

March 28, 2024

Dear Shearith Israel family,

Our Year of Hope. Our announcement that the fundraising for our **Year of Hope Campaign** is ending on March 31 has called forth a number of additional contributions even since last week. Thank you to all who have sent in their donations this week. With our inestimable thanks, your names, too, are recorded in our Wall of Fame, [here](#). If you donated and we missed you, please email us asap.

Had it not been for October 7, I don't think our **Year of Hope** would have included ending our Shabbat services with the singing of *Hatikvah* and the Star-Spangled Banner. As it turns out, and not surprisingly, we are not the only ones with that idea. Thank you to Beth for sending this note from the *Times of Israel* reporting on the "**Global Hatikvah**" project:

Through the Global Hatikvah website, citizens worldwide can record themselves singing in harmony with the new arrangement of 'Hatikvah.'
Anyone is invited to enter the website with their name and email, sing along, and submit their voice. Participants can sing into their phones or computers and then click send.

Purim at Shearith Israel. Perhaps it was because it was a Saturday night/Sunday observance that it all seemed so warm and festive. Rabbi Rohde's reading of the French Farce that is Megillat Esther was slow, loud, clear, beautiful. And an hour before arbit, Rabbi Soloveichik gave an impromptu tour-de-force on a bunch of Purim topics that, as you might have guessed, have been improperly understood. I heard that the women's megillah reading Sunday morning was beautiful, too. It was a happy holiday for all of us there. What came to mind is the beautiful Burl Ives song, *One by One, Two by Two*, [HERE](#) for your enjoyment.

Muted Joy in Our Enemy's Destruction. I got respectful reactions to my question last week whether, just as the Almighty remonstrated with the angels not to rejoice overly in the death of the Egyptians at the Red Sea, so might we temper the oomph we put into the fighting songs we are singing about Israel now. Joel Schreiber, in a related and positive context, says that we need to sing:

To prove that Am Yisroel Chai...and we will emerge from these terrible times more robust than ever.

Claude Nadaf, however, could not disagree more with me:

No, no. We don't go along with that thought. ...

Now, there's no question that it's a loss – it's Hashem's handiwork drowning in the sea. Those are human beings that were drowning! They're not just slabs of meat. It was people, with families. Hashem was drowning real people for our benefit! And what that means is that it's incumbent upon us that we should recognize that Hashem is expending His creatures for us so that we should grow in Awareness of Him. That's why we make note of the fact that it was the handiwork of

Hashem – so that we should realize how big of an obligation it is on us to sing to Hashem.

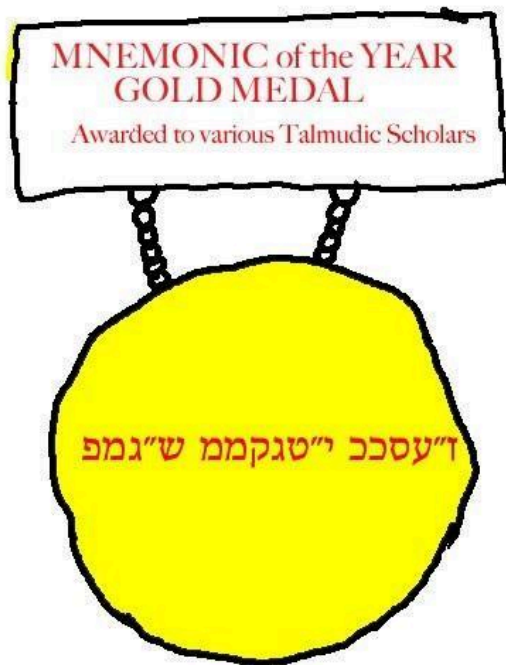
But not that we should feel in any way sad that the Egyptians are drowning – they were our enemies; they were chasing us in order to murder us! You're going to be sad if Hitler drowns?! What are you talking about?!

Is there any room for my suggestion? It is time to quote Golda Meir's famous comment?

When peace comes we will perhaps in time be able to forgive the Arabs for killing our sons, but it will be harder for us to forgive them for having forced us to kill their sons.

One can only pray.

Talmud and the Art of Remembering. Alan Zwiebel's take on my reference last week to the Talmud's mnemonic for remembering the exegesis needed to hold like Abaye over Rava:



As a longtime advertising agency Creative Director I had many occasions where a mnemonic device was called for to bring home the message in a memorable way. This mnemonic is by far one of the best in history and deserving of the Gold Medal.

And I'll Scratch Yours. The bottom of Baba Metzia 27b, which we study this week as part of the worldwide Daf Yomi learning cycle (this week covering pages 25-31), contains an interesting discussion. The dialogue concerns whether the use of identifying marks to return a lost object is of Biblical or Rabbinic origin (the Talmud proves that the distinction matters, but that is not our topic

here). The question is raised whether, if the use is not Biblical, then perhaps there is a bigger problem: “returning” a lost object to the *wrong* person. That itself may be a problem of Biblical dimension. So how can one rely on distinguishing marks?

It is in this context that the following appears:

אָמַר רַבָּא: אַם תִּמְצִי לומר סימנין לאו דְאִוְרֵיָתָא, הִיכִי מְהַדְרִינָן אֲבִידָתָא בְּסִימְנִין? דְּנִיחָא לִיה לְמוֹצָא אֲבִידָה
דְּנִהָדֵר בְּסִימְנִין, כִּי הִיכִי דְכִי אֲבִידָה לִיה לְדִידָה נְמִי נִהְדְּרוּ לִיה בְּסִימְנִין.

*Rava says: If you say that the identification of an item on the basis of distinguishing marks is not by Torah law, how do we return a lost item to the presumed owner on the basis of distinguishing marks; perhaps it will result in the return of property to one who was in fact not the owner? Rava answers: We return the lost item, as it is satisfactory to the finder of a lost item to return it on the basis of distinguishing marks, rather than exercise his right by Torah law to retain it, **so that when an item is lost from him in the future, the finder will return it to him on the basis of distinguishing marks as well.***

The Talmud’s response here seems unexpected. Rava says that using identifying marks is both rational and sensible “so that”, if the person returning the object ever loses anything, he or she can rest confident that someone will return the lost object to him or her based on identifying marks as well. The reason the answer is so interesting is that it is not based on Biblical exegesis or on Rabbinic pronouncements. Yet the very question was whether the rule was Biblical or Rabbinic. Nor is it based on Talmudic logic. It is based on the understandable need in a society to do to others as one would want them to do to you. A Golden Rule to create rules of decision. This is practical reasoning at its best. It’s transactional. It’s economic. It’s psychological. It’s refreshingly modern.

Going Beyond the Letter of the Law. Pardon this quickest of detours. Some months ago, when studying Tractate Baba Kama, I articulated a thesis that the Talmud’s system of justice contained some principles fundamentally different from the common law. Examples we discussed then included that the Almighty as well as Jewish values were embedded into the Talmudic jurisprudential system but not into the common law (see my emails of [Jan. 11 and 18, 2024](#)).

I’m sure I persuaded you all then. But just in case, consider the following Talmudic statement, appearing at the bottom on Baba Metzia page 30b, right before the Mishna. The Talmud states:

אֲשֶׁר יַעֲשׂוּן זֶה לְפָנִים מְשׁוּרֵת הַדִּין. דָּאָמַר רַבִּי יוֹחָנָן: לֹא חֲרַבָּה יְרוּשָׁלַיִם אֶלָּא עַל שְׂדֵנָה בְּהַ דִּין תּוֹרָה. אֶלָּא דִּינִי
דְּמַגִּיזֵתָא לְדִינֵינוּ? אֶלָּא אִימָא: שְׁהַעֲמִידוּ דִּינֵיהֶם עַל דִּין תּוֹרָה וְלֹא עֲבָדוּ לְפָנִים מְשׁוּרֵת הַדִּין.

*It was taught in the baraita: “That they must perform”; that is referring to acting beyond the letter of the law, as Rabbi Yoḥanan says: **Jerusalem was destroyed** only for the fact that they adjudicated cases on the basis of Torah law in the city. The Gemara asks: Rather, what else should they have done? Should they rather have adjudicated cases on the basis of arbitrary decisions [demagizeta]?*

*Rather, say: **That they established their rulings on the basis of Torah law and did not go beyond the letter of the law.***

The Talmud is saying that, in Jewish law, legal rulings that “only” apply the law and do not go beyond it are suboptimal (“Jerusalem was destroyed” because of it). Amazing.

Books. Apologies to each of you, and gratitude to Lena Haber, for spotting my error last week. The book about the Egyptian Jew moving to the U.S. is [The Man in the White Sharkskin Suit](#), by Lucette Lagnado. Deep apologies.

Maybe my real error was straying from *Sci-Fi*. On that front, Netflix just started streaming *The Three-Body Problem*, adapting that marvelous trilogy by Cixin Liu. Michael Schulder had it right: the film really can never capture the complexity, subtlety, and ultimate impact of this great series of books. Still, if you can tolerate the four-letter-word fest and too-graphic scenes of blood and gore that are absent from the books, the first episode of the Netflix fare was pretty good (though why so many of the Chinese names and characters become British is not Sci-Fi but Mystery). I’m going to watch another – if there is any screen time left in my household during March Madness madness.

The Shearith Israel Year of Hope Songs Plus. Thanks to our nextgen editor, SM Rosenberg, for collecting our final list of songs, [here](#). And thanks again to Lia Solomon for Spotifying the list, [here](#).

So Long Songs. The conundrum: Long songs can’t be great *because* they are long. After all, there are great short songs. And aren’t there some bad long ones? (I’m less sure. Maybe we forget about the bad long ones, leaving only the super-great long ones passing on their genes to be listened to by the next generation.)

Help fill out both lists:

GOAT Long Songs:

[Layla](#), by Derek and the Dominos (Eric Clapton)

WOAT Long Songs:

[Stairway to Heaven](#), by Led Zeppelin

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

Louis Solomon, Parnas