahu agreed at the time to exchange 1,027 prisoners for his life. Following this decision, many both domestically and internationally questioned whether it was appropriate to make such a large trade for one soldier. Yet, for anyone who understands the way Jewish law speaks about kidnapping, Netanyahu's actions are no surprise, for contained in this week's portion, Ki Teitzei, is the strongest condemnation possible against kidnapping: "If a party is found to have kidnapped – and then enslaved or sold – a fellow Israelite, that kidnapper shall die; thus shall you sweep evil from your midst" (Dt. 24:7).

Kidnapping is a serious business, especially when it deals with one of your own. In fact, this commandment is repeated earlier in the Torah, in the middle of the book of Exodus. Furthermore, the rabbis go out of their way to include an additional condemnation of kidnapping. The command, they say, against theft in the Ten Commandments, isn't against property (that's mentioned elsewhere) but against stealing a fellow human being. "Thou Shalt Not Kidnap" is one of the big ten.

In fact, so horrid is kidnapping, that Jewish tradition developed a name for the command to free the captive, Pidiyon Shvuyim. This command implored a person or a nation to do everything they can to free someone who is bound. The famous precept, Osek B'Mitzvah Patur Min Hamitzvah, which tells us that if we are busy engaging in one Jewish commandment, we are exempt from others, was often exemplified through the context of freeing the captive. Our tradition declares that if one is helping to redeem a kinsman from slavery he or she does not need to worry about daily prayer, building a sukkah, or other temporal Jewish acts. He is busy enough with the most holy of work.

And no one understood this better than Maimonides, history's most vocal opponent of kidnapping and the slavery that often accompanied it. In his famous legal magnum opus, the Mishneh Torah, Maimonides states that the act of freeing the captive is the greatest commandment in the Torah (MT Matanot Aniyim 8:10). It supersedes feeding the poor and clothing the naked. In fact, he finds no less than six other commandments that are contained within the need to free a captive ranging from the need to love our neighbor as ourselves (Lev. 19:18) and the prohibition against standing idly by the blood of our neighbors and doing nothing (Lev. 19:16).

Though, no sooner does Maimonides tell of the importance of freeing the captive than he puts two restrictions on the act. Basing his ruling on a second-century adage in Mishnah Gittin, Maimonides warns against two things: we don't redeem captives for more than they are worth (so that enemies will not pursue more people and up their ransoms) and we don't encourage captives to escape (because it might lead captors to treat captives more severely using chains and employing abuse). Both of these rulings are employed mipnei darchei *shalom*, for the sake of peace, a term which has come to mean here and in various other places, the act of stepping outside of the plain meaning of a law to avoid further or heightened disagreement (MT Matanot Aniyim 8:12).

Yet, as we know when someone you care about is in danger, how could you not seek to free them? There are cases in the Talmud when rabbis go against the expressed ruling that we do not redeem a captive for more than their value, most notably Levi Bar Darga who was said to have gone against the explicit will of the sages and ransomed his daughter for thirteen thousand denarii of gold, a huge sum at the time (Gittin 45a). In another place, we are told that if a husband learns that his wife was taken, he can ransom her for as much as ten-times her value (Ketubot 52a-b).

In any country, and especially in Israel, those taken captive often become the adopted children of their nation. It happened with Gilad Shalit. I watched it happen with Naftali Fraenkel, Gilad Shaer, and Eyal Yifrah and we all saw the aftermath when we were not successful. And more recently we saw the efforts in Gaza to destroy the tunnels that might bring the opportunity for even more Israelis to be taken. The question to ask, though, is what is the cost of “sweeping [this] from our midst.” How do we get our captives back and send a message to their captors which will prevent further abuses without making the situation worse for ourselves? What is the modern example of *mipnei archei shalom*? There was little agreement among our ancestors about how to deal with kidnapping, and there is surely little agreement between us. Yet, perhaps we might pause in the moment, holding our anger, fear, and doubt in check and engage in dialogue with our ancestors. They’ve clearly got something to add to the conversation.