

## SHOULD RUBASHKIN BE CONSIDERED פדיון שבויים

### A Halachik Perspective

The Rubashkin Askonim from day one have portrayed this issue as an open and shut case of פדיון שבויים. It therefore follows that everyone must donate or help as much as possible; conversely if one doesn't contribute or assist he is lacking in Ahavas Yisroel. I have two major issues with their claim that there is a חיוב of פדיון שבויים here, and feel that until these issues are properly addressed the correct approach is to be שב ואל תעשה.

### 1 > IS RUBASHKIN A מין

ברמב"ם פרק ח' ממתנות עניים הלכה י"ד וז"ל ושבוי שהמיר לעכו"ם ואפילו למצוה אחת כגון שהיה אוכל נבלה להכעיס וכיוצא בו אסור לפדותו וכן מובא ברמ"א יור"ד סימן ננ"ב סעיף ו' היש"ש במסכת גיטין פרק ד' סימן ע"ב כתב וז"ל ודוקא משומד לעבירות אבל מי שיצא מן הכלל ונכנס לדתם פשיטא שאין חילוק בין להכעיס בין בשגגות אמוגה בין למלאות תאוותו דס"ס משומד לע"ז מיקרי שהרי קבל עליו ע"ז והוא בכלל מורידין ולא מעלין

This means that even being brainwashed is not a mitigating factor because at the end of the day he is still practicing a different religion. The severity of the מין issue is documented and discussed by Professor David Berger in his book "The Rebbe, The Messiah, and the Scandal of Orthodox Indifference". After reading this book any level headed individual will understand why the probability of Rubashkin being a מין is very high. It would therefore be אסור to give any money to this cause, unless he was vetted by a ב"ד and certified as someone not having any of the problematic beliefs of his fellow Chassidim.

### 2 > WHO HAS THE FIDUCIARY DUTY

Who signs the checks? Who is accountable for decisions on how to spend the money? If there are questions as what to do; who decides? Who is the Posek for this fund? Who are the officers of this fund? The only thing known about the Pidyon Shvuyim Fund is an address in Monsey. If I feel things are not being done properly who do I complain to. I will just list one example. After Rubashkin was convicted, he was denied bail and had to spend several months in prison until his sentencing. An appeal costing thousands of dollars

was made to overturn this decision. The appeal was thrown out by the appellate judges. This endeavor completely defies common sense. If you have limited resources and you know that you will need massive amounts of money to appeal the sentencing you ignore the jail time so the money can be put to a better use. This expense was done on an emotional basis, it should be known who authorized this expenditure and the rationale behind the authorization. People who have given larger sums or were active in raising money for this cause should be able to have an accounting of where the money went.

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