



Bet Horaah בית הוראה Shaarei Ezra שערי עזרא

Parshat Terumah

Zmanim for New York:

Candle Lighting: 5:13pm

Shabbat ends: 6:15pm

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THE ONGOING ETHICAL DILEMMA: RELEASING HOSTAGES IN JEWISH TRADITION.

WRITTEN BY RABBI SHAY TAHAN

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Jews around the world have strong sentiments regarding hostages, stemming from a profound sense of unity and familial connection. When one member of the community suffers, it's felt as if a close relative is in pain. During periods when Jewish hostages endure exceptionally harsh conditions, the collective anguish reverberates throughout the community.

Tracing back to our forefather Abraham, who waged war to rescue his nephew Lot from captivity, and continuing through the battle against Shechem, who had kidnapped Dinah, the tradition persists to this day. Even in modern times, the Jewish people have released many prisoners, including terrorists, to secure the freedom of a single hostage.

In Jewish tradition, the preservation of life is of paramount importance. This principle, known as "pikuach nefesh," mandates that almost any commandment can be suspended to save a life. However, navigating situations involving hostages can be complex. Halacha recognizes the obligation to secure the release of hostages, emphasizing the importance of negotiation, ransom payment and diplomatic efforts.

The plight of the captive is dire. In captivity, they are expected to endure suffering and potentially face death (בבא בתרא ח"ב). Therefore, it is established in the Shulchan Aruch (יורה דעה רנב א-ג) that the redemption of captives takes precedence over all other charitable acts. There is no greater mitzvah than redeeming captives, and every moment delayed in their redemption, when it is possible to expedite it, is akin to shedding blood.

Despite this emotional response, it's crucial to examine the matter through the lens of Jewish law (Halacha) and Torah teachings.

price.

Our sages enacted two principles that warrant discussion (גיטין פרק ד' משנה ו'). Firstly, they established a prohibition against redeeming captives for more than their worth. In other words, it is forbidden to pay a higher price for the release of a

Jewish captive than what is normally paid for other captives. Secondly, they advised against attempting to secure their release.

Let's start by discussing the first principle, and later, we'll delve into the second and examine its relevance to our days.

There are two rationales behind the first enactment (גיטין מה,א):

one is to avoid financially burdening the public, and the second is to prevent enemies from deliberately capturing Jewish hostages due to the high price they receive for them. If the rescue of captives comes at an inflated cost, it could lead to the future abduction and captivity of many other Jews.

Rashi suggests that the difference between those two opinions lies in a scenario where a relative of the captive is willing to pay the high price. According to the rationale of not burdening the public financially, this would be permitted as the relative takes on the entire expense. However, according to the concern that paying a high price may incentivize further abductions, it is forbidden.

Applying those reasons to our time, where the price of releasing hostages might involve the release of convicted terrorists with blood on their hands, both rationales apply. Firstly, even though the terrorists aren't requesting money, the cost is still high as it entails the risk of these individuals returning to harm other Jews, as history has shown. Additionally, the rescue of such terrorists is deeply painful for the victims' families and indeed for the entire Jewish community. Secondly, the high price paid for their release could indeed encourage further abductions, perpetuating the cycle of violence



Release of hostages for a substantial

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and endangering more of our people.

One notable story that aligns with your query is that of Rabbi Meir of Rothenburg (המהר"ם מרוטנבורג), a prominent medieval Jewish scholar and leader. Rabbi Meir was taken captive by the German authorities in 1286.

During his captivity, Rabbi Meir was offered several opportunities to secure his release, either by paying a hefty ransom or by converting to Christianity. However, he steadfastly refused to do so, maintaining his commitment to the halacha that a hostage may not be released for more than the accepted value.

Despite enduring harsh conditions and pressure to renounce Judaism, Rabbi Meir remained resolute in his beliefs. He saw his captivity as an opportunity to demonstrate unwavering devotion to his religion and inspire others to remain steadfast in the face of adversity.

Rabbi Meir's decision not to pursue his release had significant consequences. He remained in captivity until his death in 1293, spending his final years imprisoned in the fortress of Ensisheim.

There are exceptions to this rule, particularly if a person's life is in danger. The Gemara (גיטין נח,א) recounts a story of Rabbi Yehoshua ben Chananya, who encountered a beautiful Jewish boy in captivity, later known as Rabbi Yishmael ben Elisha. Rabbi Yehoshua decided to redeem him from captivity at any cost they would ask for him. Tosfot raises the question of whether this contradicts the rule established by Chazal, and answers that since the boy's life was in danger, he could be released at any price.

From this incident, we learn that when a hostage's life is threatened, the principle of not redeeming captives for more than their worth is uplifted. On the other hand, the Ramban contends that every hostage is inherently at risk of losing their life, and Chazal established their rule precisely with this in mind. Therefore, it is forbidden to pay more than their assessed value for their release.

Today, poskim debate whether it is permitted to release Jewish hostages for a hefty and extortionate price, such as releasing terrorists. Chacham Ovadia (יבי"א ח"י עמוד תעא) permits this based on two main reasons. Firstly, he cites the opinion of Tosfot, who permits redeeming Jewish hostages whenever their lives are in danger. Secondly, regarding the concern that such actions might encourage terrorists to further kidnap people, he argues that terrorists attempt such acts regardless, and releasing hostages under these circumstances is unlikely to change their behavior.

Today, we may observe a departure from his previous ruling. We can no longer rely on the logic of releasing hostages solely because they are at risk. Recent events have shown that releasing them in exchange for convicted murderers often leads to more bloodshed among innocent Jewish people. Therefore, we cannot justify saving one Jew while placing others at real and tangible risk.

Additionally, the argument that terrorists will attempt kidnappings regardless of our actions seems less valid today. The incentive for terrorists to kidnap has intensified, as they now perceive a greater reward if successful. Consequently, we cannot dismiss the potential consequences of releasing hostages lightly.

Escape of the hostages and its consequences.

The second takana (enactment) of Chazal was that we should not attempt to release hostages. The rationale behind this directive is that if we do, the kidnappers will intensify the conditions for future captives, often resorting to harsher measures such as tying them with ropes. This reasoning remains highly relevant today. We have witnessed instances where, after releasing hostages like the soldier Uri Magidish, terrorists have imposed even harsher conditions on remaining hostages, confining them to cages and subjecting them to severe treatment, including being tied with ropes.

In my humble opinion, considering the fragmented nature of terrorist organizations today, releasing hostages could be a viable option. However, it should be conducted discreetly, without publicizing it in the media or around the world. This way, the terrorists would remain unaware and less likely to enforce harsher conditions on the remaining hostages.

The Israeli government's approach to negotiating with terrorists, such as the release of Gilad Shalit in exchange for over a thousand convicted terrorists, has been a subject of debate. Some criticize this strategy, arguing that it rewards terrorism and jeopardizes security by releasing individuals who may pose a threat. Many of them were implicated in significant acts of violence, including the masterminding of atrocities during Simchat Torah, as well as the release of Hamas leader Sinwar.

Additionally, there are concerns that public advocacy for the release of hostages could inadvertently raise their value in the eyes of the captors, making it more difficult to secure their safe return.

BASE BOUND: UNBREAKABLE TIES IN DIVINE AND HUMAN LOVE.

When the Torah speaks in our parasha about the Keruvim, the pasuk says: "You shall make two Keruvim of gold- hammered out shall you make them-from both end of the cover" (שמות כה, יח). Rashi explains the meaning of the pasuk: we should not make two separate figures of Keruvim and attach them to the base. Instead, we should place a large metal plate and carve out the Keruvim from it by hammering.

The obvious question one should ask is why the Torah cares about the specific method of construction if the end result appears identical—two Keruvim on a base.

The answer to this question holds profound significance and operates on multiple levels. According to the Gemara (יומא נד,א), the Keruvim are depicted as a figure of a man and a woman, or more precisely, a man and his wife. The Gemara adds that this imagery symbolizes Hashem and the nation of Israel.

The positioning of the Keruvim informs us of the dynamic between Hashem and our nation. When the relationship was positive, the Keruvim faced each other; however, during times of discord, they turned away from each other.

Now, the nature of these entities is crucial. When considering

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the figures of a man and his wife, we must recognize that these two individuals are actually one entity. The Torah explains in the story of Adam and Chava that she was formed from Adam's rib to teach us that every wife is one with her husband, rather than being viewed as two separate individuals who happened to meet at some point in time.

The Gemara goes further to explain that those Keruvim actually represent Hashem and the nation of Israel. Chazal elucidate that the Keruvim mirror the dynamic between Hashem and our nation. When facing toward each other, they symbolize a harmonious relationship, whereas when facing away, discord is implied.

Consequently, we understand that since the Keruvim symbolize this relationship, they must be unified. This serves to underscore, as Chazal said, that Am Israel and Hashem are not two entities merely conjoined, but rather are one cohesive entity. Moreover, the Zohar (Acharei Mot, page 73) states: "The Torah, Hashem, and Israel



are one." When delving deeper into the words of the Gemara, we can find enlightenment, especially in difficult times within relationships.

The Torah teaches us that even when the Keruvim were facing away from each other, they remained connected without being able to separate. This teaches us two important lessons: first, that during challenging times in relationships, we shouldn't assume that perhaps this isn't our soulmate, as the base (foundation) is still connected. And secondly, that Hashem and Am Israel remain connected at all times, even when it seems like Hashem is angry at us for our sins. Moreover, we can learn that if we sometimes experience strained relationships with Hashem, yet He still keeps us in the same base, we are 'permitted' to experience strained relationships with our spouse at times and not deem it as hopeless.

FACE-TO-FACE COMMUNICATION: THE SILENT EXCHANGE OF BODY LANGUAGE

ופניהם איש אל אחיו (שמות כה, ב)

The act of looking at someone's face is a powerful social cue that goes beyond mere visual contact. It signifies openness, engagement, and a willingness to connect. In contrast, avoiding eye contact or turning away can convey a sense of unease, lack of trust, or even intentional avoidance.

When you look someone in the face while engaging with them, it communicates a profound sense of love and respect. It signifies that you value their presence, acknowledge their humanity, and are genuinely interested in connecting with them on a personal level. By making eye contact and focusing on their expressions, you convey sincerity, empathy, and a willingness to listen and understand.

Conversely, avoiding eye contact or refusing to look at someone's face can convey a lack of regard or even disrespect. It may imply disinterest, discomfort, or a sense of superiority, sending a message that the person isn't worthy of your attention or consideration.

In many cultures and social contexts, looking someone in the face is seen as a fundamental aspect of communication and interpersonal connection. It fosters trust, strengthens bonds, and builds rapport between individuals. It's a nonverbal way of saying, "I see you, I hear you, and I value you as a fellow human being."

In essence, the act of looking someone in the face reflects a deep-seated recognition of their worth and an affirmation of their dignity. It's a powerful gesture that transcends words and speaks volumes about the love, respect, and empathy we feel toward others.

The Gemara in Yerushalmi (ערלה פ"א ה"ג) says: מאן דאכיל דלאו דיליה, בהית לאסתכולי באפיה

from others feels embarrassed to make eye contact with them. Conversely, there are situations where looking at someone's face is encouraged, such as when learning from a teacher or receiving guidance.

The Gemara (הוריות יב,א) suggests the pasuk (ישעיה לב): "והיו עיניך רואות את מוריק" to highlight the positive impact of gazing at a teacher's face during studying torah, emphasizing the importance of visual connection in the learning process.

Another Gmara says (Eruvin 13b):

**אמר רבי האי דמחדנא מחבראי
דחזיתיה לר' מאיר מאחוריה
ואילו חזיתיה מקמיה הוה מחדנא טפי**



Rebbi mentioned in that the reason he excelled in sharpness compared to his peers in yeshiva was because he paid attention and looked at his rabbi.

In the context of the Parasha, the depiction of the Keruvim (golden figures resembling babies) in the Mishkan serves as a symbolic representation of the relationship between Hashem and the Jewish people. The orientation of the Keruvim—either facing toward each other or turned away—symbolizes the spiritual closeness or distance based on the fulfillment of Hashem's will and mitzvot. This visual imagery reinforces the notion that facial expressions and visual cues play a profound role in conveying emotions, connections, and spiritual alignment across various facets of life.

A challenge to the aforementioned concept is presented in a letter that the Ramban wrote to his son in Catalonia regarding the practice of humility. He instructed his son to read this letter once every week, to teach it to others, and to commit it to memory, aiming to instill in them a reverence for Heaven from a young age. The

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Ramban assured his son that the day he read this letter, his prayers would be answered from Heaven. Furthermore, those who regularly recited it would be spared from all suffering and guaranteed a share in the world to come.

In his writings, he emphasizes humility with the following words: "Therefore, I will now explain to you how to always behave humbly. Speak gently at all times, with your head bowed, your eyes looking down to the ground, and your heart focused on Hashem.

Don't look at the face of the person to whom you are speaking.

Consider everyone as greater than yourself. If they are wise or rich, show them respect. If they are poor and you are richer—or wiser—than them, consider yourself guiltier than them, and regard them as more worthy than yourself. For when they sin, it is likely through error, while your transgressions are deliberate, and you

should know better!"

According to the Ramban's writings, the correct approach is to avoid looking directly at someone's face while speaking to them. However, it's crucial to understand the intention behind this guidance. The Ramban is instructing individuals on how to cultivate the traits of modesty and humility. If one indeed lowers their gaze for these noble reasons, it is praiseworthy. In such a case, the act of lowering one's eyes is expressive and visibly demonstrates their commitment to these virtues.

However, there's a distinction to be made between someone who consciously chooses to lower their gaze as an expression of humility and someone who avoids eye contact out of discomfort or intimidation. The former reflects a deliberate effort to embody humility, while the latter may indicate different underlying motivations or insecurities.

כיפת ברזל.

וכן למדנו (תוספתא תרומות פ"ז הכ"ג): "סיעת בני אדם שאמרו להם נכרים תנו לנו אחד מכם ונהרגנו, ואם לאו הרינו הורגים את כולכם, יהרגו כולם ואל ימסרו להם נפש אחת מישראל". הנה לפנינו הלכה שאין לגרום לאחד למות על מנת להציל ציבור גדול, אלא שהחזון איש חילק בין נידון התוספתא שמסירת אדם מישראל נחשב כמעשה אכזר ואסור, לעניינו שניטרול הטיל תוך כדי פגיעה פוטנציאלית באחרים הינה מעשה הצלה ומותרת. וכתב בזה הלשון (יו"ד סימן סט עמוד קב): "ויש לעיין באחד רואה חץ הולך להרוג אנשים רבים, ויכול להטותו לצד אחר ויהרוג רק אחד שבצד אחר, ואלו שבצד זה יצולו, ואם לא יעשה כלום יהרגו הרבים והאחד ישר בחיים. ואפשר דלא דמי למוסרים אחד להריגה, דהתם המסירה היא פעולה אכזרית של הריגת נפש, ובפעולת זה ליכא הצלת אחרים בטבע של הפעולה, אלא במקרה גרם עכשיו הצלה לאחרים. גם הצלת האחרים קשור במה שמוסרין להריגת נפש מישראל, אבל הטיית החץ לצד אחר היא בעיקרה פעולת הצלה, ואינה קשורה

שלום לכם. יש לי שאלה בקשר להפעלת מערכת ההגנה של כיפת ברזל, וברשותכם אפרט. כשטיל עוין נורה לעבר איזור מאוכלס, מיד המפעילים של כיפת ברזל מזהים אותו ונותנים פקודה ליירט אותו. דא עקא שהרבה פעמים הטיל כבר נמצא מעל שמי מקום שיש בו בני אדם ולכן שאריות הטיל המיורט עם הכיפת ברזל עלולות מאוד ליפול על גבי אותם אנשים ולפגוע בהם. אכן זה הרע במיעוטו שכן כיפת ברזל ניטרלה את הטיל בדרכו שהיה מצויד עם חומר נפץ ויכל היה לגרום פגיעה גדולה יותר בנפש. שאלתי אם על פי הלכה מותר לירט טיל באופן שאנו יודעים שעלול מאוד לפגוע באנשים על מנת להציל אחרים.



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דהיינו שאם ציוו אדם להרוג אדם אחר או ליהרג בעצמו, יש עליו למסור עצמו להריגה ולא להרוג אחרים שכן אין דמו יותר מדמו של האחר (אימרה זו נאמרה כמשל מטאפורי) ולכן נוקטים בזה בגישה של 'שב ואל תעשה עדיף'.

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