

# Gilad Shalit

by: Rabbi Jeremy Rosen

In 1286 the greatest rabbi of his time, Meir of Rothenburg, was on his way to the Land of Israel. As life had become so unbearable in the Rhineland as the Crusades swept through and brought wave after wave of Jew hatred in their wake, like many Jews of the time, he wanted to make a new life for himself in the land of his fathers. As much as the Crusaders wanted to conquer the land they believed their religion started in, and shed blood in the process, the Jews wanted not to conquer, but simply to live a spiritual life in the land that had been the focus of their literature, aspirations, and creative energy since Biblical times.

He got as far as Lombardy when he was recognized by a Jew who had converted to Christianity who betrayed him to his travelling companion the Bishop of Basel. The bishop seized him and transferred him to a castle in Alsace. There Rabbi Meir was imprisoned on the orders of the Emperor Rudolph (he of the red nose). In those days the Jews were the property of the king who benefitted from a cut of their profits, but also claimed their property when they died and only returned part of it in exchange for a heavy fine. When Rudolph heard that large numbers of Jews were leaving his territory and taking their property along, he feared he would lose too much of his income. This was a great opportunity to extort money from his Jews and help replenish his coffers. He demanded a ransom. The Jews of the Rhineland were prepared to pay up. But Rabbi Meir refused to allow them to free him. He said that if they did it would only encourage others to capture more Jews to demand even higher ransoms and he preferred to stay in jail, which he did until he died six years later.

Years later a Jew of Frankfurt, Alexander Wimfen, personally paid a huge ransom to release the bones of Rabbi Meir from captivity and asked in exchange for this act only that when he died he would be buried next to him. The opinion of Rabbi Meir became the default position on ransoming captives for Ashkenazi and indeed world Jewry.

But as you might expect, other rabbinical opinions were raised. In the case of Rabbi Meir, he was well treated in captivity. He was given a suite of rooms in the castle and many of his pupils could come and go. He was visited by nobles of the church and scholars. But what about situations where captives were tortured, brutalized, and threatened with death? Under such circumstances, despite the danger of encouraging even more trouble, the tendency was to return to the earlier principle of liberating captives in any way one could, even if the Talmud itself sets limits. Halacha has continuously tried to weigh all factors to determine when a demand becomes unreasonable and dangerous in itself. If you read Israeli news you will know that the great and the bearded ones are fighting and arguing amongst themselves over the halachic response to this current issue. One wonders how we ever get to make ANY moral decisions. That is both the strength and the weakness of the system. Debate is healthy and intellectually stimulating, but

it can also be debilitating.

It is sadly a matter of record that captured Israelis have been cruelly tortured, mutilated, and brutalized. In the case of Gilad Shalit, the fact that Hamas refused to allow access to him by the Red Cross (never a particular friend of Israel) could only mean that they had something awful to hide. For all the stories that circulate about Israeli brutality, looking at the tanned well fed faces of their released prisoners, the contrast was so obvious that only a sick mind could refuse to see it.

All other avenues of liberating him failed. Was Israel right to exchange him for a thousand Palestinian prisoners? Will this now encourage other attempts to kidnap Israelis and hold them for ransom? Will the convicted murderers amongst them find a way illegally or surreptitiously back into Israel across long and unregulated borders to butcher more children? Will the hero's welcome they receive only encourage more youngsters to turn to violence?

We know the excuses that are made, that they have been brutalized, that they are no different than soldiers in the Israeli army, and this is not the place to illustrate the fallacies and faulty logic that can make that comparison. Nor is it the place to argue against some of the crazier self-congratulatory arguments.

But the question of whether Israel was right or not to make the deal remains and doubtless will continue to be debated. Parents of victims tried, but failed, to challenge it in the Supreme Court. But the vast majority is delighted at the prospect of Gilad's freedom. I only pray he is in a fit state to relish it.

The fact is that there are many calculations and considerations that a political leader has to take. A strong leader cannot please all of the people. We are not privy to all the security and political concerns and latest intelligence that leaders face day to day. But when we elect leaders we (should) do so because we have confidence in them to do whatever they see best for the welfare and security of their people and country.

So there is no simple cut-and-dried answer to the question of whether Israel has made the right decision. I am overjoyed that Gilad is released. There might even be some good and unexpected results from the negotiations. Still I am worried about the possible negatives. But I hope and pray it will be for the best.