

FAQ: The Question of Israeli Hostages

On October 7, 2023, Hamas and Palestinian Islamic Jihad took more than 240 Israelis and foreign nationals hostage, including civilians (among them elderly, children, and infants) and soldiers¹. Through a negotiated truce that lasted one week, and during several other operations, more than 100 hostages have been freed, but more than 120 remain in captivity. It is believed that some of them have been killed or died. All of them are being held in Gaza, though at the time of this writing their locations and health statuses are unknown.

HOSTAGE TAKING: BACKGROUND

What is the difference between hostages and prisoners of war?

Hostages are civilians taken captive at any time or soldiers who are captured outside of war for the purpose of exploiting their detention. Hostage-taking is typically followed by demands for ransom, including money, the release of prisoners, or something else. Prisoners of war (POWs), on the other hand, are soldiers who are captured by an enemy force during battle. POWs are typically exchanged for enemy POWs at the conclusion of a war.

What does international law say about the taking of hostages?

The Geneva Convention prohibits the taking of hostages and an international convention prohibits taking both state and non-state actors hostage. Individuals who are taken hostage, as well as their families and societies, suffer serious physical and psychological trauma.

What might motivate Hamas to take civilian and military hostages?

Hostage takers are willing to take major risks because they hope to reap enormous benefits. These “benefits” might include terrorizing the public, ransom payments, prisoner swaps, embarrassing a stronger adversary, or attracting media attention. Additionally, Hamas uses hostages as human shields, hoping that Israel will limit its military actions out of consideration for the well-being of Israeli captives.

¹ As of December 22, 2023, 105 hostages had been released under the framework of the temporary truce, in addition to the four people who had been released earlier. One hostage had been rescued by the IDF, but three others were mistakenly shot and killed by IDF soldiers during a battle in the Gaza district of Shijaiyah.

ISRAEL AND ISRAELI CAPTIVES

What considerations does Israel weigh when its citizens are taken captive?

Israel weighs several factors when considering actions to free captives, including security and social concerns. Attempts to free hostages are problematic for a few reasons:

- Negotiating with terrorists incentivizes the future taking of more hostages;
- Releasing prisoners in exchange for hostages could endanger more Israeli lives;
- Military operations to free hostages risk the lives of Israeli soldiers.

Additionally, Israeli leaders face significant societal pressure the longer they are unable to free captives because:

- Families and supporters of Israeli captives may mount protests and political pressure;
- Given the existence of a universal draft, there is an understanding that all efforts must be undertaken to free captive soldiers for the sake of military and societal morale;
- If captives are not redeemed, society loses trust that the government and army will protect civilians and soldiers.

Despite Israel's official policy that prohibits negotiating with hostage takers, these factors have led Israel to make significant concessions, including freeing security prisoners in exchange for the release of hostages. On some occasions, Israel has undertaken risky military operations to try to free Israeli captives.

What impact does public pressure have on the Israeli government's policy regarding hostages?

Public awareness campaigns highlighting the hostages' plight have been organized by families of hostages and their supporters. Currently, a growing grassroots network of activists is rallying, creating art installations, lobbying elected officials in Israel and worldwide, and doing all it can to focus attention on the plight of those still held captive. Israeli officials have met with representatives of the families—not often enough, in the families' opinion—and have strived to show sensitivity to the challenge of balancing the country's divergent goals for the war: removing Hamas from power and bringing the hostages home safely.

What have been prominent instances of Israelis being taken hostage?

- During the **1972 Munich Olympics**, eight affiliates of the Palestinian terror group Black September forced their way into the private quarters of the Israeli Olympic team, killing two members, and taking nine others hostage. They demanded the release of 234 Palestinian prisoners held in Israeli jails. After a failed rescue attempt by German police, the terrorists killed all of the hostages.
- After terrorists hijacked a Tel Aviv-bound Air France plane in 1976 and diverted it to Uganda, IDF special forces launched the **Operation Entebbe** rescue mission. The terrorists had demanded the release of 40 Palestinian and affiliated terrorists imprisoned in Israel, as well as 13 prisoners

held in four other countries. During a military operation carried out by Israeli commandos in Uganda, all of the hijackers and many supporting Ugandan soldiers were killed and nearly all of the hostages were rescued (one Israeli woman who had been taken to a Ugandan hospital before the raid and three Israeli captives were killed). Lt. Col. Yonatan Netanyahu, brother of current Prime Minister Benjamin Netanyahu, was the sole Israeli soldier killed in the operation.

- In 2006, **Gilad Shalit**, an IDF soldier, was captured by Hamas terrorists in a cross-border raid via tunnels near the Israel-Gaza border. Hamas held him captive for five years until his release in 2011 in exchange for the release from Israeli jails of 1,027 Palestinians and Arab citizens of Israel, including Yahya Sinwar, who became Hamas' leader in the Gaza Strip in 2017. Does Israel negotiate for the release of hostages who have been killed?

Does Israel negotiate for the release of hostages who have been killed?

For a variety of reasons, including pressure from the families of deceased Israeli captives and Jewish burial laws, Israel has negotiated in the past for the return of the bodies of hostages. In 2008, Israel released Samir Kuntar, who murdered four Israelis in 1979, and four Hezbollah terrorists in exchange for the bodies of two Israeli soldiers who had been killed during a cross-border raid.

As many as two dozen of the people missing since October 7 are believed to be dead and their bodies held in Gaza. The IDF has located the bodies of several hostages and brought them to Israel for burial.

What does Jewish tradition say about freeing hostages?

In the Jewish tradition, there are conflicting teachings about the redemption of hostages. One school of thought argues that redeeming captives, called *pidyon shvuyim*, is a great mitzvah, so much so that all efforts should be taken to free hostages and that neglecting to do so is a sin (See Texts #1 and #2). Another school of thought argues that captives should not be redeemed for “more than their value” so as not to incentivize the future taking of captives (See Texts #3 and #4). The arguments detailed in these texts often emerge in domestic Israeli debates concerning negotiations to free Israeli hostages.

TEXTS

Text #1

MAIMONIDES, MISHNEH TORAH, HILCHOT MATANOT ANIYIM 8:10-11

*“The redeeming of captives (**Pidyon Shvuyim**) takes precedence over supporting the poor or clothing them. **There is no greater mitzvah than redeeming captives** for the problems of the captive include being hungry, thirsty, unclothed, and they are in danger of their lives too. Ignoring the need to redeem captives goes against these Torah laws: “Do not harden your heart or shut your hand against your needy fellow” (Devarim 15:7); “Do not stand idly by while your neighbor’s blood is shed” (Vayikra 19:16). And misses out on the following mitzvot: “You must surely open your hand to him or her” (Devarim 15:8); “...Love your neighbor as yourself” (Vayikra 19:18); “Rescue those who are drawn to death” (Proverbs 24:11) and there is no mitzvah greater than the redeeming of captives.”*

Text #2

SHULCHAN ARUCH, YOREH DE’AH 252:3

*“**Every moment that one delays in freeing captives**, in cases where it is possible to expedite their freedom, **is considered to be tantamount to murder.**”*

Text #3

MISHNA GITTIN 4:6

*“**One does not ransom captives for more than their value because of Tikkun Olam** (literally: “fixing the world”; for the good of the world) and one does not help captives escape because of Tikkun Olam.”*

Text #4*

BABYLONIAN TALMUD. TRACTATE GITTIN 45A

*“To spare the community the burden of excessive ransom which could lead to its impoverishment. **In order not to give the captors an incentive to take new captives** and increase their ransom.”*

**this text is an explanation of Text #3*