

Pidyon Shvuyim

On October 7, 2023, which was Simchas Torah, the terrorist organization of Hamas launched a surprise and extremely vicious attack on Israel from the Gaza Strip, marking the deadliest day in Israel's history and generating a significant increase in the Israeli-Palestinian conflict. Over 1,200 Israelis were killed, many others were injured, and over 250 civilians were taken hostage by Hamas and other Palestinian groups. Efforts by both the Israeli and American governments to free the hostages have been constant since then. There have been deals and ceasefires made in exchange for some of the hostages.

As of May 13, 2025, a total of 146 hostages have been freed or rescued and returned to Israel. This includes individuals released through various deals, rescue operations, and humanitarian gestures. Many of the hostages who were returned to Israel were returned in exchange for the release of terrorists from jail. This has been a source of heated debate amongst our political and rabbinic leaders and a painful and perplexing predicament. At what cost should hostages be released? What risks must be taken in order to ensure their safe return? A look into our nation's history in Galus reveals that this predicament has been a reality throughout the generations and it has been discussed in our rabbinic literature throughout the ages.

The mitzvah of Pidyon Shvuyim is a very great one. Our sages say that it is even more important than providing for the poor and starving. (Rambam Hilchos Matanos Evyonim 8:10) Why is this Mitzva so great? A captive falls under the category of someone who is starving, thirsty, without clothing, and in life-threatening danger. This mitzvah is so important that if the

ransom is greater than the community can bear, one may even sell a Sefer Torah in order to come up with the funds to redeem a captive. Although this mitzvah is so significant, one may not go to the extent of selling a shul in order to redeem a captive, except in certain circumstances. If this mitzvah is so great, why is this limit, of not selling a shul, placed on the mitzvah? The Torah wants people to “dig” really deep into their pockets to come up with the money to redeem a captive. If one is certain that no matter what, he will not be able to come up with the funds to do so, he may even sell a shul.

Chazal teach us that although the mitzvah of Pidyon Shvuyim is so important, there are times when it is prohibited to redeem a captive. A captive cannot be redeemed for more than the market value of his worth because of Tikkun Olam, for the sake of public welfare. (Mishna in Gittin 45A) The reason for this is because if the amount of money that is given to the captor is exorbitant, then those who capture the captive will strive to kidnap other hostages to hold at a ransom. They will see that capturing people from the Jewish community is extremely lucrative.

The halacha of not redeeming a captive for more than his market value because of Tikkun Olam does not apply if the captive himself, or his close family members would like to redeem him. It applies only to others in the community who are raising money on his behalf. There is a story in the Gemara taught about Rabbi Levi Bar Darga who redeemed his own daughter for a ransom greater than the market value. He was permitted to do so because he was the captive’s immediate relative and because he didn’t ask for any money, even the smallest amount, from the community.

It is interesting to note that there is a difference of opinion in halacha regarding whether or not this premise of Tikkun Olam gets lifted if a threat of death against the captive is made. The Rambam said that all captives are considered in a situation of Pikuach Nefesh. However, sometimes the level of Pikuach Nefesh can increase. An example of this would be if the captors threaten to execute the captive rather than sell him into slavery. In such a situation, according to many Rabbanim, one would be allowed to redeem the captive for more than his market value in order to save his life and the limit of Tikkun Olam is lifted.

The Rabbanim use the story in Gemara in Gittin 58A to support their point. A great Tanna, Rabbi Yehoshua Ben Chananya was in Rome shortly after the Churban of the Second Bais Hamikdash. He heard that a young and smart boy had been captured by the Romans. As a ransom, the Romans were demanding much more than the market value of this boy. However, because Rabbi Yehoshua realized that this precocious boy would be such an asset to Klal Yisroel, he redeemed him for this increased price. This boy grew up to be the great Tanna Rabbi Yishmael. This story is used by the Rabbanim to prove that a captive can be redeemed for greater than market value when there will be a great benefit to the nation.

This story is also used to prove an additional three points. When there is definite danger, then the takana of Tikkun Olam does not apply. Secondly, the Jews need Talmidei Chachamim, so when redeeming Talmidei Chachamim or potential Talmidei Chachamim it is permissible to pay a higher price. Thirdly, when the price paid will not cause the captors to take more captives, such as during the time of the upheaval of the Churban, then an increased price can be paid.

The Radvaz adds that nowadays this limitation of not redeeming captives for an exorbitant sum for the sake of Tikkun Olam, public welfare, does not apply. He gives a number of reasons for this statement. Firstly, many times when someone is held in captivity, the captor did not purposely take a Jewish person and he just wants to get the money for a ransom from anyone—Jew or gentile alike. Secondly, as mentioned above, if someone is a Talmid Chacham, then the limitation of Tikkun Olam does not apply. Thirdly, if young captives are taken that will be lost to Judaism, then there is no limit on the amount of money that should be spent to redeem them. Lastly, if the funds for Pidyon Shvuyim are raised by donation only, rather than taking the money from public funds, then the limitation does not apply either.

There is a famous story about Moreinu Harav Mayer Ben Baruch M'Rottenberg, otherwise known as the Maharam M'Rottenberg (1220-1293). He was the chief rabbi of the city of Rottenberg and the leader of all of German Jewry in the 13th century and he is considered to be the last of the important Baalei Hatosfos. In his earlier life he was an eye-witness to the burning of the Gemaras in 1242 in Paris, France and is the author of the Kinna that we say on Tisha B'av to remember this tragedy. His major contribution was his Shaalos V'Teshuvos on all areas of halacha. Toward the end of his life, the persecution, pogroms, taxation, and blood libels in Germany increased tremendously making life almost intolerable for the Jews there. Many wanted to flee from the location of these tragedies and relocate to Eretz Yisroel. The Emperor did not wish for the Jews to leave because then he would not be able to extort gold from his Jewish servants. The Maharam attempted to leave anyway with his family. By the border of Lombardy, he was recognized by an apostate who informed on him to the

emperor. He was imprisoned in the Castle of Ensisheim and 23,000 talents of silver was demanded for his return.

As we noted above, the halacha states that for the sake of Tikkun Olam, one may not redeem a captive for an exorbitant price. The Maharam M' Rottenberg stated that he did not want the community to raise the ransom to save him from jail. He was concerned that if they did so, capturing other sages would become a new way for kings and emperors to obtain large sums of money from the Jewish community. His student, Rabbeinu Asher, known as the Rosh, began to amass the mammoth sum of 23,000 talents of silver anyway. The Rosh disagreed with his teacher's position and stated that to free a leader of K'lal Yisroel there is no amount of money that would be too exorbitant. Unfortunately, the Maharam M'Rottenberg passed away while in jail, before the total amount of money could be raised. His body was brought to Kever Yisroel fourteen years after his passing by a wealthy Jew named Alexander Wimpfen whose sole request was to be buried next to the Maharam M'Rottenberg.

In summary, we see that although in theory Chazal have put into place a Takana of limiting the expenses that we should pay for Pidyon Shvuyim for the sake of Tikkun Olam, we can also clearly see that there are many exceptions to the rule. With the above knowledge and information we can have a new understanding and appreciation of the serious and sensitive dilemma that our politicians and rabbanim are facing when trying to approach the best way to navigate this difficult situation. While these deliberations are left to our leaders, there is much we can do in the way of Tefillah in order to save our hostages from their terrible situation. We daven the words of Acheinu on a daily basis with much Kavana asking Hashem to please save

our brethren and bring them from darkness to light, and from captivity to freedom. May we be zoche to have all of our hostages redeemed very soon, and may all of us merit to witness the end of all conflicts and troubles with the coming of Moshiach and the building of the third and final Bais Hamikdash, b'mhaira, b'yameinu Amein.