



Coming Back to Our Roots

The concept of Yovel—with land going back to previous owners—seems bizarre. But perhaps that is the key against assimilation...

The Touro Synagogue Controversy

Good Shabbos!

Everyone knows that a Torah scroll traditionally “wears” a crown, known as a Keser Torah. However, when the Ark is opened, you’ll sometimes notice something a little strange: instead of one crown on top of the Torah, you’ll notice two smaller ones. In Jewish slang, these smaller crowns are called Rimonim (literally “Pomegranates”; in English, they are known as finials). And there is a pair of antique Rimonim that have been at the heart of a legal dispute that has been going on for over 200 years.

The oldest synagogue in the United States was built over 250 years ago in Newport, Rhode Island.

Construction on the legendary Touro Synagogue was started in 1759 for Newport’s tiny Jewish community by community leader Yitzchak De Toro, originally from Amsterdam. The synagogue was completed in 1763 and was dedicated on the holiday of Chanukah of that year. The structure was built with the help of donations from other Jewish communities throughout North America, primarily Congregation Shearith Israel of New York and other regional congregations.

However, the Touro community itself had been founded over 100 years before the synagogue was actually built, in 1658, when Anusim of Spanish Jewish heritage arrived in Newport from Spain, Portugal and the Dutch colony of New Amsterdam (known today, of course, as New York). In 1677, well before that community actually built the Touro Synagogue, the community purchased a plot of land for the purpose of establishing a Jewish cemetery.

Now, let's talk a bit about American Jewish history. Why indeed did Jews come specifically to Newport, Rhode Island? New York or Chicago is one thing; they're both big cities. But why Rhode Island?

The reason was that Rhode Island was the first British colony in North America that enforced the separation of religion and government—meaning that the local authorities permitted freedom of religion for all, and did not get involved at all with the religious lives of their residents. So it was no wonder that Jews, and especially Spanish Anusim, were among the first to go live in such a place.

During the American Revolution, the British occupied Newport and burned everything down. The only two structures that survived the razing were the local church, which had declared loyalty to the British Crown, and the Jewish synagogue, which counted the rebels among its congregants. The reason the synagogue survived is because the rabbi convinced the British to use it as a field hospital. According to legend, a British officer entered the synagogue, saw the three crowns above the Ark, and ordered his troops to leave the synagogue alone. While the crowns in fact symbolized the Torah, the Kehunah (Jewish priesthood) and the Malchus (royalty, meaning, the House of David) that were given to the Jewish Nation; legend has it that the British officer saw them as a symbol of declared loyalty to the British Crown.

In the year 1790, the first American President, George Washington, honored the Touro Synagogue with a personal visit. Several days later, he sent his famous letter to the Touro congregation, in which (among other things) he wrote:

"It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens... May the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants—while every one shall sit in safety under his own vine and fig tree and there shall be none to make him afraid."

It's important to note that this letter preceded the Bill of Rights, which was ratified almost one year later.

Generations later, we must also note, the Touro Synagogue was visited by U.S. Presidents Dwight D. "Ike" Eisenhower and John F. Kennedy.

But during the Colonial and post-Revolution years, the Touro congregation and synagogue dwindled, and the synagogue was eventually closed. The contents of the synagogue were transferred to the Shearith Israel congregation in New York.

The Touro Synagogue was opened anew only after two of Rabbi Yitzchak De Toro's sons, Avraham and Yehuda De Toro (Touro) received funds for the return of the synagogue and the hiring of a permanent rabbi for the congregation. In 1833, the synagogue was reopened after new Jewish residents arrived in Newport and restarted the Newport congregation, and the items were returned from the Shearith Israel congregation in New York.

But in the course of the following years, a dispute arose over control of the synagogue, with the question being if the legal owners of the synagogue were the "new and improved" congregation in Newport, or the Shearith Israel congregation in New York which had helped with donations towards the building of the synagogue and which had supported it when it closed. Ultimately, in 1903, the local Newport community signed a lease in which it was established that they would be renting the site from Shearith Israel Congregation for the symbolic amount of \$1 a year.

And here is where the story of the Rimonim comes in.

In the Touro Synagogue, there is a pair of Rimonim that were made around 1770 by the leading silversmith in New York City during the late Colonial period, Myer Myers (1723-1795). And a few years ago, the heads of the synagogue offered to sell the Rimonim to the Museum of Fine Arts in Boston for the price of \$7.4 million.

But when the trustees of the Shearith Israel congregation in New York heard about those plans, they opposed the sale on the grounds that the physical synagogue itself and everything in it, including the Rimonim, belong to Shearith Israel.

And so in 2011, a U.S. court was forced to answer the question of who are the true owners of the Touro Synagogue.

According to the Newport community, the Touro congregation was forced to put the Rimonim up for sale because they needed to cover the synagogue's costs—despite the fact that thousands of visitors come to Touro every year to see the old and historic building.

On the other hand, said the Shearith Israel congregation, Touro's financial problems were a result of its weak leadership, and they

blamed the Newport community of essentially trying to steal the Rimonim and sell them secretly.

Well, the dispute was finally resolved when a U.S. judge granted the local Newport community control over the Touro Synagogue as well as the Rimonim—also ruling that the community was allowed to choose what to do with them.

The judge's ruling, which ran 106 pages long, details the earliest history of American Jewry, as well as the roots of the Jews who first settled in Newport in 1658.

The judge wrote that his decision was in line with the intentions of the original congregation that had built the synagogue in 1763. "The central issue here is the legacy of several of the earliest Jewish settlers in North America," he wrote, "who hoped to turn Newport into an established place of Jewish prayer."

Essentially, the judge had tried to read the minds of the Touro Synagogue's founding fathers, and had come to the conclusion that they had built the synagogue for the Newport Jewish community, and not that a congregation in New York should control it.

And that brings us to the Torah portion of Behar.

Shemittah & Yovel

In Behar, we learn about the mitzvah of Shmittah and Yovel.

With Shmittah, the Sabbatical year for produce and fields in the Holy Land, the Torah commands us to let our fields go free—to let anyone come through and pick whatever they want. With Yovel, it's even more than that—the fields go back to their original owners. As we read in the Parshah (Bamidbar 25:10): "And you shall sanctify the fiftieth year, and proclaim freedom throughout the land for all who live on it... and you shall return, each man to his property...", which Rashi explains to mean, "that the fields revert to their owners."

In other words, anyone who sold a field in the Holy Land before the Yovel year, or even just gave a field to someone as a gift before the Yovel year, has the field go back to him at the arrival of the Yovel year.

Then, the Torah continues, if someone sells his field to his friend, he has to consider how many years until the next Yovel are left—and use that number to set the price. (In other words, if the Yovel is 49 years

away, the field has a lot more value than if the Yovel is only 1 or 5 or 10 years away.) The Torah concludes the subject with the verse (Vayikra 25:23), “And the land shall not be sold permanently, for the land belongs to Me, for you are strangers and [temporary] residents with Me.”

Why indeed does the Torah not allow a person to permanently sell his field in the Holy Land? After all, when the Jewish Nation entered the Holy Land, Joshua divided the Land among the Tribes, with each Tribe, and each family with each tribe, getting its portion belonging to it as established by the Torah itself. So why indeed can a person not realize his ownership and sell his field to someone else? In other words, if a member of the Tribe of Levi sells his portion of Levite land to another Levi, why is that not valid when it comes to Yovel? Why is it that he *can* sell his donkey, but *cannot* sell his field?

The Breakdown of Family

We see in daily life that one of the primary reasons for Jewish assimilation is the breakdown of the family. At first, the entire family lives in one city—the grandfather and grandmother, the married sons and daughters, the grandchildren, and so on. But then, one of the family members gets an enticing job offer in another city, and he decides to uproot himself and his entire family to that city. At first, he promises his parents that he’ll come visit every couple of months and send the kids to visit Grandma and Grandpa over the summer—but oh, how quickly do things change! Life turns out to be harder than expected; there are suddenly factors that don’t let him do what he very much wants to do—and as it turns out, his kids end up seeing their grandparents once a year on Thanksgiving, and even that isn’t every year. The result of that is that the grandkids barely know their grandparents, and they certainly don’t have a personal and real relationship with them.

That’s one of the main causes of assimilation: in many cases, parents are too busy with work and the grandparents end up being the ones who pass on Jewish tradition to their grandkids. It is there that the grandkids see what Shabbos is, how Passover is celebrated or what a Jew looks like in general. But when the grandchildren live far away without any supportive family, without any uncles and aunts who come to visit at Chanukah to give them Chanukah gelt, without any family Purim feasts, then they grow up without any knowledge of Judaism—and from there, it’s a short distance to complete assimilation.

There are commentators that explain that the reason behind what we

are told this week by the Torah—namely, the reason behind our being given the Holy Land—is that to G-d, it's not appropriate for us to sell our land to others. Rather, we and our children and grandchildren ought to live together and build a pulsating Jewish life together. And so the Torah allows us to indeed sell our land—but only for 49 years. Because ultimately, the entire family comes back together and returns to the same place.

In Conclusion

When the Torah says, “For you are strangers and [temporary] residents with Me,” the Rebbe explains that yes, the Jewish Nation is indeed the resident and owner of the Holy Land—but not the perpetual resident and owner.

And therefore, the Jewish Nation ultimately has no right to sell any part of the Land permanently. Rather, our ownership of the Land is a joint partnership with G-d Himself—as the verse ends, “with Me.”

Let us all work towards making this world G-d's Home by studying more Torah and doing more mitzvos, and let us hope and pray that G-d takes us home to our Land, with the coming of Moshiach, speedily in our days, amen!