

January 18, 2023

Dear Shearith Israel family,

Our Year of Hope. We are on the cusp of rolling out our essential capital campaign. A large part of that will go to *triple* the lavish perquisites already paid to the Parnas and Seganim. Count that at zero. The balance will be used to replace our torn and tattered carpet in our exquisite Sanctuary, shore up some of the floorboards that are weakening, strengthen and render watertight several of our roofs, and for some smaller but necessary projects.

We need you. We will be reaching out to you. Please, be as generous as you can be.

The Almighty as Judicial Partner. Last week, I noted the remarkable fact that, in Talmudic justice dispensation, the Almighty is often seen as an active third party, along with the litigants and the tribunal. Our good friend, Judge Alvin Hellerstein explains that the concept is not far from the minds of contemporary jurists, thankfully:

Psalm 82, read every Tuesday morning, is on point. 'God stands in the Divine Assembly. Among the judges He delivers judgment.' (Koren siddur). In other words, a judge has to be mindful to act, not only within the law, but justly, for God judges the judge. Have I spoken to the defendant, explaining why I sentenced as I did; have I taken away his liberty justly, neither being too strict or too lenient; have I given him hope? I have a calligraphy of the first line of the psalm hanging in my robing room, to look at each time I sentence.

Our friends at The Jewish Center tell us that Judge Hellerstein just celebrated a birthday. From all of us, everywhere, we are deeply grateful for Judge Hellerstein's indefatigable devotion to the cause of justice. He is an inspiration to the profession and to our collective faith.

Come Learn a Whole Page of Talmud, Right Here, Right Now. I have uncovered a lost stanza from the great Sinatra popular standard, [Come Fly with Me](#):

*Come learn with me, let's learn, let's learn today
If you can use some exotic schmooze, there's a beit midrash just off Broadway
Come learn with me, let's learn, let's learn today*

There are 5,422 single-side pages in the Talmudic corpus. Pages vary in length. One of the shortest pages appears in this week's worldwide Daf Yomi learning cycle, at page 77a of Tractate Baba Kamma. It's nine words long. Let's learn it all, and tell our family and friends that we just learned *an entire page* (or *amud*)!

The text on page 77a is in the name of R' Shimon, quoting a Baraita (a relatively authoritative statement of law not included in the Mishna). The entire Talmudic text on page 77a reads:

פְּרָה – מִטְמֵא טוֹמְאָת אוֹכְלִין, הוֹאִיל וְהִיתָה לָּהּ שְׁעַת הַכּוֹשֵׁר.

The meat of the red heifer is susceptible to contracting ritual impurity of food, since there was a time when it was fit for consumption [and therefore was susceptible of contracting ritual impurity].
(partial Sefaria translation)

One can understand what is going on by focusing on other statements of R' Shimon, in two other parts of the discussion. First, the last post in a Mishna three pages earlier teaches:

רבי שמעון אומר: קדשים – שחייב באחריותם, משלם. תשלומי ארבעה נחמשה – שאין חייב באחריותם, פטור.

Rabbi Shimon says: In the case of sacrificial animals for which the owner bears financial responsibility to replace with another animal if one of the original animals that one stole is lost or dies, the thief is obligated to pay the fourfold or fivefold payment if he slaughters one of the animals. If it is a sacrificial animal for which the owner bears no financial responsibility, the thief is exempt from the fourfold or fivefold payment.

The second supporting text appears right before page 77a (meaning at the foot of page 76b) and reads:

וקל העומד לפדות – כפדוי דמי. דתניא, רבי שמעון אומר:

And Rabbi Shimon holds that any animal that is ready to be redeemed is considered as though it is already redeemed, as it is taught in a baraita that Rabbi Shimon says:

Now before you hit DELETE because this is sounding incomprehensible, give me a minute. There is a rule that one can donate an animal to be sacrificed. That animal is metaphorically set aside and can't further be used; it belongs to the Temple once set aside for sacrifice. However, there is another rule that, under some circumstances, the set-aside animal can be switched out with a better choice being switched in. The old animal remains restricted (if alive), but the worshiper gets the benefit of offering an even more choice animal, which is a good thing. It turns out that one such circumstance, where switching out is done, is if the original animal is lost or dies.

Once you know that, you see that the last post in the Mishna is asking whether someone who *steals* an animal that had been set aside has to make the 4x or 5x payment spoken about in earlier pages (and in earlier emails). The Mishna says that *if* the donor had the opportunity to swap out the dead or lost animal, then the thief does have to pay the 4x or 5x penalty, but not otherwise. Ok so far?

Now we have to answer the question *when* is there a case when the donor would *not* have to swap out the animal? One answer is if the old animal has already been sacrificed in the Temple itself. In that case there is no obligation to swap out – and also no obligation to pay 4x or 5x. The Talmud, though, doesn't take any answer easily – everything is tested and retested from all different angles. So the Talmud asks, if the animal has already been sacrificed, then how could you have thought it would be worthy to be swapped out. It was sacrificed after all, no?

The answer, says one opinion in the name of R' Shimon, takes you to the third text quoted above. It turns out that there are four stages of the sacrificial process, and this opinion holds that you can still swap out if the animal had been slaughtered but fewer than all the processes of sacrifice had been completed. The last of the four processes is the sprinkling of the blood, or the *zerika*, and this opinion holds that the animal could have been slaughtered but the *zerika* had not yet been performed – so that would be a case where you could still swap out and so the thief would still have to pay 4x or 5x. The key point in the third quoted text is that, in the name of R' Shimon, we *deem* the last of the four processes as having been done when it is *about* to be done. That is what is meant by *ready* to be redeemed. Being *ready* to have the last part of the process is *deemed* to be done with the entire process. The entire process is done for some purposes because *deemed* to be done but not done for some other purposes as well.

And now we come to the nine words of our page 77a. The proof text for the principle that we will deem something to be something else even though it is not there yet is the fact that the red heifer, which is not supposed to be eaten but used solely for ritual purification, can still acquire and give off an impurity reserved for food. There is a time when the red heifer could have been used for food, so we *deem* it to be so for some purposes but not for all purposes. The concept of *deeming* is important to Jewish jurisprudence – and we learn it from the nine words of our page.

Now you might ask a separate question: Why did the typesetters and printers of the Talmud put only nine words of Talmud on the page, since it's the typesetters and printers who determined how Talmudic pages are laid out? The answer is that there is a Tosafot on that page that is very long and that takes up virtually the entire page. Why is that, you might ask? Here I do not have perfect information, but what I know is of profound significance. I have seen it said that the particular Tosafists who were responsible for the very long exegesis on 77a were in jail awaiting execution for the "crime" of being Jewish sages. It was in commemoration of that tragedy that the typesetters and printers devoted nearly an entire page to their learning. I would love any validation or correction of this hypothesis.

Appropriate Our Culture, Please! Some months ago, we discussed Christopher Rufo's *America's Cultural Revolution* (email of [9/21/23](#)). What Rufo is on the right Professor Yascha Mounk is on the left. Mounk's book is titled, *The Identity Trap*. It's a good book, worth a read.

The two books, however, are weirdly similar. I haven't done a word-by-word comparison, but, in terms of topics treated and assertions made, somebody might have fun and compare them both with an AI program used to screen for possible similarities. My only point is that both left and right thinkers are unhappy about much of post-modern woke culture and in much the same ways.

Professor Mounk's treatment excels at engaging in a calm, respectful, and thoughtful discourse of topics that one might otherwise dismiss as arrant nonsense. For example, he discusses the many reasons why charges of cultural appropriation are misplaced, unfair, damaging, hurtful – and dead wrong. Here again, with dignity and respect he addresses what one might otherwise dismiss as patent rubbish. This is commendable.

In this, ***Our Year of Hope***, we have been focusing on our Congregation's culture. Our Congregation has many identifiable cultural motifs, let's call them tropes. We have summed them up as including principles of Truth, Justice, and Charity. We have added to that the concept of a community in time and space testifying to the vitality of our heritage and of our proudly being an integral part of the American story.

One thing I want to be very clear on: Anyone who wants to appropriate our culture,

PLEASE GO RIGHT AHEAD

In fact, tell all your friends about us and about the principles we stand for. Take them, ape them, use them, make them your own. Take full credit for them. Go ahead. Be our guest.

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

Louis Solomon, Parnas