

July 4, 2024

**FOURTH OF JULY EDITION:
CELEBRATING WHAT IS EVEN GREATER THAN FREEDOM**

Dear Shearith Israel family,

Our Year of Hope. Happy Independence Day! Before my slightly extended treatment below of a subject about as important as *any* we could ever consider together, we need to close the loop on what may well be a second most important topic of cosmic proportion.

I'll gladly pay you Tuesday for a hamburger today

are the immortal words of Wimpy, Popeye's friend. Congratulations to Marlene Sperling, Cantor Jay Harwitz, and David Sable (who as a Synagogue Trustee chastised me for handing out precious points for something so simple). Jay, having done some research, also supported my assertion that no other country appears to have constitutionalized the right of privacy until the Twentieth Century (and even then all he could find was Mexico). Jay, thank you.

So what is this teaser about a virtue even greater than the fundamental freedoms that we celebrate on July 4th? It's not equality, if you were looking for an easy way out. The clash between the goals of freedom and equality is as old as civilization itself. No, to succeed in repairing our fractured world, both freedom and equality must individually be prized and furthered, but each must also serve an even higher good: communal responsibility in the form of charity towards others. You've heard that in these pages before. And now I will prove it, right from our Talmud.

Poverty, by America. Professor Matthew Desmond, from Princeton, won the Pulitzer for *Evicted: Poverty and Profit in the American City*. His subsequent treatment, *Poverty, by America*, attempts to identify the causes for what he describes as long-standing, endemic poverty in America (unlike, he says, what exists in some other nations).

I didn't love *Poverty, by America*. In general, I'm getting increasingly allergic to polemical harangues that shed more heat than light and seem to work backwards from a conclusion based on a selective presentation of data. Usually, I take issue with non-experts' treatments that seem to fall prey to that sin. Professor Desmond, however, has the credentials. Still, the book didn't seem like a comprehensive, balanced, forceful treatment of this plainly important issue. And we would all hear *better* if you stopped SCREAMING.

As to the causes of endemic poverty, the author levels lots of complaints and offers lots of speculation about the persistence of poverty in America. He lays blame at the *un*unionization of America, though he fails to share with the reader the expertise the author surely has in the economic, econometric, and statistical data needed to address that issue. No data at all are presented on other countries' use of labor or unionization laws, though the author holds out other nations as doing it better.

The author also blames people in various walks of life (like landlords, or managers or owners of the world's largest and most successful companies) for wanting to maximize their and their shareholders' revenues and profits. Freedom of self-determination *should be* under attack, in his view. He doesn't care that America's poor are provided with expenditures and benefits in the tens of thousands of

dollars annually as much as he decries that the *non*-poor are provided with even more. At bottom, Professor Desmond feels that we have persistent poverty because the “haves” benefit from it and want it that way. He pushes an egalitarian agenda at the expense of personal freedoms.

The failure of this thesis remains the same as it has been forever: the age-old clash between freedom and equality is not going to be fixed by trying to holler louder than your opponent. Professor Desmond seems prepared to admit that the conduct of the masses that he wants changed is generally lawful (though he complains bitterly about tax cheats). But if the conduct is lawful, I don't see how it can be altered by legal rules – or at least the author does not analyze the effects on freedom, productivity, growth, or wealth from prohibiting conduct long felt to be legal. Legislating a tradeoff of freedom to enhance equality may work in the small, but in the large it will not, imho. I'd be curious to hear yours.

Baba Batra's Approach to Communal Charity. So what is the right path? Enter the Talmud – more specifically several pages of Tractate Baba Batra being studied this week as part of the worldwide Daf Yomi learning cycle (this week we are learning pages 5-11). The Talmud understood the freedom/equality duality. It understood that *legislating* a significant crimping of freedom for the sake of equality will cause both goals to suffer. What the Talmud suggests instead is a strong program of *social responsibility* toward others. That social responsibility is accomplished more by positive acts and attributes and less by the strict rigor of the law, or by taxation, or by the taking of property. The matter is more moral than legal, but it is powerful, and it is persuasive, nonetheless.

Let's look at the Mishna and subsequent discussion beginning on page 7b of the Tractate. We are there taught:

מתני' כופין אותו לבנות בית שער נדלת לחצר ... כופין אותו לבנות לעיר חומה ודלתים ובריח.

MISHNA: The residents of a courtyard can compel each inhabitant of that courtyard to financially participate in the building of a gatehouse and a door to the jointly owned courtyard. ... Similarly, the residents of a city can compel each inhabitant of that city to contribute to the building of a wall, double doors, and a crossbar for the city.

כמה יהא בעיר ויהא כאנשי העיר? שנים עשר חדש. קנה בה בית דירה – הרי הוא כאנשי העיר מייד.

With regard to this latter obligation, the mishna asks: How long must one live in the city to be considered like one of the people of the city and therefore obligated to contribute to these expenses? Twelve months. But if he bought himself a residence in the city, he is immediately considered like one of the people of the city.

Let's pass for now the internal debate (which I omitted in the quote) about whether exceptions exist to the communal obligations set forth here. The subsequent analysis in the Gemarra delves into the lore and custom of giving charitably to the support individuals in the community. The Talmud has a clear and realistic view of people being people. People generally want to pursue their own destinies for the benefit of themselves and their families. Judaism's brilliance – ok, one of its brilliances – is that it expands the scope of keenest personal concern outward from the personal or familial to include the communal. And it does that through moral and social norms so as not to impinge on freedom or equality as legislated by the sovereign or resulting from the operation of free market forces.

The Talmud overlays freedom and equality with the morality of social responsibility. If you live in a community, you have obligations to the community and to those in the community in need. This can't be legislated other than in the important but limited sense that our morality is legislated into our halacha. Our Pirkei Avot ("Sage Sayings") permits the attitude of "what is mine is mine and what is yours is yours". It permits it, but it variantly calls the attitude the way of a Sodomite (Avot 5:10).

Pages in Baba Batra subsequent to the Mishna appear to be among the most concentrated in our Talmudic corpus extolling the virtues of communal responsibility in the form of charity. The stories are marvelous and impactful. They seem tailor-made to our time in demonstrating why the approach of communal morality and social conscience is the optimal way to make both freedom and equality work *towards* the same goal rather than antagonistically to each other. Let's take just two examples, both of which appear on page 8a:

- First, we find the story of the great Rabbi Yehudah Hanasi (Judah the Prince) – a greater Sage you will not find and who is credited with compiling or redacting the entire corpus of the Mishna. Rabbi, as he was called, was willing to open his personal storehouses of food during a famine. But he wanted to limit (or prioritize) the food to those who were learned, excluding others. His plan failed. He was bested by a disciple feigning to be poor and unlearned, who showed the great Prince that starving the unlearned poor for the sake of the learned poor was not sustainable. Rabbi relented.
- Second, further down on page 8a we learn of a city whose inhabitants were taxed so severely that some and then all those in the city left, leaving the tax collector, and those poor for whom the taxes were being collected, with nothing. You can't overtax in a world of mobility (just ask some of our friends who have moved to Florida or Texas in recent years). But you can acclaim those who give charity to do what the tax collector can't. People respond.

Professor Desmond *may* be able to find countries that legislate broader support for the impoverished than the U.S. But I bet it's harder to find that in countries where personal freedom and the individual pursuit of happiness are seen as indispensable to the body politic as they are in America (and in Judaism). In Judaism, we respect personal freedoms and personal pursuits of the good life but overlay the enjoyment of the fruits of hard work and industry with a compelling social responsibility that can't be legislated in the same way as other laws are. For many centuries, at least some communities lived in accordance with the Talmudic precepts laid out in these pages. We don't hear of massive starvation in those communities. It would be wonderful if a fine mind like Professor Desmond's were to consider this.

Nice Nature Naturals. We are off to a good start, taking a little break from the bleak reports of various natural disasters present and future. From my photo last week, one point for the right guess: *It was Gina Lollobrigida.*

For this week, Esther Ingber found and photographed (in her yard!) three gorgeous, blue Robin eggs. Many thanks, Esther.



This is a high bar to beat in your forthcoming submissions – ok, it doesn't have to be a competition. But send in some nice nature naturals anyway.

Great Signs and Wonders. This entry from Barbara Reiss is terrific:



Shearith Israel Summer Songbook 2024: Time, Waiting, Journeying. We are nearing the end of our efforts to populate this great song list. The list below is outstanding. Here let me add a couple of personal favorites – the Guthrie is a timeless classic - in journeying theme:

- [*The Two of Us*](#), by the Beatles
- [*City of New Orleans*](#), by Arlo Guthrie

Here is the rest of this amazing list, which we should all enjoy this Fourth:

- [*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

Please get any additional suggestions in soon.

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

Louis Solomon, Parnas