

Dear Rabbi Fried,

After what has transpired in Israel with the freeing of the murderer Kuntar for the sake of returning the bodies of Israeli soldiers, causing celebrating and glee among the terrorist world, is it proper to do so again to attempt to free Gilad Shalit for the price of freeing more such murderers?

Gracie W.

Dear Gracie,

This question is most complex, as it is so difficult to separate ourselves from our emotions when analyzing the issues. I just returned from Israel, where I had the heart wrenching experience of listening to the wife of Ehud Goldwasser, saying goodbye to her beloved martyred husband at his funeral. It is certainly of great importance to these families to have closure on their tremendous losses; all the more so when a soldier may still be alive. The question is, how far do we go and at what cost to the Jewish people?

The Mishna states: "We may not redeem captured (Jews from the gentiles) for more than their (normal) ransom because of *tikkun* of the world". The Talmud questions the essence of this *tikkun*. Is it referring to a crippling financial strain which could fall upon the Jewish community if they are forced to pay an exorbitant amount? Or is the concern that if the Jews will pay such an amount, it will encourage the gentiles to kidnap more Jews and extract like amounts, putting the Jewish people in further danger? (Gittin 45a).

The ruling of the Code of Jewish Law is that we may not pay too high a ransom to not provide the incentive for the gentiles to capture more Jews. (Y.D. 252:4).

There is a well known story of R' Meir of Rotenberg, Germany's leading sage, who was kidnapped by King Rudolf of Germany in 1286 for an exorbitant ransom. His student, R' Asher ben Yechiel, raised the ransom of 23,000 silver marks from the Jewish community to redeem the rabbi. R' Meir refused to be freed for that kind of sum, arguing that this would cause the capture and ransom of more rabbis and public figures, citing the above Mishna. He died in prison seven years later.

The 16th century authority Maharshah wonders about this story. He cites references that Torah scholars needed by the community could be redeemed for any amount? He explains that R' Meir must have been concerned that if he would be ransomed, many other scholars would be captured. In fact, the King attempted to kidnap his student R' Asher, who escaped. After refusing to pay the ransom, the King in fact ended his kidnapping campaign, seeing it was to no avail.

In this case, Hizbollah has proclaimed openly, that they see the way to get their murderers back is by kidnapping more Jewish soldiers. Jeff Jacoby writes in the Boston Globe, "Israel has almost certainly guaranteed the abduction of more of its citizens and soldiers in the future...". The words of the Mishna resound loudly in the chambers of history unfolding before us. This law applies even when the ransom itself, money, is not dangerous. All the more so when the ransom is the freedom of murderers who further endanger the Jewish people.

We must certainly do everything in our power to free Gilad, and he should be in our prayers (Gilad ben Aviva). But we must not endanger the Jewish people further to do so. May G-d grant the leadership of Israel the strength and wisdom to do what is right and proper. May we be redeemed from our enemies and enjoy peace and tranquility in Israel speedily in our days.