

November 9, 2023

Dear Shearith Israel family,

Year of Hope Doings. I'm still using this clunky title since no one has offered a better one. I have five short items to report in this, our ***Year of Hope***, which has been temporarily transformed into a ***Year of Tragedy and Worry and Hope***:

First, thank you to Dr. Susan Lobel, who transmitted a suggestion she received that we should all memorize the prayer for captives/hostages, which can be found [here](#). It will increase the number of times all of us say it.

Second, eminent Israeli biologist, Professor Uri Nir, sent the attached one-page brochure describing a program his son is involved in. Read it [here](#), and please consider supporting the cause.

Third, for another positive note, see the piece ([attached](#)) about one leader from a major university system in the US with a moral compass.

Fourth, on the international front, thank you to Beth for sending this [truly extraordinary speech](#) by Robert Habeck, Germany's Vice-Chancellor, showing real statesmanship and insisting that it is the world's responsibility to protect Israel from terrorism and Jews from antisemitism. On this day when we remember and observe Kristallnacht, listen to Mr. Habeck carefully.

See? Items three and four above prove that we do have reason for hope, and not just worry in the face of profound tragedy.

Nonetheless, and fifth, reacting to our bright news last week that our Congregation's ***Phrase of the Year*** is ***Yihiye Tov, or Things Will Be Good [Again, Soon, and into the Future]***, our usually optimistic and always (until now) funny Alan Zwiebel responded:

'It will be good' could be the worst possible slogan for the Jews since the world began.

I'm sympathetic to Alan's reaction; without doubt, these days are stressing all of us. Nonetheless, we will keep the ***Phrase of the Year***; it's one we all need to hear and read and firmly hope for, in this ***Year of Hope***. And, imho, even a moment's reflection about the State of Israel will confirm deeply abiding reasons for hope. Thank you to Dr. Michael Gelman (we miss you) for reminding us of the David Broza [song](#) of the same title.

Prolegomenon: A NewOld Vision of Shearith Israel. Prolegomenon. What a highfalutin word! All "prolegomenon" means is an introduction or a preliminary approach or assessment. Kant's famous if pretentiously titled *Prolegomenon to Any Future Metaphysics* is maybe the first and last time the word had any real use. Kant's is an incomparably brainy read (that is, if you go in for philosophical treatments). I have no similar pretense for what follows.

I want to make an observation as an introduction or a preliminary approach or assessment. It is about our Congregation and the role it can play in the current climate.

On October 7, Hamas slaughtered over 1,400 innocent people including children and the infirm. Whatever you want to compare it to – more than *ten* 9/11s as a function of population in the US; or more Israeli deaths than all the terrorist attacks in Israel *combined* over the past 20 years – however you want to compare it, it has no comparison.

The rational world including an unprecedented number of true statesmen condemned the terrorism – and do so still. Israel took up arms and began to defend itself. That has led to various fringe groups with social media acumen to initiate hate speech and hate crimes against Jews and their property. That in turn exposed moral cowardice by many in leadership roles, which in turn led to moral umbrage and outrage by many others, including many Jews. A spiraling down of basic civility has occurred at the same time as spiraling up of bile, hate, and rhetoric to see who can hurl more vicious epithets, who can frighten and in the end injure others more. This is our arms' race equivalent. It is out of control.

Where can we turn for some guidance, indeed, for some stabilizing influences? Simon and Garfunkel turned to Joe DiMaggio in [Mrs. Robinson](#). Where can we all turn now? My prolegomenon owes a debt of gratitude to a small group of congregants who met last week but whose identities I will wait to disclose in case this is the worst idea you've ever heard.

For a reaction to the extremes at both ends, for where to land in the seesawing gyrations, we should turn to our own Congregation and its history. That history is the history of Jews in America. I offer an old/new vision of Congregation Shearith Israel. Our ancient (by US standards) motto of ***truth, justice, and charity*** is not a silly or quaint, anachronistic mantra but goes to the heart of who we are and where all of us can find a polestar or guide to remain, not strangers in a strange land, but full and productive participants in the American story who do not deserve and will not tolerate hate against us:

Truth – Israel's President Isaac Herzog, in a NYT op ed, calls the recent reaction to Israel's defending itself a "collision of values". But there is no legitimate collision. Refusing to condemn terrorism is wrong. Our Congregation has spoken the truth since 1654. When Peter Stuyvesant wanted us to leave, we spoke the truth – let us stay and help this new land with its vision of freedom. We used legal and peaceful means to remain an integral part of what became America. We can calmly but firmly rebut calumny now.

Justice – Shearith Israel has been an open tent for centuries. When we insisted on being part of the militia to protect the safety of ourselves and other colonists, more than 100 years before the Revolution, we promoted justice. When we marched and organized both for suffrage in the early Twentieth Century and for civil rights in the middle, we acted as both Jews *and* Americans. Look at the Ben Shahn drawings of three murdered civil rights leaders, which are hanging in the Norman Rockwell Museum in Stockbridge, Massachusetts:



In the name of justice, we stood our ground and let neither inanities and insanities derail us. The extra rows added to our glorious sanctuary after WWII were not for Sephardim. They were for Jews, all Jews, any Jews. We are apolitical and will remain so. We are also pre-denominational – in our Congregation we do not ask “orthodox, conservative, reform”; we pray a ritual that is authentically Jewish and American and so do not need to draw distinctions among us. We have pursued justice and will continue to.

Charity – Truth and justice need the ameliorative force that helps others in need. Shearith Israel helped the Irish during the Potato Famine and founded Mount Sinai Hospital. Our Emma Lazarus’s poem promising to feed the tired and the poor sits as a promise on the Statue of Liberty (and at her gravesite at our cemetery where she is buried). We ran our own soup kitchen in the Twentieth Century and still try annually to feed hungry New Yorkers on Thanksgiving ([sign up now](#) and help us meet our \$25,000 goal!). There is more charity to do. We can do it or at least help.

In a real sense, our Congregation's own history embodies these themes. Send me better examples or a better articulation of this prolegomenon. And who wants to help supplement our [1654 Society website](#) with lots and lots of examples of these fundamental themes?

Tractate Baba Kama: An Introduction. In the worldwide Daf Yomi learning cycle, this is our first week in our new Order and new Tractate. We have commenced the Order of *Nezikim*, or Damages/Tort. And we have entered *Baba Kama*, or literally the first gate.

Oh this is a marvelous Tractate. It begins with the taxonomic categorization of types of harm that our property or our person can cause other property or persons. The sophistication is astounding, even if the jumping between categories is a little dizzying. The Mishna begins by defining types of damage-causing things: the ox; a pit; a *mav'eh*; and fire. In the ensuing Gemara, after the Misha, there are credible arguments for 13 and even 24 major taxonomic categories rather than four. The four themselves are broad categories and should be seen more as metaphor than specific item, with innumerable subcategories. Ox doesn't just mean an ox; it is any kind of property that can do harm. Pit is not just a pit; it is anything hidden or unseen. *Mav'eh* is something akin to a tooth of an animal that causes harm or is a human agent itself. Fire is something that a human agent sets on a path and then loses control or dominion over.

In Mishnaic law, as in the common law that I'm more familiar with, the goal of categorization is to make it easier to treat similar facts similarly and different facts differently, where the differences are relevant. Blitheringly obvious, you will say. Maybe, but that's the way the law works (isn't that the way ratiocination in general works?). The major dividing constructs that we are introduced to in the first several pages of the Tractate include:

- ***Who or what is doing the damage/committing the tort?***
- ***What is being damaged?***
- ***What is the level of intent of the damager?***
- ***What is the type and level of compensation available for the damage?***
- ***How damages should be allocated among tortfeasors including the injured party?***

The above is my summary. Do you agree that I've captured overly-generally what the Tractate is talking about? If not, let's have a dialogue. It's a long Tractate. Let's get it right, up front.

Books:

Gabriella Styler is one of our best book suggesters. This week she recommends, [Destined to Witness: Growing Up Black in Nazi Germany](#), by Hans J. Massaquoi. Her recommendation would be enough for me, but Gabriella adds a blurb from a NYT book review:

Destined to Witness examines the roller coaster of racism from different cultures and continents. Massaquoi concludes that 'true human decency is ... simply a matter of the human heart.'

