

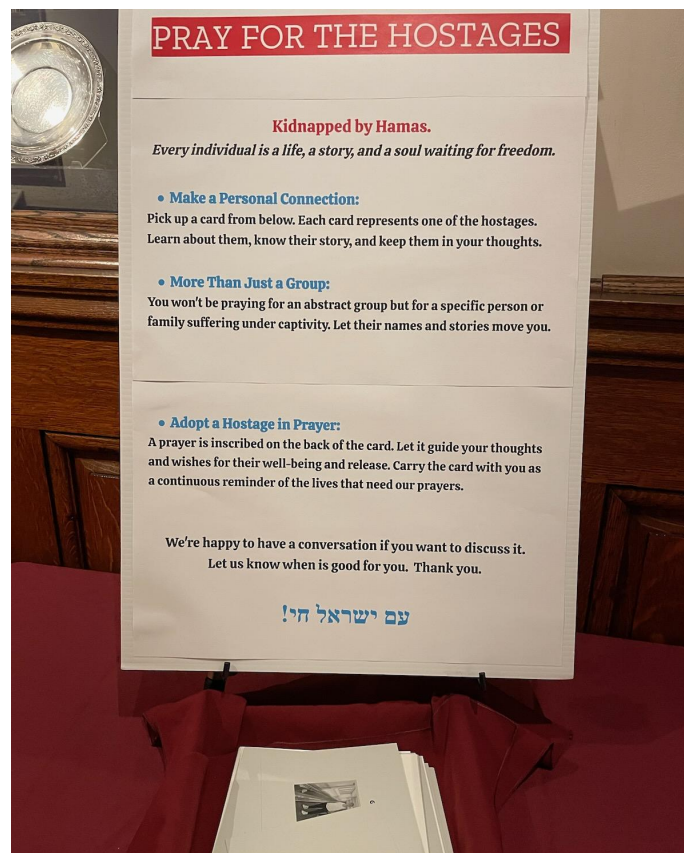
November 2, 2023

Dear Shearith Israel family,

Year of Hope Doings. Rabbi Soloveichik gave a wonderful lecture to a shoulder-to-shoulder *kahal* after Morning Services this past Shabbat. It was his second of ten **Year of Hope** lectures. His next will be before Hanukkah. He beautifully connected his subject, broadly speaking time, with issues surrounding Israel's current crisis – more specifically, the perceived crisis being created by the reaction of a minority of University leadership and students to the Israel crisis.

The politics of the current events is beyond the scope of these pages and the abilities of its writer. However, in my determination to be hopeful (after all, that is the theme of our year, and a theme I firmly believe we need to espouse), what I want to observe is that we are witnessing the heads of state of many powerful nations condemning the terrorist atrocities and confirming Israel's right to exist. That is, some important politicians are (finally?, temporarily?) acting like statesmen, finding and following a moral compass. This is not to ignore the voices (or silence) of other leaders, most notably, the Presidents of many of our so-called leading Universities (although when was the last time you even cared what a University leader had to say about the real world). We care deeply about detestable conduct and hate speech and are even more concerned about detestable conduct and hate speech being sanctioned by some of these institutions of higher learning. But isn't this the first time in recent history that so many governments around the world, speaking through their elected leaders, have been so supportive of Israel's right to defend itself? Isn't that something that just might give us cause for a glimmer of hope?

As a community, we continue to recite Psalms and other prayers for our brothers and sisters (really, our sons and daughters) in harm's way and those captive. We have placed outside the Sanctuary a pile of cards depicting and describing each of those kidnapped and still missing. Here is a photo:



Take a card, ponder deeply the life of this single individual, and after your cry please join the rest of the Jewish world in praying for their safe release. I do hope we will continue to sing Hatikvah at the conclusion of Shabbat services – if the choir doesn't sing it or isn't in attendance, can't we sing it, volubly, ourselves? We have put on brief pause our **Year of Hope Capital Campaign**. The need remains real, but the importance of a brief pause is also.

You have all seen Reverend Edinger hobbling around until he gets his knee repaired. Full and speedy recovery Z! And in the meantime, thank you thank you to Elie Sasson, who is manfully helping.

Kiddushin/Nashim; Baba Kama/Nezikin. In our effort to participate in the worldwide Daf Yomi Talmud learning cycle, we are in the home stretch to finish Tractate Kiddushin, which will complete the entire Order of *Nashim*. This Shabbat we will begin a new Order (Nezikin, or Laws of Damages/Tort) and a new Tractate (Baba Kama, or the *First Gate*).

Oh baba oh baba are we going to have fun! (Can you estimate how many songs have “oh baby” in them? How about sending in just your top 15?)

Now, though, we must bid farewell to Tractate Kiddushin right and proper. First, I need to correct a misspelling last week. Claude Nadaf notes that I spelled “yichus” twice, and once was wrong. It's a funny error, since the “s” in “yichus” is not a “taf” but a “samech” – so it is never “yichut”. Dumb me.

The end of Tractate Kiddushin is full of interesting studies. Let's address two:

The Power of Presumptions. I have yet to see a legal system, certainly one that includes dispute resolution, that can exist without fashioning and utilizing presumptions as one means of resolving doubt or impasse. The common law is full of them. Civil law countries across the globe where I have had any experience have them too. When you've tried all available avenues of decision making, but the proof or evidence remains in equipoise, you can either refuse to resolve the dispute and let the parties stay where they were (or not be surprised that they take matters into their own hands), or you can have presumptions to resolve the standstill.

Presumptions in Talmudic law are legion. I wonder if anyone has citations to legal presumptions in earlier legal systems. The ubiquitous use in the Talmud suggests that our Sages wanted to announce as many presumptions as they could, so that people, knowing them, would order their affairs (and marshal their evidence) to be able to take advantage of them. There is not only nothing wrong with this; there is everything *right* with this. And in any case, I'm unclear how you could have a functioning system of controversy resolution without them.

Pages 79a/b of Tractate Kiddushin discuss several legal and evidentiary presumptions. In three cases, however, presumptions about the physical maturity of a daughter betrothed by a father; when a mikveh found to be out of compliance will be deemed to have started being out of compliance; and when a barrel of wine became impure, each contains an additional discussion that is worth considering. In those cases, the Talmud asks how many steps of logic or speculation need to be made to get the presumption to work. In cases where there is only one step, the presumption is seen to be stronger. Where there are two steps, the Talmud uses the phrase “two weaknesses” or **תַּרְתֵּי לְרֵעוֹת**. The Talmud sees those presumptions as weaker.

Let's take the example of the mikveh, or ritual bath. On Day X it is determined that the mikveh has insufficient water in it and is therefore unfit for its purpose. On Day X-14 we know that the mikveh had

the requisite amount of water in it and was therefore fit for its purpose. How do you treat the people who used the mikveh between Day X-14 and Day X? There are different opinions expressed, but the one of interest here is the stricter one that reasons that there are two weaknesses to the presumption that a mikveh is ritually fit: the first is that we find it unfit on Day X. And the second is that the mikveh is typically used by those who are already impure. That second weakness weakens the presumption and leads one opinion to hold that those who used the mikveh between Day X-14 and Day X did not use a pure mikveh. Now don't go deciding anything on the basis of this incomplete analysis. Consult your local decisor. The logic of "two weaknesses", though, remains interesting.

Jewish Modesty. The last Mishna and gemara of Tractate Kiddushin discuss the obligation of a parent to ensure that a child learns a profession. Since that's a touchy subject in our household right now, let's look at the equally interesting Mishnaot right before this last one (pages 80-81). They deal with modesty between the sexes, especially the laws of "yichud", or the case of two people of opposite sex left alone with each other and out of public eye-shot. The rules may seem strict and a bit out of touch with post-modernity. As if to answer that criticism, the text of these pages shares several graphic examples where great Sages, perhaps feeling they were beyond the normal urges of our species, strayed from the righteous path by dint of overfamiliarity in quiet or secluded settings. The discussion is amazing.

I think there is another way to think about these strictures. Halacha wants us to be advertent, mindful of our relationship to other people. It wants us to be advertent and mindful basically all the time. Keeping in mind where we are, where others are, how we will explain seclusion to trusting spouses is simply part of the respect that each of us should have for our mates or for the opposite sex. I think of Burt Bacharach's unforgettable [Say a Little Prayer for You](#), where Dionne Warwick lists all the places she goes throughout the day and thinks of the person in her life that is very special to her (see the homage in our [2/16/23 email](#)). We can be advertent and mindful all the time of our significant others. It's just good, respectful practice.

Built Back Better.

Word of the Year 5784. We don't usually have votes *against* specific choices, as opposed to votes *for*. When we do get them, I don't usually publish them. However, I liked Dr. Michael Schulder's disagreement with my suggestion of "gratitude" or *hakarat hatov*, so let me share it with you. Michael questions whether "gratitude" is a fair and proper translation of *hakarat hatov*. In his opinion, *hakarat hatov*

has a more profound meaning. Gratitude is the feeling we return to the person or other agent [for] something that is good for us. But hakarah hatov is deeper inside of us, it is a 'recognition' that someone has done something good for us, and that we recognize that thing. Hakarah has to precede gratitude and is a more fundamental feeling, and should last longer.

So where are we? The finalists for Word of the Year are:

- **Awakenings**
- **Gratitude, or hakarat hatov**
- **Matter**
- **Together/B'yachad**

