

August 17, 2023

Dear Shearith Israel family,

**Random Ramble.** If you have been to services on Shabbat or a weekday (morning or evening) since the beginning of August, the friendly new face you have seen is likely that of our Rabbinic Intern, Baruch-Lev Kelman. Baruch-Lev will be assisting Rabbi Soloveichik and the rest of us while he is pursuing both semikha and a doctorate at Yeshiva University. He loves our minhag. He is a smart, warm, interesting young man. Please welcome Baruch-Lev warmly.

Also, this coming Saturday night we begin our month-long recitation of Selihot leading up to Rosh Hashana. We chant them after Arbit. They are short, accomplished in fewer than five minutes and end with a shofar blast that reminds us where we are in the year. Our selihot melodies resonate in our service throughout this season, too. Our selihot are a really nice way to ease into the High Holy Days. Please join us.

Friends, one postscript. I'm falling out of love with "Random Ramble" as the title of this section. Maybe it's *too* honest. We had another good title, remember: *Choosing Life*. But that's really heady, and I fear it sets the bar too high. I'm in the market for another title – or I will just make one up.

**Kiddushin, A Too-Long Introduction.** Tractate Kiddushin is a perfect place to join the great and growing, global community of Daf Yomi learning. We began the tractate on Tuesday of this week, so it's a perfect time to jump in. At 81 double-sided pages, studying one page a day will enable completion a few weeks before Thanksgiving. What a great way to strengthen ourselves and our community this Fall.

Tractate Kiddushin is broad in scope. It branches out from the law and lore of the first stage of the marriage compact (which is the ceremony called *kiddushin*) to a welter of primary, interesting, and sometimes fascinating "shas topics" – or topics that are fundamental to and recurring in the entire corpus of Talmudic study (also known as "shas", a Hebrew acronym for "*shisha sedarim*" or six orders [of the Mishna]). The tractate is refreshingly positive and life-affirming – making it for some a welcome antidote to the sometimes harsh and sometimes negative rhythms of Tractate Gittin, which we just finished. (For a lovely story about why Tractate Gittin immediately precedes Tractate Kiddushin in the Talmud, see the retelling in my [email of 5/24/23](#)).

Tractate Kiddushin is enjoyable for yet another reason: There are endless happy songs about marriage, certainly as compared to the number of happy songs about divorce. So, to kick off the study of this tractate, and for one point each, send in great "marriage" songs. I offer [Love and Marriage](#), the great Sinatra popular standard, which is probably the best known song about marriage (you think I'm wrong? PROVE IT). (I also discussed the song on [Sept. 8, 2022](#), but that was before this Tractate.)

The skeptics in the crowd will not let us get too far ahead of ourselves. They will ask, politely at first so as to disarm, for me to quote the famous dictum with which the tractate begins:

הָאִשָּׁה נִקְנֵית בְּשִׁלְשׁ דְּרָכִים, וְנִקְנָה אֶת עַצְמָהּ בְּשִׁתֵּי דְרָכִים. נִקְנֵית בְּכֶסֶף, בְּשֵׁטֶר, וּבְבִיאָה

*MISHNA: A woman is acquired by, i.e., becomes betrothed to, a man to be his wife in three ways, and she acquires herself, i.e., she terminates her marriage, in two ways. She is acquired through money, through a [legal instrument], and through sexual intercourse. . . . [The Mishna goes on to describe the ways the wife “acquires herself” at the demise of a marriage].*

These same people will then seize on and complain about the Mishna’s use of the verb “to acquire”. Oh so now is Judaism saying that a man “acquires” a woman for a wife, as one would acquire a piece of chattel? See, they will say, Tractate Kiddushin follows Tractate Gittin because, in both, our Sages denigrate women and render them subservient to men.

Imho, this complaint is no more valid in the case of Kiddushin than it was in the case of Gittin. To be sure, the laws of *gittin* make tradeoffs between individual freedom and social imperatives that in one instance do not comport with modern notions of no-fault divorce: *agunot*. Small as that subset of negatively affected women is, *agunot* is a difficult and painful experience, one that we as a community must do all we can to ameliorate. But on the whole Tractate Gittin showed the Rabbis as overwhelmingly protective of the status of women. And so too, I think we will see, in Tractate Kiddushin. I’m not an apologist here. Let’s learn the Tractate together, and let’s dialogue on it respectfully to learn what we can together.

As it relates to the objection based on the Mishna’s use of the verb “to acquire”, the usual responses point out that the same verb is used to describe how the wife extricates herself from a marriage. It’s hard to accuse the Rabbis of oppressive tendencies given the symmetry, isn’t it? A second answer is that “acquisition” in Jewish law means a *change of status* rather than a *barter*. The use in this context shows that, in the bonds of holy matrimony, a woman’s status does in fact change more significantly than does a man’s. Certainly this was the case before the edict in around the Tenth Century that a man, like a woman, could have only one marriage partner.

Are there other answers to the challenge to the verb “to acquire”? I would like to offer one. Mine is assuredly not novel (if anyone can find a cite, please send it along). It is text-based and is made clear in the Gemara’s discussion of this very point. That is, the Gemara’s discussion of the Misha literally asks, as its very first question, why the term “acquires” is used; the Talmud is hardly overlooking or white washing the issue. The Gemara asks the question this way:

גַּמְי הָאִשָּׁה נִקְנִית. מַאי שְׁנָא הָכָא דְתַנִּי “הָאִשָּׁה נִקְנִית”, וּמַאי שְׁנָא הֵתָם דְתַנִּי “הָאִישׁ מְקַדֵּשׁ”? מִשּׁוּם דְקָא בְעֵי לְמִיתְנֵי כֶסֶף,

*GEMARA: The Mishna teaches that a woman can be acquired in three ways. The Gemara asks: What is different here that this Mishna teaches: A woman is acquired, using the language of acquisition, and what is different there, in the beginning of the next chapter (42a), which teaches: A man betroths, using the language of betrothal [i.e., mekadesh]?*

In a time-honored way of respectful disputation, the Gemara is asking why, in the case of the woman becoming betrothed to a man, is the language of “acquisition” used, but in the case of a man becoming betrothed to a woman, the language used is that of “mekadesh” – from the name of this Tractate and also sharing the root of “sanctification”. What is interesting about the question is that the Gemara *presumes* that there is equality or certainly symmetry in the treatment of men and women in the act of *kiddushin*. The Gemara needs to justify any different linguistic usage.

And it does: it explains that the language of “acquisition” is used because that word shares a meaning in the context of money usage. Money, the Gemara explains, is the “*standard means of exchange in an act of acquisition*”. The Talmud wanted women to be able to demand and receive financial support and commitment in the betrothal process. So the Mishna uses a verb that is commonly associated with financial support and commitment. But the Mishna also makes clear that the use as it relates to women also shares the same “sanctification” aspect as that used in the case of a man. I’m hard-pressed to see denigration or discrimination of any negative sort, and I solicit your views as we proceed through the tractate, hopefully, together.

### ***Built Back Better.***

***Summer Music Fun.*** This is getting fun already.

***Songs of Hope.*** As of last week, we had:

- [Wishin’ and Hopin’](#), by Dusty Springfield
- [Somewhere](#), from West Side Story
- [Do You Hear the People Sing](#), from *Les Mis*

Now adding to this:

- Esther Ingber and Robert Starkand independently suggest [Hatikvah](#)

Lynnette Gruenhut (sister of the Schuller Brothers Two – or call them The Brothers Grin) suggests:

- [I Can See Clearly Now](#), by Johnny Nash
- [Lean On Me](#), by Bill Withers

***Happy Songs.*** As of last week, we had:

- [Happy](#), by Pharrell Williams

Now adding to this,

- Shelley Cohen likes [Happy Talk](#), from Roger and Hammerstein’s “wonderful” *South Pacific*. Shelley is not alone.
- Esther Ingber suggests, [I’m in Love with a Wonderful Guy](#) from *South Pacific*.

The funny (or happy, whatever) point is that *South Pacific* isn’t really a “happy” movie, is it? I think we should ask Barbara Reiss or Bonnie Barest to rent *South Pacific* for a summer movie to be shown on Paved Paradise. We are running out of time this Summer, so nudge them quickly. In the meantime, thank you to Shelley and Esther. AND, for a powerhouse of new happy songs:

Lynnette Gruenhut, even better on “happy” than on “hope”, suggests:

