

July 25, 2024

Dear Shearith Israel family,

***Our Year of Hope.*** We are now “well over the fast” of 17 Tammuz, which we observed on Tuesday. The quoted phrase, with its multiple entendres, is one we have said to each other on fast days for many a generation.

Our religion observes two-thirds of our six annual fasts during a quarter of the months of the year. I am certain it is trying to teach us something, perhaps that we need an annual inoculation of introspection followed by two booster doses in Dec/Jan and again in March+/- . Give this a little thought, and share your thoughts on this please.

***17 Tammuz.*** We just observed the first of the four fasts that occur this time of year. 17 Tammuz occurs in the fourth month of the Jewish calendar beginning with Nissan. It commemorates the breach of the outer walls of Jerusalem, ultimately leading to the storming, destruction, and burning of the Temple. Our liturgy of the day includes *piyyutim* (hymns) about the Fourth month as well as several additional passages. There is a lot to say on a fast day observed at Shearith Israel. We aren't totally alone in that – though we are nearly alone in donning tefillin at both morning and afternoon services on each of the fast days (save Kippur). At Shearith Israel, our task in reading our services is not made any easier by our Fast Day prayer book. To put it mildly, that prayer book is of Byzantine complexity. Still, services were very nice both in the morning and in the late afternoon. Our community was together.

We are now in the three-week period between 17 Tammuz and 9 Av. Celebrations are muted or deferred until after Tisha B'Av. As with so many aspects of our congregational life, we observe this period, sometimes called the Three Weeks, with special melodies during services. Although that is particularly noticeable during the (eight) days of Av leading up to Tisha B'Av, and of course on Tisha B'Av itself, the melody we use for our *haftarot* is special to the Three Weeks. The beautiful cantillations are haunting, doleful, yet as with all our melodies there is a distinct hint of hope.

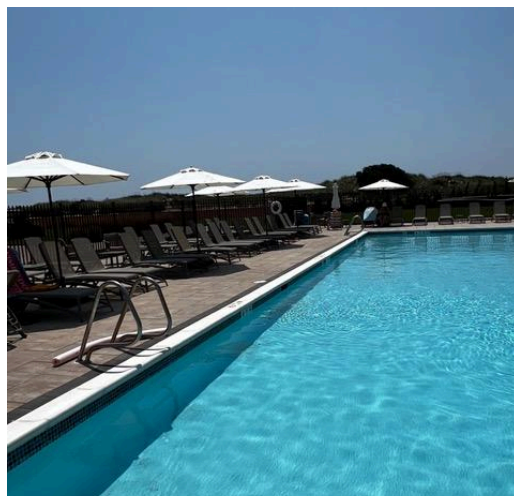
***Photos by Gorden.*** Emotionally muted though this period is, our customs are specific about what celebrations should be deferred. To my knowledge, there is no specific regulation or custom against seeing or even enjoying masterful photographs, sent in to respond to my request for Summer pics to lift the spirit. (If there is such a regulation or custom, I will give one point for ***not*** telling me.)

Young Mendel Gorden has ably taken up my request and responded generously. Look at these. They are great. They are from The New York Botanical Garden, a mansion tour in Long Island, and Florida, Georgia, and Canada. Mendel, kudos kubed.



**And One!** Alan Zwiebel also offers a beautiful pic, this from Lido Beach, along with a brilliant play on words:

*The movies can keep their Danny Ocean. I have my DeSola Pool.*



**Liberté, Egalité, Charité.** We have no new entries *per se* this week. But I wanted to thank Victor Owen for expressing well the point I was trying to make: Our religion respects freedom and liberty of the individual. It does less to force an egalitarian legal agenda but instead creates an “obligation and joy of helping others with the *objective* of bringing about economic equality.” Victor says it exactly right. Imho, the taxes that the Jewish state in antiquity imposed were minuscule compared to the tithe it expected as a matter of morality and social responsibility.

**More Talmudic Common Sense.** The worldwide Daf Yomi learning cycle is this week studying pages 27 to 33 of Tractate Baba Batra. The pages are packed with topics of general applicability (*shas* topics) as well as many specific to the issues focused on in the Third Chapter of the Tractate, which we begin this week.

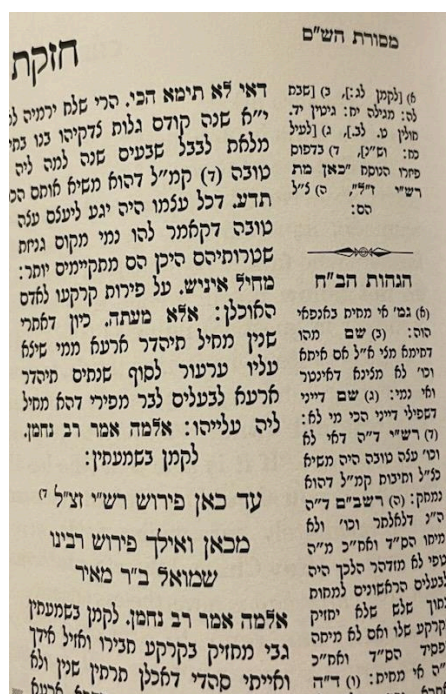
This Chapter is titled **חֻזְקַת הַבְּתוּיִם**, or the presumptions that apply to land and house occupation and ownership. The Chapter is interesting in two other (related) respects: First, it is among the longest in the Talmudic corpus, running from page 28a to page 60b, but it has an abundance of pages that are among the shortest in terms of Talmudic text per page. Second, and partly the reason for the first, is that beginning on page 29 we do not have any commentary by Rashi. Instead, the commentary is of his grandson, Rashbam.

In the standard printer’s layout of the text of page 29, a portion of which I photograph below, you can see the following NOTICE:

*Until here is Rashi’s commentary. Onwards from here is the commentary of [Rashbam]*

Also in the photo, in tiny print to the upper right of the Notice, is an alternative notice stating grimly:

*Here died Rashi*





The Rashbam's comments are essential, but he does not have the pith and succinctness of his grandfather. Everyone knows the quip, which my junior colleagues sometimes try to use with me (without success):

*Sorry for the length of the draft; I didn't have time to write it shorter.*

On the substance of what is being discussed in these pages, it is extraordinary that as far back as Talmudic times our Sages had worked out how to mediate between rights of absentee owners and those nonowners who might wish to render unused land productive or unused houses habitable. The Chapter fits with those on either side of it for another reason: The issues presented might be thought of as asking for how long does someone have to hold onto written legal instruments. If you want to prove your claim, hold onto your bill of sale.

Typically, a land- or homeowner needs to raise an objection to someone in possession without permission. Typically, that objection needs to be made within three years of the squatter's taking possession. FWIW, adverse possession time-periods in the U.S. are generally longer. In some states it's ten years; in some, 20. Some adverse uses, like for charitable property, have no time limit at all.

As the Talmud is working through the issues, the question arises, naturally, whether the objection or warning against the squatter needs to be given directly to the squatter, i.e., in the squatter's presence. More generally, questions arise about how notices are given to be effective.

To answer this question, on pages 28b and 29b, the Talmud first considers the Biblical edict that, in the case of an ox whose master needs to be notified of aggressive tendencies (of the ox, that is), in-person warning is required (see Shemot 21:29). For present purposes, however, the Talmud says that the protest need not be given in person. Why? Says the Talmud:

*הָאָא – חֲבֵרָךְ חֲבֵרָךְ חֲבֵרָךְ אֵית לִיָּהּ, וְחֲבֵרָא דְחֲבֵרָךְ – חֲבֵרָא אֵית לִיָּהּ.*

*Here, with regard to the protest [over land], your friend has a friend, and the friend of your friend has a friend, so that the protest will become known even if lodged not in the presence of the possessor, as word of it will spread.*

Who doesn't love "your friend has a friend, and the friend of your friend has a friend", which is even more colorful in the Aramaic. That is the way of the Talmud – a simple, rhythmic, lyrical, and often alliterative phrase is used to aid memory. Who can forget seeing and hearing "the guy behind the guy"? One point for name of movie and actor. Oh you had better get this one.

**Cosmic Question 72524.** Why (in the world) would you put [diamonds on the soles of your shoes](#), even if you were a rich girl? Send in your own cosmic questions, or answer mine. One point each.

**GOAT GOAT.** I don't know where Beth got this, and neither she nor I knows what category the song goes in. It belongs, I think, in a new category that likely has few companions. This is a video of the greatest guitarists of all time singing what some people feel is among the greatest songs of all time. Hence GOAT GOAT (I prefer GOAT Squared).

[Watch, listen, be inspired by the chorus](#) (*Ah I was so much older then, I'm younger than that now*), and be awed by the band members. Then, send in your list of all the band members, especially the guitarists, for a whopping two points. Or you can just enjoy this vanishingly rare occurrence. Thank you to Beth for unearthing and sharing this.

***Shearith Israel Summer Songbook 2024: Time, Waiting, Journeying.*** Good people, I'm torn! I told you last week that our magnificent Summer list was done. But then I got some more great suggestions. So what to do? Well, I relented, thinking that if you disagreed you would skip this week and wait for the pdf and Spotify collection of our Summer success, and if you agreed you could have some more great (and in one case, really great) tunes to listen to in a manner consistent with your music-listening custom this time of year.

Thanks first to Mark Aaron, for the really great suggestion:

- [Summer's Almost Gone](#), by The Doors (a personal fave for about 50 years)

And thanks to Lori Rubens for, among other suggestions:

- [Leaving on a Jet Plane](#), here sung by John Denver, who is credited with writing it (not PPM, huh!)
- [California Dreaming](#), sung by the Mamas and the Papas

With the above we now have our final final list:

- [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
- [Long Time Gone](#), by Crosby Stills & Nash
- [By the Time I Get to Phoenix](#), by Glen Campbell
- [On the Atchison, Topeka, & the Santa Fe](#), by Johnny Mercer
- [Something's Coming](#), by Leonard Bernstein from *West Side Story*

- [\*My Time of Day\*](#), by Frank Loesser from *Guys and Dolls*
- [\*The Wells Fargo Wagon\*](#), by Meredith Wilson from *The Music Man*
- [\*Summertime\*](#), by The Jamies
- [\*Working My Way Back To You Girl\*](#), by The Four Seasons
- [\*Sunrise, Sunset\*](#), from *Fiddler On the Roof* (Perry Como version)
- [\*Tie A Yellow Ribbon\*](#), by Tony Orlando and Dawn
- [\*When Johnny Comes Marching Home\*](#), Mitch Miller rendition
- [\*September of My Years\*](#), by Frank Sinatra
- [\*Once Upon a Time\*](#), by Frank Sinatra
- [\*As Time Goes By\*](#), by Frank Sinatra
- [\*Day In Day Out\*](#), by Frank Sinatra
- [\*Sentimental Journey\*](#), by Frank Sinatra
- [\*When the World was Young\*](#), by Frank Sinatra
- [\*Funny How Time Slips Away\*](#), by Willie Nelson
- [\*Tomorrow is a Long Time\*](#), by Bob Dylan
- [\*Time has Come Today\*](#), by The Chambers Brothers
- [\*Dock of the Bay\*](#), by Otis Redding
- [\*Waitin' for the Train to Come In\*](#), by Peggy Lee
- [\*Tous les garçons and les filles\*](#), by Françoise Hardy
- [\*When the Saints Come Marching In\*](#), by many artists including Louis Armstrong
- [\*Leaving on a Jet Plane\*](#), by Peter, Paul, and Mary
- [\*Come Back to Me\*](#), this one by Peggy Lee
- [\*Tonight\*](#), this version from Spielberg's 2021 *West Side Story*
- [\*I Would Walk 500 Miles\*](#), by The Proclaimers
- [\*Travelin' Prayer\*](#), by Billy Joel
- [\*2000 Light Years From Home\*](#), by The Rolling Stones
- [\*Homeward Bound\*](#), by Simon and Garfunkel
- [\*Fly Me To The Moon\*](#), by Frank Sinatra
- [\*Up, Up and Away\*](#), by The 5th Dimension
- [\*The Long and Winding Road\*](#), by The Beatles
- [\*All Over the World\*](#), by ELO
- [\*Jet Airliner\*](#), by The Steve Miller Band
- [\*Nights Are Forever\*](#), by England Dan and John Ford Coley
- [\*Time In a Bottle\*](#), by Jim Croce
- [\*Take it Easy\*](#), by The Eagles
- [\*Waiting For a Girl Like You\*](#), by Foreigner
- [\*Running On Empty\*](#), by Jackson Brown
- [\*Last Train to Clarksville\*](#), by The Monkees
- [\*Do You Know the Way to San Jose\*](#), by Dionne Warwick
- [\*Arrival\*](#), by ABBA
- [\*Alabama Bound\*](#), by Leadbelly
- [\*Downbound Train\*](#), by Bruce Springsteen
- [\*Circle Game\*](#), by Joni Mitchell
- [\*Dancing in the Dark\*](#), by Frank Sinatra
- [\*On My Way to Town\*](#), by Kate and Anna McGarrigle
- [\*Walking Song\*](#), by Kate and Anna McGarrigle
- [\*Traveling Man\*](#), by Ricky Nelson
- [\*Waiting on a Sunny Day\*](#), by Bruce Springsteen

- [Yesterday](#), by the Beatles
- [Get Back](#), by the Beatles
- [It was a Very Good Year](#), by Frank Sinatra
- [After Midnight](#), by Eric Clapton
- [April Come She Will](#), by Simon and Garfunkel
- [Some Enchanted Evening](#), from South Pacific
- [The Wanderer](#), by Dion
- [Someday We'll Be Together](#), by Diana Ross & the Supremes
- [High Hopes](#), by Frank Sinatra
- [Over and Over](#), by Neil Young
- [The Two of Us](#), by the Beatles
- [City of New Orleans](#), sung by Arlo Guthrie
- [Long, Long Time](#), sung by Linda Ronstadt (this is a great song written by Gary White)
- [Me and Bobby McGee](#), sung by Janis Joplin
- [Someday Soon](#), sung by Judy Collins
- [500 Miles](#), sung by Peter, Paul, and Mary
- [Who Knows Where the Time Goes?](#), sung here by Fairport Convention
- [Sweet Baby James](#), sung by James Taylor
- [Somewhere Over the Rainbow](#), sung by Judy Garland
- [Take Me Home, Country Roads](#), sung by John Denver
- [Do You Know The Way To San Jose](#), sung by Dionne Warwick

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

Louis Solomon, Parnas