

June 6, 2024

Dear Shearith Israel family,

Our Year of Hope. We are at Day 44 in the counting of the Omer. We passed Lag La'Omer in fine style, managing to attract only a few emails and comments from our master grammarian Bentsi Cohen suggesting that our community (and others) have been saying and writing it wrong for the longest time: It should be Lag B'Omer, not Lag La'Omer. BC's reasons are water-tight – yet I'm sticking with our tradition.

Next week at this time we will be celebrating Shabuot – surely you won't want to miss the Sisterhood's flowers gorgeously decorating our *hechal*, or the young girls' reading the Book of Ruth on the first day. We are finishing our Spring Fundraiser (though it's not too late to donate [here](#)), and if you give or upgrade to \$360 or more, you'll be invited to this Sunday's fun, in-person conversation between Rabbi Soloveichik and Elizabeth Ehrlich, author of the Rabbi's favorite culinary memoir, *Miriam's Kitchen*. Rabbi Soloveichik has finished his Spring lecture series, *A History of Judaism in Five Foods*, but he's still got some unique culinary experiences in store for our supporters.

We are headed into Summer. New York is gloriously green because of all the rain. We are still waiting for some good movie suggestions that we can enjoy together on Paved Paradise, which is looking beautiful with new trees and hedges. Were it not for the situation in Israel – I'll stop there; there *is* a situation in Israel. It needs our prayers and attention. At the same time, we need to make the most of our seasonal joys here.

Here's To You, Rabbi Robinson. Rabbi Shaul Robinson is celebrating 18 years of extraordinary leadership at our sister synagogue, Lincoln Square Synagogue. He and his wife are being honored at LSS's annual gala later this month. We should support LSS and in particular Rabbi Robinson, who imho has been absolutely critical to the steady, healthy, and inspired growth of UWS Jewry and community building for 18 years, and counting.

Rabbi Robinson is among the most optimistic people I have had the privilege of knowing. Yet he adds to our collective concerns about Israel. Even he, optimist, builder that he is, expresses a hint of worry that we might be experiencing the “high-water mark” in *American Jewish history*:

I wonder how long this moment will last...sometimes I fear the shadows have begun to lengthen for us already, that our moment of effortless, or at least un-selfconscious, belonging in America has already passed...

Respectfully, I'm not as dour. Actually, neither is Rabbi Robinson, who reminds us of the great GK Chesterton quote:

Hope means hoping when things are hopeless, or it is no virtue at all.

We have reason to be hopeful (it is our **Year of Hope**, after all). American Jewry is growing faster than the American average growth of the population. We packed Met Life Stadium to celebrate the completion and return to the entire Talmudic corpus. We fielded nearly 300,000 in Washington, D.C. to show our solidarity as a national community. We turned out en masse this past Sunday for the Israel Day Parade (I myself counted nearly 50,000 marchers). Momentary lapses of courage by some university leaders in taking seriously the right of our children to be free from harassment met with an extraordinary array of our co-religionists (and even some of our elected officials) who won't put up

with it and who are voting with their feet and pocketbooks. In our neighborhood, we are showing up for services and lectures and programming in growing, even if not in record, numbers. In our tiny microcosm, hundreds of us came together in our determination to get our Sacred Sanctuary refurbished.

Jews must remain deeply grateful to be able to share the blessing of America. But Jews should be proud and if necessary loud about making sure America knows how valuable we have been and can continue to be to the exceptionalism that is the glorious American experiment. [Here's to you, Rabbi Robinson.](#)

Freedom of Contract and Its Limits, Again. Our Talmudic drive-by discussions have frequently addressed the challenge of fitting a body of law based on freedom of parties to create their own set of obligations and expectations into a superstructure of law where the state is trying to move contracting parties in specific directions. We have seen in Tractate Baba Metzia, as we saw in Tractate Baba Batra, articulations of legal principles that have as their intended effect advising parties how the law will be imposed – and as a result hoping that parties, seeing how the law will be imposed, can then act with that knowledge in creating their relationships with others.

Another example of this overarching legal superstructure – a brooding omnipresence is how it was described decades ago when I was a law student – are rules showing the limits of parties being able to make their own contracts. We saw a good example [last week](#); the Talmud sets limits on parties being able to contract out of certain types of negligent behavior. I mentioned last week that this comes up a lot – but everyone was too busy listening to music to take me up on my offer of three points for identifying when this has come up recently. That challenge remains live. What I want to do here, briefly, is summarize a related phenomenon occurring in the pages we are now learning.

This week, the global Daf Yomi learning cycle is learning pages 95 to 101 of Tractate Baba Metzia. On page 98b, there appears a Mishna that addresses when the risk of loss transfers between lender and borrower. Let's suppose a lender sends an animal on loan to a borrower, but it dies along the way. The Mishna says that, because the risk of loss typically shifts only after delivery, the borrower is exempt from liability in that type of case. Can that be changed by agreement between the parties? To some extent yes. In a case where the parties make their own private law, they can usually alter the legal presumption of when the risk of loss transfers. So, if a borrower is explicit about the point, then the borrower can be found to be liable if in actuality the borrower assumes the risk of loss after the animal leaves the dominion of the lender, even before delivery. At the same time, the Talmud (at least some opinions expressed) would not permit the risk of loss to be altered, as in the case where the lender entrusts the animal to a non-Jewish servant or to some other intermediate force that is not seen as an independent or autonomous actor.

Sage Sayings. Last Shabbat, when we studied Chapter 5 of Pirkei Avot, we reminded ourselves of the power of the three-word Mishna – btw, is there any shorter one in the corpus? Two points for finding one. The Mishna reads:

בְּןֵי הָאָדָמָה הֵם אֹמְרִים, לְפֹיִם צִעֲרָא אֶגְרָא:

Ben He He said: According to the labor is the reward.

Three simple words. They show the way to a lifetime of meaning both for individuals and for communities.

Summer Songbook 2024. Our summer song list needs a purpose meet for the task of being, well, fun. It's ok if it's a little inspiring, but mostly it needs to be fun. Barbara Shahmoon kicks off for our consideration. She made a playlist for her husband Sassoon's 90th birthday, called *A Fiddlers Playlist, "To Life!"*. The playlist, which you can find on Spotify, features "violin instrumental songs, both Jewish and secular with magnificent violinists". It's a great suggestion. *To life!*

Frankly, I had been assuming that it would take some weeks to choose a theme and then some weeks more to populate the list. Andrew Druck has made considerable (actually, astonishing) progress not just on one front, as did Barbara with a great suggested subject matter, but on both subject matter and actual song suggestions. First, Andrew suggested a topic: *Time, waiting, and journeying*. I like it, a lot. But I would still be open to considering other topics too. Send in any topic you prefer.

Second, he has started us off with an impressive set of suggestions:

- [*Anticipation*](#), by Carly Simon
- [*One of these days*](#), by Neil Young
- [*Waiting for the Sun*](#), by The Doors
- [*Wishing and Hoping*](#), by Dusty Springfield
- [*Any Day Now*](#), by Chuck Jackson (music by the great Burt Bacharach)
- [*Day in - Day Out*](#), by Frank Sinatra
- [*The Best is Yet to Come*](#), by Frank Sinatra
- [*It Won't be Long*](#), by The Beatles
- [*Time on My Hands*](#), by Kate and Anna McGarrigle
- [*High Hopes*](#), by Bruce Springsteen
- [*Long Walk Home*](#), by Bruce Springsteen
- [*Time is on My Side*](#), by The Rolling Stones
- [*Time Waits for No One*](#), by The Rolling Stones
- [*The Midnight Hour*](#), by Wilson Pickett
- [*Hejira*](#), by Joni Mitchell
- [*America*](#), by Simon and Garfunkel
- [*All I Want*](#), by Joni Mitchell
- [*Talk to Me of Mendocino*](#), by Kate and Anna McGarrigle

It's mind-boggling that all these came out of one brain at nearly the same time, all theme-appropriate. These are marvelous suggestions for a different and interesting "topic" - or maybe we can call it a group of closely aligned topics, some of which nicely overlap a prior topic of hope. If you can improve on *time, waiting, and journeying*, let us know. Or, if you can add songs to this "topic", please do (I have a bunch, as being time obsessed). If you are a purist, and you are going to niggle and naggle that this isn't really either a topic or a group of closely aligned topics, please sit this one out. The lines are open. Summer has begun!

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