

December 28, 2023

Dear Shearith Israel family,

Our Year of Hope. Along with many others, I loved the video and sound clips sent in by others that were linked in last week's email. Commenting on the video of Santa donning tefillin, Pearl Shifer of Brooklyn remembers that:

Years ago, I worked at Macys in the advertising dept, and the Thanksgiving Day parade was a year-round project. My supervisor who was Jewish got to play Santa who shows up at the end of the parade in a sleigh!



What a great recollection, Pearl, thank you.

For the very small balance left of this Gregorian calendar year, we will continue to hold off pressing for the funds that we need for crucial items including our leaking roofs and the worn and worrying carpeting. We will instead continue to show undiminished and unified support for fund-raising efforts to help Israel. In that regard, thank you to Robert Lunzer (stalwart of Israel bond promotion for decades) for his comment on the Yehoram Gaon song. I wonder whether buying Israel bonds now is a really good way to show needed support for Israel. What do you think?

As a Congregation, we will continue to pray for swift and successful peace including a release of the hostages and safety for those in harm's way. At the conclusion of services on Shabbat, we will continue to sing our true song of hope, *Hatikvah*, and we will continue to sing the Star Spangled Banner as (loud and) proud Jewish Americans (am I the only one who feels that the first stanza at least of our national anthem is surely not what one would call inspirational?).

The Tenth of Tevet. I wasn't going to comment on our communal fast last Friday. The tenth day of the tenth month of the Jewish calendar commemorates the beginning of the assault on Jerusalem, which ultimately led to the Temple's destruction. I withheld my favorite greeting on fast days, "well over the

fast”, because it is the fastest of fast days and was over only some 10+ hours after it started (by the way, it’s the only fast day in our calendar that can, and this year did, occur on a Friday).

What has changed my mind about saying something is the confluence of two things: First, in a lovely note, Rabbi Yosie Levine, leader of our sister congregation, The Jewish Center, reminded us that:

After the founding of the State of Israel, the Chief Rabbinate tapped this minor fast to become a day of Communal Kaddish. In the aftermath of the Holocaust, relatives of those martyred would thus have a formal opportunity to commemorate the lives of those whose yahrzeits [annual day of remembrance, as in our nahalot] were unknown... those who would never live to see a sovereign State of Israel.

Second, we all looked on in disbelief when a university president was unwilling publicly to condemn calling for genocide of Jews. In another dismal piece of news, several papers and magazines reported on the recent YouGov survey indicating that one in five Americans in their 20s do not believe the Holocaust happened, with another 30% of the same cohort being unsure if the Holocaust is a myth or not.

Put these disquieting facts together. No more overlooking even the “minor” fasts, even when they are fast.

Help Requested; Help Received. Last week, I solicited help in understanding why the Talmud (Baba Kama 50a) went out of its way to tell us that Nechunya the Ditch Digger, because of his extraordinary acts of charity, was worthy of having his daughter saved from drowning in a ditch, yet his son died of thirst. Two thoughtful reactions deserve a summary and a thank you:

First, Barbara Reiss feels that,

punishment is meted out in kind (or even with extra harshness in the case of the righteous person [from] whom one expects more) precisely so that the bad act gets erased. Once someone pays for the crime, their record is clear.

There are many places in the Talmudic corpus articulating Barbara’s insight – yet to me it remains hard to grasp.

Second, Claude Nadaf, after rightly correcting that Nechunya didn’t hear about his daughter’s plight directly but through Rabbi Hanninah Ben Dosah, says that the overall lesson in the two stories of daughter and son is that:

The Almighty is diligent with his entourage to the width of a single hair (citing Tehillim 50:3) but also that The Rock! perfect is his work, for all his paths are justice (from Devarim 32:4).

My final comment on this is that, indeed, the water here is deep.

Baba Kama Chapter 6. This week, the worldwide Daf Yomi learning cycle is studying pages 52-58 of Tractate Baba Kama. Page 55b begins Chapter Six, which deals with torts involving failure to oversee – along with many other topics.

The discussion at the bottom of page 55b and going on to page 56 deserves our attention. The text speaks of four cases of monetary loss where the tortfeasor (that is, the person committing the wrong) is not liable “under the laws of a human court” but is liable “under the laws of Heaven”. The four cases are:

- Collapsing or breaching a wall, after which someone’s animal escapes;
- Bending another’s standing grain in the direction of an oncoming fire;
- Hiring false witnesses to testify; and
- Failing to testify oneself even though you know you have helpful testimony.

The discussion is interesting first because it takes some work to determine the exact cases that the Talmud is talking about. Once that is accomplished, the discussion is interesting because the reason there is no civil liability “under the hand of a human court” is because of some notion that the injury is too indirect – remember our discussion of *gramah* (**email of December 7, 2023**). This would be interesting enough in contrast to the common law, where I think the rules would be different. That is, in the first two cases, one would not be surprised if a common law court permitted the trier of fact (typically in these cases a jury) to determine if the defendant’s conduct fell below some standard of reasonableness. In the third case, no one would be surprised if there were criminal laws implicated by the behavior. And in the final case, well, there, the civil common law may not have much to say – except we have ways to compel testimony (*if* we know about it).

To me, what is more interesting than all that is the boldness, the confidence, that the Talmud manifests in knowing in what cases the Almighty will intercede to exact punishment. This goes beyond ritual and even religion. The discussion is about legal norms and forms of punishment. It is both amazing and marvelous that, unlike in our legal system, the Almighty in the Talmud is a present, potent part of the analysis.

Built Back Better.

Irish Writers. Last week, I explained why in general I love Irish writers of English but didn’t love Colm Toibin’s *The Magician*, ostensibly a novel based on the life and times of Thomas Mann. Nexgen editor and author-in-her-own-right SM Rosenberg read Toibin’s *Brooklyn*, which as SMR says was similarly highly acclaimed. SMR neither minces words nor pulls punches:

I was similarly unimpressed... I just found it full of characters making terrible choices with very little introspection or self-awareness, which is never a fun time for me. And I found his prose style extremely dry. I still remember that one of my options for a final assignment on the book was to write an alternate ending, and I mimicked the author's style by writing it as dull and non-descriptive as I possibly could, and my professor said I nailed it, which I don't think speaks very highly of his style in that book.

Does anyone else have reactions? In the meantime, SMR recommends another Irish novelist, Caimh McDonnell, in particular *Welcome To Nowhere*. It’s now on my list. SMR warns it may not be all our cups of tea, but maybe a bunch of us can read it together and “discuss”?

Broza's Best. Remember, back in November, I suggested that we all go hear David Broza when he was next at the City Winery. Especially since he [wrote a song](#) titled *Yihiyeh Tov*, our Phrase of the Year, he was on our need-to-see list.

Broza played City Winery on December 24. A bunch of us were there. It was great. Next year anyone want to join?

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

Louis Solomon, Parnas