

November 30, 2023

Dear Shearith Israel family,

**Thanksgiving Thanks.** Irving Ruderman reminds us:

*In 1789, following the adoption of the Constitution, President George Washington called on all churches throughout the land to hold services of thanksgiving. The first to respond was Shearith Israel.*

And we have been responding every year since. This year was a particular treat for all of us who attended the morning activities. During services, a crowd chanted hymns of thanksgiving including parts of Hallel and just beat the start of the parade. Rabbi Soloveichik's talk did not beat the bands but was audible, and deeply moving, nonetheless. Our pack-a-thon, with volunteers from Latter Day Saints, West End Church, the Jewish Center, Shearith Israel, and the 'hood, packed over 2,000 packages of high quality and nutritious food for hungry New Yorkers. City Council Member Gale Brewer as well as a Community Liaison from the Mayor's Office greeted us. [CBS News](#) captured the moment beautifully. The hundreds of posters of the hostages in Gaza, affixed to the outside of the Western Wall of our Synagogue building, served as a constant reminder of pain and sacrifice. The efforts of the over 200 of us who were working in harmony to help others served as a constant reminder of hope.

Thank you to Lia Solomon for Spotifying our recent Congregational Playlists of songs of 'happiness' and 'hope', which was our "music to pack by" and really are a great set of song choices. ([Here](#), [here](#), and [here](#) are all three of the recent ones, including those two as well as one for songs of and concerning 'marriage'.)

There were three winners, Joel Maxman, Laury Frieber, and Robert Katz, who knew the reference to marching bands refusing to yield (Don McLean's *American Pie*, of course). Joel also snatched a point for knowing Monty Python's *And Now for Something Completely Different*. Well done!

New challenge. The four churches and synagogues that made the Pack-a-thon a success are already planning our tenth Pack-a-thon for next Thanksgiving. These institutions are also considering one more inter-group project for mid-calendar year in 2024. Help us conceive, plan, and execute on a project. The reward for this is not in earthly points, if you catch my drift.

**Our Year of Hope.** Our own *Year of Hope's* capital fundraising campaign remains on pause. The release of perhaps a fifth of the hostages being held in Gaza has made us all continue to pine for the release of the rest, and few of us can bring ourselves to discuss our Congregation's needs when so much more is at stake. Still, our leaky roofs cannot stay in that condition all winter. And our other important needs can't wait too much longer.

We did receive three interesting (or funny) thoughts on themes of hope. First, Stanley Raskas responded to my request for stories about our collective presence in America with the following wonderful biographical summary:

*My zadie [grandfather] Raskas was perhaps the first American bocher [yeshiva student] to be sent back to Europe to learn in a yeshiva as there were no Jewish institutions of learning in the USA in 1901. When the meshulach [representative] from Slobodka came to the USA my great grandfather not only gave him a nadava [gift of charity] but also a student to learn in the yeshiva. My bubbie [grandmother] whom he met there was Ruth Poupko, and she and my zadie brought all the Poupko family members eventually to the USA.*

Second, Albert Rosenblatt has a bunch of things to say, including quoting Robert Altman on the relationship between Isaac and Ishmael and concluding:

*As to the Ishmaelites today, let us hope something comes as a result of this war — namely a ‘reset’ that has been long overdue.*

I especially like Albert’s use of “reset.”

Finally, on Peter Neustadter’s Turkish congregation in Yemin Moshe, where congregants imbibed a shot of whiskey for each missile intercepted on October 7, Aura Bijou says not-so-dryly:

*I think that’s a place I might be able to get my husband to attend on a regular basis.*

**Baba Kama Karma.** Two smart guys responded to some comments I made last week. Their points are indirectly related, though the genesis of the discussions differed:

First, Nisan Hershkowitz insists that the discussion last week [link] of *נְהַגְהוּ נְזִהָה לֹא חֶסֶד* arises only in an ex-post-facto context, meaning after the fact retroactively figuring out what is fair. Says Nisan: were one imposing the rule in advance, “a landlord could never prospectively rent a property to a prospective tenant since the latter would petition to be ‘billed’ at the [non-]rate of a squatter”. I don’t agree and wonder who else has a view. Indeed, to me it seems that the Talmud, here and in countless other places, is adumbrating a rule so that people can conform their conduct to law and hence be protected by it.

Second, independently, I asked last week for a theory as to why the Talmud uses so many different examples rather than, say, solely articulating general principles. My feisty friend and mondo points-garner Claude Nadaf agrees with my observation – so he would hypothetically side with me over Nisan – but curves a ball in for an explanation:

*The Talmud citing examples is consistent with it being an incoherent blog at least pioneering the pragmatic case studies to elucidate the nuances of the general law in the Mishnah. Case Study Exposition, a law book method proven effective as a teaching, field experience substitute and judicial precedent tool to this day.*

I’m not going to agree with “incoherent blog”, though the organization of the Talmud sometimes takes some time to figure out. But in thinking of Talmudic examples as a common law’s common law (phrasing and any incoherency mine), I think Claude is right.

And that brings us to this week's pages of Tractate Baba Kama (24-30), in which we finish the Second and begin the Third Chapter of this amazing Tractate. On pages 25a/b, we meet the principle of י"ד, *dayyo*, which means "it is sufficient" or "enough". This discussion is not an example of teaching by example or mini-case study but rather is an example of a principle of ratiocination that has vitality still today, some 3,000 years since first articulated in the Torah and 2,000 years after extensively used in the Talmud.

*Dayyo* is a rule of logical inference. It states that, in any inferential process – typically a *kal vachomer* or an *a fortiori* mode of reasoning – one can logically infer the conclusion that the rule at issue would apply with *equal* force but not with *greater* force. The example that the Talmud gives is straight from the Torah. The Almighty chastises Moses's sister Miriam and says to Moses who tries to defend her (B'midbar 12:14):

וַיֹּאמֶר יְהוָה אֶל-מֹשֶׁה וְאַבְיֵה יֶרֶק יֶרֶק בְּפִנְיֶהָ הֲלֵא תִכְלֹם שִׁבְעַת יָמִים תִּסָּגֵר שִׁבְעַת יָמִים מִחֻיץ לַמַּחֲנֶה וְאַחַר תֵּאָסֵף

*The Lord replied to Moses, 'If her father were to spit in her face, would she not be humiliated for seven days? She shall be confined for seven days outside the camp, and afterwards she may enter'.*

The Talmud asks whether, if offending a parent of human flesh and blood would call for seven days of excommunication or ostracization, shouldn't offending the Almighty carry a longer punishment, say of 14 or even more days? The Almighty leaves the punishment at seven days even though offending the Almighty might warrant a greater punishment. The conclusion is that there is warrant for an *equal* punishment but not a greater one. That is *dayyo*.

Modern systems of logic and law have not improved on this method of reasoning. In my day job world, proper legal thinking follows the principle of *dayyo* (any of you lawyers or law professors have counter-examples? Join in.) The related thought that comes to mind is the logic game asking whether, if you see the same person in the same restaurant each of the two random times you frequent the restaurant, is it more sensible to conclude that he or she goes to that restaurant less often, more often, or just the same as you do? Three big fat inflation adjusted points for the answer. In answering, remember the Einstein quote (which I used on [3/11/21](#)):

*Everything should be made as simple as possible, but no simpler.*

***Life-long Passover Riddle Solved.*** I venture to say that every single one of us reading the Haggadah on Pesah pauses on the punishment to be meted out to the Wicked Son, where the Haggadah says, *hakeh et shina*, translated as hit him in the teeth. (Ok, if you want to feign not being disturbed by this approach to child rearing, let me know – and I will publish your name in ignominy.) This has bothered me forever – and not just because the Wicked Son's question is so like that of at least two of the other sons.

For a remarkable discussion, look at the bottom of page 27a and the top of page 28a of our Tractate Baba Kama learning this week. There you will find the Rabbis discussing the circumstances under which one – in olden times and not today – could take the law into one's own hand. You will see *hakeh et shina* used

twice in that discussion. In the second, quoting the opinion of R' Yannai, this great and revered Sage specifically asks what that phrase actually means. His answer is that you must attack your opponent “in court” – or with argument, not with fists. Problem solved!

**Covid-19 Update.**



Thank you all. Bless us all. Shabbat shalom. *B'yachad* (united together). טוב יהיה *Yihyeh tov* (things will be good).

Louis Solomon, Parnas