

August 31, 2023

Dear Shearith Israel family,

This and That (זה וזה). Ruth Riemer suggests this simple and efficient title, sensibly encouraging the use of varying titles as the circumstances warrant. After all, she nicely intimates, WHO CARES!? That's hard to argue with. And so that is what I shall do, including an occasional use of "The Scoop", suggested by Claude Nadaf and the other wonderful suggestions from last week. Thanks as well to Phil Bieler ("*mishigas*"), Jack Schenker ("*shiur hamalot*"), Rebecca Frankel ("Opening", as in **פּתח דבר**), and Steve Smith (who coined the prior title and is magnanimously willing to step aside for the current title, *This and That (זה וזה)*).

Who We Are Thankful For. My thoughts this week for an "Opener" revolve around two related points:

First, as too many of you are aware, our Congregation has been in unfortunate litigation with Congregation Jeshuat Israel of Newport, Rhode Island. We were forced into litigation (and our proposal to bring the dispute to a *beit din* rebuffed), when they sued us from 2012-2019, over title to Touro Synagogue, to Torah finials, or *rimonim*, and to other appurtenances and paraphernalia flowing from our Congregation's ownership of Touro Synagogue. We were successful in those efforts. Thereafter, during the past two+ years, we have been required to litigate our right to remove CJI as a juridical (the legal non-human) entity, a holdover tenant at our Touro Synagogue – ending the holdover tenancy, *not* of the worshippers who pray there, who will *always* be welcome, but of the Board of CJI as day-to-day managers. Last Thursday, the Court in Newport ruled in our favor on all issues. The ruling is stayed for a couple of weeks – an interval that Shearith Israel fervently hopes can be used to find a workable future together with CJI and with the new congregation in Newport. The new Congregation, Ahavath Israel, actually has deep roots in Newport dating back to 1915. Ahavath Israel is committed to helping us restore and revive both Touro Synagogue and the community there.

Second, both personally and collectively, I want to express the gratitude we all must have for our Congregational Trustees. It would take several long emails to summarize what our Trustees do for our Congregation. But to give you a sense, just in the past week, every single trustee has been actively at work for our collective good. To take some examples (and in addition to Michael Lustig and Karen Daar's duties as Seganim):

- Karen Daar, David Nathan, Bruce Roberts, David Sable, and Stan Towne (along with Hillel Neumark and Aaron Nathan) were heavily involved in our Congregation's successful litigation effort concerning Touro Synagogue, just as David Dangoor, Peter Neustadter, and David Sable have given invaluable advice on long-term goals concerning Touro Synagogue;
- Several of the above-mentioned trustees plus Leah Albek and Ariel Bengio have been thinking about what our communal programming will be for the coming year, with Bruce Roberts and David Sable spending hours exploring our Congregation's ability to benefit from new technologies.
- David Nathan, Peter Neustadter, and Oliver Stanton were instrumental in obtaining substantial financial inflows to the Congregation under the oversight of Michael Lustig;

- Seth Haberman and his family sponsored a Congregation-wide food event on Paved Paradise to celebrate the birth of a daughter to members Isaac Haberman and Rachel McCoy.
- Avery Neumark helped lead services on Shabbat and carries out his Ritual Committee duties nearly every day; and
- Leah Albek and Vicki Bengualid oversaw our care and hospitality programs and Vicki has been an important ongoing professional resource as Covid-19 questions have arisen.

Our Trustees deserve our deep gratitude.

Jewish Servitude. This week, the worldwide Daf Yomi cycle is learning pages 14-20 of Tractate Kiddushin. In a tractate dedicated to the law and lore of marriage, these particular pages are full of detailed and extended discussions of Jewish servitude. The second Mishna of the Tractate, which begins on page 14b, seems to move to the issue of servitude because of the transactional quality of acquiring and releasing servants – a concept akin to the transactional quality of acquiring and releasing a spouse, discussed here last week. It is interesting that the Talmud transitions from spousery to servitude by dint of the similarity of the transactional aspects of each.

Yet the Talmud doesn't really need to justify the appearance of many disparate matters in the same tractate. The Talmud, indeed, is famous for that. We are all familiar with the Talmud's seismic jumps from one topic to another in the space of a few lines. Even with the jumps, however, I personally have yet to find a more coherent presentation of thought over a great many subjects than what is presented in the Talmud. As one moves through the pages and tractates and Orders, certainly with the help of later commentaries, it makes sense. That is especially so considering that so much of what is being presented was not written down until very late in the development of the issues and especially considering that the Talmud was redacted and transcribed linearly, ages before the popping in/out capabilities of Windows.

I would argue that Jewish servitude or yore is worthy of deep analysis even today; it should serve as a beacon of sensible compromise between the fundamental and sometimes competing values of freedom and liberty. In the space I have here, I want to make three points, and I would value your reactions:

First, we all know of mis-statements from Jewish and non-Jewish sources to the effect that the Bible condoned slavery and that Jews practiced slavery. I even saw the following [comment](#) online:

some slaveholders in the American South — and even some rabbis of the time — referred to biblical laws of slavery as justification for the practice.

This point is refuted in this past week's Parasha, Ki Tetse, among other places. That parasha provides that under Jewish law a runaway servant is not returned to his master. This simple (and extraordinary) fact demolishes any argument that the Bible or Talmudic Judaism condoned slavery as we knew it in America. (R' Hertz's magisterial commentary contains a beautiful analysis of the issue, at page 848.)

Second, almost at the opposite pole, it is also often stated that Jewish servitude in Biblical/Talmudic times was the equivalent of the master acquiring a master rather than a servant. We can estimate that the majority of Jewish servants imposed the rigors of servitude on themselves, voluntarily, as an

alternative to starvation or deep financial destitution of either themselves or their families. That would seem to make all the difference in the analysis. We also know the well-known Jewish rules that if a master has but one coat or one blanket, the master needed to permit the servant to use it rather than the master.

Third, finding a path more in the middle, one of the most accurate ways to judge the status of a servant under Jewish Talmudic law might be, not to analyze what transactions bring one *into* servitude, but rather what are the circumstances for that servitude to *end*. The Talmud approaches this topic systematically and indeed taxonomically. And it is on this very subject that the current pages of Tractate Kiddushin are so fascinating.

Let me explain. In the Mishna on page 14b, and simplifying as I have to, we learn that a Hebrew servant can “acquire” his emancipation through (i) the completion of six years of service; (ii) the advent of the jubilee year, or *yovel*, which occurs every 50 years; and (iii) by in effect buying his freedom with the wages the servant receives from the master. For simplicity, I’m ignoring the extra rule for female servants to be emancipated and one additional means for a male to be emancipated, which relates to his emancipation in the *yovel* year (or when the master dies) even after he bores a hole through his ear to manifest his wish to stay a bondsman even beyond his term.

The three main means of emancipation – *a limited term of service, yovel*, and working off one’s debts to achieve freedom – demonstrate both the temporary nature of Jewish servitude as well as the stunning reality that servants of Jewish masters were not only treated with care but were actually compensated. Hence the discussion on page 20a/b of the Tractate ruling that the payoff by the servant of his debt to secure freedom was the *lower* of the servant’s value upon entry into servitude and his value upon exit.

Can one quickly think of a fairer or more equitable system? Comment if you can.

Built Back Better.

Fond Summer Memories. In response to my request, we have two entries, one beautiful and one interesting.

Esther Ingber shares with us how she met her husband:

Summer of '61. ... The Catskills. Hotel, bungalow colony next door. Two young ones meet. Go out on a group date. She has very little money with her to pay for after movie fare. He spies the problem, pays and has been paying the rest of his life! The rest is history. Marriage -- 59 yrs later, acquainted for 62 total!

Alan Zwiebel offers his own interesting story:

A fond summer memory as ours wanes. As a bachelor way back in the roaring sixties, I was part of a group house on Fire Island. There was a small minyan in Seaview and the “Rabbi” was David de Sola Pool. The “gabbai” was Herman Wouk. We met every Shabbat, and it was a grace note in the midst of the Fire Island mishegass. I loved it.

Songs of Summer's End. We have been building song lists for three categories simultaneously: Hope, Happy, and Marriage. Responses have been fun and furious. I have been repeating songs suggested in prior weeks. The lists, marvelously, are getting too long. So let me give you this week's; ask you to go to last week's email for the prior list (it's on the Congregation website [here](#)); and by next week we can give a final list.

Songs of Hope. Esther Ingber has some welcome suggestions:

- [The theme song from Exodus](#);
- And several songs from Fiddler, including [If I were A Rich Man](#) and [To Life](#) (also a marriage song).

Robert Katz suggests:

- [Forever Young](#), by Bob Dylan.

SM Rosenberg offers:

- [Feels Like Today](#), by Rascal Flatts, and
- [Same Here](#), by Brad Paisley featuring President Volodymyr Zelenskyy, made in support of the people of Ukraine.

Happy Songs. In the "happy song" department, in response to Michael Schulder's suggestion of *Good Morning Starshine*, brother Billy Schulder retorts:

Good Morning Starshine??

Methinks my brother has mellowed since becoming a Grandpa/Zeida/Saba. We considered it a "charter" song, i.e., a "member" of a group of absolutely awful songs (or renditions of songs).

As part of "Hair" this may be acceptable but as sung by Oliver? CHARTER! 🙄

Robert Katz offers

- [Happy](#), by The Rolling Stones

Robert Starkand suggests

- [Get Happy](#), here sung by the Chairman of the Board himself

And SM Rosenberg recommends a couple of tunes that "always bring a smile to my face":

- [D'ror Yikra](#) by her brother, Yair Rosenberg, which his toddler daughter (SM's niece) loves and knows by heart, down to the last "na na na"
- [The World](#) by Brad Paisley

Marriage. Esther Ingber has some nice suggestions here, too:

