

May 9, 2024

Dear Shearith Israel family,

Our Year of Hope. Pesah is behind us. It was lovely to celebrate it with our community, temporarily reduced in size, in our glorious sanctuary with our glorious choir, Rabbi, and Hazanim. Rabbi Soloveichik last night began his Spring lecture series titled *A History of Judaism in Five Foods*. Even for a non-foodie like me, the topic and approach are fun and stimulating. Our carpet restoration project is moving forward at the right pace, meaning, steady and with a commitment to do it right.

Being fortunate enough to be able to observe our holiday of freedom in relative peace and joy did not permit full escape from the distractions plaguing “us” in Israel and here. The serious challenges that Israel is continuing to face call for our Congregation to continue to pray for its well-being. The distractions here, especially on campuses where outside funding and instigation are perpetuating unlawful behavior, are of concern, but in my own view – and surely you can disagree – are being dealt with reasonably effectively by some university presidents and some elected officials. It is nice that our Rabbi chose a topic for his lecture series that provides a healthy dose of fun and optimism. In my view, the best we can do as a community right now is to come together and act like a community.

Three Observances that Go By In a Flash. It seems to happen to me every year. We are still trying to return our apartment to normal from the transformation of Pesah (“have you seen the dairy sponge?”). At the same time, we count the Omer every night, already anticipating Shavuot. In the middle of this, and almost immediately, we have Yom Hashoah this week and Yom Hazikaron and Yom Haatzmaut next week. These are such important moments of observance, yet I confess that it is hard to give them the focus each deserves (Yom Hashoah is more the exception; but that’s because so many of us are getting more and more Holocaust obsessed throughout the year). I hope that’s just me. In Israel, I’m reliably told, things are quite different. But for us here, too, it would be nice if we could do just one special thing to mark these very special days. If you agree, you might want to sign up for Baruch-Lev Kelman’s program, [Inaugurating Israel: A Pre-Yom HaZikaron/ Yom HaAtzmaut Celebration](#). It’s tonight, after Evening Services. It’s suitable for all ages, and there will be Israeli-themed refreshments.

Michael Gelman sent in [this link](#), a David Broza song and video of sand art called *Dead Giant Upright*. Thank you, Michael. Notwithstanding that for some of us it is a time we don’t listen to music, perhaps the song and the art will together capture a little bit of each of the three days I am guilty of skipping over so quickly.

Our Jewish Constitution of Liberty Revisited. Several supersmarts challenge my use last week of the

לֹא בַשְּׂמַיִם הִיא, *lo bashamayim hi* (from Deuteronomy, *Debarim*, 30:12),

story on page 59b of Tractate Baba Metzia. I thought the take-aways of the story acted as our Jewish Constitution of Liberty:

We are partners with the Almighty in righting the world. As communities, we can exercise power far greater than what even the mightiest of individuals can accomplish. But if we neglect the needs of the

individual, we will lose both our legitimacy as a community and an integral part of ourselves -- perhaps even more.

Claude Nadaf rightly spots typographical errors in my email that are meaningful. The chief protagonist was R' Eliezer, which I typed right and then wrong. The brother of Imma Shalom was Rabban Gamliel. So far, so good.

Life-long friend, Professor Nat Fisch, who visited with us during the last days of the holiday, is unsure that we "can see from the Rabbi Eliezer stories the clear connection to the needs of the individual as opposed to the collective, unless we were supposed to infer a sort of justice in the demise of" R' Gamliel. Nat is precisely right, and yes, Aura Bijou is shocked, but it's true. The story of the death of the great sage immediately follows the story of the possible overreaction by the excommunication of R' Eliezer to teach us precisely that community unity is crucial but needs to respect the dignity of the individual.

Bentsi Cohen, whose thoughts on Torah amaze many of us weekly, thinks I've completely missed the point. Says Bentsi:

The main point of citing this argument [about the oven and lo bashamayim hij] has to do with the Methodology of learning. Rabbi Eliezer, an adherent of Beth Shamai's methodology, insisted on the absolute reliance of Kabbalah, Masoret (what is known in your field as – precedent in the scriptures and its allied studies in earlier generations) unlike his colleagues who sought the learning creatively through the employment of logical or rational analysis.

Bentsi goes on to explain that this deep debate in Judaism – precedent vs rational derivation – as the best way to learn has never been resolved. The answer to which one is better is, BOTH!

We are all enriched by the comments of others. It is among the very best parts of our community – fair, vigorous, but respectful debate. How refreshing.

The Charging of Interest in Talmudic Law. The parts of Tractate Baba Metzia being learned this week, as part of the worldwide Daf Yomi learning cycle, cover pages 67-73. We are holding in Chapter 5, famous in our corpus as providing the most in-depth study of the issues of the charging of interest. The issues that particularly arrest me in learning these pages are two-fold:

First, the prohibition on charging interest applies only to Jews charging fellow Jews. There is no similar prohibition against charging interest to non-Jews.

Second, the Talmud in these pages works out endlessly inventive and creative ways for a Jew to get the benefit of the time value of money even in transactions involving other Jews.

Put these two points together, and I for one need an explanation. The Talmud is adumbrating rules for people and especially merchants to follow. You have merchants in stalls right next to one another, I imagine. One is a Jew, and one is not. How is it that such different rules apply to these merchants, depending on the religion of the person involved in a commercial transaction. Why didn't the Talmud think of inventive and clever ways to permit all merchants to be on the same, level playing field, rather

than having to draw big distinctions (Jew vs. non-Jew) but then finding clever ways to “work around” the prohibition?

No one I have raised this with has been particularly perturbed, suggesting that I am wrong. I think the responses to my questions might fall into three categories:

First, it is pointed out that Jews helping fellow Jews (by not charging interest) is exactly the same as happens in every other group, guild, society, community, fellowship, etc. It’s an us vs them philosophy. I like this reason the least, but apparently, I’m in the minority.

Second, one might argue that we should not think of charging interest as punishing non-Jews; think of it as acting reasonably toward non-Jews and *more than* reasonably toward fellow Jews. For many of our Sages and commentators, there is an affirmatively positive act, a mitzvah, to lend money to a non-Jew. That’s a bit astonishing in itself. In the absence of that mitzvah, it might be that Jews would not do business with non-Jews at all. This argument goes that each group is given an extra hand: non-Jews are loaned money that they would not have loaned, and Jews are loaned money but are not charged interest.

Third, on the issue of inventive and creative ways to get to pretty much the same economic place with Jews as the charging of interest to non-Jews gets you, note that it is not the exact same economic place; the rules in the Talmud include the sharing of risk in a way a pure lending relationship does not; or it involves treating the person in the borrower’s position as more than a borrower (e.g., paying the borrower for his or her time in working on a joint project). These “extras” confer clearly positive social benefits.

And do not call these inventive workarounds “legal loopholes”, if that carries with it any pejorative connotation. It is not a legal loophole to follow the law and reduce one’s tax burden – especially if that frees up funds to donate to charity. On this last point, I want to thank Margy-Ruth and Perry Davis for passing along this article by a Latter Day Saint law professor describing his exposure to the “legal loophole” of selling chametz before Pesah. He attempts to portray the practice as anything *but* taking advantage of legal fictions to get to a desired result.

Can similar thoughts be used to explain the difference in treatment concerning interest. Any thoughts?

Shearith Israel GOAT Long and Short Songs. Here for your listening pleasure (consistent with your *sefira* observances) an internet link created by our nextgen editor SM Rosenberg, [HERE](#), and as Spotifyed by Lia A. Solomon, [HERE](#).

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

Louis Solomon, Parnas