

On Simchas Torah, October 7, 2023, Hamas launched a coordinated attack, infiltrating and crossing into Israel, resulting in the deadliest day in Israel's modern history. Among the many tragedies of that day were the murder of over 1,200 innocent people and the kidnapping of 251 hostages, both living and dead. Tragically, this was not a new experience for Israel, which has been engaged in hostage negotiations since the founding of the State. One of the most significant hostage negotiations in recent history was the Gilad Shalit exchange, in which over 1,000 Palestinian prisoners were released in return for Gilad Shalit, an Israeli soldier who was held captive for over five years. Among those 1000 prisoners released was Yahya Sinwar, the mastermind behind the October 7 attack.

In Israel's history, one question has remained at the forefront of public debate: What price, if any, should be paid for the release of hostages?

Throughout Tanach, we see many instances of hostages being tragically taken, and Am Yisroel raising armies to go and fight for the release. One of these instances occurs in the story of Avraham and Lot. The pasuk writes that after Avraham hears that Lot is captured by the 4 Kings, Avraham musters up an army to go and redeem him. Another case that we find in Tanach of redeeming hostages is by Dovid Hamalech. In Shmuel Alef, the Navi tells a story of the people of Ziklag who were taken hostage by Amalek, along with the community of Ziklag, two of Dovid's wives were also taken captive. Although the people blamed Dovid for this, he was still able to raise an army to go and redeem the hostages. From these Pasukim, we see that Am Yisroel goes out to redeem hostages. What lessons from these Pasukim can we learn for modern-day times?

The Gemara in Bava Batra 8b discusses a conversation between Rava and Rabba bar Mari, concerning where we know that releasing hostages is a great mitzvah. Rabba Bar Mari quotes a Pasuk that talks about ways people will die, by death, sword, famine, and captivity. Rav Yochanan Darshans on this Pasuk that from the fact that captivity is mentioned last, shows us that it is the most severe death of all of them.

Keeping this Gemara in mind, we can clearly understand the Rambam in Hilchos Matanos Aniyyim, 10:8, writes that there is no greater mitzvah than redeeming hostages. He continues and states that the mitzvah of redeeming hostages takes precedent over sustaining the poor and providing them with clothing. He then writes that anyone who does not take part in this Mitzvah is over "לא תאמץ את לבבך ולא תקפץ את ידך" "לא ירדנו בקרן לעיניך", "לא תעמד על דם רעה", and is also being Mevatal the mitzvah of "ואהבת לרעהך כמוך". He then concludes by reiterating that there is no greater mitzvah than redeeming hostages.

From these two sources, we continue to see that redeeming hostages is a very important mitzvah. But a question remains: how much can you or need to give up in order to redeem hostages?

The Gemara in Gittin daf 45A discusses to what extent we can go out and redeem hostages. The Mishna states that hostages are not redeemed for more than they are worth because of Tikkun HaOlam. The Gemara asks on this statement: What is the reason behind this Tikkun HaOlam? The Gemara suggests two possibilities as to why we have a Tikkun HaOlam in this case: either because we are worried that paying an overpriced sum would result in more Jewish people being taken hostage or because it would place too much of a financial burden on the community. The Gemara continues

and suggests an answer from the story of Levi Bar Darga, who redeemed his daughter with 13 thousand gold Dinars. From this story, the Gemara tries to prove that the reason why we have Tikkun HaOlam is that we don't want to place a financial burden on the community, and since Levi Bar Darga used his own money, this was permissible. The Gemara ultimately rejects this and says that Levi Bar Darga didn't necessarily listen to the Chachamim on this matter. From this Gemara, the Meforshim debate whether or not his din applies to all hostages regardless of financial status or righteousness.

The Rambam in Hilchos Matanot Aniyim 8:12 rules clearly that the reason for the Tikun HaOlam is because we don't want to incur future hostages. He then continues and states that we shouldn't try to release only some of the hostages, as that will make it harder for any other hostages. This is also the opinion of the Rif and the Rosh.

The Shulchan Aruch in Hilchos Yoreh Deah 252:4 writes that the Takanah of Tikkun HaOlam does not apply to two different scenarios. One is when a person can pay out of his own pocket to redeem himself, and the other is when he is a Talmid Chacham.

Similarly, we also see a case where Tikkun HaOlam does not apply by a Talmid Chacham later in Gittin. The Gemara brings down a story with Rabbi Yehoshua ben Hananya. He was made aware that a young Jewish boy was being held in prison, and Rabbi Yehoshua went to go and see whether or not this child had the potential to become a great Gadol. After testing him, Rabbi Yehoshua concluded that this child would be a great Gadol and waited by his side until he raised enough funds to release him from captivity.

There is a story regarding the Maharam MiRottenberg, who was taken captive toward the end of his life. The Maharam MiRottenberg was the Chief Rabbi of Rottenberg and was considered to be one of the last Baalei Hatosfos. As the pogroms in Germany got worse, the Maharam MiRottenberg tried to flee. Unfortunately, he was captured and taken to jail. The government then demanded 23,000 talents of silver for his return, which at the time was an incredible sum. The Maharam MiRottenberg ruled that it was not permissible to raise the money to redeem him safely. However, his talmid, the Rosh, disagreed with him and decided to raise the funds anyway. In the end, the Rosh was successful in raising the funds, but the Maharam MiRottenberg refused to use them, and the Maharam MiRottenberg spent his final years in prison. Fourteen years after his death, his body was redeemed by Alexander Wimpfen, to whom the Maharam MiRottenberg appeared in a dream and asked that it be redeemed in exchange for Olam Haba.

We see from the above sources that hostages may be redeemed at any cost when they are great talmidei chachamim or have the potential to become such. Additionally, if an individual has the means to pay for their own redemption, this would also be permitted. However, in the case of the Maharam MiRottenberg, he ruled that even though he himself was a great talmid chacham, it was preferable not to redeem him. This raises the question of how these halachic principles apply in modern-day hostage situations.

The Radvaz, who lived in the 15th century, writes in his shailos and tshuvos sefar that nowadays we are not concerned with redeeming hostages for more than they are worth. He holds that the reason we are concerned with paying more in the first place

is that we are worried that this will incur more hostages. The Radvaz explains that in earlier times, Jews were targeted specifically, which created concern that overpaying would encourage further kidnappings. However, in many modern cases, hostages are taken for political or financial leverage, not specifically because they are Jewish. He concludes from this that you would be able to overpay for redeeming a hostage because the captor only wants the money. You would only be able to pay the asking price for the hostage and not anymore just because they are Jewish.

In 1970, Arab terrorists hijacked two planes traveling from Israel toward the United States and took them to Jordan, threatening to kill all the hostages on board. One of whom included Rav Hutner, the Rosh Yeshiva of Yeshivas Chaim Berlin. It was greatly debated whether or not they would be able to redeem him due to what has been mentioned above. Because Rav Hutner was a talmid Chacham, he would fall under the category of being able to be redeemed due to his stature. In fact, one of his talmidim even offered to pay millions of dollars for his release. However, Rav Yaakov Kaminetsky and Rav Shechter ruled that this din would only be allowed in a time of peace, but during a time of war, it is impossible to say that we are allowed to redeem hostages for exorbitant amounts of money, as we would be helping the enemy get stronger in a time of war. Rav Moshe Feinstein disagrees with Rav Yaakov, and in a letter to then Prime Minister Golda Meir wrote that from a halachic standpoint, the state of Israel must comply with the Arabs' demands, and they should do whatever possible to go and rescue them. Rav Ovadya in Yabia Omer writes that under these circumstances, freeing terrorists for hostages is permitted since the danger to the hostages who face imminent execution is certain and immediate. In contrast, the danger to others as a result of the

release of terrorists is merely doubtful. Rav Shaul Yisraeli writes in Chavat Binyamin, Section 16:9: that although the Rabbanim generally limited ransom payments to avoid encouraging future kidnappings, this restriction does not apply when the captive faces clear and immediate danger. In such cases, saving the person's life takes priority, because Jewish law does not allow ignoring a definite, present danger to prevent a possible, uncertain future one. In other words, while there is concern that overpaying could incentivize more kidnappings later, that risk is hypothetical, whereas the captive's life is at real risk now, so the obligation to save them overrides the broader policy concern.

Therefore, while halacha recognizes the danger of encouraging future kidnappings, many contemporary authorities maintain that when hostages face immediate and certain danger, the obligation of certain pikuach nefesh takes priority over a possible future pikuach nefesh.