

September 7, 2023

Dear Shearith Israel family,

This and That (זה וזה). We are “holding” a little more than a week before Rosh HaShana, that cosmic “do over” holiday that begins and ends with the simplest and yet most excruciatingly difficult of tasks: remembering our true place in the universe. Last week, on behalf of us all, we thanked our Congregation’s Trustees. In response, Esme Berg, one of our Honorary Trustees, suggested that we plan a Shabbat kiddush when as many of us who are there can meet our current Board of Trustees, especially many of our newer Trustees. I think that’s an excellent idea, and we will plan something.

This week we must thank the Staff of Shearith Israel. These underpaid and overworked miracle workers make this great institution function. To the person they are wonderful, professional, easy to work with, and diligent in putting our Congregation and its needs first. Our deepest thanks to: John Quinones and his facilities team: Olivo Lopez; Isaid Rodriguez; and Miguel Santiago; and to the administrative team: Bonnie Barest; Sarah Gross; Barbara Reiss; SM Rosenberg; and Ruth Yasky.

Jewish Servitude Revisited. Last week, we discussed Jewish servitude, as expressed in our Torah and especially in the worldwide Daf Yomi learning of Tractate Kiddushin pages 14-20. I received some insightful questions and critical comments that I think will be of interest to others.

We can summarize the points received. First, Irving Ruderman questions whether my comments were fair, since, he asks, isn’t “the *eved* [or servant] referred to in the Torah ... an indentured servant and not a slave”? Ira Goldberg relatedly asks whether the pages of the Talmud last week were discussing a Jewish servant and not a non-Jewish one, the latter of which the Talmud calls an “*eved Canaani*”, or a Canaanite servant. He asks whether the relationships between a Canaanite servant “and his master come awfully close to slavery as we understand it in a secular sense”? Professor Daniel Jackson asks whether Jews *did* own slaves in colonial America, and so don’t we need to consider that? (Thank you, Daniel, for advising that Rabbi Marc Angel, our Rabbi Emeritus, has recently published on the subject of Jewish slave owning.) Finally, Claude Nadaf believes that “preachers, Jewish and non-Jewish, of the South favored slavery as G-d's will”, though Claude adds: “how they rationalized that is anybody's guess.”

All comments received were appropriate imho, in our highest tradition of fair, respectful, but insistent questioning. All deserve a fair and forthright response.

Ira is right that the discussion last week concerned Jewish servants. Interestingly, the pages covered in *this week’s* Daf Yomi learning, pages 21-28, include another Mishna dedicated to how a *non*-Jewish servant enters into and exits from servitude. What is noteworthy is not that there are fewer means by which a non-Jewish servant can obtain his or her emancipation, which is true. What is key is to look at what just two of those means of emancipation are: like Jewish servants, a non-Jewish servant can buy his way out (others have to put up the money rather than the servant, but freedom can be bought). And, more compellingly, as Claude too observed, any servant to a Jew, whether a Jewish or non-Jewish servant, is not returned to his master if he or she leaves. This is made clear in the Torah itself, in Devarim 23:16 (see Hertz’s Commentary, p. 848 n.16). This is a mondo-important fact.

Why? Because if there are no means of enforcing servitude, then every master-servant relationship will by definition be or will become something far more akin to an indentured servant than to slavery, to answer Irving's question. The fact answers Ira's point, too. It supports Claude's point, though he makes the point himself in his always-colorful way:

Tower of Babel-like in-the-Torah's face Fugitive Slave Act of 1850 that all but guaranteed the start of violence culminating with the painful Civil War to validate the Torah's position.

To all of our commentators, the point I would make is that it may well be that people erred by owning and mistreating slaves. In doing so they failed to live up to Torah ideals. Which of us has not done that? I am in no position to judge, and that is not the issue for us now. Coupled with the fact that physical abuse of any human being, Jewish or not, is Biblically and Rabbinically prohibited, the inability to enforce servitude seems like a solid argument undermining any suggestion that Judaism sanctions slavery. It does not.

Rabbi Hertz makes two other important points, one of which echoes a point that Ira also makes.

First, in absolute terms, the Jewish approach to servitude as taught by our Torah and interpreted by our Rabbis appears to resemble an economic relationship that made it hard to say that the servant was worse off. It is for that reason that R' Hertz observes that the number of servants "was comparatively small in Israel; the slave-trade could not have been extensive, since no slave-markets are mentioned in Scripture" and that, "In all of Jewish history, there is no record of a servile insurrection, nor of runaway slaves" (p. 848). It is also for that reason that I would add that the Talmud, on our very pages this week, debates whether forcing the servant back into the non-indentured/free world is a benefit, since, as reported by the Tractate, many servants didn't want to leave the safety and security of servitude.

Second, in any fair historical comparison, the Jewish approach to servitude, well, has no comparison. As R' Hertz explains elsewhere in his Commentary (p. 537),

- The Code of Hammurabi contains no punishment for inflicting corporal punishment on and even permanent damage to a slave.
- Greece chained its agricultural laborers, and if slaves were deemed to be too numerous, they were killed outright. R' Hertz says, "So much for 'the glory that was Greece.'"
- Rome denied its slaves all human rights, and they could be mutilated or crucified at the whim of the master. Sick slaves were left to die of starvation. R' Hertz comments: "The 'grandeur that was Rome' was even more detestable" than that of Greece.

In the sharpest of contrasts, and as a final response to Ira, here is what Maimonides says about the fact that Jews may expect hard work from *non*-Jewish servants (this is the Rambam's final entry in his Laws of Servitude, Chapter 9, Section 8, with gratitude to our son Yosef for pointing this out to me):

Although this is the law, the attribute of piety and the way of wisdom is for a person to be merciful and to pursue justice, not to make his [Jewish or non-Jewish] slaves carry a heavy yoke, nor cause them distress. He should allow them to partake of all the food and drink he serves. This was the practice of the Sages of the first generations who would give their slaves from every dish of which they themselves would partake. And they would provide food for their animals and slaves before partaking of their own meals. . . .

Similarly, we should not embarrass a slave by our deeds or with words, for the Torah prescribed that they perform service, not that they be humiliated. Nor should one shout or vent anger upon them extensively. Instead, one should speak to them gently, and listen to their claims. . . .

Cruelty and arrogance are found only among idol-worshipping gentiles. By contrast, the descendants of Abraham our patriarch, i.e., the Jews whom the Holy One, blessed be He, granted the goodness of the Torah and commanded to observe righteous statutes and judgments, are merciful to all.

(I can't resist a final note on these pages of the Tractate: The Talmud on page 25b actually addresses the elephant in the room. Two points for explaining what I'm talking about.)

Built Back Better.

Shomer Shearith Israel. Dr. Susan Lobel sends in this marvelous photo with a caption of "Shomer Shearith Israel", which is easily a triple-entendre and maybe even a quad-entendre. Send in your list of entendres for one point. Thank you Susan.



Songs of Summer's End. What a fabulous finale to our lists of songs of hope, happiness, and marriage. I am going to try to get these Spotified, though that may have to be after Rosh HaShana:

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
- [Hatikvah](#)
- [I Can See Clearly Now](#), by Johnny Nash
- [Lean On Me](#), by Bill Withers
- [The Morning After](#), from *Poseidon Adventure* (Maureen McGovern);
- [We Can Work It Out](#), by The Beatles
- [Blue Skies](#), by Irving Berlin (here sung by the Chairman of the Board)
- [\[Good Morning\] Starshine](#), from the musical *Hair*
- [Something's Coming](#), from *West Side Story*
- [The theme song from Exodus](#);
- Two songs from Fiddler, including [If I were A Rich Man](#) and
- [To Life](#) (also a marriage song)
- [Forever Young](#), by Bob Dylan
- [Feels Like Today](#), by Rascal Flatts
- [Same Here](#), by Brad Paisley featuring President Volodymyr Zelenskyy, in support of the people of Ukraine

For our final week of submissions, David Sable ends strong on songs of hope:

- [If I Had A Hammer](#), here by Peter, Paul & Mary
- [We Shall Overcome](#), the great Pete Seeger classic
- [I Will Survive](#), by Gloria Gaynor (which is vying for the song on the most lists ever!)
- [Eye of the Tiger](#), by Survivor

As does Dr. Zachary Gorden:

- [Here Comes the Sun](#), by The Beatles
- [Wind of Change](#), by Scorpions
- [Don't Stop Believin'](#), by Journey
- [Don't Stop Thinking About Tomorrow](#), by Fleetwood Mac
- [When in Rome](#), by The Promise
- [The Story in Your Eyes](#), by The Moody Blues
- [Livin' On a Prayer](#), by Bon Jovi

Happy Songs.

As of last week, and as our final list, we have:

- [Happy](#), by Pharrell Williams
- [Happy Talk](#), from Roger and Hammerstein's *South Pacific*
- [I'm in Love with a Wonderful Guy](#) from *South Pacific*
- [If You Wanna to be Happy](#) by Jimmy Soul
- [I'm Happy Just to Dance With You](#) by The Beatles
- [Don't Worry Be Happy](#) by Bobby McFerrin
- [Happy Together](#) by The Turtles
- [Girls Just Want to Have Fun](#) by Cindy Lauper
- [The Hills are Alive](#), from *The Sound of Music*
- [\[Good Morning\] Starshine](#), from the musical *Hair*
- [Happy](#), by The Rolling Stones
- [Get Happy](#), here sung by the Chairman of the Board himself
- [D'ror Yikra](#) by Yair Rosenberg
- [The World](#) by Brad Paisley

Marriage.

As of last week, we had:

- [Love and Marriage](#), by Frank Sinatra
- [Chapel of Love](#), by The Dixie Cups
- [Wouldn't it be Nice](#), by The Beach Boys
- [Sunday Sweet Sunday](#), from *Flower Drum Song*
- [Anniversary Song](#), by Al Jolson;
- [I'm Getting Married in the Morning](#), from *My Fair Lady*
- [There's a Small Hotel](#), by Peggy Lee
- [When I Fall in Love](#), here by Nat King Cole
- [A Cottage for Sale](#), here sung by the great Sinatra
- [Here Comes the Bride](#),
- [How Deep is Your Love](#), by the Bee Gees
- [Od Yishama](#)
- [Hey, Paula](#), sung by Paul and Paula (Thank you to Laura Fleischmann for advising of the recent passing of Jay Hildebrand, who was the Paul in Paul and Paula. And thank you to Robert Katz for noting the passing of John Gosling, keyboardist of The Kinks. And everybody saw the report of the passing of Jimmy Buffett – I always liked [Come Monday](#).)
- [Let's Call The Whole Thing Off](#), here by the incomparable Ella F and Louis A
- [Doo Wah Diddy](#), by Manfred Mann
- [That's the Way I Always Heard It Should Be](#), by Carly Simon
- [Wedding Song](#), by Bob Dylan
- [Isis](#), by Bob Dylan
- [Since You've Asked](#), by Judy Collins
- [It Did](#), Brad Paisley
- [Then](#), Brad Paisley
- [That's Love](#), Brad Paisley

